



2003 SENATE BILL 44

February 20, 2003 - Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Jim Doyle. Referred to Joint Committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2003 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2003–2005 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2003–2005 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration’s publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau’s summary document, and the Legislative Reference Bureau’s drafting files, which contain separate drafts on each policy item. In most cases, the drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled “laws of [year], chapter ...” from 1848 to 1981, and “[year] Wisconsin Act ...” beginning with 1983) are displayed next by year of original enactment and by act number.

SENATE BILL 44

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Appropriation changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Adolescent pregnancy prevention and pregnancy services board.**
- XX03 Aging and long-term care board.**
- XX04 Agriculture, trade and consumer protection.**
- XX05 Arts board.**
- XX06 Building commission.**
- XX07 Child abuse and neglect prevention board.**
- XX08 Circuit courts.**
- XX09 Commerce.**
- XX10 Corrections.**
- XX11 Court of appeals.**
- XX12 District attorneys.**
- XX13 Educational communications board.**
- XX14 Elections board.**
- XX15 Electronic government.**
- XX16 Employee trust funds.**
- XX17 Employment relations commission.**
- XX18 Employment relations department.**
- XX19 Ethics board.**
- XX20 Financial institutions.**
- XX21 Fox River Navigational System Authority.**
- XX22 Governor.**
- XX23 Health and Educational Facilities Authority.**
- XX24 Health and family services.**
- XX25 Higher educational aids board.**
- XX26 Historical society.**
- XX27 Housing and Economic Development Authority.**
- XX28 Insurance.**
- XX29 Investment board.**
- XX30 Joint committee on finance.**
- XX31 Judicial commission.**
- XX32 Justice.**

SENATE BILL 44

- XX33** Legislature.
- XX34** Lieutenant governor.
- XX35** Lower Wisconsin state riverway board.
- XX36** Medical College of Wisconsin.
- XX37** Military affairs.
- XX38** Natural resources.
- XX39** Personnel commission.
- XX40** Public defender board.
- XX41** Public instruction.
- XX42** Public lands, board of commissioners of.
- XX43** Public service commission.
- XX44** Regulation and licensing.
- XX45** Revenue.
- XX46** Secretary of state.
- XX47** State fair park board.
- XX48** Supreme Court.
- XX49** Technical college system.
- XX50** Technology for educational achievement in Wisconsin board.
- XX51** Tobacco control board.
- XX52** Tourism.
- XX53** Transportation.
- XX54** Treasurer.
- XX55** University of Wisconsin Hospitals and Clinics Authority.
- XX56** University of Wisconsin Hospitals and Clinics Board.
- XX57** University of Wisconsin System.
- XX58** Veterans affairs.
- XX59** Workforce development.
- XX60** Other.

For example, for general nonstatutory provisions relating to the historical society, see SECTION 9126. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "60" (**other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used acronyms appearing in the analysis.

DATCP . . . Department of Agriculture, Trade and Consumer Protection
DEG Department of Electronic Government

SENATE BILL 44

DER Department of Employment Relations
 DETF Department of Employee Trust Funds
 DFI Department of Financial Institutions
 DHFS Department of Health and Family Services
 DMA Department of Military Affairs
 DNR Department of Natural Resources
 DOA Department of Administration
 DOC Department of Corrections
 DOJ Department of Justice
 DOR Department of Revenue
 DOT Department of Transportation
 DPI Department of Public Instruction
 DRL Department of Regulation and Licensing
 DVA Department of Veterans Affairs
 DWD Department of Workforce Development
 JCF Joint Committee on Finance
 OCI Office of the Commissioner of Insurance
 PSC Public Service Commission
 UW University of Wisconsin
 WHEDA Wisconsin Housing and Economic Development Authority
 WHEFA Wisconsin Health and Educational Facilities Authority

AGRICULTURE

Under current law, DATCP administers the Soil and Water Resource Management Program, which provides funding for land and water resource management projects and for the construction of animal waste management systems. This bill increases the state general obligation bonding authority for the program by \$7,000,000.

Under current law, beginning on February 1, 2004, dog and cat breeders, and persons who operate pet stores, kennels, and animal shelters must have licenses from DATCP. The law requires DATCP to specify requirements for humane care to be provided by these persons. This bill repeals the law regulating dog and cat breeders and operators of pet stores, kennels, and animal shelters.

Current law requires a person who is licensed to manufacture or distribute fertilizer in Wisconsin to pay several fees and surcharges, including a basic fee of 30 cents per ton of fertilizer sold or distributed. This bill increases the basic fee to 45 cents per ton. Current law requires a person who is licensed to manufacture or distribute animal feed to pay a feed inspection fee of 23 cents per ton. This bill increases the feed inspection fee to 30 cents per ton.

Current law requires a person who is licensed to manufacture or label pesticides to pay a number of fees and surcharges when the person applies for a license. The license year begins on January 1. The fees and surcharges are based on sales during the 12 months ending on September 30 of the year preceding the year for which a license is sought. Under this bill, the fees and surcharges paid by a pesticide licensee are based on sales during the 12-month period that ends on September 30 of the license year. Fees are initially based on estimated sales. At the

SENATE BILL 44

end of the license year, the person pays any balance due based on actual sales or may request a refund for any overpayment.

Under current law, grants to counties for programs to collect waste farm chemicals and farm chemical containers are funded from the agrichemical management fund. This bill changes the source of funding for the grants to the recycling fund.

Currently, a person who is licensed to manufacture or distribute fertilizer must pay an agricultural chemical cleanup surcharge of 38 cents per ton of fertilizer sold or distributed, unless DATCP establishes a lower surcharge by rule. This bill authorizes DATCP to increase the agricultural chemical cleanup surcharge to up to 88 cents per ton.

Under the Agricultural Chemical Cleanup Program, DATCP pays a portion of the costs of cleaning up spills of agricultural chemicals. This bill reduces the reimbursement rate under the program from 80% to 75% of eligible costs.

COMMERCE AND ECONOMIC DEVELOPMENT**BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS**

Under current law, any limited liability company that is organized in another state and that may operate in Wisconsin must file an annual report containing specified information with DFI. This bill requires Wisconsin limited liability companies to file a similar annual report and establishes a procedure by which DFI may administratively dissolve a Wisconsin limited liability company for violating this requirement.

Under current law, savings banks and savings and loan associations are regulated by the Division of Savings Institutions in DFI. This bill eliminates the Division of Savings Institutions and, instead, provides that savings banks and savings and loan associations are regulated by the Division of Banking in DFI.

Under current law, the Office of Credit Unions must conduct an annual examination of each credit union unless the office accepts an audit report of the condition of the credit union that satisfies certain conditions. This bill requires the office to conduct an examination of each credit union at least once every 18 months unless the office accepts an audit report.

ECONOMIC DEVELOPMENT

Currently, DOA must develop a state housing strategy, administer several grant programs that provide different types of housing assistance, and administer a program governing the use of surplus, state-owned real estate. This bill transfers these responsibilities to the Department of Commerce, except that DOA must still administer the weatherization assistance for low-income persons program and the low-income energy assistance program.

Under current law, the Department of Commerce awards grants to eligible technology-based nonprofit organizations to provide support for manufacturing extension centers. This bill repeals this grant program. Current law also authorizes similar grants to be awarded from the Wisconsin development fund. This bill repeals this authorization. This bill also reallocates \$500,000 in Indian gaming receipts currently used to fund manufacturing extension center grants to the conservation fund.

SENATE BILL 44

Currently, the secretaries of commerce and administration, or their designees, serve on the Wisconsin Housing and Economic Development Authority, along with other designated members. This bill adds the secretary of agriculture, trade and consumer protection, or his or her designee, to the authority.

Currently, under the Forestry Education Grant Program, the Department of Commerce awards grants to nonprofit organizations to develop forestry educational programs and materials for use in public schools. This bill eliminates this program.

CORRECTIONAL SYSTEM**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center (DACC) program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. Under this bill, if DOC determines that a person has successfully completed the DACC program, the person must be released to parole or extended supervision, regardless of how much of his or her sentence the person has served. Inmates convicted of violent crimes or certain offenses against children are not eligible for this earned release program. Inmates who are sentenced under the "Truth in Sentencing" law are eligible only if the court authorizes their participation.

DOC currently operates a boot camp for adults who are under 30 years old and who have a substance abuse problem. Each participant must perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the boot camp program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served. This bill specifies that a person is eligible for boot camp if he or she is under 40 years old at the start of the program. The bill also specifies that the strenuous exercise for participants who begin the boot camp program after turning 30 years old must be age appropriate.

Under current law, DOC operates the Racine Youthful Offender Correctional Facility, where it may confine up to 400 persons who are from 15 to 21 years old and who are sentenced to state prison. This bill authorizes DOC to place up to 450 persons at that facility and increases the upper age limit for prisoners there to 24.

Under current law, until July 1, 2003, DOC may operate the juvenile correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill permanently converts that facility into an adult prison and lifts all restrictions regarding the age and type of prisoners who may be confined there.

Current law provides that, with certain exceptions, DOC must charge a fee to each person on probation, parole, or extended supervision to cover some or all of the cost of supervising the person. Current law authorizes DOC to set fees for persons subject to administrative or minimum supervision separately from its setting of fees for persons subject to more intensive supervision. This bill eliminates DOC's authority to base the fee on the level of supervision.

Under current law, DOC may contract with a private entity to confine a Wisconsin prisoner in a private prison in another state. Current law further provides

SENATE BILL 44

that a person confined under such a contract is subject to the laws of the state in which the prison is located that relate to the confinement of persons in that prison. Under this bill, the contract may provide that certain laws of the state in which the person is confined do not apply to that person.

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as youth aids, DOC must allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. This bill increases most of these assessments.

Under current law, subject to certain exceptions, case management services are reimbursable under Medical Assistance (MA) only if provided to an MA beneficiary who receives case management services from a certified case management provider in a county, city, village, or town that elects to make those services available. This bill permits DOC to elect to provide case management services to an MA beneficiary who has been adjudged delinquent and placed under the supervision of DOC. Under the bill, DOC is reimbursed for the amount of allowable charges for those services under MA that is provided by the federal government and must pay the amount of allowable charges for those services under MA that is not provided by the federal government.

Under current law, DOC is required to provide a Juvenile Boot Camp Program for juveniles who have been adjudged delinquent and placed under the supervision of DOC. This bill eliminates that program.

COURTS AND DISTRICT ATTORNEYS

The bill increases the circuit court support services fees as follows: for cases other than small or large claim cases, from \$52 to \$67.60; for large claim cases, from \$130 to \$169; and for small claim cases, from \$39 to \$50.70.

Currently, in all criminal proceedings and in a limited number of civil proceedings, a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

Under current law, the Milwaukee County clerk of circuit court must collect a \$2 special prosecution clerks fee when most complaints initiating civil actions are filed. This bill increases this fee to \$3.50.

Under current law, a court imposes a crime laboratories and drug law enforcement assessment when it sentences a person, places a person on probation, or, in most cases, imposes a forfeiture. This bill increases the assessment from \$5 to \$7.

This bill increases the filing fees in court of appeals and supreme court appeals from \$150 to \$195.

Under current law, district attorneys and deputy and assistant district attorneys are state employees. DOA, through its State Prosecutors Office, provides personnel, budget, and other types of management assistance to district attorney

SENATE BILL 44

offices. With respect to individual cases, however, district attorneys have near-total discretion in deciding what cases to pursue and how to prosecute them. In working on those cases, a district attorney may request assistance from prosecutors in other counties, who may then serve in the same capacity as the district attorney who requested their assistance.

This bill creates a State Prosecutors Board, which is attached to DOA. The board consists of eight district attorneys selected by the governor who must: 1) adopt advisory guidelines for district attorneys to use in determining when criminal cases should be prosecuted or diverted for nonprosecutorial programs; 2) issue rules regarding the temporary assignment of district attorneys, deputy district attorneys, and assistant district attorneys to other counties; 3) hire and assign prosecutors for temporary placement in district attorney offices throughout the state; and 4) supervise the State Prosecutors Office.

CRIMES

Current law requires the Sentencing Commission to collect and disseminate information about sentencing practices in criminal cases and to develop advisory sentencing guidelines for felonies to promote public safety, to reflect changes in sentencing practices, and to preserve the integrity of the criminal justice and correctional systems. (As of the date of this bill's introduction, however, the Sentencing Commission has not adopted any sentencing guidelines.) When a court sentences a person who, on or after February 1, 2003, committed a felony, the court must consider any advisory sentencing guidelines that the Sentencing Commission develops for that offense. If the Sentencing Commission has not adopted guidelines, the court must consider any temporary advisory sentencing guidelines that were developed by the Criminal Penalties Study Committee (CPSC) for that offense. The court, however, is not required to make a sentencing decision that is consistent with applicable guidelines, and a defendant may not appeal a court's sentencing decision based on the court's decision to depart from a guideline.

Under this bill, by January 1, 2004, the Sentencing Commission must analyze whether the temporary sentencing guidelines adopted by the CPSC are adequately promoting public safety in a cost-effective manner, promoting consistency in sentencing practices, and preserving the integrity of the criminal justice and correctional systems. If the commission determines that the temporary guidelines are not adequately promoting these objectives, it must adopt mandatory sentencing guidelines for felonies and any other crimes for which a person may be sentenced to a state prison, other than those for which the penalty is life imprisonment. The mandatory sentencing guidelines for an offense must assign suggested ranges of punishment based upon the combination of offense and defendant characteristics in each case, but the range of punishment must be consistent with the penalty provided for that crime under current law.

If the commission adopts a mandatory sentencing guideline for a crime, a court, in sentencing a person convicted of that crime, must impose a sentence of the kind and within the range described in the guideline unless the court finds that there is an aggravating or mitigating factor that warrants a different sentence. In addition,

SENATE BILL 44

the prohibition on appeals based on a departure from an advisory guideline does not apply to a departure from a mandatory guideline.

In addition, this bill requires the Sentencing Commission to adopt advisory guidelines regarding the use of alternatives to incarceration. It also detaches the commission from DOA and attaches it to DOC.

Under current law, DOJ makes crime victim compensation awards to victims of certain crimes. In addition, when sentencing a person convicted of a crime, a judge may order the person to make restitution to the victim of the crime. If a person is ordered to make restitution to a victim of his or her crime, and the victim also received a crime victim compensation award for that crime, DOJ is entitled to be reimbursed from the restitution payments the amount it previously awarded to the crime victim.

This bill provides that restitution that is paid to DOJ as reimbursement for crime victim compensation awards must be used to fund other crime victim compensation awards. The bill also eliminates restrictions that prevent state funds from being used to pay certain parts of crime victim awards. Under this bill, either state or federal funding may be used to pay for any part of an award.

This bill appropriates funds derived from restitution paid in drug crime cases to DOJ for the purchase of drugs in investigating other drug crimes.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Current law requires DPI, DOA, and the Legislative Fiscal Bureau to certify to JCF by May 15 of each year an estimate of the amount of general equalization aid needed, in combination with the amounts distributed to schools as categorical aids and the school levy tax credit, to fund two-thirds of statewide school costs (two-thirds funding). This bill eliminates two-thirds funding.

Current law requires DPI to develop a high school graduation examination. Beginning on September 1, 2005, a school board or charter school may not grant a pupil a high school diploma unless the pupil satisfies criteria set by the school board or charter school, including the pupil's score on the high school graduation examination. This bill eliminates the high school graduation examination requirement and the requirement that DPI develop a high school graduation examination.

The current state school aid formula is designed to equalize school district tax bases and thus minimize the differences among the abilities of school districts to raise revenue for educational programs. The formula establishes three guaranteed tax bases, known as guaranteed valuations, that apply to three different levels of expenditure. The primary guaranteed valuation applies to those costs that do not exceed the primary ceiling cost per pupil of \$1,000. The secondary guaranteed valuation applies to per pupil costs that exceed the primary ceiling. The tertiary guaranteed valuation applies to per pupil costs that exceed the secondary ceiling. The percentage of a school district's state-aided costs at each level of expenditure is equal to the net guaranteed valuation (the difference between the applicable guaranteed valuation and the equalized value of taxable property in the school district) divided by the applicable guaranteed valuation.

SENATE BILL 44

Under the school aid formula, the aid generated at the primary level is reduced by aid generated at the secondary and tertiary levels but each school district is guaranteed aid for its primary costs. This bill eliminates this guarantee of aid for primary costs for a school district whose secondary or tertiary equalized valuation exceeds its secondary or tertiary guaranteed valuation.

Under current law, annually the state pays to each private school participating in the Milwaukee Parental Choice Program (MPCP) the lesser of the following for each pupil attending the school under MPCP:

1. The private school's cost per pupil that is related to educational programming.
2. The sum of the amount paid per pupil under the MPCP in the previous school year plus the amount of revenue increase per pupil allowed under the school district revenue limits.

Under this bill, the state pays to each participating private school the lesser of the following:

1. The private school's cost per pupil that is related to educational programming.
2. The amount paid per pupil under the MPCP in the previous school year increased by the percentage change in the amount of general school aid over the previous school year.

Under current law, annually the state pays to each independent charter school (a charter school established by the city of Milwaukee, the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, or the Milwaukee Area Technical College), for each pupil attending the charter school, the sum of the amount paid per pupil in the previous school year plus the amount of revenue increase per pupil allowed under the school district revenue limits.

Under this bill, annually the state pays to each independent charter school, for each pupil attending the school, the sum of the amount paid per pupil in the previous school year and the amount of increase in the per pupil payment under the MPCP. The amount paid per pupil may not be less than the amount paid per pupil in the previous school year.

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. School districts with revenues per pupil that are below their revenue ceiling are exempt from the revenue limits. This bill increases the revenue ceiling from \$6,900 to \$7,400 in the 2003-04 school year and to \$7,800 in the 2004-05 school year.

This bill distributes a portion of general school aid from the transportation fund.

Currently, school district professional employees are required to be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement.

This bill reduces the number of vocational education consultants that DPI must to employ from 11 to 5.5.

SENATE BILL 44

Under current law, DPI pays each school district, each county children with disabilities education board (CCDEB), and each technical college district \$100 for each pupil who completes a DPI-approved course in driver education. This bill provides that, if the amount appropriated is more than enough to provide \$100 per pupil, DPI must distribute the balance to eligible school districts, CCDEBs, and technical college districts on a prorated basis.

This bill pays a portion of state aid to public library systems from the universal service fund.

HIGHER EDUCATION

Current law prohibits the Board of Regents (board) of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified functions.

This bill prohibits the board from increasing resident undergraduate tuition for a student enrolled at UW-Madison or UW-Milwaukee by more than \$350 a semester in the 2003-04 and the 2004-05 academic years and for a student enrolled at any other UW System institution by more than \$250 a semester in the 2003-04 and the 2004-05 academic years. For example, if tuition for resident undergraduates at the UW-Madison in the 2002-03 academic year is \$2,000 per semester, tuition in the 2003-04 academic year may not exceed \$2,350 per semester.

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least one year following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with the Immigration and Naturalization Service as soon as the person is eligible to do so.

Under current law, the board awards grants, known as Lawton grants, to minority undergraduates enrolled in the UW System and awards grants to minority and disadvantaged graduate students enrolled in the UW System, and the Higher Educational Aids Board (HEAB) awards grants to undergraduates enrolled in nonprofit public institutions of higher education or tribally controlled colleges in this state. This bill supplements funding for these grant programs from moneys received by the UW System for auxiliary enterprises.

Current law directs the Wisconsin Technical College System (WTCS) Board to award grants to district boards to develop or expand programs in occupational areas in which there is a high demand for workers and to add sections in courses in which student demand exceeds capacity. This bill eliminates both of these programs.

This bill authorizes the WTCS Board to award grants to district boards to expand health care education programs.

SENATE BILL 44**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Technology for Educational Achievement in Wisconsin (TEACH) Board, which is attached to DOA for administrative purposes, administers certain educational technology programs, including programs under which the TEACH Board awards educational technology block grants to school districts and juvenile secured correctional facilities; awards educational technology training and technical assistance grants to cooperative educational service agencies (CESAs) and to consortia of school districts, charter school sponsors, juvenile secured correctional facilities, public library boards, and CESAs; provides educational technology infrastructure financial assistance to school districts, charter school sponsors, and public library boards; and provides subsidized telecommunications access (an Internet data line or a video link) to various educational agencies.

This bill eliminates the TEACH Board and the position of executive director of the TEACH Board and transfers the TEACH Board's duties to DPI. The bill also eliminates educational technology block grants, educational technology training and technical assistance grants, and educational technology infrastructure financial assistance, other than forgiveness of loans previously provided. In addition, the bill permits a public museum located in this state that is accredited by the American Association of Museums or an educational center that is affiliated with such a museum to receive a subsidy for telecommunications access. The bill eliminates an annual grant of \$175,000 to the Racine Unified School District for training teachers and pupils in computers.

Under current law, the Higher Educational Aids Board (HEAB) administers various student financial aid programs for state residents attending institutions of higher education, including Wisconsin higher education grants, talent incentive grants, tuition grants, handicapped student grants, Indian student assistance grants, minority undergraduate retention grants, teacher education loans, minority teacher loans, health education loans, nursing student loans, and academic excellence scholarships. HEAB also administers contracts with the Medical College of Wisconsin and the Marquette University School of Dentistry under which a per capita amount is paid to those institutions for each state resident enrolled at those institutions and a tuition reciprocity agreement with the state of Minnesota. This bill, effective on July 1, 2004, eliminates HEAB and the executive secretary and deputy executive secretary positions in HEAB and transfers the duties of HEAB to the Board of Regents of the UW System. The bill also eliminates a cap of \$1,800 for an academic year on the amount of a Wisconsin higher education grant.

Under current law, HEAB must disburse \$11,670 in each fiscal year for each Wisconsin resident who is enrolled as a full-time doctor of dental surgery (D.D.S.) student at the Marquette University School of Dentistry. Current law caps the number of Wisconsin residents who may be so funded at 160. Current law also caps the tuition that the Marquette University School of Dentistry may assess a Wisconsin resident at an amount that is no more than the difference between \$11,670 and the tuition assessed a nonresident.

This bill eliminates the amount that must be disbursed for each Wisconsin resident who is enrolled as a full-time D.D.S. student at the Marquette University

SENATE BILL 44

School of Dentistry, the cap on the number of Wisconsin residents who may be so funded, and the cap on the tuition that the Marquette University School of Dentistry may assess a Wisconsin resident.

Current law appropriates to the Medical College of Wisconsin (Medical College), general purpose revenues for medical education, training, and research. From that appropriation, \$10,091 must be disbursed in each fiscal year for each Wisconsin resident who is paying full tuition in pursuit of a doctor of medicine (M.D.) degree from the Medical College, except that, if the amount appropriated is insufficient to pay \$10,091 per student, the payments must be disbursed on a prorated basis for each eligible student. Current law caps the number of Wisconsin residents who may be so funded. Current law also caps the tuition that the Medical College may assess a Wisconsin resident at an amount that is no more than the difference between \$10,091 and the tuition assessed a nonresident.

This bill eliminates the amount that must be disbursed for each Wisconsin resident who is paying full tuition in pursuit of an M.D. degree from the Medical College, the cap on the number of Wisconsin residents who may be so funded, and the cap on the tuition that the Medical College may assess a Wisconsin resident.

EMPLOYMENT

Under the Municipal Employment Relations Act (MERA), if a dispute relating to a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. If WERC determines that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, an arbitration panel may be formed that consists of one person selected by each party and one person selected by WERC, or a single arbitrator may be randomly selected from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

This process, however, does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the employees' existing fringe benefits, and the employer's contribution thereto, and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus certain fringe benefit savings.

Currently, in school districts, MERA requires that the parties engage in good faith bargaining on all matters related to wages, hours, and conditions of employment. This bill requires the employer to bargain collectively with respect to education policy, but also provides that no dispute relating to an education policy issue is subject to interest arbitration unless all parties to the dispute agree to make

SENATE BILL 44

such an issue subject to interest arbitration. If the employer, however, makes a proposal that provides that employee compensation or performance expectations are linked with pupil academic performance, the labor organization may include in its single final offer for purposes of interest arbitration any proposal to meet the performance expectations, including a proposal affecting education policy.

Under MERA, in reaching a decision, the arbitrator or arbitration panel must give weight to many factors, including the lawful authority of the municipal employer, the stipulations of the parties, the interest and welfare of the public, and the financial ability of the unit of government to meet the costs of the proposed agreement, comparison of wages, hours, and conditions of employment with those of other public and private sector employees, the cost of living, the overall compensation and benefits that the employees currently receive, and other similar factors. But, under current law, the arbitrator must give greater weight to economic conditions in the jurisdiction of the employer and the greatest weight to any state law or directive that places expenditure or revenue limitations on an employer.

This bill eliminates the authorization for the arbitrator or arbitration panel to give any weight to economic conditions in the jurisdiction of the employer or to any state law or directive that places expenditure or revenue limitations on an employer and, instead, requires that the arbitrator or arbitration panel simply considers these as factors. In addition, with respect to a school district, the bill provides that the arbitrator or arbitration panel must use as a factor a determination as to which party's proposal best provides for a fundamental right to an equal opportunity for a sound basic education under article X, section 3, of the Wisconsin Constitution.

Under current law, a person alleging discrimination in employment may file a complaint with DWD seeking such action as will effectuate the purpose of the law prohibiting employment discrimination (Fair Employment Law), including the payment of back pay, reinstatement of the employee, and the payment of compensation in lieu of reinstatement, but may not bring a civil action in circuit court seeking that action. This bill permits a person alleging discrimination in employment to bring a civil action in circuit court seeking such action as will effectuate the purpose of the Fair Employment Law.

Under current law, an employee who believes that his or her employer has violated the Family and Medical Leave Law may file a complaint with DWD seeking action to remedy the violation, including an order requiring the employer to provide the requested leave, to reinstate the employee, to provide back pay, and to pay reasonable actual attorney fees. Current law also permits an employee to bring an action in circuit court to recover damages caused by a violation of the Family and Medical Leave Law, but only after completion of an administrative proceeding concerning the violation. This bill eliminates the requirement that an administrative proceeding first be completed before an employee may bring an action in circuit court for a violation of the Family and Medical Leave Law.

Under current law, when DWD receives a complaint alleging discrimination in employment, housing, or the equal enjoyment of a public place of accommodation or a complaint alleging a violation of the Family and Medical Leave Law, DWD must investigate the complaint to determine whether there is probable cause to believe

SENATE BILL 44

that the discrimination or violation occurred. Under current DWD rules, if DWD finds that there is no probable cause to believe that the discrimination or violation occurred, the complainant may request a hearing on the issue by a hearing examiner. This bill eliminates the right to a hearing on the issue of probable cause and instead provides for a review by a hearing examiner based solely of DWD's record of the complaint.

Under current law, the Wisconsin Conservation Corps (WCC) employs young adults to work on conservation and human services activities. The WCC Program is administered by the WCC Board, which may delegate its administrative responsibilities to the executive secretary of the board. This bill eliminates the WCC, the WCC Board, and the position of executive secretary of the WCC Board and, instead, requires DWD to award grants to community-based nonprofit organizations for youth employment projects that provide employment for youths 14 years of age or over, but less than 22 years of age; that encourage and develop employment and life skills, discipline, and cooperation in project participants by providing meaningful work experiences and training and educational opportunities for those participants; that pay not less than the minimum wage; and that either conserve, develop, enhance, or maintain the natural resources of this state or promote the social well-being of children, the elderly, persons with disabilities, and persons with low incomes, or both.

Under current law, the Governor's Work-Based Learning Board (GWBLB) is required to plan, coordinate, administer, and implement certain youth apprenticeship, school-to-work, and work-based learning programs and other employment and education programs that the governor may, by executive order, assign to the GWBLB. This bill eliminates the GWBLB and transfers administration of the employment and education programs currently administered by the GWBLB to DWD. The bill also creates the Governor's Work-Based Learning Council and directs the council to oversee the planning, coordination, administration, and implementation by DWD of those programs.

Under current law, the Wisconsin Service Corps employs young adults to work on community service activities that address the social, health, and economic needs of communities within Milwaukee County. This bill eliminates the Wisconsin Service Corps.

Current law requires DWD to provide a Trade Masters Pilot Program to recognize advanced training and postapprenticeship achievements in three trades, crafts, or businesses, one of which must be in the industrial sector, one in the construction sector, and one in the service sector of the economy. This bill eliminates the program.

Current law requires DWD to administer an Employment Transit Assistance Program under which DWD conducts projects, or awards grants to local public bodies and mass transit systems to conduct projects, to improve access to jobs that are located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system. This bill eliminates certain requirements that currently apply to the program, including requirements that all jobs accessed by the program must pay at least \$4 per hour, that fares charged under

SENATE BILL 44

the program may not exceed \$2 per one-way trip, and that employers of employees participating in the program must pay at least 50% of the cost per one-way trip for those employees.

ENVIRONMENT**WATER QUALITY**

Under the Clean Water Fund Program, Wisconsin makes loans at subsidized interest rates for projects to control water pollution, including sewage treatment plants. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2003-05 biennium at \$92,400,000. The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$259,670,000.

Under the Safe Drinking Water Loan Program, Wisconsin makes loans at subsidized interest rates to local governmental units for projects to construct or modify public water systems. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2003-05 biennium at \$12,800,000.

Under current law, DNR provides financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for nonpoint source financial assistance by \$9,546,800.

Under current law, DNR also provides financial assistance for the management of urban storm water runoff and for flood control projects. This bill increases the general obligation bonding authority for these programs by \$4,700,000.

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under the Brownfields Grant Program, the Department of Commerce awards grants for the redevelopment of brownfields and remediation activities associated with that redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination. Also under current law, DNR awards grants to local governmental units for investigating environmental contamination; to municipalities for conducting cleanups of brownfields; and to local governmental units for brownfields remediation projects that have long-term public benefits, including the preservation of green space.

This bill eliminates the Brownfields Grant Program administered by the Department of Commerce and the grant programs related to brownfields administered by DNR. The bill establishes a new Brownfields Grant Program, under which DNR awards grants to local governmental units and private entities to determine the existence and extent of environmental contamination in brownfields and to remove or contain environmental contamination and restore the environment at brownfields.

Under current law, the Department of Commerce administers a program (commonly called PECFA) to reimburse owners of petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This bill increases the revenue bonding authority for PECFA by \$115,000,000.

SENATE BILL 44

Under the Land Recycling Loan Program, Wisconsin makes loans to political subdivisions for projects to remedy environmental contamination at sites owned by the political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2003-05 biennium at \$12,000,000.

Current law authorizes DNR to conduct or fund activities to remedy environmental contamination in some situations. This bill increases the authorized general obligation bonding authority to finance those activities by \$6,000,000.

OTHER ENVIRONMENT

Current law authorizes DNR to establish fees for inspecting nonresidential asbestos demolition and renovation projects that DNR regulates. The fees may not exceed \$210 per project. This bill increases the maximum fees to \$450 or \$750, depending on the size of the project. The bill also authorizes DNR to charge separately for the costs it incurs for laboratory testing for these projects.

Under current law, the Waste Facility Siting Board (WFSB) oversees negotiations and arbitration between local governments and persons who want to establish or expand landfills. This bill eliminates the authority of WFSB to appoint an executive director. The bill requires the Division of Hearings and Appeals, attached to DOA for administrative purposes, to provide staff to assist WFSB in performing its duties.

GAMBLING

Currently, the administrator of the Lottery Division of DOR may determine whether lottery functions should be performed by DOR or by persons under contract with DOA. Current law, however, prohibits contracting out the entire management and operations of the state lottery and specifically prohibits contracting out financial auditing and security monitoring services. This bill authorizes the administrator to determine whether any lottery functions, other than procurement and financial auditing services, should be performed by persons under contract with DOA.

The bill also creates a process whereby the governor, upon the request of DOR, may create positions funded from lottery revenues in DOR to perform services relating to the state lottery that are not performed by one or more persons under contract with DOA.

Current law regulating procurement for the state lottery requires separate bids to provide instant lottery ticket services and supplies and on-line services and supplies for the state lottery. This bill eliminates the requirement of separate bids.

Currently, all revenue received by the state under Indian Gaming compacts funds gaming law enforcement, the Indian gaming operations of the Division of Gaming in DOA, and a variety of specified programs.

This bill requires that only the first \$24,352,500 received in any fiscal year under these compacts be used for these programs. Receipts that exceed this amount are available for other purposes under the bill, except that not more than \$112,000,000 may be made available during the 2003-04 fiscal year and not more than \$125,000,000 may be made available during any fiscal year thereafter.

SENATE BILL 44**HEALTH AND HUMAN SERVICES****PUBLIC ASSISTANCE**

Under administrative rules promulgated by DHFS, persons with family incomes at or above 300% of the federal poverty line must contribute a certain percentage of their family incomes for the cost of their medical treatment before assistance will be provided under the Chronic Disease Aids Program, which provides financial assistance for the cost of medical care for the treatment of chronic kidney disease, cystic fibrosis, and hemophilia to persons with those conditions. This bill increases by 0.25% the percentage of family income that a family must contribute under the rules. In addition, the bill requires DHFS to promulgate rules requiring persons with family incomes at or above 200% of the federal poverty line to contribute a certain percentage of their family incomes for the cost of their medical treatment before assistance will be provided under the program.

The administrative rules currently require a person receiving benefits under the program to pay a \$5 copayment for a generic prescription drug and a \$10 copayment for a brand name prescription drug for which a pharmacy directly bills the program. The bill changes the copayment amount for a brand name prescription drug to \$15.

The bill makes three additional changes to the Chronic Disease Aids Program. The bill authorizes DHFS to use managed care methods of cost containment; eliminates the requirement that the rates paid by DHFS for services provided for the treatment of chronic kidney disease be equal to the allowable charges under the federal Medicare program and prohibits a provider from billing a patient for any difference between the amount that the state pays and the provider's charge for the service; and provides that a person may not receive benefits under the program unless, before applying, the person applies for benefits under other health care coverage programs for which he or she reasonably may be eligible.

Under current law, county departments of social services or human services pay cemetery, funeral, and burial expenses for decedents whose estates are insufficient to pay those expenses and who received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance (MA) benefits. The county departments are reimbursed for those payments by DWD. Under current law, DHFS contracts with county departments to administer the MA program, the Badger Care health care program, and the food stamp program and reimburses the county departments for their administration costs.

Under this bill, DHFS, instead of DWD, reimburses county departments for the payments that they make for cemetery, funeral, and burial expenses. In addition, the bill provides that DHFS reimburses county departments for their expenses incurred in determining eligibility for that program. The bill allows, rather than requires, DHFS to delegate to county departments the administrative function of determining eligibility under the MA program.

SENATE BILL 44**WISCONSIN WORKS*****Wisconsin Works program***

The current Wisconsin Works (W-2) program provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Also, the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy under W-2 if the parent needs child care services to participate in various educational or work activities. W-2 is administered generally by DWD, which contracts with W-2 agencies to administer the program locally. W-2 is funded with federal Temporary Assistance for Needy Families (TANF) block grant money, federal child care block grant moneys, and state general purpose revenue. In general, an individual may not participate in W-2 more than five years, which need not be continuous.

Current employment positions

The work components under W-2, called employment positions, consist of three categories: trial job, community service job, and transitional placement. Employers for all employment positions must meet criteria established by DWD and all participants in all employment positions must search for unsubsidized employment the entire time that they are participating in any W-2 employment position.

Trial jobs. When determining which employment position is the most appropriate placement for a participant, a W-2 agency must give the highest priority to trial jobs. A participant in a trial job is paid by his or her employer at least the minimum wage for every hour actually worked, but not exceeding 40 hours per week, including required education and training. The W-2 agency pays a wage subsidy of \$300 per month to a trial job employer that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the trial job terminates. The employer must provide worker's compensation coverage for a trial job employee. Unless the W-2 agency grants an extension, a participant may work in any one trial job for up to three months, and for up to 24 months, which need not be consecutive, in more than one trial job.

Community service jobs. A W-2 agency must give higher priority to a community service job than to a transitional placement when placing a W-2 participant. Community service jobs are limited to projects that DWD determines will serve a useful public purpose or that will generate revenue that wholly or partially offsets the project's cost. A participant in a community service job may not work more than 30 hours per week and may be required to participate in education or training for up to ten hours per week. A participant in a community service job who works more than 20 hours per week receives from the W-2 agency a monthly grant of \$673, which is reduced if the participant works 20 or fewer hours per week. In addition, the monthly grant that a participant would receive based on the number of his or her work hours is reduced by \$5.15 for every hour of work that a participant misses without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a community service job. Unless the W-2 agency grants an extension, a participant may work in any one community service

SENATE BILL 44

job for up to six months, and for up to 24 months, which need not be consecutive, in more than one community service job.

Transitional placement. A W-2 participant may be placed in a transitional placement if he or she has been or will be incapacitated for at least 60 days, is needed at home because of the illness or incapacity of a member of his or her household, or is incapable of performing a trial job or community service job. A transitional placement may consist of work in a community rehabilitation program, a job similar to a community service job, or volunteer activities. A participant in a transitional placement may be required to work for up to 28 hours per week and to participate in education and training for up to 12 hours per week. A participant in a transitional placement may be required to participate in mental health activities, counseling or rehabilitation, or alcohol and other drug abuse treatment. A participant in a transitional placement receives from the W-2 agency a monthly grant of \$628, which is reduced by \$5.15 for every hour that a participant fails to participate in any required activity without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a transitional placement. Unless the W-2 agency grants an extension, a participant may participate in a transitional placement for up to 24 months, which need not be consecutive.

New employment position

Transitional subsidized private sector jobs. This bill creates a new employment position in W-2, called a transitional subsidized private sector job. A W-2 agency must give placement in a transitional subsidized private sector job the same priority as placement in a community service job. If a W-2 agency determines that placement in either a transitional subsidized private sector job or a community service job is appropriate for a participant, the participant must be allowed to choose between the two placements. A participant who chooses placement in a transitional subsidized private sector job will be offered a choice of one or more jobs in locations that are reasonably accessible to the participant.

Employers for transitional subsidized private sector jobs must be selected by DWD in a request-for-proposals process. To be selected, an employer must show the ability to create useful transitional subsidized private sector jobs. A selected employer that employs a participant in a transitional subsidized private sector job is reimbursed by DWD for up to 100% of the employer's costs that are attributable to employing the participant, such as wages, federal social security taxes, and worker's compensation and liability insurance premiums.

Each transitional subsidized private sector job must be designed by the employer, in consultation with DWD and the W-2 agency, for the participant who is offered the job. DWD may design a transitional subsidized private sector job that allows a participant to work in supported employment or to care for a severely disabled child or other relative. Each transitional subsidized private sector job must provide 25 to 30 hours of work per week. A participant in a transitional subsidized private sector job is an employee of his or her employer for all purposes and must be paid at least the federal minimum wage by the employer. DWD may require that a participant in a transitional subsidized private sector job be given a sick leave benefit.

SENATE BILL 44

After a participant has been working satisfactorily in a transitional subsidized private sector job for at least two weeks, the participant and W-2 agency, in consultation with the employer, may enter into an agreement allowing the participant to enroll in education or training to acquire skills leading to unsubsidized employment, reducing the participant's hours in the transitional subsidized private sector job to 15 to 20 hours, and requiring the W-2 agency to pay the participant a stipend equal to 90% of what the participant would have earned in the transitional subsidized private sector job if his or her hours had not been reduced.

Unless the W-2 agency grants an extension, a participant may work in any one transitional subsidized private sector job for up to six months, and for up to 24 months, which need not be consecutive, in more than one transitional subsidized private sector job. A participant in a transitional subsidized private sector job may be terminated by his or her employer for misconduct, failure to perform work satisfactorily, or repeated unexcused absences. A participant may also be terminated from a transitional subsidized private sector job by the W-2 agency for not making a good faith effort to seek unsubsidized employment. In either case, a participant who believes that he or she was wrongfully terminated may appeal the termination to DWD.

Caretaker of newborn infant program change and studies

Under current law, a person who meets the eligibility requirements for W-2 and who is the custodial parent of a child who is 12 weeks old or younger may receive a monthly grant of \$673 and may not be required to participate in a W-2 employment position. This bill increases the maximum age of the child so that the custodial parent of a child who is six months old or younger may receive the monthly grant and may not be required to participate in an employment position.

The bill directs DWD to conduct a study to determine the best ways to assist low-income custodial parents and other at-risk low-income adults in getting and keeping a job. DWD must submit a report with its findings and recommendations to the governor and legislature. The bill also directs DWD to investigate ways in which federal funding other than TANF block grants can be used to create a seamless system of employment and education training services for low-income adults in Wisconsin and to submit a report on its findings to DOA.

Under current law, DWD certifies to DOR any overpayment of food stamp benefits or various benefits under W-2 for recovery as a setoff against any income tax refund owed to the person who received the overpayment. Also under current law, DWD makes job access loans to persons who are eligible for W-2 to enable them to obtain or continue employment.

This bill authorizes DWD to certify delinquent job access loan repayments to DOR for setoff against any income tax refund owed to the person who received the loan. Delinquent repayment amounts collected by DOR and paid to DWD must be used to make more job access loans.

MEDICAL ASSISTANCE

Under current law, the MA trust fund (MATF) consists of all public funds for MA nursing home payments that are transferred to the MATF as the nonfederal share for the purpose of claiming federal moneys, and of all the matching moneys

SENATE BILL 44

received in return under the federal MA program (commonly known as Medicaid). Counties that make these transfers to the MATF are reimbursed by DHFS from the general fund.

This bill appropriates money from the MATF to reimburse counties for the moneys the counties transferred to the state in support of MA payment for nursing home services and that were used as the nonfederal share of MA payments.

Currently, under a waiver of federal Medicaid laws, DHFS administers a community integration program (commonly known as CIP IA) under which MA recipients who reside in state centers for the developmentally disabled are relocated into their communities and provided home and community-based services. DHFS administers another similar community integration program (commonly known as "CIP IB"), under which persons with developmental disabilities who are relocated from institutions other than state centers for the developmentally disabled or who meet requirements for the care provided in intermediate care facilities for the mentally retarded or brain injury rehabilitation facilities are relocated into their communities.

This bill appropriates the moneys received from counties to provide supplemental MA program benefits for CIP IA and CIP IB, emergency medical transportation services, alcohol and other drug abuse and mental health treatment and services, and school medical services, as part of a claim for federal Medicaid matching moneys. The moneys counties must pay are related to the federal share of rate increases for CIP IA and CIP IB beginning in 2001, the federal share of rate increases for alcohol and other drug abuse and mental health treatment and services beginning in 2003, and the moneys paid in support of the claim for federal Medicaid matching moneys. If the amount received by DHFS exceeds payments for services, the excess must be transferred to the MATF. The bill annually decreases the total amount paid to school districts for special education by the amount of the supplementary payment for MA school-based services received. In addition, the bill expands the MATF to include moneys that are related to any MA service. Lastly, the bill authorizes DHFS to award grants to counties from the MATF for mental health community support programs and to distribute to counties and local health departments from the MATF an amount equal to the amount that was distributed in 2002 to reduce operating deficits.

Under current law, persons who apply for admission to nursing homes, state centers for the developmentally disabled, or institutions for mental diseases, including persons who are found by a court to be in need of protective services and are protectively placed, must be screened to determine if they have a developmental disability or mental illness and need facility care and active treatment. Residents of these facilities who have a developmental disability or mental illness and significant changes in their physical or mental conditions must also be screened to determine if they need facility care or active treatment. Persons who are not in need of facility care must be relocated. Currently, counties must provide the portion of the MA program payment that is not provided by the federal government for services to individuals in state centers for the developmentally disabled who are also mentally ill and exhibit extremely aggressive and challenging behaviors. Under CIP IB, a

SENATE BILL 44

county that owns the institution from which a person is relocated into the community must receive approval from DHFS of a plan for delicensing a bed of the institution for the county to obtain reimbursement for the person's community care.

This bill restricts protective placements and admissions, after March 31, 2004, of persons with developmental disabilities to intermediate facilities and nursing facilities. Within 90 days after receiving written notice of the prospective placement or admission of a person with developmental disabilities in an intermediate facility, a county department of social services, human services, developmental disabilities services, or community programs must develop a plan for providing home or community-based care to the person in a noninstitutional setting. The person may not be placed in or admitted to the intermediate facility unless a court finds that placement in the community under such a plan is not in the person's best interests, or the person or his or her guardian rejects the plan. Also, a person who has been screened and found to require active treatment for developmental disability may not be placed in or admitted to a nursing facility unless his or her need for care cannot be met in an intermediate facility or under a plan for home or community care.

The bill requires that residents of state centers for the developmentally disabled who have been determined to need facility care and active treatment for developmental disability be further screened to determine whether the level of care that they require could be provided safely in an intermediate facility or under a plan for home or community care.

The bill prohibits payment of the federal portion of MA for services for a resident in a state center for the developmentally disabled who is also mentally ill and exhibits extremely aggressive and challenging behaviors unless the person receiving the services has been protectively or temporarily placed in the state center or is placed there for emergency purposes. The bill requires that counties pay the portion of MA that is not provided by the federal government for services to persons with developmental disabilities in an intermediate care facility for the mentally retarded and, if they have been determined to need facility care, for services in a nursing facility; however, no payment of the federal portion of MA for services to these persons may be made unless they were placed in or admitted to the facility after the placing board considered a plan for home or community care and rejected the plan or found it would not meet their needs. The requirements and limitations first apply to services provided and payment made on April 1, 2004.

The bill changes laws relating to protective placement of persons who are found incompetent. Under the bill, the court must notify the appropriate county department to develop a plan for home or community care for a person about to be protectively placed and the person must be placed in a noninstitutional community setting under the plan unless the court finds that placement for home or community care would not be in the person's best interests.

Under current law, a community integration program (commonly known as CIP II) provides home or community-based care to persons who are relocated from institutions other than the state centers for the developmentally disabled and to persons who meet MA level-of-care requirements in nursing homes.

SENATE BILL 44

Beginning on June 1, 2004, this bill requires a county department of human services, developmental disabilities services, or community programs of a county that participates in CIP II or CIP IB to perform a needs and costs-based assessment for nursing home residents who are eligible for but not receiving services under the program; who have received MA coverage for their nursing home care for at least 30 days; and who prefer services in the community, rather than in the nursing home. After completing the assessment, the county department must contact DHFS; if DHFS determines that costs for services for the nursing home resident are below the limit under a formula specified in the bill, or if DHFS determines that additional funding is available for above-limit costs, the county department must offer the home or community-based services to the nursing home resident. The county department must initiate the assessment before the person has resided in the nursing home for 90 days or before the cost of the resident's nursing home care has been paid for under MA for 30 days, whichever is longer, and must complete the assessment within 90 days. A county department that fails to meet these requirements and to offer home or community-based care to the resident must pay the nonfederal share of the resident's MA nursing home care unless the resident refused to participate or the assessment determined that relocation was not feasible. Beginning on January 1, 2004, DHFS is authorized to provide funding to counties from the MA trust fund to conduct these relocation activities and to provide increased funding for services to the nursing home residents who are relocated to communities.

This bill authorizes DHFS to assess each health maintenance organization (HMO) 1% of its annual gross revenue, based on a statement that it must file with OCI annually by March 1. The assessments are deposited into the MA trust fund. In addition, the bill requires DHFS to distribute moneys in each fiscal year from the MA trust fund to supplement MA payments to HMOs that provide services to MA recipients; to supplement payments to HMOs that provide services to recipients of Badger Care (a program of health care coverage for certain low-income children who do not reside with a parent and for certain low-income families); to assist in meeting increasing costs and more intense use of services by recipients; and to meet other reimbursement needs that DHFS identifies.

Currently, DHFS must distribute in each fiscal year not more than \$2,256,000 in supplemental payments to rural hospitals with high use of inpatient services by patients whose care is paid for by the state or federal government, and to rural hospitals that meet certain federal MA requirements. This bill eliminates MA supplemental payments by DHFS to rural hospitals with high MA recipient use and eliminates the statutory limit on the amount of supplemental payments that DHFS must make to critical access hospitals.

Under current law, payments to nursing homes for services to recipients under the MA program are calculated using a formula that considers certain costs of individual nursing homes, including direct care, support services, fuel and utilities, net property tax or municipal services, administrative and general costs, interest expenses, and necessary capital payments. For direct care costs, DHFS must use standards that sample nursing homes in the state, as adjusted for regional labor cost

SENATE BILL 44

variations. For nursing homes in Douglas, Pierce, and St. Croix counties, DHFS uses a federal Medicare program hospital wage index.

This bill requires DHFS to make a flat-rate payment for MA nursing home costs, as determined by DHFS, for personal comfort supplies and allowable support service costs. Beginning July 1, 2004, the bill requires an MA flat-rate payment for support services (dietary services, environmental services, fuel and utilities, administrative and general costs) and direct care costs (personal comfort supplies, medical supplies, over-the-counter drugs and nonbillable services for ancillary nursing home personnel). Under the bill, cost-based payment will continue to be made for nonbillable direct care costs for registered nurses, licensed practical nurses, and nurse's assistants; property tax or municipal services; interest expenses; and necessary capital payments. The bill eliminates the use of a federal Medicare Program hospital wage index in calculating MA direct care costs for nursing homes in Douglas, Pierce, and St. Croix counties and requires, instead, that direct care costs for nursing homes in those counties be calculated as are direct care costs for nursing homes in other counties. The bill clarifies that "costs for property taxes and municipal services" refer to paid, rather than incurred, costs.

Under current law, counties may transfer moneys to the state as the nonfederal share of public moneys to serve as the basis for claims for federal Medicaid matching moneys. These federal matching moneys reduce the operating deficits of county, city, village, or town nursing homes. Currently, if federal matching moneys that are related to the transfers are *not* received in a fiscal year, DHFS may distribute up to \$37,100,000 to these facilities or a lesser amount if other federal Medicaid matching moneys are reduced. If federal matching moneys that are related to the transfers *are* received in a fiscal year, DHFS may distribute up to \$77,100,000 to these facilities and to care management organizations that contract with the facilities for services.

This bill eliminates the distinction between receipt and nonreceipt of federal matching moneys that are related to the transfers with respect to distributing moneys to reduce the operating deficits of county, city, village, or town nursing homes and, instead, authorizes DHFS to distribute up to a total of \$37,100,000 to these facilities and to care management organizations.

Under current law, DHFS provides health care services to eligible individuals under the MA program. Current law requires certain MA recipients to share the cost of medical services provided under MA by paying up to the maximum amount allowable under federal law. Current law also limits to \$5 per month the total amount that an MA recipient may be required to pay for prescription drugs if the recipient designates a pharmacy or pharmacist as his or her sole provider of prescription drugs.

Under this bill, MA recipients who must pay a portion of their medical services must pay a copayment of \$1 for each prescription for a generic drug and a copayment of \$3 for each prescription for a brand name drug. The bill also raises to \$12 per month the maximum amount an MA recipient may be required to pay for prescription drugs if the MA recipient designates a pharmacy or pharmacist as his or her sole provider of prescription drugs.

SENATE BILL 44

Under current law, a child or family with health care coverage under BadgerCare and with an income that is equal to or greater than 150% of the federal poverty level must contribute a percentage of income to the cost of the health care according to a schedule established by DHFS. Current law requires DHFS to submit the schedule to JCF for review and approval if the schedule requires a child or family to contribute more than 3% of the child's or family's income to the cost of health care, and JCF may not approve a schedule that requires a child or family to contribute more than 3.5% of the child's or family's income.

Under this bill, each child or member of a family with health care coverage under BadgerCare and with an income that is equal to or greater than 150% of the federal poverty level must pay a copayment of \$1 for each prescription for a generic drug and a copayment of \$3 for each prescription for a brand name drug. The bill eliminates the requirement that DHFS submit the cost-sharing schedule to JCF and prohibits DHFS from establishing or implementing a cost-sharing schedule that requires a child or family to contribute more than 5% of income to the cost of health care.

This bill authorizes DHFS to design and implement a program to reduce the cost of prescription drugs and to maintain high quality in prescription drug therapies. The program must include supplemental rebates under agreements with prescription drug manufacturers for prescription drugs provided to MA and Badger Care recipients and to persons eligible under a program of prescription drug assistance to elderly persons (commonly known as Senior Care). The bill also authorizes DHFS to enter into prescription drug multi-state purchasing agreements and other agreements with prescription drug purchasers if the other state or purchaser agrees to participate in any of the activities under the program.

Under current law, if a person who is eligible for BadgerCare or the purchase plan portion of the MA program is also eligible for health care coverage that is offered by an employer, DHFS may purchase the employer-offered health care coverage on behalf of the person if DHFS determines that purchasing the coverage will not cost more than providing the coverage under BadgerCare or MA.

Also under current law, if an employer offers health care coverage to its employees, in some cases the insurer that provides the coverage must allow an employee, or an employee's dependent, to enroll in the health care coverage plan outside the usual enrollment periods. For example, if an employee refused coverage under the employer's health care coverage plan during a previous enrollment period because the employee had other health care coverage, the employee may enroll in the employer's plan within 30 days after the other health care coverage terminates or is exhausted. Likewise, if an employee gets married or adopts a child, the employee's spouse or child may enroll in the employer's health care coverage plan during a special enrollment period that lasts for 30 days from the date of the marriage or adoption.

This bill requires an insurer that provides coverage under an employer's health care coverage plan to permit an employee, or an employee's dependent, who is eligible for but not enrolled in the employer's health care coverage plan to enroll in the employer's plan during a special, 30-day enrollment period if: 1) the employee or

SENATE BILL 44

dependent is eligible for coverage under BadgerCare or MA; and 2) DHFS will purchase the coverage on behalf of the employee or dependent because DHFS has determined that it will not be more costly to pay the portion of the premium for which the employee is responsible under the employer's plan than to provide coverage for the employee or dependent under BadgerCare or MA. The 30-day enrollment period begins on the date on which DHFS makes the determination about the cost of the coverage.

Also under the bill, if DHFS determines that a waiver is required, DHFS must request a waiver from the federal Department of Health and Human Services to allow DHFS to require a family, as a condition of eligibility for BadgerCare, to provide verification of an employed family member's earnings; whether the employer provides health care coverage for which the family is eligible; and the amount that the employer pays, if any, towards the cost of the health care coverage. Under current law, a family with income below 185% of the poverty line is eligible for BadgerCare if the family does not have access to employer-provided health care coverage for which the employer pays at least 80% of the cost.

Under current law, a woman who has been screened for breast or cervical cancer under a breast and cervical cancer early detection program authorized under a federal grant, who requires treatment for breast or cervical cancer, who is under 65 years of age, and who is not eligible for health care coverage that qualifies under a federal law as creditable coverage, (which generally includes any type of health care coverage) is eligible for MA.

This bill expands the MA eligibility based on breast or cervical cancer in two ways. First, in conformity with the interpretation of the Centers for Medicare and Medicaid Services, the requirement that the woman is being treated for breast or cervical cancer is expanded to include treatment for a precancerous condition of the breast or cervix. Second, the requirement that a woman must be ineligible for creditable coverage is changed, in conformity with a change in federal law, to exclude from consideration eligibility for a medical care program of the federal Indian Health Service or an American Indian tribal organization.

Under current law, a person who receives MA and who is in a public medical institution, hospital, skilled nursing facility, or intermediate care facility generally may retain \$45 per month in unearned income for personal needs and must apply any excess income toward the cost of his or her care in the institution or facility. This bill changes the amount that may be retained for personal needs to \$30 per month.

Under current law, to qualify for MA, an applicant must meet certain income and asset limits. DHFS must exclude certain assets when determining whether an applicant meets the asset limit, including up to \$3,000 in an irrevocable burial trust. This bill decreases the limit on an irrevocable burial trust to \$1,500.

Under current law, mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community are a covered benefit under MA. The county pays all costs for the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community-based psychosocial service program to individuals with less severe

SENATE BILL 44

mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government. This bill eliminates psychosocial services provided by a community-based psychosocial service program as a benefit under MA.

Under current law, county departments of social services, human services, and developmental disabilities services, and local health departments that have incurred costs in excess of reimbursement for providing certain services to MA recipients may receive from DHFS a 60% federal Medicaid matching amount for moneys the county departments and local health departments expend to reduce operating deficits for those costs.

The bill makes these matching payments unavailable if the federal Center for Medicare and Medicaid Services approves a revised payment methodology for MA services provided by a local government. If this methodology is approved, a county department or local health department that received a distribution from DHFS of federal Medicaid matching moneys under the program for any year after 2002 must return the moneys to DHFS.

Currently, DHFS must make incentive payments to counties for identifying MA applicants and recipients who have other health insurance coverage and for identifying providers of the other coverage. This bill eliminates this requirement.

Under current law, if a married person living in a medical institution or nursing facility or receiving long-term care through a community-based program (institutionalized spouse) is eligible for MA and his or her spouse is not also in a medical institution or nursing facility or receiving long-term care through a community-based program (community spouse), a certain amount of the couple's assets need not be used to pay for the institutionalized spouse's care and may be transferred to or retained by the community spouse. This asset amount is called the "community spouse resource allowance," which under current law is the greatest of a range of specified amounts.

To comply with a federal requirement that the community spouse resource allowance be a single amount instead of a range, this bill changes the community spouse resource allowance to \$50,000 unless the amount established in a fair hearing or by a court order is greater.

Currently, a person whose primary disabling condition is developmental disability is eligible for the Family Care benefit (long-term care or referral) if he or she is a resident of a county or a member of a federally recognized American Indian tribe or band that operated a care management organization before July 1, 2003, is at least 18 years old, and meets functional and financial eligibility criteria.

This bill eliminates the requirement that, to be eligible for the Family Care benefit, an otherwise eligible person whose primary disabling condition is developmental disability be a resident of a county or member of a tribe or band that operated a care management organization before July 1, 2003. The bill also requires the secretary of health and family services to assess the feasibility of expanding the Family Care Program to include two additional counties and to report to the secretary of administration and the governor by July 1, 2004, concerning the

SENATE BILL 44

feasibility and whether the expansion should be included as part of the biennial budget bill for the 2005-07 fiscal biennium.

Current law authorizes DHFS to determine the date on which the functionality criteria for Family Care eligibility first apply to applicants for the Family Care benefit who are not MA recipients, but the date may not be later than January 1, 2004. This bill changes the date to be not later than January 1, 2006, but, before the determined date, persons who are not eligible for MA may receive the Family Care benefit if funding is available.

CHILDREN

Under current law, the state receives reimbursement under Title IV-E of the federal Social Security Act (generally referred to as IV-E funds) for costs incurred by the state and the counties relating to foster care and the adoption of children. DHFS distributes IV-E funds as community aids to counties for providing social services to children and families. If, at the end of any year, excess IV-E funds remain, DHFS must carry forward to the next year those excess IV-E funds and distribute not less than 50% of those excess IV-E funds to counties other than Milwaukee County that are making a good faith effort to implement the statewide automated child welfare information system for services and projects to assist children and families. This bill requires DHFS to reduce by 50% the amount of excess IV-E funds distributed to a county if, at the end of any year, the county is not using a centralized unit contracted for by DHFS to determine if the cost of providing care for a child is eligible for IV-E reimbursement.

Under current law, certain federal revenues are appropriated to DHFS for distribution to counties for social, mental health, developmental disabilities, and alcohol and other drug abuse services. This bill appropriates for distribution to counties, as community aids, all federal MA moneys received in reimbursement of the cost of preventing out-of-home placements of children.

HEALTH

Under current law, DHFS inspects, licenses, and otherwise regulates nursing homes and community-based residential facilities (C-BRFs). Revenues from nursing home and C-BRF licensing fees are, in part, used for the costs of the inspections and licensing. DHFS imposes and directly assesses forfeitures on C-BRFs, ranging from \$10 to \$1,000, for each violation of regulatory statutes or rules. DHFS also imposes and directly assesses forfeitures on nursing homes.

The bill increases from \$1,000 to \$10,000 the maximum amount of a forfeiture that DHFS may impose on a violating C-BRF. The bill requires DHFS to impose on a violating nursing home a forfeiture surcharge of 6% of each forfeiture amount.

Under current law, DHFS levies assessments on all occupied, licensed beds of nursing homes and intermediate care facilities for the mentally retarded (ICFMRs) that are not state-owned or state-operated or federally owned or federally operated, except occupied, licensed beds for which payment is made under the federal Medicare program. The assessments are \$32 per month per bed of a nursing home and \$100 per month per bed of an ICFMR.

This bill expands the assessments on occupied, licensed beds of nursing homes and ICFMR to all licensed beds, including beds occupied by residents whose costs are

SENATE BILL 44

paid under the federal Medicare program, regardless of whether the nursing home or ICFMR is privately owned or is owned or operated by the state or the federal government. Under the bill, the amount of the assessment per licensed bed of a nursing home is increased to up to \$116 per month and the amount of the assessment per licensed bed of an ICFMR is increased to up to \$435 per month in fiscal year 2003–04 and up to \$445 per month in fiscal year 2004–05. Of the amounts received from the assessment, a portion is deposited into the general fund and the remainder is deposited into the MA trust fund.

This bill requires, beginning on January 1, 2005, every governmental unit that provides health insurance coverage for its employees to join a pharmacy benefits purchasing pool that uses a preferred list of covered prescription drugs. The governmental units must seek to develop the preferred list by identifying the relative effectiveness of prescription drugs within therapeutic classes for particular diseases and conditions and by identifying the least costly prescription drugs among those found to be equally effective. After the purchasing pool is developed, the pool must be available to an employer that is not a governmental unit and that provides health insurance coverage to any of the employer's employees, if the governor requests the employer to participate in the pool.

Under current law, elderly persons may purchase prescription drugs at reduced prices under Senior Care. Persons eligible for Senior Care are state residents who are at least 65 years old, who are not MA recipients or do not receive prescription drug coverage as MA recipients, and whose annual household incomes do not exceed 240% of the federal poverty line for families the size of each person's eligible family. Persons who meet these requirements must pay a 12-month program enrollment fee of \$20 and an annual \$500 deductible for prescription drugs, at the "program payment rate" (the MA prescription drug payment rate, plus 5%, plus a dispensing fee), and then need pay only a copayment of \$5 for generic prescription drugs and a copayment of \$15 for nongeneric prescription drugs. (Eligible persons with an annual household income that does not exceed 160% of the federal poverty line for families the size of the persons' eligible families are not required to pay the \$500 deductible.) Other persons who meet all the requirements except the income limitation are also eligible to purchase prescription drugs at reduced amounts under Senior Care if, for each 12-month benefit period, they pay the program enrollment fee and then first "spend down" their income by paying for prescription drugs, at the program payment rate, a deductible of \$500 plus, at the retail price, the difference between their annual household income and 240% of the federal poverty line. Payment is made to pharmacies and pharmacists, for prescription drugs sold to Senior Care participants, by the state from the rebate payments and from general purpose revenues, at the program payment rate.

This bill increases the deductible for each 12-month Senior Care benefit period and the program enrollment fee for Senior Care participants based on the percentage that a person's annual household income is of the federal poverty line for a family the size of the person's eligible family. The bill also modifies the program enrollment fee based on a person's income and reduces the program payment rate for payment to

SENATE BILL 44

pharmacies and pharmacists, to the MA prescription drug payment rate, plus a dispensing fee.

Under current law, the Tobacco Control Board awards grants from the tobacco control fund for activities related to smoking prevention and cessation. This bill eliminates the Tobacco Control Board and transfers its responsibilities and administration of the tobacco control fund to DHFS.

Annually on June 15 beginning in 2004, JCF must transfer from the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000 or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior year. Also on June 15 annually, beginning in 2004, a transfer must be made from the general fund to the tobacco control fund of \$25,000,000, less the amount that must be transferred to the tobacco control fund from the permanent endowment fund. This bill requires JCF to transfer annually, beginning on June 15, 2004, from the permanent endowment fund to the tobacco control fund the lesser of \$15,054,500 for fiscal year 2003-04, and the lesser of \$15,062,000 for fiscal year 2004-05 and every fiscal year thereafter, or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. The bill also makes a transfer from the general fund to the tobacco control fund annually, beginning on June 15, 2004, of \$15,054,500 for fiscal year 2003-04, and \$15,062,000 for fiscal year 2004-05 and every fiscal year thereafter, less the amount transferred by JCF to the tobacco control fund from the permanent endowment fund in that fiscal year.

Under current law, DHFS evaluates grade A dairy operations to certify the compliance rating of the operations to federal agencies, out-of-state markets, DATCP, and local health departments. This bill transfers the certification of grade A dairy operations, and incumbent employees performing the certification, from DHFS to DATCP.

Under current law, the Adolescent Pregnancy Prevention and Pregnancy Services (APPPS) Board is attached to DOA. The board must award not more than \$439,300 annually in grants to nonprofit corporations or public agencies to provide adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling, and vocational training. This bill eliminates the APPPS Board and the grant program.

Under current law, DHFS annually assesses hospitals \$1,500,000, in proportion to each hospital's gross private-pay patient revenues during the hospital's most recently concluded fiscal year. Of the assessments, 50% is used to maintain a program, commonly known as Wisconcare, to provide primary health care services to unemployed persons or persons employed fewer than 25 hours per week who have no health care coverage, are unable to obtain health care coverage, and have a family income that does not exceed 150% of the federal poverty line. The remaining 50% is used to fund graduate medical education for the training of MA program providers. This bill eliminates the assessments, eliminates the Wisconcare program, and eliminates the funding of graduate medical education for the training of MA providers.

SENATE BILL 44

Currently, DHFS provides funding to the Marquette University School of Dentistry to provide dental services in underserved areas and to underserved populations, to inmates of correctional centers in Milwaukee County, and in clinics in the city of Milwaukee. DHFS also annually awards grants for fluoride supplements, fluoride mouth rinses, and, in schools, dental sealants. This bill eliminates this funding and these grants.

Under current law, DHFS must collect, analyze, and disseminate claims information and other health care information from health care providers. This bill eliminates this requirement.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Currently, DHFS maintains three state centers for persons with developmental disabilities. This bill permits DHFS to maintain the Northern Center for the Developmentally Disabled, but also authorizes DHFS to sell assets and real property of the Northern Center for the Developmentally Disabled. If any of this property is sold, DHFS must deposit the net proceeds into the budget stabilization fund.

Under current law, the state centers for the developmentally disabled may provide intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors. This bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for the developmentally disabled. However, the bill conditions receipt of those services on a determination by DHFS that a licensed bed and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum discharge date for the individual. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% of the amount paid under MA for the intensive treatment services, for any part of the six-month period that an individual receives the services beyond the discharge date agreed upon by DHFS and the individual's county of residence. For each subsequent six-month period during any part of which the individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may pay to counties the costs associated with relocating individuals into communities from state centers for the developmentally disabled.

This bill provides funding in fiscal years 2003-04 and 2004-05 for mental health and alcohol or other drug abuse managed care demonstration projects in up to six counties.

Under current law, DHFS funds competency examinations of criminal defendants in Milwaukee County. This bill limits DHFS funding for competency examinations of criminal defendants to those outpatient competency examinations that are for criminal defendants who are in jails or in locked units of facilities.

OTHER HEALTH AND HUMAN SERVICES

Currently, the Health Insurance Risk-Sharing Plan (HIRSP) provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for human immunodeficiency virus, and persons who have been refused coverage, or coverage

SENATE BILL 44

at an affordable price, in the private health insurance market because of their mental or physical health condition (collectively called eligible persons). Also eligible for coverage are persons who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past (eligible individuals).

Under current law, the operating costs of HIRSP are first paid with general purpose revenue and when those funds are exhausted the remainder of the operating costs are paid 60% by premiums paid by persons covered under HIRSP and 40% through insurer assessments and provider discounts, in equal amounts. Premiums for eligible persons with annual household incomes below \$25,000, and deductibles for eligible persons with annual household incomes below \$20,000, are partially subsidized with more general purpose revenue and, if that is insufficient, with further insurer assessments and provider discounts.

Under this bill, general purpose revenue is no longer used to pay operating costs or premium and deductible subsidies. Operating costs are paid 58% by premiums paid by covered persons, 21% through insurer assessments, and 21% through provider discounts. Premium and deductible subsidies are paid by increasing insurer assessments and by further reducing provider payment rates, in equal amounts. In addition, the bill authorizes DHFS to provide subsidies for prescription drug copayments paid by eligible persons with annual household incomes below \$25,000. These subsidies will also be paid equally by insurer assessments and provider payment rate discounts.

HIRSP is administered by DHFS, in conjunction with a plan administrator and a board of governors. Current law provides that the plan administrator is the same fiscal agent with which DHFS contracts to administer MA. This bill eliminates the requirement that the plan administrator be the fiscal agent for MA and provides that the plan administrator may be selected by DHFS in a competitive bidding process.

Under current law, DHFS operates a Retired Senior Volunteers Program (RSVP) to provide volunteer services in a community by persons aged 60 or older. DHFS provides a state supplement to federally funded RSVP units that were in operation on December 1, 1988, and provides an additional supplement to counties and federally-recognized tribal governing bodies for federally and nonfederally funded RSVPs. Persons who volunteer under a RSVP receive transportation assistance and accident and liability insurance coverage during working hours.

This bill eliminates the RSVP.

Under current law, DHFS distributes community aids to counties to provide social, mental health, developmental disabilities, and alcohol and other drug abuse services. Community aids funds allocated to a county that are not spent or encumbered by December 31 of each year lapse to the general fund, except that DHFS, at the request of the county, must carry forward to the next year up to 3% of the total amount of community aids allocated to the county for a year. Current law also permits DHFS to carry forward 10% of any community aids funds that are not spent or encumbered by a county by December 31 of each year and that are not otherwise carried forward for emergencies, for services costs above planned levels, and for increased costs due to population shifts.

SENATE BILL 44

This bill requires DHFS, at the request of a county, to carry forward to the next year up to 5% of the community aids funds allocated to the county for family support programs for the families of children with disabilities for a year. The bill also permits DHFS to carry forward all other community aids funds allotted for those family support programs that are not spent or encumbered by a county by December 31 of each year and that are not otherwise carried forward for emergencies, for services costs above planned levels, and for increased costs due to population shifts.

Under current law, DWD must distribute child support incentive payments to counties according to a formula worked out between DWD and the counties. The incentive payments come from federal incentive payments made to the state on the basis of successful child support enforcement efforts of DWD and county child support agencies and from certain child support collections assigned to the state by public assistance recipients. The total incentive payments that are paid to all counties in a year may not exceed \$12,340,000.

This bill provides that, if the incentive payments received in a year from the federal government exceed \$12,340,000, the excess amount will be divided equally between the counties and DWD. Each county's share of one-half of the excess will be determined according to the existing formula. DWD may use its share of any excess incentive payments for activities under its child support enforcement program and for the costs of receiving and disbursing support and support-related payments.

To be eligible for food stamps under current law, a custodial parent of a child who has an absent parent must cooperate with efforts to establish or enforce a support order, if appropriate. Current law also provides that in a number of situations (when, for example, the state provides certain services or benefits on behalf of a child, such as foster care aid or medical assistance) the state is a real party in interest for purposes of establishing paternity or securing future support or reimbursement of aid paid by the state. As a real party in interest, the state may commence an action or join in an action that is already commenced. This bill adds the receipt of food stamp benefits by a custodial parent of a child as another situation in which the state, for the purpose of establishing paternity or securing future support or reimbursement of aid paid, is a real party in interest in an action affecting the family that involves the custodial parent.

This bill provides that, after a diligent effort has been made to ascertain the location of the respondent, notice of an action to revise a child support order may be given in the same manner as notice of an action to enforce a child support order, by delivering written notice of the action to the most recent residential or employer address that the respondent has provided to the county child support agency. Under current law, such notice must be given by personal service.

Under current law, DHFS contracts for activities to augment the amount of moneys received from the federal government under MA. Current law requires DHFS to use the moneys received as a result of these income augmentation activities to pay for the operational costs of those activities and permits DHFS to use the moneys for other purposes if the secretary of administration and JCF, under a 14-day passive review process, approve a plan submitted by DHFS for the proposed

SENATE BILL 44

use of the moneys. This bill requires DHFS to distribute not less than 50% of the federal MA moneys received as a result of income augmentation activities to counties that are participating in the activities for social, mental health, developmental disabilities, and alcohol and other drug abuse services.

INSURANCE

Under current law, certain health care providers are required to carry health care liability insurance with specified liability limits. Damages awarded in a medical malpractice action that exceed the policy limits of the health care liability insurance of a health care provider subject to the health care liability insurance requirements are paid by the patients compensation fund. Money for the fund comes from annual assessments paid by the health care providers subject to the health care liability insurance requirements.

This bill creates the health care provider availability and cost control fund, transfers \$200,000,000 from the patients compensation fund to the new fund, and provides for the payment of any medical malpractice award that exceeds the moneys remaining in the patients compensation fund with moneys from the general fund. The new fund may be used to assist in the education and training of health care providers, to ensure that health care providers serving recipients under the Medical Assistance program or other health care programs established by the state receive payment sufficient for their continued participation in these programs, and to defray the cost of other health-related programs. This bill also appropriates money from the new fund for benefits under the Medical Assistance program.

This bill eliminates the requirement that the Commissioner of Insurance and each employee of OCI have a separate public officer's bond providing \$100,000 of coverage.

LOCAL GOVERNMENT

Under current law, shared revenue payments in 2003 and county and municipal aid payments in 2004 are paid entirely from the general fund. Under this bill, of the total amount of shared revenue payments to be distributed in November 2003, \$230,000,000 will be paid from the transportation fund, rather than from the general fund. Of the total amount of county and municipal aid payments to be distributed in November 2004, \$170,000,000 will be paid from the transportation fund, rather than from the general fund, and \$20,000,000 will be paid from the utility public benefits fund, rather than from the general fund.

In general the base for determining the amount of county and municipal aid payments in 2004 is the amount of shared revenue that each county and municipality received in 2003. After DOR determines the base amount for each county and municipality, DOR reduces the payments to each county and municipality by subtracting from the payments an amount based on the county's or municipality's population, so that the total amount of all such payments is reduced by \$40,000,000.

Under this bill, DOR reduces the shared revenue payments to each county and municipality in 2003 by subtracting from the payments an amount based on the county's or municipality's population, so that the total of all such payments is reduced by \$10,000,000. In 2004, the base amount for determining county and municipal aid payments is the amount of shared revenue that each county and

SENATE BILL 44

municipality received in 2003, disregarding the \$10,000,000 reduction. After DOR determines the base amount, DOR reduces the county and municipal aid payments to each county and municipality in 2004 by subtracting from the payments an amount based on the county's or municipality's population, so that the total of all such payments is reduced by \$50,000,000.

Under the bill, in 2004, after DOR reduces all county and municipal aid payments by \$50,000,000, DOR further reduces all such payments to municipalities by subtracting from the payments an amount based on the municipality's population, so that the total amount of all such payments is reduced by \$70,000,000.

Under current law, beginning in 2004, counties and municipalities that agree to consolidate county or municipal services are eligible to receive consolidation incentive payments equal to 75% of the amount that the counties or municipalities save as a result of consolidating services. This bill eliminates consolidation incentive payments.

NATURAL RESOURCES

This bill increases most resident and nonresident hunting and fishing license fees, including small game, deer, Class A and Class B bear, archer, wild turkey, annual fishing, sports, and conservation patron. The bill also increases the fee for Great Lakes trout and salmon stamps and resident trapping licenses.

Current law appropriates to DNR, until July 1, 2003, moneys from the conservation fund for the payment of principal and interest costs incurred in financing land acquisition and development for state forests. This bill appropriates the funds until July 1, 2005, and requires that the fund be used before money in the general fund is used.

Under current law, 50% of the state funding for the removal and disposal of deer killed by motor vehicles is appropriated from the general fund and 50% is appropriated from the conservation fund. Under this bill, 50% is appropriated from the conservation fund and 50% is appropriated from the transportation fund.

RETIREMENT AND GROUP INSURANCE

Under current law, the state must offer to all of its employees at least two insured or uninsured health care coverage plans providing substantially equivalent hospital and medical benefits, including a health maintenance organization or a preferred provider plan. This bill provides that, beginning on January 1, 2004, the state must place each of the plans into one of three tiers established in accordance with standards adopted by the Group Insurance Board (GIB). The tiers must be separated according to the employee's share of premium costs.

In addition, unless otherwise provided in collective bargaining agreements and the state's compensation plan, currently the state must pay 90% of the gross premium for the standard health insurance plan offered to state employees by the GIB or 105% of the gross premium of other qualifying health insurance plans offered by GIB. This bill requires the state to pay not less than 80% of the average premium cost of plans offered in the tier with the lowest employee premium cost regardless of the plan selected by the employee, but retains the requirement that these amounts are subject to applicable collective bargaining agreements and the state's compensation plan.

SENATE BILL 44

Currently, unused sick leave accumulated by a state employee may be used to pay health insurance premiums under the state health insurance plan once the employee dies or terminates state employment. Under the program, the employee's accumulated unused sick leave is converted to credits based on his or her basic pay rate immediately prior to termination. In order to use the credits, for an employee who terminates state employment, the employee must either be immediately eligible for a retirement annuity or have attained 20 years of creditable service under the Wisconsin Retirement System (WRS) and have deferred application for a retirement annuity.

This bill provides that any state employee who has attained 20 years of creditable service and terminates state employment retains his or her sick leave credits even though he or she has not reached the minimum age required to receive a retirement annuity under the WRS. In addition, the bill provides that the sick leave credits are based on the employee's *highest* basic pay rate he or she received while employed by the state, not the basic rate the employee received immediately prior to termination.

Under current law, for receipt of a retirement annuity under the WRS, the participant must have attained age 55, or have attained age 50 if the participant is a protective occupation participant, and must be separated from covered employment for a certain period. This bill provides that the participant is not required to be separated if the participant has attained his or her normal retirement date or has attained a combination of age and years of creditable service such that the participant is not subject to an annuity reduction penalty; or the participant has terminated employment with a participating employer and is employed by a different participating employer, as determined under any applicable provision under the Internal Revenue Code.

Currently, under certain conditions, WRS participating employees may purchase creditable service under the WRS that was previously forfeited. In addition, a participating employee may purchase creditable service under the WRS for service performed as an employee of another governmental unit that is not a participating employer under the WRS.

This bill provides for additional ways to purchase creditable service for forfeited service and other governmental service. Under the bill, participating employees may transfer moneys to the employee trust fund to purchase creditable service for forfeited service and other governmental service from tax sheltered annuity plans, governmental deferred compensation plans, and deferred compensation plans offered in the private sector.

STATE GOVERNMENT**STATE EMPLOYMENT**

This bill eliminates DER and transfers its powers and duties to DOA. Currently, DER is charged with administering the state civil service system, establishing and maintaining the state's classification system, crafting the compensation plan for most nonrepresented state employees for submission to the Joint Committee on Employment Relations, establishing procedures for recruitment, selection, appointment, and promotion for classified positions in the

SENATE BILL 44

state civil service, developing and maintaining the career executive service, and administering the hazardous employment program.

Under current law, the Personnel Commission hears appeals of state employee position classification decisions, examination scores, appointment decisions, and disciplinary actions taken against employees by their employer (appeals functions). In addition, the Personnel Commission investigates complaints by state employees for discriminatory or retaliatory actions taken by their employers relating to the Fair Employment Act, public employee safety and health protections, the state's whistle-blower law, the Family and Medical Leave Act, elder abuse reporting contact protections, and health care worker reporting protections (complaints functions). This bill abolishes the Personnel Commission and transfers its appeals functions to the Employment Relations Commission and its complaints functions to the Division of Equal Rights in DWD.

With certain exceptions, this bill transfers all attorney positions in executive branch agencies to DOA effective on October 1, 2003, or on the first day of the third month beginning after the bill is enacted, whichever is later. Attorney positions in DOJ, the Office of the State Public Defender, the PSC, the UW System, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, DRL, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney and all positions identified as hearing examiners, hearing officers, or administrative law judges. In addition, the bill retains the chief counsel position in each of 13 major state agencies.

The bill authorizes DOA to provide legal services to executive branch agencies, including the Building Commission.

STATE FINANCE

In 2002, a nonstock corporation organized by the secretary of administration, called Badger Tobacco Asset Securitization Corporation (BTASC), entered into an arrangement with the state to issue bonds secured by payments owed the state under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998. To date, approximately \$1,591,000,000 in such bonds have been issued.

This bill creates a program, to be administered by DOA, to purchase any of the outstanding bonds issued by BTASC. Under the bill, funds for the program may not exceed \$1,600,000,000. The principal of and interest on the revenue obligations issued by the Building Commission are to be secured by principal and interest payments received from the bonds issued by BTASC and purchased by the state. In addition, the bill contains a moral obligation pledge in which the legislature expresses its expectation and aspiration that, if the BTASC bond principal and interest payments are insufficient to pay the principal of and interest on the revenue obligations issued by the Building Commission, the legislature will make an appropriation from the general fund sufficient to pay the principal of and interest on the obligations. Finally, the bill provides that the remainder of moneys received after the retirement of the bonds, the making of certain payments, and the provision of reserves, are to be equally divided between the tobacco control fund and the general fund.

SENATE BILL 44

Under current law, employers participating in WRS are required to make contributions to fund the retirement benefits provided to WRS participants. Among the contributions that participating employers must make are contributions to pay any unfunded prior service liability resulting, generally, from prior creditable service or benefit improvements retroactively granted to participating employees. Currently, the payment of unfunded prior service liability is amortized as a level percent of payroll over a period of 40 years and is scheduled to be fully paid in 2030.

This bill creates two programs, administered by DOA, to issue revenue obligations to pay the state's unfunded prior service liability under the WRS. Under the first program, the principal and interest costs on the revenue obligations are to be paid from excise taxes that are currently imposed on the sale of liquor, fermented malt beverages, cigarettes, and tobacco products. Funds for the program may not exceed \$750,000,000

Under the second program, DOA may issue appropriation obligations in an amount up to \$750,000,000 to pay the state's unfunded prior service liability. An appropriation obligation is an undertaking by the state to repay a certain amount of borrowed money that is payable from moneys annually appropriated by law for debt service due in that year. The bill provides that an appropriation obligation is not public debt and that the state is only required to repay in debt service costs in each fiscal year an amount that is actually appropriated for debt service costs in that fiscal year. If moneys are not appropriated in any fiscal year for the payment of debt service costs, the state is not obligated to pay the debt service costs incurred in that fiscal year. The bill does contain a moral obligation pledge, however, in which the legislature, recognizing its moral obligation to do so, expresses its expectation and aspiration that it will make timely appropriations from moneys in the general fund sufficient to pay the principal and interest costs on any appropriation obligations that are incurred in any year.

Under current law, the state treasurer performs a number of duties relating to carrying out the state's cash management functions. This bill transfers these duties to DOA.

Under current law, the amount of general purpose revenue that may be appropriated in any fiscal biennium is limited to the amount appropriated in the prior fiscal biennium, adjusted by the annual percentage change in this state's aggregate personal income. Currently, however, the limitation does not apply to an appropriation for principal repayment and interest payments on public debt and other payments relating to public debt; an appropriation to honor a moral obligation pledge; an appropriation contained in a bill that is enacted with the approval of at least two-thirds of the members of each house of the legislature; an appropriation for certain legal expenses and costs; an appropriation for tax relief; an appropriation to make a transfer from the general fund to the budget stabilization fund; or an appropriation to the Higher Educational Aids Board, DPI, or the UW System.

This bill provides that the limitation also does not apply to an appropriation for the 2003-05 fiscal biennium to make aid payments to counties and municipalities.

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university

SENATE BILL 44

fund and the agricultural college fund (collectively, the trust funds) in certain specified investments. These include bonds or notes of the United States; bonds issued by this state or the UW Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

This bill authorizes BCPL to delegate to the Investment Board the authority to invest part or all of the moneys in the trust funds. Under the bill, if BCPL delegates the authority, the Investment Board may invest the moneys in the trust funds in any manner authorized for the investment of other funds under the control of the Investment Board.

The bill also authorizes BCPL, at the governor's request, to invest moneys in the trust funds in the purchase of land in this state. A condition on the purchase of this land, however, is that BCPL must determine that the purchase of the land will reduce the per acre costs incurred by BCPL in managing the public lands and all other lands managed by BCPL.

Current statutes contain a rule of procedure which provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be an amount equal to less than a certain percentage of the total general purpose revenue appropriations for that fiscal year. For fiscal year 2003–04, the amount is 1.6%; for fiscal year 2004–05, the amount is 1.8%; and for fiscal year 2005–06 and each year thereafter, the amount is 2%.

This bill requires the secretary of administration, by January 1, 2004, to estimate the total amount that will be deposited into the Medical Assistance (MA) trust fund for fiscal year 2003–04. The MA general purpose revenues appropriation is reduced by that portion of the total amount that the secretary estimates will exceed \$550,000,000. The secretary must perform the same estimate, by January 1, 2005, for fiscal year 2004–05, and the MA general purpose revenues appropriation is reduced by that portion of the total amount that the secretary estimates will exceed \$80,000,000. The bill modifies the required general fund balance for fiscal year 2003–04 to be the amount by which the MA general purpose revenues appropriation is reduced for that fiscal year, or \$35,000,000, whichever is greater; modifies the required general fund balance for fiscal year 2004–05 to be the amount by which the MA general purpose revenues appropriation is reduced for that fiscal year, or \$40,000,000, whichever is greater; and modifies the required general fund balance for 2005–06 to be \$75,000,000. Lastly, the bill increases the MA trust fund for fiscal years 2003–04 and 2004–05 by the amount of the reduction to the MA general purpose revenues appropriation for each of those fiscal years.

Current law requires that moneys in the bond security and redemption fund may only be invested in direct obligations of the United States. The bill expands the investment options for moneys in this fund to include securities issued by the United States, or one of its agencies, and securities fully guaranteed by the United States.

This bill makes a number of transfers from segregated funds to the general fund, including the following:

SENATE BILL 44

1. The bill transfers from the transportation fund to the general fund \$15,000,000 in each fiscal year of the 2003-05 fiscal biennium.

2. The bill transfers from the veterans mortgage loan repayment fund to the general fund \$900,300 in each fiscal year of the 2003-05 fiscal biennium.

3. The bill transfers to the general fund \$83,600 from the patients compensation fund, \$75,100 from the local government property insurance fund, and \$59,500 from the state life insurance fund in each fiscal year of the 2003-05 fiscal biennium.

4. The bill transfers \$2,118,500 in fiscal year 2003-04 and \$3,118,500 in fiscal year 2004-05 from the environmental fund to the general fund.

5. The bill transfers \$3,158,100 in fiscal year 2003-04 and \$158,100 in fiscal year 2004-05 from the recycling fund to the general fund.

6. The bill transfers from the petroleum inspection fund to the general fund \$1,657,400 in each fiscal year of the 2003-05 fiscal biennium.

7. The bill transfers \$2,055,000 from the tobacco control fund to the general fund on July 1, 2004.

OTHER STATE GOVERNMENT

Under current law, DATCP administers most consumer protection and trade practice laws. This bill transfers all of the administrative authority for certain of these laws, including laws relating to ticket refunds, fraudulent representations, methods of competition and trade practices, cable television subscriber rights, product safety, future services plans, landlord and tenant, and time-share ownership, to DOJ. It also transfers the authority to bring a court action to enforce these laws to DOJ or to DOJ jointly with the appropriate district attorney. Although the bill does not affect DATCP's authority to administer other laws, including laws relating to unfair trade practices in the dairy industry, discrimination in the purchase of milk, and unfair trade practices in the procurement of vegetable crops it requires DOJ to furnish legal services to DATCP relating to their enforcement.

Under current law, if a court imposes a fine or forfeiture for a violation of certain consumer protection laws or the laws regulating weights and measures, the court is required to impose an additional consumer protection assessment. The assessments, up to a certain limit, are available for expenditure by DATCP for consumer protection and consumer information and education. Under the bill, most of these consumer protection assessments are available for expenditure by DOJ, rather than DATCP. The bill also requires the imposition of the consumer protection assessment for fines or forfeitures resulting from the violation of the laws prohibiting the creation of monopolies and the unfair and discriminatory business practices that hamper competition.

The bill also changes the name of DATCP to the Department of Agriculture, Trade, and Rural Resources.

This bill eliminates DEG and transfers its functions to DOA. The bill also deletes the exemption of the UW System from certain laws affecting telecommunications procurement procedures.

Under current law, the Land Information Board is abolished effective on September 1, 2003. This bill changes this expiration date to September 1, 2005. The

SENATE BILL 44

bill also changes the date on which certain land recording fees are reduced from September 1, 2003 to September 1, 2005.

This bill extends the sunset date for the Wisconsin Land Council, which is attached to DOA, from August 31, 2003 to September 1, 2005.

This bill increases the fee imposed by DOJ for a fingerprint card record check from \$10 to \$15. It also requires DOJ to impose a \$5 surcharge whenever a person requesting a criminal background check, other than for criminal justice purposes or in connection with the sale of a handgun, asks for a paper copy of the results of the background check.

This bill directs the secretary of administration, by July 1, 2004, to review all holdings of state-owned real or personal property, except facilities or institutions the sale or closure of which is not authorized by law, for sale or lease. The bill also provides for the net proceeds of property sales and leases by the Building Commission and the net proceeds of certain sales of property by DOA to be deposited in the budget stabilization fund.

Under current law, the Tax Appeals Commission is the final administrative authority for the hearing and determination of most tax-related matters arising in this state. This bill eliminates the Tax Appeals Commission and replaces it with the Office of the Commissioner of Tax Appeals.

This bill prohibits all state agencies and authorities from entering into a contract or order for the purchase of materials, supplies, equipment, or contractual services with any person if the secretary of revenue determines that the person or an affiliate of the person refuses to collect and remit sales and use taxes on its sales delivered to this state. Currently, there is no such prohibition.

TAXATION

Under current law, for local general property tax purposes, DOR identifies and assesses all manufacturing property located in this state and reports the value of such assessments to the municipalities in which manufacturing property is located. Under this bill, for local general property tax purposes, each taxation district identifies and assesses all manufacturing property located in the the taxation district.

TRANSPORTATION**HIGHWAYS**

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$1,753,067,500. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes at least five miles in length to the highway; or improvement of an existing multilane divided highway to freeway standards. However, under current law, the Marquette interchange reconstruction project, lying at or near the junction of I 94, I 43, and I 794, in Milwaukee County, is not classified as a major highway project.

This bill increases the revenue bond limit from \$1,753,067,500 to \$2,916,403,000. The bill also provides that revenue bond proceeds may be expended

SENATE BILL 44

for state highway rehabilitation projects, which are generally projects not qualifying as major highway projects that involve reconditioning, reconstruction, or resurfacing of highways on the state trunk system and connecting highways. Additionally, the bill provides that revenue bond proceeds may be expended for the Marquette interchange reconstruction project.

Under current law, state funds appropriated from the transportation fund for state highway rehabilitation and state and federal funds appropriated from the transportation fund for the rehabilitation of southeast Wisconsin freeways, including the Marquette interchange reconstruction project, may not be used for the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation systems unless incidental to the improvement of existing state trunk and connecting highways or the rehabilitation of southeast Wisconsin freeways. This bill eliminates this prohibition.

Under current law, DOT must award grants totaling \$10,000,000 to the city of Milwaukee to fund the reconstruction of West Canal Street in the city of Milwaukee if the city contributes \$10,000,000 toward the project. This bill permits the use of these funds for the extension of West Canal Street to USH 41 at Miller Park in the city of Milwaukee.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid (primary) highways. Current state law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or primary highway.

Also under current law, DOT administers a Scenic Byways Program, under which DOT may designate as "scenic byways" highways that have outstanding scenic, historic, cultural, natural, recreational, or archeological qualities.

This bill changes the definition of primary highway to conform to federal law and imposes additional restrictions on advertising along interstate and primary highways designated as state scenic byways to conform to federal law.

DRIVERS AND MOTOR VEHICLES

Under current law, a person may not operate a motor vehicle if he or she has an alcohol concentration of 0.1 or more and has not more than one conviction relating to operating a motor vehicle with a prohibited alcohol concentration. A person who has two convictions relating to operating a motor vehicle with a prohibited alcohol concentration may not operate a motor vehicle if he or she has an alcohol concentration of 0.08 or more, and a person who has three or more convictions relating to operating a motor vehicle with a prohibited alcohol concentration may not operate a motor vehicle if he or she has an alcohol concentration of 0.02 or more.

This bill changes the prohibited alcohol concentration from 0.1 to 0.08 for a person with one or no prior convictions relating to operating a motor vehicle with a prohibited alcohol concentration.

Under current law, the owner of a vehicle who applies for a first certificate of title or for a new certificate of title after transfer of a vehicle must pay an application

SENATE BILL 44

fee of \$8.50. With certain exceptions, DOT also charges an annual vehicle registration fee of \$45 per automobile.

Under this bill, the application fee for a first certificate of title or for a certificate of title after transfer of a vehicle is \$18.50, and the annual registration fee for an automobile is \$55.

Under current law, a person must pay an environmental impact fee of \$9 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees are credited to the environmental fund and are earmarked for environmental management activities. The fee expires on December 31, 2003. This bill increases the fee to \$10.50 and eliminates the expiration date.

DOT currently administers a classified driver license system to implement the requirements of the Federal Commercial Motor Vehicle Safety Act of 1986. Under current law, DOT must disqualify a commercial motor vehicle (CMV) operator who commits a major traffic-related offense or another serious traffic violation. This bill makes changes to the classified driver license system that are required by the Federal Motor Carrier Safety Improvement Act of 1999. These changes become effective on September 30, 2005, and include:

1. Creating two new major traffic-related offenses and three new serious traffic violations.
2. Requiring disqualification of commercial driver license (CDL) privileges for certain offenses committed while operating a nonCMV as well as a CMV.
3. Prohibiting the issuance of an occupational license authorizing the operation of a CMV.
4. Requiring operators of school buses that are CMVs to maintain a CDL "S" endorsement, which may only be issued by DOT after the operator passes a knowledge and driving skills test.
5. Requiring DOT to maintain detailed records of actions taken against persons holding CDLs and persons operating CMVs without a CDL, and of convictions of such persons for offenses committed in both CMVs and nonCMVs.

Under current law, the fee for most permits to operate upon a highway a vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load are 10% higher than the usual rates for the period beginning on January 1, 2000, and ending on June 30, 2003. This bill delays the sunset date of the permit fee increases from June 30, 2003, to June 30, 2005.

Current law requires DOT to conduct a motor vehicle emission inspection program in counties in which the air quality does not meet certain federal standards. This bill appropriates money from the petroleum inspection fund to pay the costs of administering the program, including contracting for emission inspections.

TRANSPORTATION AIDS

Under current law, DOT makes general transportation aids payments to a county based on a share-of-costs formula, and to a village, city, or town (municipality) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile, which is \$1,825 for 2003 and thereafter. This bill increases the aid rate per mile to \$1,871 for 2004 and \$1,917 for 2005 and thereafter.

SENATE BILL 44

This bill increases the maximum amount of general transportation aids that may be paid to counties from \$90,044,600 in 2003 to \$92,295,700 in 2004 and \$94,603,100 in 2005 and thereafter. The bill also increases the maximum amount of aid that may be paid to municipalities from \$283,291,100 in 2003 to \$290,373,400 in 2004 and \$297,632,700 in 2005 and thereafter.

Under current law, DOT provides state aid, for each of four classes of mass transit systems, to local public bodies in urban areas served by mass transit systems to assist with the expenses of operating those systems. This bill increases the total amount of state aid to each class of mass transit system.

RAIL AND AIR TRANSPORTATION

This bill eliminates the Office of the Commissioner of Railroads and provides for the elimination and transfer of its functions as follows:

1. The office is currently authorized to regulate railroads to prevent "unreasonable or unjustly discriminatory" rates and inadequate services within the state and to require a finding of "public convenience and necessity" before constructing any new track. The bill eliminates this authority.

2. Under current law, the office may order railroads to install protective devices at crossings where a railroad intersects a street or another railroad. The bill transfers this authority to DOT and authorizes DOT to issue orders in these matters without a hearing, based on investigation and application of safety, programming, and cost allocation criteria promulgated by rule. The bill provides for review of DOT orders in these matters by the Division of Hearings and Appeals (division) in DOA.

3. Regulatory functions currently assigned to the office and not eliminated in the bill are transferred to DOT, and functions having the character of contested case resolution are transferred to the division.

This bill authorizes DOT to award grants to municipalities and specified political subdivisions for certain activities and capital costs related to the development or extension of commuter rail transit systems. Construction or expansion of a commuter rail transit system costing more than \$5,000,000 may not be undertaken using state funds unless the project is specifically enumerated by statute.

This bill increases the authorized general obligation bonding limit for the acquisition and improvement by DOT of rail property from \$28,000,000 to \$32,500,000.

OTHER TRANSPORTATION

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities. DOT may deposit in a trust fund vehicle registration fee revenues pledged for the repayment of these revenue bonds. Moneys pledged in excess of the amount needed for repayment of these revenue bonds are transferred back to the transportation fund, free of any pledge.

This bill allows DOT to deposit in a special fund revenues from titling fees, personalized plate fees, fast service fees, counter service fees, late registration fees, and special plate fees pledged for the repayment of revenue bonds in the same manner as is allowed for vehicle registration fee revenues.

SENATE BILL 44

Under current law, DOT accepts credit card payments by telephone or Internet for registration renewals for automobiles, light trucks, and motorcycles. This bill allows DOT to accept credit card payments by telephone or Internet usage for oversize or overweight vehicle permits.

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements from \$25,000,000 to \$28,000,000.

VETERANS AND MILITARY AFFAIRS

Under current law, the state reimburses a veteran for tuition and fees upon satisfactory completion of a full-time undergraduate semester in any institution of higher education or school approved by the DVA or by the Educational Approval Board (EAB) if the veteran completes the course within 10 years after separation from the armed services. This bill allows the veteran to be reimbursed if he or she starts the course within 10 years after separation from the armed services.

Currently, EAB inspects and approves private trade, correspondence, business, and technical schools to protect the students, prevent fraud, and encourage accepted educational standards at these schools. These schools are required to pay fees sufficient to cover the costs of EAB examining and approving their operation in the state.

This bill requires EAB to collect a fee from these schools to cover the losses that students, parents, or sponsors incur if a school closes unexpectedly and to use the collected fees to pay all or part of the losses incurred by students, parents, or sponsors.

This bill allows DVA to provide stipends to individuals to attend school and receive the necessary credentials to become employed at a Wisconsin veterans facility.

Currently, members of the Wisconsin National Guard, except officers and members with baccalaureate degrees, are eligible for tuition grants for reimbursement of college or technical college tuition. The grant is equal to the lesser of the actual tuition charged or the maximum resident undergraduate tuition charged by the UW-Madison for a comparable number of credits.

This bill limits the amount of the tuition grant reimbursement to the lesser of the actual tuition charged or the average resident undergraduate tuition charged by the UW System for a comparable number of credits. The qualifying schools are expanded to include public institutions of higher education under the Minnesota-Wisconsin student reciprocity agreement or under an interstate agreement that the Educational Communications Board approves.

This bill requires the adjutant general to cooperate with the federal government in the operation and maintenance of distance learning centers for the use of current and former members of the national guard and the U.S. armed forces. The bill permits the adjutant general to charge rent for nonmilitary or nonfederal users of the centers.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

SENATE BILL 44

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 5.05 (11) of the statutes is created to read:

2 5.05 **(11)** AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriation under
3 s. 20.510 (1) (x), the board may provide financial assistance to eligible counties and
4 municipalities for election administration costs.

5 **SECTION 2.** 7.31 (5) of the statutes is amended to read:

6 7.31 **(5)** The board shall conduct regular training and administer examinations
7 to ensure that individuals who are certified by the board under this section are
8 knowledgeable concerning their authority and responsibilities. The board shall pay
9 all costs required to conduct the training and to administer the examinations from
10 the ~~appropriation~~ appropriations under s. 20.510 (1) (bm) and (jm).

11 **SECTION 3.** 7.31 (6) of the statutes is created to read:

12 7.31 **(6)** The board may assess municipalities for costs incurred by the board
13 in conducting the training and certification program under this section. The amount
14 assessed to any municipality may not exceed the costs incurred by the board that are
15 attributable to that municipality. The board shall credit any moneys received under
16 this subsection to the appropriation under s. 20.510 (1) (jm).

17 **SECTION 4.** 7.33 (4) and (5) of the statutes are amended to read:

18 7.33 **(4)** Except as otherwise provided in this subsection, each local
19 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), may, and each state agency shall,

SENATE BILL 44**SECTION 4**

1 upon proper application under sub. (3), permit each of its employees to serve as an
2 election official without loss of fringe benefits or seniority privileges earned for
3 scheduled working hours during the period specified in sub. (3), without loss of pay
4 for scheduled working hours during the period specified in sub. (3) except as provided
5 in sub. (5), and without any other penalty. For employees who are included in a
6 collective bargaining unit for which a representative is recognized or certified under
7 subch. V of ch. 111, this subsection shall apply unless otherwise provided in a
8 collective bargaining agreement.

9 (5) Any employee of a local governmental unit, as defined in s. ~~22.01~~ 16.97 (7),
10 or state agency who obtains a paid leave of absence under sub. (4) in order to serve
11 as an election official under s. 7.30 shall certify in writing to the head of the local
12 governmental unit or state agency by which he or she is employed the amount of
13 compensation that the employee receives for such service. Upon receipt of the
14 certification, the head of the local governmental unit or state agency shall deduct
15 that amount from the employee's pay earned for scheduled working hours during the
16 period specified in sub. (2) when the employee is on a paid leave of absence.

17 **SECTION 5.** 13.099 (1) (a) and (b) of the statutes are amended to read:

18 13.099 (1) (a) "Department" means the department of administration
19 commerce.

20 (b) "State housing strategy plan" means the plan developed under s. ~~16.31~~
21 560.9802.

22 **SECTION 6.** 13.0999 (2) (a) of the statutes is amended to read:

23 13.0999 (2) (a) If any bill that is introduced in either house of the legislature
24 directly or substantially affects the development, construction, cost or availability of
25 housing in this state, the department, ~~through the division of housing,~~ shall prepare

SENATE BILL 44

1 a report on the bill within 30 days after it is introduced. The department may request
2 any information from other state agencies, local governments or individuals or
3 organizations that is reasonably necessary for the department to prepare the report.

4 **SECTION 7.** 13.0999 (3) (a) 5. of the statutes is amended to read:

5 13.0999 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

6 **SECTION 8.** 13.101 (6) (a) of the statutes is amended to read:

7 13.101 (6) (a) As an emergency measure necessitated by decreased state
8 revenues and to prevent the necessity for a state tax on general property, the
9 committee may reduce any appropriation made to any board, commission,
10 department, or the University of Wisconsin System, or to any other state agency or
11 activity, by such amount as it deems feasible, not exceeding 25% of the
12 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
13 (cr), and (r), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and
14 (6) (aq), (ar), and (at), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for
15 forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,
16 city, village, town, or school district. Appropriations of receipts and of a sum
17 sufficient shall for the purposes of this section be regarded as equivalent to the
18 amounts expended under such appropriations in the prior fiscal year which ended
19 June 30. All functions of said state agencies shall be continued in an efficient
20 manner, but because of the uncertainties of the existing situation no public funds
21 should be expended or obligations incurred unless there shall be adequate revenues
22 to meet the expenditures therefor. For such reason the committee may make
23 reductions of such appropriations as in its judgment will secure sound financial
24 operations of the administration for said state agencies and at the same time
25 interfere least with their services and activities.

SENATE BILL 44**SECTION 9**

1 **SECTION 9.** 13.101 (14) of the statutes is amended to read:

2 13.101 (14) With the concurrence of the joint committee on information policy
3 and technology, direct the department of ~~electronic government~~ administration to
4 report to the committee concerning any specific information technology system
5 project in accordance with s. 13.58 (5) (b) 4.

6 **SECTION 10.** 13.101 (16) (b) of the statutes is amended to read:

7 13.101 (16) (b) Annually, on June 15, beginning in 2004, the committee shall
8 transfer from the permanent endowment fund to the tobacco control fund the lesser
9 of ~~\$25,000,000~~ \$15,054,500 for fiscal year 2003-04, and the lesser of \$15,062,000 for
10 fiscal year 2004-05 and every fiscal year thereafter, or the proceeds of, and
11 investment earnings on, investments of the permanent endowment fund in the prior
12 calendar year.

13 **SECTION 11.** 13.121 (1) of the statutes is amended to read:

14 13.121 (1) CURRENT MEMBER. From the appropriation under s. 20.765 (1) (a) or
15 (b) or (5), each member of the legislature shall be paid, in equal installments, the
16 salary provided under s. 20.923.

17 **SECTION 12.** 13.121 (4) of the statutes is amended to read:

18 13.121 (4) INSURANCE. For the purpose of premium determinations under s.
19 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate
20 equivalent to a percentage of time worked recommended for such positions by the
21 secretary of ~~employment relations~~ administration and approved by the joint
22 committee on employment relations in the same manner as compensation for such
23 positions is determined under s. 20.923. This percentage of time worked shall be
24 applied to the sick leave accrual rate established under s. 230.35 (2). The approved
25 percentage shall be incorporated into the compensation plan under s. 230.12 (1).

SENATE BILL 44

1 **SECTION 13.** 13.123 (1) (a) 1. of the statutes is amended to read:

2 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
3 filed with the department of administration, the necessity of establishing a
4 temporary residence at the state capital for the period of any regular or special
5 legislative session shall be entitled to an allowance for expenses incurred for food and
6 lodging for each day that he or she is in Madison on legislative business, but not
7 including any Saturday or Sunday unless the legislator is in actual attendance on
8 such day at a session of the legislature or a meeting of a standing committee of which
9 the legislator is a member. The amount of the allowance for each biennial session
10 shall be 90% of the per diem rate for travel for federal government business within
11 the city of Madison, as established by the federal general services administration.
12 For the purpose of determining the amount of the allowance, the secretary of
13 ~~employment relations~~ administration shall certify to the chief clerk of each house the
14 federal per diem rate in effect on December 1, or the first business day thereafter if
15 December 1 is not a business day, in each even-numbered year. Each legislator shall
16 file an affidavit with the chief clerk of his or her house certifying the specific dollar
17 amount within the authorized allowance the member wishes to receive. Such
18 affidavit, when filed, shall remain in effect for the biennial session.

19 **SECTION 14.** 13.123 (1) (c) of the statutes is amended to read:

20 13.123 (1) (c) Each member shall certify to the chief clerk of the house in which
21 the member serves, as promptly as may be following the 1st of each month, the
22 number of days during the previous calendar month on which the member was in
23 Madison on legislative business and for which the member seeks the allowance
24 provided by this subsection. Such allowances shall be paid from the appropriation
25 under s. 20.765 (1) (a) or (b) or (5) within one week after each calendar month; and

SENATE BILL 44**SECTION 14**

1 shall be paid, upon the filing with the department of administration, the chief clerk's
2 affidavit stating the number of days in Madison on legislative business for all
3 members of the chief clerk's house.

4 **SECTION 15.** 13.123 (2) (intro.) of the statutes is amended to read:

5 13.123 (2) INTERIM EXPENSES. (intro.) From the appropriation under s. 20.765
6 (1) (a) or (b) or (5), each member of the legislature shall be entitled to an expense
7 allowance for postage and clerical assistance for each full calendar month during
8 which the legislature is in actual session 3 days or less. No allowance is payable to
9 a representative to the assembly unless the speaker of the assembly files with the
10 chief clerk of the assembly a written authorization for the allowance to be paid. No
11 allowance is payable to a senator unless the majority leader of the senate files with
12 the chief clerk of the senate a written authorization for the allowance to be paid. An
13 authorization filed under this subsection becomes effective for the month in which
14 it is filed and continues in effect through the month in which the speaker of the
15 assembly or the majority leader of the senate files a written revocation of the
16 authorization with the chief clerk of the appropriate house. The rate of such
17 allowance shall be as follows:

18 **SECTION 16.** 13.123 (3) (a) of the statutes is amended to read:

19 13.123 (3) (a) Any senator authorized by the committee on senate organization
20 to attend a meeting outside the state capital, any representative to the assembly
21 authorized by the committee on assembly organization to attend an out-of-state
22 meeting or authorized by the speaker to attend a meeting within this state outside
23 the state capital, and all members of the legislature required by law, legislative rule,
24 resolution or joint resolution to attend such meetings, shall be paid no additional
25 compensation for such services but shall be reimbursed for actual and necessary

SENATE BILL 44

1 expenses from the appropriation under s. 20.765 (1) (a) or (b) or (5), but no legislator
2 may be reimbursed under this subsection for expenses on any day for which the
3 legislator submits a claim under sub. (1).

4 **SECTION 17.** 13.125 of the statutes is amended to read:

5 **13.125 Chaplains.** The officiating chaplain of the senate and assembly shall
6 be paid such amount as may be established by each house for each day of service from
7 the appropriation under s. 20.765 (1) (a) or (b) or (5). Payment shall be made on
8 certification by the chief clerk of the senate or of the assembly, respectively, showing
9 the amount to which each chaplain is entitled.

10 **SECTION 18.** 13.14 (2) of the statutes is amended to read:

11 13.14 (2) FLORAL PIECES. The senate and assembly may procure floral pieces
12 for deceased or ill members of the legislature and state officers who, in the judgment
13 of the presiding officer and chief clerk, have been identified with the legislative
14 process. Such expenses shall be by voucher, signed by the presiding officer or chief
15 clerk of the respective house, and shall be drawn on the appropriation under s. 20.765
16 (1) (a) or (b) or (5).

17 **SECTION 19.** 13.14 (3) of the statutes is amended to read:

18 13.14 (3) TRAVEL; LEGISLATIVE PERSONNEL. The actual and necessary expenses
19 of legislative policy research personnel, assistants to legislators, and research staff
20 assigned to legislative committees incident to attending meetings outside the state
21 capital shall be reimbursed from the appropriation under s. 20.765 (1) (a) or (b) or
22 (5).

23 **SECTION 20.** 13.20 (2) of the statutes is amended to read:

24 13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall
25 be paid in accordance with the compensation and classification plan for employees

SENATE BILL 44**SECTION 20**

1 in the classified civil service within ranges approved by the joint committee on
2 legislative organization. The secretary of ~~employment relations~~ administration
3 shall make recommendations concerning a compensation and classification schedule
4 for legislative employees if requested to do so by the joint committee on legislative
5 organization or by the committee on organization of either house. If the joint
6 committee does not approve pay ranges for legislative employees, the committee on
7 organization of either house may approve pay ranges for its employees.
8 Appointments shall be made for the legislative session, unless earlier terminated by
9 the appointing officer.

10 **SECTION 21.** 13.40 (3) (b) of the statutes is amended to read:

11 13.40 (3) (b) An appropriation to honor a moral obligation undertaken
12 pursuant to ss. 16.523 (8), 16.526 (8), 16.527 (10), 18.61 (5), 85.25 (5), 101.143 (9m)
13 (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4), 234.42 (4), 234.54 (4) (b), 234.626
14 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59 (13m).

15 **SECTION 22.** 13.40 (3) (fm) of the statutes is created to read:

16 13.40 (3) (fm) An appropriation for the 2003-05 fiscal biennium to make
17 payments to counties, towns, villages, and cities under ss. 79.035 and 79.036.

18 **SECTION 23.** 13.40 (3) (i) 1. of the statutes is repealed.

19 **SECTION 24.** 13.45 (3) (a) of the statutes is amended to read:

20 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
21 13.123 (1), any legislator appointed to serve on a legislative committee or a
22 committee to which the legislator was appointed by either house or the officers
23 thereof shall be reimbursed from the appropriations under s. 20.765 (1) (a) or (b) or
24 (5) for actual and necessary expenses incurred as a member of the committee.

25 **SECTION 25.** 13.48 (2) (j) of the statutes is amended to read:

SENATE BILL 44

1 13.48 (2) (j) No later than the first day of the 7th month after the effective date
2 of each biennial budget act, the secretary of ~~employment relations~~ administration
3 shall report to the building commission, in writing, regarding the desirability of
4 including plans for day care facility space in the plans for any construction or major
5 remodeling project, enumerated in the state building program in the biennial budget
6 act, for any state office building. Based upon the report of the secretary of
7 ~~employment relations~~ administration, the building commission may direct that
8 plans for day care facility space be included in the plans for that construction or
9 major remodeling project.

10 **SECTION 26.** 13.48 (14) (c) of the statutes is amended to read:

11 13.48 (14) (c) If there is any outstanding public debt used to finance the
12 acquisition of a building, structure or land or the construction of a building or
13 structure that is sold or leased under par. (b), the building commission shall deposit
14 a sufficient amount of the net proceeds from the sale or lease of the building,
15 structure or land in the bond security and redemption fund under s. 18.09 to repay
16 the principal and pay the interest on the debt, and any premium due upon refunding
17 any of that debt. If there is no such debt outstanding, or, if the net proceeds exceed
18 the amount required to repay that principal and pay that interest and premium, the
19 building commission shall ~~credit~~ deposit the net proceeds or remaining net proceeds
20 ~~to in the appropriation account under s. 20.865 (4) (a)~~ budget stabilization fund.

21 **SECTION 27.** 13.50 (6) (am) of the statutes is amended to read:

22 13.50 (6) (am) The cochairpersons of the joint survey committee on retirement
23 systems or the cochairpersons of the joint committee on finance, with respect to any
24 bill or amendment specified in par. (a), or the presiding officer of either house of the
25 legislature, with respect to any bill or amendment specified in par. (a) that is pending

SENATE BILL 44**SECTION 27**

1 in his or her house, may make a determination, based on any available information,
2 that the bill or amendment may have a significant fiscal impact on the costs,
3 actuarial balance or goals of the Wisconsin ~~retirement system~~ Retirement System
4 and order the attachment of an independent actuarial opinion on such impact. The
5 cochairpersons or presiding officer ordering such an opinion shall direct the staff
6 under sub. (4) to obtain the opinion. The staff shall make payment for the opinion
7 from the appropriation under s. 20.765 (2) (ab) or (5).

8 **SECTION 28.** 13.51 (2) (b) of the statutes is amended to read:

9 13.51 (2) (b) The secretary of ~~employment relations~~ administration or the
10 secretary's designee.

11 **SECTION 29.** 13.56 (2) of the statutes is amended to read:

12 13.56 (2) PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint
13 committee for review of administrative rules or their designated agents shall accept
14 service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that
15 the legislature should be represented in the proceeding, it shall request the joint
16 committee on legislative organization to designate the legislature's representative
17 for the proceeding. The costs of participation in the proceeding shall be paid equally
18 from the appropriations under s. 20.765 (1) (a) and (b) or shall be paid from the
19 appropriation under s. 20.765 (5), if applicable, except that such costs incurred by the
20 department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

21 **SECTION 30.** 13.57 (3) of the statutes is amended to read:

22 13.57 (3) All expenses under sub. (1) shall be reimbursed from the
23 appropriation under s. 20.765 (1) (a) or (b) or (5).

24 **SECTION 31.** 13.58 (5) (a) 5. of the statutes is amended to read:

SENATE BILL 44

1 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of ~~electronic~~
2 ~~government~~ administration, the joint committee on legislative organization and the
3 director of state courts, review and transmit comments concerning the plans to the
4 entities submitting the plans.

5 **SECTION 32.** 13.58 (5) (b) 1. of the statutes is amended to read:

6 13.58 (5) (b) 1. Direct the department of ~~electronic government~~ administration
7 to conduct studies or prepare reports on items related to the committee's duties under
8 par. (a).

9 **SECTION 33.** 13.58 (5) (b) 4. (intro.) of the statutes is amended to read:

10 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
11 direct the department of ~~electronic government~~ administration to report
12 semiannually to the committee and the joint committee on finance concerning any
13 specific information technology system project which is being designed, developed,
14 tested or implemented and which the committees anticipate will have a total cost to
15 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
16 report shall include all of the following:

17 **SECTION 34.** 13.81 (6) of the statutes is amended to read:

18 13.81 (6) REIMBURSEMENT FOR SPECIAL STUDIES. At the end of each fiscal year,
19 the general fund shall be reimbursed, from any other state fund, the amounts
20 actually expended by the joint legislative council under s. 20.765 (3) (e) or (5) for the
21 cost of making and publishing surveys and analyses of activities and policies related
22 to such funds. The council shall bill such state funds at the end of each fiscal year
23 for the costs so incurred, in accordance with cost records maintained by the council.

24 **SECTION 35.** 13.81 (8) of the statutes is amended to read:

SENATE BILL 44**SECTION 35**

1 13.81 **(8)** CONFERENCE ON LEGISLATIVE PROCEDURES. Following each general
2 election, the joint legislative council shall sponsor a conference to acquaint new
3 legislators or legislators-elect with legislative procedures. Expenses for the
4 conference shall be paid from the appropriation under s. 20.765 (3) (e) or (5).

5 **SECTION 36.** 13.83 (3) (c) 1. of the statutes is amended to read:

6 13.83 **(3)** (c) 1. The joint legislative council shall pay the expenses incurred by
7 the members appointed under par. (b) 1., in performing their functions on the special
8 committee, from the appropriation under s. 20.765 (3) (e) or (5).

9 **SECTION 37.** 13.90 (2) of the statutes is amended to read:

10 13.90 **(2)** The cochairpersons of the joint committee on legislative organization
11 or their designated agent shall accept service made under s. 806.04 (11). If the
12 committee, the senate organization committee or the assembly organization
13 committee, determines that the legislature should be represented in the proceeding,
14 that committee shall designate the legislature's representative for the proceeding.
15 The costs of participation in the proceeding shall be paid equally from the
16 appropriations under s. 20.765 (1) (a) and (b) or shall be paid from the appropriation
17 under s. 20.765 (5), if applicable, except that such costs incurred by the department
18 of justice shall be paid from the appropriation under s. 20.455 (1) (d).

19 **SECTION 38.** 13.90 (4) of the statutes is amended to read:

20 13.90 **(4)** The cochairpersons of the joint committee on legislative organization
21 shall authorize payment of fees entitling the legislature to membership in national
22 organizations from the appropriation under s. 20.765 (3) (fa) or (5).

23 **SECTION 39.** 13.90 (6) of the statutes is amended to read:

24 13.90 **(6)** The joint committee on legislative organization shall adopt, revise
25 biennially and submit to the cochairpersons of the joint committee on information

SENATE BILL 44

1 policy and technology, the governor and the ~~chief information officer~~ secretary of
2 administration, no later than September 15 of each even-numbered year, a strategic
3 plan for the utilization of information technology to carry out the functions of the
4 legislature and legislative service agencies, as defined in s. 16.70 (6). The plan shall
5 address the business needs of the legislature and legislative service agencies and
6 shall identify all resources relating to information technology which the legislature
7 and legislative service agencies desire to acquire, contingent upon funding
8 availability, the priority for such acquisitions and the justification for such
9 acquisitions. The plan shall also identify any changes in the functioning of the
10 legislature and legislative service agencies under the plan.

11 **SECTION 40.** 13.92 (1) (b) 1. b. of the statutes is amended to read:

12 13.92 (1) (b) 1. b. Any agency, as defined in s. 16.70 ~~(1)~~ (1e), created under ch.
13 13, 14, 15, or 758.

14 **SECTION 41.** 13.92 (3) of the statutes is amended to read:

15 13.92 (3) TREATMENT OF CERTAIN LEGISLATIVE REFERENCE BUREAU EMPLOYEES.
16 Notwithstanding s. 230.08 (2) (fc), those employees holding positions in the classified
17 service at the legislative reference bureau on June 16, 1998, who have achieved
18 permanent status in class before that date, shall retain, while serving in the
19 unclassified service at the legislative reference bureau, those protections afforded
20 employees in the classified service under ss. 230.34 (1) ~~(a)~~ (ah) and 230.44 (1) (c)
21 relating to demotion, suspension, discharge, layoff or reduction in base pay. Such
22 employees shall also have reinstatement privileges to the classified service as
23 provided under s. 230.33 (1). Those employees of the legislative reference bureau
24 holding positions in the classified service on June 16, 1998, who have not achieved
25 permanent status in class in any position at the legislative reference bureau on that

SENATE BILL 44**SECTION 41**

1 date are eligible to receive the protections, privileges and rights preserved under this
2 subsection if they successfully complete service equivalent to the probationary
3 period required in the classified service for the position which they hold on that date.

4 **SECTION 42.** 13.93 (2) (h) of the statutes is amended to read:

5 13.93 (2) (h) Approve specifications and scheduling for computer databases
6 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
7 prescribed in ss. ~~22.03~~ 16.971 (6) and 35.56 (5).

8 **SECTION 43.** 13.93 (2) (k) of the statutes is amended to read:

9 13.93 (2) (k) Pay, from the appropriation under s. 20.765 (3) (a) or (5), the
10 expenses of attendance at meetings of members of the Commission on Uniform State
11 Laws who are appointed by the governor.

12 **SECTION 44.** 13.94 (1) (a) of the statutes is amended to read:

13 13.94 (1) (a) Audit the ~~books and accounts of the treasurer, the~~ moneys on hand
14 in the treasury and all bonds and securities belonging to all public funds on deposit
15 in the treasury or properly accounted for by the treasurer secretary of
16 administration, at least every 2 years; and report the result of such examination in
17 writing to the governor and the joint committee on finance, specifying therein
18 particularly the amount and kind of funds and of all such bonds and securities. The
19 bureau shall transmit a certified copy of such report to the ~~outgoing treasurer and~~
20 successor secretary of administration.

21 **SECTION 45.** 13.94 (1) (d) 1. of the statutes is amended to read:

22 13.94 (1) (d) 1. At least once every 2 years, and at such other times as the
23 governor or legislature directs, examine and see that all the money appearing by the
24 books of the department of administration ~~and state treasurer~~ as belonging to the
25 several funds is in the vaults of the treasury or in the several state depositories.

SENATE BILL 44

1 **SECTION 46.** 13.94 (1) (d) 2. of the statutes is amended to read:

2 13.94 (1) (d) 2. If the governor directs that such an examination be conducted,
3 the order from the governor shall provide for reimbursement of the legislative audit
4 bureau's costs in making the examination from the appropriation under s. 20.525 (1)
5 (a). No order from the governor for an examination under this paragraph may take
6 precedence over any examination already scheduled by the legislative audit bureau
7 without approval of the joint legislative audit committee. If a deficiency is discovered
8 pursuant to an examination under this paragraph, the governor shall require the
9 ~~treasurer~~ secretary of administration to make up the deficiency immediately; and if
10 the ~~treasurer~~ secretary of administration refuses or neglects for 10 days thereafter
11 to have the full sum belonging to said funds in the treasury the attorney general shall
12 institute proceedings to recover the deficiency.

13 **SECTION 47.** 13.94 (1) (f) of the statutes is amended to read:

14 13.94 (1) (f) ~~Certify~~ Whenever a new secretary of administration takes office,
15 certify to the incoming ~~treasurer~~ secretary the balance in the treasury when he or
16 she came into office and all bonds and securities belonging to all public funds on
17 deposit in the treasury or properly accounted for and transmit a certified copy thereof
18 to the outgoing ~~treasurer~~ secretary.

19 **SECTION 48.** 13.94 (1) (q) of the statutes is amended to read:

20 13.94 (1) (q) No later than February 1, 2006, prepare a performance evaluation
21 audit of the volunteer fire fighter and emergency medical technician service award
22 program established under s. ~~16.25~~ 560.9813. The legislative audit bureau shall file
23 a copy of the audit report under this paragraph with the distributees specified in par.
24 (b).

25 **SECTION 49.** 13.94 (1m) of the statutes is amended to read:

SENATE BILL 44**SECTION 49**

1 13.94 **(1m)** INDEPENDENT EXPERTS. The legislative audit bureau may contract
2 for the services of such independent professional or technical experts as deemed
3 necessary to carry out the statutory duties and functions of the bureau within the
4 limits of the amount provided under s. 20.765 (3) (c) or (5); and, in the case of
5 postaudits involving the performance and program accomplishments of a
6 department, shall contract for the services of such subject matter and program
7 specialists from any state or federal agency or public institution of higher learning
8 as deemed necessary by the joint committee on legislative organization.

9 **SECTION 50.** 13.94 (5) of the statutes is amended to read:

10 13.94 **(5)** TREATMENT OF CLASSIFIED EMPLOYEES. Notwithstanding sub. (3) (b),
11 those individuals holding positions in the classified service at the legislative audit
12 bureau who achieved permanent status in class on July 31, 1981, shall retain, while
13 serving in the unclassified service in the legislative audit bureau, those protections
14 afforded employees in the classified service under ss. 230.34 (1) (a) (ah) and 230.44
15 (1) (c) relating to demotion, suspension, discharge or layoff, except that the
16 applicability of any reduction in base pay of such an employee shall be determined
17 on the basis of the base pay received by the employee on July 31, 1981, plus the total
18 amount of any subsequent general economic increases approved by the joint
19 committee on employment relations for nonrepresented employees in the classified
20 service. Such employees shall also have reinstatement privileges to the classified
21 service as provided under s. 230.33 (1). Employees of the legislative audit bureau
22 holding positions in the classified service on July 31, 1981, who have not achieved
23 permanent status in class in any position in the legislative audit bureau on that date
24 are eligible to receive the protections and privileges preserved under this subsection

SENATE BILL 44

1 if they successfully complete the probationary period required for the position which
2 they hold.

3 **SECTION 51.** 14.20 (1) (a) of the statutes is amended to read:

4 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~22.01~~ 16.97
5 (7).

6 **SECTION 52.** 14.20 (2) of the statutes is amended to read:

7 14.20 (2) From the ~~appropriations~~ appropriation under s. 20.525 (1) (f) ~~and (kf)~~,
8 the governor may provide a grant to any local governmental unit or nonprofit
9 organization for support of a literacy improvement program.

10 **SECTION 53.** 14.38 (10) (c) of the statutes is amended to read:

11 14.38 (10) (c) Publish in the official state newspaper within 10 days after the
12 date of publication of an act a notice certifying the number of each act, the number
13 of the bill from which it originated, the date of publication and the relating clause.
14 Each certificate shall also contain a notice of where the full text of each act can be
15 obtained. Costs under this paragraph shall be charged to the appropriation under
16 s. 20.765 (1) (d) or (5).

17 **SECTION 54.** 14.58 (1) (intro.) of the statutes is repealed and recreated to read:

18 14.58 (1) SIGN CHECKS, SHARE DRAFTS, AND OTHER DRAFTS. (intro.) Sign checks,
19 share drafts, and other drafts on depositories in which moneys may be deposited in
20 one of the following methods:

21 **SECTION 55.** 14.58 (2) of the statutes is renumbered 16.401 (2) and amended
22 to read:

23 16.401 (2) ISSUE RECEIPTS. Issue receipts for all money paid to the ~~treasurer~~
24 department.

25 **SECTION 56.** 14.58 (3) of the statutes is renumbered 16.401 (3).

SENATE BILL 44**SECTION 57**

1 **SECTION 57.** 14.58 (4) of the statutes is renumbered 16.401 (4) and amended
2 to read:

3 16.401 (4) PAY ON WARRANTS SUMS AUTHORIZED BY LAW. (a) Pay out of the treasury,
4 on demand, upon the warrants of the department of ~~administration~~, except as
5 provided in s. 20.929, such sums only as are authorized by law to be so paid, if there
6 are appropriate funds therein to pay the same, and, when any sum is required to be
7 paid out of a particular fund, pay it out of such fund only; and upon each such
8 warrant, when payment is made in currency, take the receipt endorsed on or annexed
9 thereto, of the payee therein named or an authorized agent or assignee. The state
10 ~~treasurer~~ secretary shall accept telephone advice believed by ~~the treasurer~~ him or
11 her to be genuine from any public depository, as defined in s. 34.01 (5), stating that
12 a specified amount of money has been deposited with such public depository for the
13 credit of the state ~~treasurer~~, and shall act upon such telephone advice as though it
14 had been in writing.

15 (b) When in the judgment of the ~~state treasurer~~ secretary balances in state
16 public depository accounts are temporarily in excess of that required under par. (a),
17 ~~the treasurer, with the concurrence of the secretary of administration,~~ may authorize
18 ~~the preparation of a warrant in excess of the funds contained in~~ transfer the excess
19 balance to the investment fund for the purpose of investment only. The earnings
20 attributable to the investment of temporary excess balances shall be distributed as
21 provided in sub. ~~(19)~~ (14).

22 **SECTION 58.** 14.58 (5) of the statutes is renumbered 16.401 (5) and amended
23 to read:

24 16.401 (5) ACCOUNT FOR INTEREST. Pay into the treasury and account for all
25 sums directly or indirectly received by the ~~treasurer~~ secretary by virtue of the

SENATE BILL 44

1 ~~treasurer's~~ secretary's office, or as interest or compensation for the use, deposit, or
2 forbearance of any state moneys in the ~~treasurer's~~ secretary's hands or under the
3 ~~treasurer's~~ secretary's control.

4 **SECTION 59.** 14.58 (6) of the statutes is renumbered 16.401 (6) and amended
5 to read:

6 16.401 (6) **KEEP CASH AND FUND ACCOUNTS.** Keep records showing the number,
7 date, and amount of each cash receipt issued by the ~~treasurer's office~~ department and
8 classify said receipts by state funds; submit a summary statement of collections by
9 fund together with a copy of each remittance advice in support thereof; keep also
10 records showing the check, share draft, or other draft number, date, payee, and
11 amount of each cash disbursement and classify said disbursements by state funds;
12 keep a record of the date, payee, and amount of each disbursement made by a money
13 transfer technique other than a check or draft and classify the disbursement by state
14 fund; and verify at the end of each week the amounts shown by the ~~treasurer's~~
15 secretary's records to represent total cash balance and cash balances of individual
16 state funds by comparing said amounts with corresponding balances appearing on
17 records maintained by the department of ~~administration~~.

18 **SECTION 60.** 14.58 (8) (intro.) and (a) to (c) of the statutes are renumbered
19 16.401 (7) (intro.) and (a) to (c).

20 **SECTION 61.** 14.58 (8) (d) of the statutes is repealed.

21 **SECTION 62.** 14.58 (9) of the statutes is renumbered 16.401 (8) and amended
22 to read:

23 16.401 (8) **BIENNIAL SUBMIT BIENNIAL REPORT.** ~~On or before October 15 of each~~
24 ~~odd-numbered year, submit to the governor and the chief clerk of each house of the~~
25 ~~legislature, for distribution to the legislature under s. 13.172 (2), a report containing~~

SENATE BILL 44**SECTION 62**

1 ~~the same information required of departments and independent agencies under s.~~
2 ~~15.04 (1) (d).~~ As part of the report submitted under s. 15.04 (1)
3 (d), include a statement showing for each of the 2 preceding fiscal years the cash
4 balance in each state fund at the beginning of the fiscal year, the aggregate amount
5 of receipts credited, and the aggregate amount of disbursements charged to each said
6 fund during the fiscal year and the resultant cash balance in each state fund at the
7 end of the fiscal year. This statement shall further show as of the end of each said
8 2 fiscal years, at par, the aggregate value of securities held for each state fund and
9 the aggregate value of securities held in trust or deposited for safekeeping, and shall
10 show the manner in which the total cash balance was accounted for by listing the
11 balances on deposit in each state account in a public depository, deducting from the
12 total of such balances the aggregate amount of checks, share drafts, or other drafts
13 outstanding and adding thereto the aggregate amount of cash and cash items in
14 office.

15 **SECTION 63.** 14.58 (10) of the statutes is renumbered 16.401 (9) and amended
16 to read:

17 16.401 (9) REPORT CERTAIN PAYMENTS. Whenever the state treasurer secretary
18 or any state department shall remit to any county, city, town, or village any sum in
19 payment of a state aid or other item, the remitter shall transmit a statement of the
20 amount and purpose thereof to the clerk of such municipality. After the receipt
21 thereof, the clerk of such municipality shall present such statement at the next
22 regular meeting of the governing body and shall thereafter file and keep such
23 statement for 6 years.

24 **SECTION 64.** 14.58 (12) of the statutes is renumbered 16.401 (10) and amended
25 to read:

SENATE BILL 44

1 16.401 (10) STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped
2 upon each check, share draft, and other draft issued by the ~~state treasurer~~ secretary
3 the period of time, as determined by the ~~state treasurer~~ secretary but not to exceed
4 one year, during which the check or other draft may be presented for payment. The
5 ~~state treasurer~~ secretary shall cancel on his or her records any check or other draft
6 that is not presented for payment within the prescribed time period and shall credit
7 the amount thereof to the fund upon which it is drawn. ~~Notice of such cancellation~~
8 ~~and credit shall be immediately submitted by the state treasurer to the department~~
9 ~~of administration.~~

10 **SECTION 65.** 14.58 (13) of the statutes is renumbered 16.401 (11) and amended
11 to read:

12 16.401 (11) ~~SERVICES~~ PROVIDE SERVICES IN CONNECTION WITH SECURITIES HELD IN
13 TRUST. Upon request therefor from any company, corporation, society, order, or
14 association ~~which~~ that has securities on deposit with the ~~treasurer~~ secretary, in
15 trust, mail to its address not to exceed 60 days before the same become due, any or
16 all interest coupons; return to it any or all bonds, notes, or other deposits as they
17 become due and are replaced by other securities; cut all interest coupons, make any
18 endorsement of interest or otherwise on any such securities; and collect therefor from
19 the company, corporation, society, order, or association making the request, a 25-cent
20 fee for a single coupon cut, or for each entry of interest endorsed on a note or return
21 of a bond, note, or other security, and a 10-cent fee for each additional coupon cut,
22 or entry of interest endorsed on a note, bond, or other security, and may withhold any
23 and all coupons cut or refuse endorsement of interest on securities until such fee is
24 paid. Such fees shall be paid into the state treasury as a part of the general fund,
25 and an extra charge may be required for postage or registered mail.

SENATE BILL 44**SECTION 66**

1 **SECTION 66.** 14.58 (17) of the statutes is renumbered 16.401 (12) and amended
2 to read:

3 **16.401 (12)** ~~SAFEKEEPING~~ HOLD SAFEKEEPING RECEIPTS FOR FEDERAL SECURITIES.
4 Whenever any federal securities are purchased under authority of any law and the
5 ~~state treasurer~~ secretary is custodian thereof the ~~treasurer~~ secretary may accept and
6 hold safekeeping receipts of a federal reserve bank for such securities. Each such
7 receipt shall be identified on its face with the name of the fund to which the securities
8 described in the receipt belong.

9 **SECTION 67.** 14.58 (18) of the statutes is renumbered 16.401 (13) and amended
10 to read:

11 **16.401 (13)** SALE OF INVESTMENTS. Whenever the department of administration
12 draws a check, share draft, or other draft dated the next following business day upon
13 a fund whose investment and collection is under the exclusive control of the
14 investment board pursuant to s. 25.17 (1), and the receipts of the state ~~treasurer~~ are
15 insufficient to permit a disbursement from said fund in the amount of such check,
16 share draft, or other draft, the investment board shall sell investments owned by
17 such fund for delivery in time to provide sufficient money to cover such check, share
18 draft, or other draft on the date which that it bears.

19 **SECTION 68.** 14.58 (19) of the statutes is renumbered 16.401 (14).

20 **SECTION 69.** 14.58 (21) of the statutes is repealed.

21 **SECTION 70.** 14.63 (11m) of the statutes is amended to read:

22 **14.63 (11m)** FINANCIAL AID CALCULATIONS. The value of tuition units shall not
23 be included in the calculation of a beneficiary's eligibility for state financial aid for
24 higher education if the beneficiary notifies the ~~higher educational aids~~ board and the
25 institution of higher education that the beneficiary is planning to attend that he or

SENATE BILL 44

1 she is a beneficiary of a contract under this section and the contract owner agrees to
2 release to the ~~higher educational aids board~~ and the institution of higher education
3 information necessary for the calculation under this subsection.

4 **SECTION 71.** 14.64 (8) of the statutes is amended to read:

5 14.64 (8) FINANCIAL AID CALCULATIONS. The balance of a college savings account
6 shall not be included in the calculation of a beneficiary's eligibility for state financial
7 aid for higher education if the beneficiary notifies the ~~higher educational aids board~~
8 Board of Regents of the University of Wisconsin System and the eligible educational
9 institution that the beneficiary is planning to attend that he or she is a beneficiary
10 of a college savings account and if the account owner agrees to release to the ~~higher~~
11 ~~educational aids board~~ Board of Regents of the University of Wisconsin System and
12 the eligible educational institution information necessary for the calculation under
13 this subsection.

14 **SECTION 72.** 14.65 (1) of the statutes is amended to read:

15 14.65 (1) The secretary of administration shall transfer from the tuition trust
16 fund or the college savings program trust fund to the general fund an amount equal
17 to the amount expended from the appropriations under s. 20.505 (9) (a), 1995 stats.,
18 and s. 20.585 (2) (a), 2001 stats., and s. 20.585 (2) (am), 2001 stats., when the
19 secretary of administration determines that funds in the tuition trust fund or the
20 college savings program trust fund are sufficient to make the transfer. The secretary
21 of administration may make the transfer in installments.

22 **SECTION 73.** 15.01 (2) of the statutes is amended to read:

23 15.01 (2) "Commission" means a 3-member governing body in charge of a
24 department or independent agency or of a division or other subunit within a
25 department, except for the Wisconsin waterways commission which shall consist of

SENATE BILL 44**SECTION 73**

1 5 members, the parole commission which shall consist of 8 members, and the Fox
2 River management commission which shall consist of 7 members. A Wisconsin group
3 created for participation in a continuing interstate body, or the interstate body itself,
4 shall be known as a "commission", but is not a commission for purposes of s. 15.06.
5 The parole commission created under s. 15.145 (1) shall be known as a "commission",
6 but is not a commission for purposes of s. 15.06. The sentencing commission created
7 under s. ~~15.105 (27)~~ 15.145 (4) shall be known as a "commission" but is not a
8 commission for purposes of s. 15.06 (1) to (4m), (7), and (9).

9 **SECTION 74.** 15.03 of the statutes is amended to read:

10 **15.03 Attachment for limited purposes.** Any division, office, commission,
11 council or board attached under this section to a department or independent agency
12 or a specified division thereof shall be a distinct unit of that department, independent
13 agency or specified division. Any division, office, commission, council or board so
14 attached shall exercise its powers, duties and functions prescribed by law, including
15 rule making, licensing and regulation, and operational planning within the area of
16 program responsibility of the division, office, commission, council or board,
17 independently of the head of the department or independent agency, but budgeting,
18 program coordination and related management functions shall be performed under
19 the direction and supervision of the head of the department or independent agency,
20 ~~except that with respect to the office of the commissioner of railroads, all personnel~~
21 ~~and biennial budget requests by the office of the commissioner of railroads shall be~~
22 ~~provided to the department of transportation as required under s. 189.02 (7) and~~
23 ~~shall be processed and properly forwarded by the public service commission without~~
24 ~~change except as requested and concurred in by the office of the commissioner of~~
25 ~~railroads.~~

SENATE BILL 44

1 **SECTION 75.** 15.06 (1) (ar) of the statutes is repealed.

2 **SECTION 76.** 15.06 (1) (bm) of the statutes is created to read:

3 15.06 (1) (bm) The tax appeals commissioner shall be nominated by the
4 governor, and with the advice and consent of the senate, appointed for a 6-year term
5 expiring on March 1 of an odd-numbered year.

6 **SECTION 77.** 15.06 (1) (d) of the statutes is repealed.

7 **SECTION 78.** 15.07 (1) (a) 1. of the statutes is repealed.

8 **SECTION 79.** 15.07 (1) (b) 5. of the statutes is amended to read:

9 15.07 (1) (b) 5. Savings and loan institutions review board.

10 **SECTION 80.** 15.07 (1) (b) 18. of the statutes is repealed.

11 **SECTION 81.** 15.07 (2) (k) of the statutes is repealed.

12 **SECTION 82.** 15.07 (2) (L) of the statutes is amended to read:

13 15.07 (2) (L) The governor shall serve as chairperson of the information
14 technology management board and the ~~chief information officer~~ the secretary of
15 administration or his or her designee shall serve as secretary of that board.

16 **SECTION 83.** 15.07 (2) (m) of the statutes is created to read:

17 15.07 (2) (m) The chairperson of the state prosecutor's board shall be
18 designated annually by the governor.

19 **SECTION 84.** 15.07 (5) (g) of the statutes is amended to read:

20 15.07 (5) (g) Members of the savings and loan institutions review board, \$10
21 per day.

22 **SECTION 85.** 15.07 (5) (gm) of the statutes is repealed.

23 **SECTION 86.** 15.103 (2) of the statutes is repealed.

24 **SECTION 87.** 15.103 (3m) of the statutes is created to read:

SENATE BILL 44**SECTION 87**

1 15.103 **(3m)** DIVISION OF MERIT RECRUITMENT AND SELECTION. (a) There is created
2 in the department of administration a division of merit recruitment and selection.

3 (b) The chief justice of the supreme court, the speaker of the assembly, the
4 president of the senate, and two individuals appointed by the governor, one of whom
5 may not be employed by the state, or their designees, shall compile a list of 3 qualified
6 individuals to serve as the administrator of the division of merit recruitment and
7 selection in the department of administration. The governor shall select an
8 individual from this list to serve as administrator or the governor shall request that
9 the chief justice of the supreme court, the speaker of the assembly, the president of
10 the senate, and two individuals appointed by the governor, one of whom may not be
11 employed by the state, or their designees, submit another list of 3 qualified
12 individuals. The chief justice of the supreme court, the speaker of the assembly, the
13 president of the senate, and two individuals appointed by the governor, one of whom
14 may not be employed by the state, or their designees, shall continue to submit lists
15 of 3 qualified individuals until such time that the governor selects an individual from
16 a list. The individual selected shall be nominated by the governor and, with the
17 advice and consent of the senate, appointed for a 5-year term.

18 **SECTION 88.** 15.105 (1) of the statutes is repealed.

19 **SECTION 89.** 15.105 (1m) of the statutes is created to read:

20 15.105 **(1m)** OFFICE OF COMMISSIONER OF TAX APPEALS. There is created an office
21 of the commissioner of tax appeals which is attached to the department of
22 administration under s. 15.03. The tax appeals commissioner shall be experienced
23 in tax matters. The commissioner may not serve on or under any committee of a
24 political party. The commissioner shall hold office until a successor is appointed and
25 qualified.

SENATE BILL 44

1 **SECTION 90.** 15.105 (4) of the statutes is amended to read:

2 15.105 (4) PUBLIC RECORDS BOARD. There is created a public records board which
3 is attached to the department of administration under s. 15.03. The public records
4 board shall consist of the governor, the director of the historical society, the attorney
5 general, the state auditor, and the director of the legislative council staff, or their
6 designated representatives, and a representative of the small business community,
7 a representative of ~~a local unit of government~~ the governing body of a municipality,
8 as defined in s. ~~106.215 (1) (e)~~ 281.59 (1) (c), and one other member.

9 **SECTION 91.** 15.105 (6) of the statutes is created to read:

10 15.105 (6) STATE PROSECUTORS BOARD. (a) There is created a state prosecutors
11 board which is attached to the department of administration under s. 15.03 and
12 which shall consist of eight district attorneys appointed by the governor.

13 (b) 1. Subject to subd. 2., the members of the state prosecutors board shall be
14 appointed for 4-year terms.

15 2. A person may not serve as a member of the board if he or she ceases to hold
16 the office of district attorney.

17 (c) Notwithstanding the provisions of any statute or ordinance, membership on
18 the state prosecutors board does not disqualify a member from holding any other
19 public office or employment.

20 **SECTION 92.** 15.105 (11) of the statutes is repealed.

21 **SECTION 93.** 15.105 (12) (e) of the statutes is repealed.

22 **SECTION 94.** 15.105 (12) (f) of the statutes is amended to read:

23 15.105 (12) (f) *Assistance*. The ~~executive director~~ board may request any state
24 agency to provide assistance necessary for the board to fulfill its duties.

25 **SECTION 95.** 15.105 (25) of the statutes is repealed.

SENATE BILL 44**SECTION 96**

1 **SECTION 96.** 15.105 (26) of the statutes is renumbered 15.155 (5), and 15.155
2 (5) (a) (intro.), as renumbered, is amended to read:

3 15.155 (5) (a) (intro.) There is created a volunteer fire fighter and emergency
4 medical technician service award board that is attached to the department of
5 ~~administration~~ commerce under s. 15.03. The board shall consist of the secretary of
6 ~~administration~~ commerce or his or her designee and the following members
7 appointed for 3-year terms:

8 **SECTION 97.** 15.105 (27) of the statutes is renumbered 15.145 (4), and 15.145
9 (4) (a) (intro.), as renumbered, is amended to read:

10 15.145 (4) (a) *Creation; membership.* (intro.) There is created a sentencing
11 commission that is attached to the department of ~~administration~~ corrections under
12 s. 15.03 and that shall consist of the following members:

13 **SECTION 98.** 15.107 (7) (f) of the statutes is amended to read:

14 15.107 (7) (f) A representative of the department of ~~electronic government~~
15 administration.

16 **SECTION 99.** 15.13 of the statutes is amended to read:

17 **15.13 Department of agriculture, trade and consumer protection;**
18 **creation.** There is created a department of agriculture, trade and consumer
19 protection under the direction and supervision of the board of agriculture, trade and
20 consumer protection. The board shall consist of ~~7~~ 9 members with an agricultural
21 background and ~~2~~ members who are consumer representatives, appointed for
22 staggered 6-year terms. Appointments to the board shall be made without regard
23 to party affiliation, residence or interest in any special organized group.

24 **SECTION 100.** 15.137 (1) (a) (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 100**

1 15.137 (1) (a) (intro.) There is created in the department of agriculture, trade
2 and consumer protection an agricultural producer security council consisting of the
3 following members appointed by the secretary of agriculture, trade, and rural
4 resources for 3-year terms:

5 **SECTION 101.** 15.16 (1) (intro.) of the statutes is amended to read:

6 15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds
7 board shall consist of the governor or the governor's designee on the group insurance
8 board, the secretary of ~~employment relations~~ administration or the secretary's
9 designee and 11 persons appointed or elected for 4-year terms as follows:

10 **SECTION 102.** 15.165 (2) of the statutes is amended to read:

11 15.165 (2) GROUP INSURANCE BOARD. There is created in the department of
12 employee trust funds a group insurance board. The board shall consist of the
13 governor, the attorney general, the secretary of administration, ~~the secretary of~~
14 ~~employment relations~~ and the commissioner of insurance or their designees, and 5
15 persons appointed for 2-year terms, of whom one shall be an insured participant in
16 the Wisconsin retirement system who is not a teacher, one shall be an insured
17 participant in the Wisconsin retirement system who is a teacher, one shall be an
18 insured participant in the Wisconsin retirement system who is a retired employee,
19 and one shall be an insured employee of a local unit of government.

20 **SECTION 103.** 15.17 of the statutes is repealed.

21 **SECTION 104.** 15.173 of the statutes is repealed.

22 **SECTION 105.** 15.175 (title) of the statutes is repealed.

23 **SECTION 106.** 15.175 (1) of the statutes is renumbered 15.105 (25m) and
24 amended to read:

SENATE BILL 44**SECTION 106**

1 15.105 (**25m**) STATE EMPLOYEES SUGGESTION BOARD. There is created in the
2 department of ~~employment relations~~ administration a state employees suggestion
3 board consisting of 3 persons, at least one of whom shall be a state officer or employee,
4 appointed for 4-year terms.

5 **SECTION 107.** 15.177 (title) of the statutes is repealed.

6 **SECTION 108.** 15.177 (1) of the statutes is renumbered 15.107 (16m), and 15.107
7 (16m) (a), as renumbered, is amended to read:

8 15.107 (**16m**) (a) There is created in the department of ~~employment relations~~
9 administration a council on affirmative action consisting of 15 members appointed
10 for 3-year terms. A majority of the members shall be public members and a majority
11 of the members shall be minority persons, women and persons with a disability
12 appointed with consideration to the appropriate representation of each group.

13 **SECTION 109.** 15.183 (2) of the statutes is repealed.

14 **SECTION 110.** 15.185 (3) of the statutes is amended to read:

15 15.185 (**3**) SAVINGS AND LOAN INSTITUTIONS REVIEW BOARD. There is created in the
16 department of financial institutions a savings and ~~loan~~ institutions review board
17 consisting of 7 5 members, at least 5 3 of whom shall have not less than 10 5 years'
18 experience in the savings and loan or savings bank business in this state, appointed
19 for ~~staggered 4-year~~ 5-year terms.

20 **SECTION 111.** 15.185 (4) of the statutes is repealed.

21 **SECTION 112.** 15.195 (1) of the statutes is repealed.

22 **SECTION 113.** 15.21 of the statutes is repealed.

23 **SECTION 114.** 15.215 (title) of the statutes is repealed.

24 **SECTION 115.** 15.215 (1) of the statutes is renumbered 15.105 (28) and amended
25 to read:

SENATE BILL 44**SECTION 115**

1 15.105 **(28)** INFORMATION TECHNOLOGY MANAGEMENT BOARD. There is created an
2 information technology management board that is attached to the department of
3 ~~electronic government~~ administration under s. 15.03. The board shall consist of the
4 governor, the cochairpersons of the joint committee on information policy and
5 technology or a member of the legislature from the same house as a cochairperson
6 designated by that cochairperson, one member of the minority party in each house
7 of the legislature, appointed in the same manner as members of standing committees
8 are appointed, the secretary of administration, 2 heads of departments or
9 independent agencies appointed to serve at the pleasure of the governor, 2 other
10 members appointed to serve for 4-year terms, and the ~~chief information officer~~
11 secretary of administration or his or her designee.

12 **SECTION 116.** 15.225 (2) of the statutes is repealed.

13 **SECTION 117.** 15.225 (3) (title) of the statutes is renumbered 15.227 (18) (title)
14 and amended to read:

15 15.227 **(18)** (title) GOVERNOR'S WORK-BASED LEARNING BOARD COUNCIL.

16 **SECTION 118.** 15.225 (3) (a) of the statutes is renumbered 15.227 (18) (a) and
17 amended to read:

18 15.227 **(18)** (a) There is created a governor's work-based learning board ~~which~~
19 ~~is attached to the department of workforce development under s. 15.03~~ council
20 consisting of the members specified in par. (b).

21 **SECTION 119.** 15.225 (3) (b) (intro.) of the statutes is renumbered 15.227 (18)
22 (b) (intro.) and amended to read:

23 15.227 **(18)** (b) (intro.) The governor's work-based learning board council shall
24 consist of the following members:

SENATE BILL 44**SECTION 120**

1 **SECTION 120.** 15.225 (3) (b) 1. of the statutes is renumbered 15.227 (18) (b) 1.
2 and amended to read:

3 15.227 (18) (b) 1. The governor, who shall serve as chairperson of the council.

4 **SECTION 121.** 15.225 (3) (b) 2. of the statutes is renumbered 15.227 (18) (b) 2.

5 **SECTION 122.** 15.225 (3) (b) 3. of the statutes is renumbered 15.227 (18) (b) 3.

6 **SECTION 123.** 15.225 (3) (b) 4. of the statutes is renumbered 15.227 (18) (b) 4.

7 **SECTION 124.** 15.225 (3) (b) 5. of the statutes is renumbered 15.227 (18) (b) 5.

8 **SECTION 125.** 15.225 (3) (b) 6. of the statutes is renumbered 15.227 (18) (b) 6.

9 **SECTION 126.** 15.225 (3) (b) 6g. of the statutes is renumbered 15.227 (18) (b) 6g.

10 **SECTION 127.** 15.225 (3) (b) 6m. of the statutes is renumbered 15.227 (18) (b)
11 6m.

12 **SECTION 128.** 15.225 (3) (b) 7g. of the statutes is renumbered 15.227 (18) (b) 7g.

13 **SECTION 129.** 15.225 (3) (b) 8g. of the statutes is renumbered 15.227 (18) (b) 8g.

14 **SECTION 130.** 15.225 (3) (b) 8m. of the statutes is renumbered 15.227 (18) (b)
15 8m.

16 **SECTION 131.** 15.225 (3) (b) 9. of the statutes is renumbered 15.227 (18) (b) 9.

17 **SECTION 132.** 15.253 (4) of the statutes is repealed.

18 **SECTION 133.** 15.255 (2) (b) 4. of the statutes is amended to read:

19 15.255 (2) (b) 4. Two members, who are citizens of this state but who are not
20 employed in law enforcement, by a district attorney, or as specified in subd. 3., who
21 are citizens of this state and who are not assignable prosecutors, as defined in s.
22 978.001 (1c).

23 **SECTION 134.** 15.67 of the statutes is repealed.

24 **SECTION 135.** 15.78 of the statutes is amended to read:

SENATE BILL 44**SECTION 135**

1 **15.78 Public defender board.** There is created a public defender board
2 consisting of 9 members appointed for staggered 3-year terms. No member may be,
3 or be employed on the staff of, a judicial or law enforcement officer, district attorney,
4 corporation counsel, or the state public defender. No member may be an assignable
5 prosecutor, as defined in s. 978.001 (1c). At least 5 members shall be members of the
6 State Bar of Wisconsin.

7 **SECTION 136.** 15.79 of the statutes is amended to read:

8 **15.79 Public service commission; creation.** There is created a public
9 service commission. No member of the commission may have a financial interest in
10 a ~~railroad or~~ public utility. If any member voluntarily becomes so interested, the
11 member's office shall become vacant. If the member involuntarily becomes so
12 interested, the member's office shall become vacant unless the member divests
13 himself or herself of the interest within a reasonable time. No commissioner may
14 serve on or under any committee of a political party. Each commissioner shall hold
15 office until a successor is appointed and qualified.

16 **SECTION 137.** 15.795 of the statutes is repealed.

17 **SECTION 138.** 15.80 of the statutes is repealed.

18 **SECTION 139.** 16.003 (2) of the statutes is amended to read:

19 16.003 (2) STAFF. Except as provided in ss. 16.548, 16.57, 978.03 (1), (1m), and
20 (2), 978.04 and, 978.05 (8) (b), and 978.14 (1) (d), the secretary shall appoint the staff
21 necessary for performing the duties of the department. All staff shall be appointed
22 under the classified service except as otherwise provided by law.

23 **SECTION 140.** 16.004 (7) (a) of the statutes is amended to read:

24 16.004 (7) (a) The secretary shall establish and maintain a personnel
25 management information system which shall be used to furnish the governor, and

SENATE BILL 44**SECTION 140**

1 the legislature and the department of employment relations with current
2 information pertaining to authorized positions, payroll and related items for all civil
3 service employees, except employees of the office of the governor, the courts and
4 judicial branch agencies, and the legislature and legislative service agencies. It is
5 the intent of the legislature that the University of Wisconsin System provide position
6 and other information to the department and the legislature, which includes
7 appropriate data on each position, facilitates accountability for each authorized
8 position and traces each position over time. Nothing in this paragraph may be
9 interpreted as limiting the authority of the board of regents of the University of
10 Wisconsin System to allocate and reallocate positions by funding source within the
11 legally authorized levels.

12 **SECTION 141.** 16.004 (15) of the statutes is created to read:

13 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
14 office, commission, department, independent agency, or board in the executive
15 branch of state government, and includes the building commission.

16 (b) The department may provide legal services to state agencies. Annually, the
17 department shall assess each state agency for the cost of the legal services provided
18 to the state agency. The department shall credit all moneys received from state
19 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

20 **SECTION 142.** 16.006 of the statutes is amended to read:

21 **16.006 Treatment of classified employees.** Those individuals holding
22 positions in the classified service in the department who are engaged in legislative
23 text processing functions and who achieved permanent status in class on August 9,
24 1989, shall retain, while serving in the unclassified service in the legislature or any
25 legislative branch agency, those protections afforded employees in the classified

SENATE BILL 44**SECTION 142**

1 service under ss. 230.34 (1) ~~(a)~~ (ah) and 230.44 (1) (c) relating to demotion,
2 suspension, discharge, layoff, or reduction in base pay except that the applicability
3 of any reduction in base pay of such an employee shall be determined on the basis
4 of the base pay received by the employee on August 9, 1989, plus the total amount
5 of any subsequent general economic increases provided in the compensation plan
6 under s. 230.12 for nonrepresented employees in the classified service. Such
7 employees shall also have reinstatement privileges to the classified service as
8 provided under s. 230.33 (1). Employees of the department holding positions in the
9 classified service on August 9, 1989, who are engaged in legislative text processing
10 functions and who have not achieved permanent status in class in any position in the
11 department on that date are eligible to receive the protections and privileges
12 preserved under this section if they successfully complete service equivalent to the
13 probationary period required in the classified service for the positions which they
14 hold.

15 **SECTION 143.** 16.009 (3) (intro.), (a) and (bm) of the statutes are consolidated,
16 renumbered 16.009 (3) and amended to read:

17 16.009 (3) The board may: ~~(a) Contract~~ contract with any state agency to carry
18 out the board's activities. ~~(bm) Employ an attorney for, including the provision of~~
19 legal services in accordance with requirements of the long-term care ombudsman
20 program under 42 USC 3027 (a) (12) and 42 USC 3058g (g).

21 **SECTION 144.** 16.009 (5) (c) of the statutes is repealed.

22 **SECTION 145.** 16.009 (5) (d) of the statutes is amended to read:

23 16.009 (5) (d) Any employee of an ~~employer not described in par. (c) and~~ who
24 is discharged or otherwise retaliated or discriminated against in violation of par. (a)

SENATE BILL 44**SECTION 145**

1 may file a complaint with the department of workforce development under s. 106.54
2 (5).

3 **SECTION 146.** 16.009 (5) (e) of the statutes is amended to read:

4 16.009 (5) (e) Any person not described in par. (e) ~~or~~ (d) who is retaliated or
5 discriminated against in violation of par. (a) may commence an action in circuit court
6 for damages incurred as a result of the violation.

7 **SECTION 147.** 16.023 (2) of the statutes is amended to read:

8 16.023 (2) In conjunction with the working group established under sub. (1) (L)
9 1., the council shall, not later than one year after October 14, 1997, develop
10 evaluation criteria for its functions under sub. (1). The council shall complete a
11 report that contains an evaluation of its functions and activities not later than
12 September 1, ~~2002~~ 2004, and shall submit the report to the chief clerk of each house
13 of the legislature, for distribution to the legislature under s. 13.172 (2), and to the
14 governor. The report shall also include a recommendation as to whether the council
15 should continue in existence past its sunset date specified in s. 15.107 (16) (e) and,
16 if so, a recommendation as to whether any structural modifications should be made
17 to the council's functions or to the state's land use programs.

18 **SECTION 148.** 16.023 (3) of the statutes is amended to read:

19 16.023 (3) Subsections (1) and (2) do not apply after August 31, ~~2003~~ 2005.

20 **SECTION 149.** 16.25 of the statutes is renumbered 560.9813, and 560.9813 (3)
21 (d) and (4), as renumbered, are amended to read:

22 560.9813 (3) (d) 1. Subject to subd. 2., the board shall match all annual
23 municipal contributions paid for volunteer fire fighters and emergency medical
24 technicians up to \$250 per fiscal year, other than contributions paid for the purchase
25 of additional years of service under par. (e), to be paid from the appropriation account

SENATE BILL 44

1 under s. ~~20.505 (4) (er)~~ 20.143 (1) (eu). This amount shall be adjusted annually on
2 July 1 to reflect any changes in the U.S. consumer price index for all urban
3 consumers, U.S. city average, as determined by the U.S. department of labor, for the
4 12-month period ending on the preceding December 31. The board shall pay all
5 amounts that are matched under this paragraph to the individuals and
6 organizations offering the plans selected by the municipalities.

7 2. If the moneys appropriated under s. ~~20.505 (4) (er)~~ 20.143 (1) (eu) are not
8 sufficient to fully fund the contributions required to be paid by the board under subd.
9 1., the board shall prorate the contributions paid for the volunteer fire fighters and
10 emergency medical technicians.

11 (4) (a) The board shall establish by rule the requirements for, and the
12 qualifications of, the individuals and organizations in the private sector that are
13 eligible to provide administrative services and investment plans under the program,
14 other than services funded from the appropriation under s. ~~20.505 (4) (ee)~~ 20.143 (1)
15 (et). In establishing the requirements and qualifications, the board shall develop
16 criteria of financial stability that each individual and organization must meet in
17 order to offer the services and plans under the program.

18 (b) The board may contract with any individual or organization in the private
19 sector that seeks to provide administrative services and investment plans required
20 for the program, other than services funded from the appropriation under s. ~~20.505~~
21 ~~(4) (ee)~~ 20.143 (1) (et), if the individual or organization fulfills the requirements and
22 has the qualifications established by the board under par. (a). Section 16.72 (2) (b)
23 does not apply to any such contract.

24 **SECTION 150.** Subchapter II (title) of chapter 16 [precedes 16.30] of the statutes
25 is renumbered subchapter X (title) of chapter 560 [precedes 560.9801].

SENATE BILL 44**SECTION 151**

1 **SECTION 151.** 16.30 of the statutes is renumbered 560.9801.

2 **SECTION 152.** 16.31 of the statutes is renumbered 560.9802.

3 **SECTION 153.** 16.33 of the statutes, as affected by 2001 Wisconsin Act 109, is
4 renumbered 560.9803, and 560.9803 (1) (a) and (3) (a), as renumbered, are amended
5 to read:

6 560.9803 (1) (a) Subject to sub. (2), make grants or loans, directly or through
7 agents designated under s. ~~16.334~~ 560.9804, from the appropriation under s. ~~20.505~~
8 ~~(7) 20.143 (2)~~ (b) to persons or families of low or moderate income to defray housing
9 costs of the person or family.

10 (3) (a) The department may make grants or loans under sub. (1) (a) directly or
11 through agents designated under s. ~~16.334~~ 560.9804.

12 **SECTION 154.** 16.334 of the statutes is renumbered 560.9804, and 560.9804 (1)
13 (a) and (c), as renumbered, are amended to read:

14 560.9804 (1) (a) Award grants and loans under s. ~~16.33~~ 560.9803 (1) and (2)
15 subject to the approval of the department.

16 (c) On terms approved by the department, administer and disburse funds from
17 a grant or loan under s. ~~16.33~~ 560.9803 on behalf of the recipient of the grant or loan.

18 **SECTION 155.** 16.336 of the statutes is renumbered 560.9805.

19 **SECTION 156.** 16.339 of the statutes is renumbered 560.9806, and 560.9806 (2)
20 (a), as renumbered, is amended to read:

21 560.9806 (2) (a) From the appropriation under s. ~~20.505 (7) 20.143 (2)~~ (fm), the
22 department may award a grant to an eligible applicant for the purpose of providing
23 transitional housing and associated supportive services to homeless individuals and
24 families if the conditions under par. (b) are satisfied. The department shall ensure

SENATE BILL 44**SECTION 156**

1 that the funds for the grants are reasonably balanced among geographic areas of the
2 state, consistent with the quality of applications submitted.

3 **SECTION 157.** 16.35 of the statutes is renumbered 560.9815.

4 **SECTION 158.** 16.351 of the statutes is renumbered 560.9807, and 560.9807 (1),
5 as renumbered, is amended to read:

6 560.9807 (1) GRANTS. From moneys available under s. ~~20.505 (7)~~ 20.143 (2) (h),
7 the department shall make grants to organizations, including organizations
8 operated for profit, that provide shelter or services to homeless individuals or
9 families.

10 **SECTION 159.** 16.352 of the statutes is renumbered 560.9808, and 560.9808 (2)
11 (a) and (b) (intro.), as renumbered, are amended to read:

12 560.9808 (2) (a) From the appropriations under s. ~~20.505 (7)~~ 20.143 (2) (fm) and
13 (h), the department shall award grants to eligible applicants for the purpose of
14 supplementing the operating budgets of agencies and shelter facilities that have or
15 anticipate a need for additional funding because of the renovation or expansion of an
16 existing shelter facility, the development of an existing building into a shelter facility,
17 the expansion of shelter services for homeless persons, or an inability to obtain
18 adequate funding to continue the provision of an existing level of services.

19 (b) (intro.) The department shall allocate funds from the appropriations under
20 s. ~~20.505 (7)~~ 20.143 (2) (fm) and (h) for temporary shelter for homeless individuals
21 and families as follows:

22 **SECTION 160.** 16.358 of the statutes is renumbered 560.9809, and 560.9809 (1),
23 as renumbered, is amended to read:

24 560.9809 (1) The department may administer housing programs, including the
25 housing improvement grant program and the initial rehabilitation grant program,

SENATE BILL 44**SECTION 160**

1 that are funded by a community development block grant, 42 USC 5301 to 5320,
2 under a contract entered into with the department of commerce under s. 560.045.

3 **SECTION 161.** 16.375 of the statutes is renumbered 560.9810.

4 **SECTION 162.** 16.385 of the statutes is renumbered 16.27, and 16.27 (3) (b), (c),
5 (d) and (e) (intro.), 1. and 7., as renumbered, are amended to read:

6 16.27 (3) (b) By October 1 of every year from the appropriation under s. 20.505
7 ~~(7) (e)~~ 20.505 (1) (mb), determine the total amount available for payment of heating
8 assistance under sub. (6) and determine the benefit schedule.

9 (c) From the appropriation under s. 20.505 ~~(7) (m)~~ 20.505 (1) (mb), allocate
10 \$1,100,000 in each federal fiscal year for the department's expenses in administering
11 the funds to provide low-income energy assistance.

12 (d) From the appropriation under s. 20.505 ~~(7) (e)~~ 20.505 (1) (mb), allocate
13 \$2,900,000 in each federal fiscal year for the expenses of a county department,
14 another local governmental agency or a private nonprofit organization in
15 administering under sub. (4) the funds to provide low-income energy assistance.

16 (e) (intro.) From the appropriation under s. 20.505 ~~(7) (e)~~ 20.505 (1) (mb):

17 1. Allocate and transfer to the appropriation under s. 20.505 ~~(7) (km)~~ (1) (kn),
18 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year
19 under the priority of maintaining funding for the geographical areas on July 20,
20 1985, and, if funding is reduced, prorating contracted levels of payment, for the
21 weatherization assistance program administered by the department under s. 16.39
22 16.26.

23 7. By October 1 of each year and after consulting with the department of
24 administration, allocate funds budgeted but not spent and any funds remaining from

SENATE BILL 44**SECTION 162**

1 previous fiscal years to heating assistance under sub. (6) or to the weatherization
2 assistance program under s. ~~16.39~~ 16.26.

3 **SECTION 163.** 16.39 of the statutes is renumbered 16.26.

4 **SECTION 164.** 16.40 (18) of the statutes is amended to read:

5 16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES. Require each state agency, at
6 the time that the agency submits a request to the department for an increased
7 appropriation to be provided in an executive budget bill which is necessitated by the
8 compensation plan under s. 230.12 or a collective bargaining agreement approved
9 under s. 111.92, to provide a copy of the request to ~~the secretary of employment~~
10 ~~relations and~~ the joint committee on employment relations.

11 **SECTION 165.** 16.401 (intro.) of the statutes is created to read:

12 **16.401 Treasury management.** (intro.) The department shall:

13 **SECTION 166.** 16.401 (1) of the statutes is created to read:

14 16.401 (1) HAVE CUSTODY OF MONEYS. Receive and have charge of all moneys
15 paid into the treasury and any other moneys received by officers and employees of
16 state agencies, and pay out the moneys as directed by law, except as provided in ss.
17 16.52 (7), 20.907 (5) (b), 20.920, and 20.929.

18 **SECTION 167.** 16.406 of the statutes is created to read:

19 **16.406 Request to issue certain general obligation debt.** Annually, on or
20 before September 1, but not after 2005, the department shall prepare an estimate of
21 the net balances of the general fund for the fiscal year corresponding with the year
22 in which the department makes an estimate under this section. Copies of the
23 estimates shall be provided to the cochairpersons of the joint committee on finance
24 and to the legislative fiscal bureau. If the estimated net general fund balance for the
25 fiscal year, as certified by the department, is less than the estimated net general fund

SENATE BILL 44**SECTION 167**

1 balance for that fiscal year as shown in the most recent schedule under s. 20.005 (1),
2 the secretary of administration may request that the building commission refund the
3 whole or any part of any unpaid indebtedness used to finance tax-supported or
4 self-amortizing facilities from moneys appropriated under s. 20.866 (2) (xe).

5 **SECTION 168.** 16.412 of the statutes is amended to read:

6 **16.412 Agency payments.** At the request of any agency, the secretary, ~~with~~
7 ~~the approval of the state treasurer,~~ may authorize the processing of specified regular
8 periodic payments through the use of money transfer techniques including, without
9 limitation because of enumeration, direct deposit, electronic funds transfer, and
10 automated clearinghouse procedures.

11 **SECTION 169.** 16.415 (1) of the statutes is amended to read:

12 16.415 (1) Neither the secretary nor any other fiscal officer of this state may
13 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
14 the treasurer or other disbursing officer of the state to pay any compensation to any
15 person in the classified service of the state unless an estimate, payroll, or account for
16 such compensation, containing the names of every person to be paid, bears the
17 certificate of the appointing authority that each person named in the estimate,
18 payroll or account has been appointed, employed, or subject to any other personnel
19 transaction in accordance with, and that the pay for the person has been established
20 in accordance with, the law, compensation plan, or applicable collective bargaining
21 agreement, and applicable rules of the ~~secretary of employment relations and the~~
22 ~~administrator of the division of merit recruitment and selection in the department~~
23 ~~of employment relations then in effect.~~

24 **SECTION 170.** 16.415 (1) of the statutes, as affected by 2003 Wisconsin Act ...
25 (this act), is amended to read:

SENATE BILL 44**SECTION 170**

1 16.415 (1) Neither the secretary nor any other fiscal officer of this state may
2 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
3 ~~the treasurer or other~~ any disbursing officer of the state to pay any compensation to
4 any person in the classified service of the state unless an estimate, payroll, or account
5 for such compensation, containing the names of every person to be paid, bears the
6 certificate of the appointing authority that each person named in the estimate,
7 payroll, or account has been appointed, employed, or subject to any other personnel
8 transaction in accordance with, and that the pay for the person has been established
9 in accordance with, the law, compensation plan, or applicable collective bargaining
10 agreement, and applicable rules of the administrator of the division of merit
11 recruitment and selection in the department then in effect.

12 **SECTION 171.** 16.415 (3) of the statutes is amended to read:

13 16.415 (3) Any sums paid contrary to this section may be recovered from any
14 appointing authority making such appointments in contravention of law or of the
15 rules promulgated pursuant thereto, or from any appointing authority signing or
16 countersigning or authorizing the signing or countersigning of any warrant for the
17 payment of the same, or from the sureties on the official bond of any such appointing
18 authority, in an action in the circuit court for any county within the state, maintained
19 by the secretary of ~~employment relations~~ administration, or by a citizen resident
20 therein, who is assessed for, and liable to pay, or within one year before the
21 commencement of the action has paid, a state, city or county tax within this state.
22 All moneys recovered in any action brought under this section when collected, shall
23 be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such
24 action he or she shall be entitled to receive for personal use the taxable cost of such
25 action and 5% of the amount recovered as attorney fees.

SENATE BILL 44**SECTION 172**

1 **SECTION 172.** 16.43 of the statutes is amended to read:

2 **16.43 Budget compiled.** The secretary shall compile and submit to the
3 governor or the governor-elect and to each person elected to serve in the legislature
4 during the next biennium, not later than November 20 of each even-numbered year,
5 a compilation giving all of the data required by s. 16.46 to be included in the state
6 budget report, except the recommendations of the governor and the explanation
7 thereof. The secretary shall not include in the compilation any provision for the
8 development or implementation of an information technology development project
9 for an executive branch agency that is not consistent with the strategic plan of the
10 agency, as approved under s. ~~22.13~~ 16.976.

11 **SECTION 173.** 16.50 (1) (b) of the statutes is amended to read:

12 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
13 (2) (ac) and (r), 20.835, and 20.865 (4).

14 **SECTION 174.** 16.50 (3) of the statutes is amended to read:

15 16.50 (3) **LIMITATION ON INCREASE OF FORCE AND SALARIES.** No department, except
16 the legislature or the courts, may increase the pay of any employee, expend money
17 or incur any obligation except in accordance with the estimate that is submitted to
18 the secretary as provided in sub. (1) and approved by the secretary or the governor.
19 No change in the number of full-time equivalent positions authorized through the
20 biennial budget process or other legislative act may be made without the approval
21 of the joint committee on finance, except for position changes made by the governor
22 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
23 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
24 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,
25 the funding for any position, as defined in s. 230.03 (11), as well as the funding for

SENATE BILL 44**SECTION 174**

1 part-time or limited term employees until such time as the secretary determines
2 that the filling of the position or the expending of funds is consistent with s. 16.505
3 and with the intent of the legislature as established by law or in budget
4 determinations, or the intent of the joint committee on finance in creating or
5 abolishing positions under s. 13.10, the intent of the governor in creating or
6 abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents
7 of the University of Wisconsin System in creating or abolishing positions under s.
8 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification
9 for the position may not be undertaken. The secretary shall submit a quarterly
10 report to the joint committee on finance of any position changes made by the governor
11 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or
12 within the pay ranges prescribed in the compensation plan or as provided in a
13 collective bargaining agreement under subch. V of ch. 111. ~~At the request of the~~
14 ~~secretary of employment relations, the~~ The ~~secretary of administration~~ may
15 authorize the temporary creation of pool or surplus positions under any source of
16 funds if the secretary of ~~employment relations~~ determines that temporary positions
17 are necessary to maintain adequate staffing levels for high turnover classifications,
18 in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
19 or pool positions authorized by the secretary shall be reported quarterly to the joint
20 committee on finance in conjunction with the report required under s. 16.54 (8).

21 **SECTION 175.** 16.502 of the statutes is created to read:

22 **16.502 Calculation of positions.** In any report prepared by the department
23 that calculates the number of positions, as defined in s. 230.03 (11), the department
24 shall separately calculate and present in the report the University of Wisconsin
25 Hospitals and Clinics Board's positions; positions of the board of regents of the

SENATE BILL 44**SECTION 175**

1 University of Wisconsin System funded by gifts, grants, auxiliary enterprises
2 revenue, or federal revenue; and all remaining positions in state government.

3 **SECTION 176.** 16.505 (1) (intro.) of the statutes is amended to read:

4 16.505 (1) (intro.) Except as provided in subs. (2), (2d), (2m), (2n), and (2p), no
5 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
6 created or abolished unless authorized by one of the following:

7 **SECTION 177.** 16.505 (2d) of the statutes is created to read:

8 16.505 (2d) The department of revenue may request the governor to create a
9 full-time equivalent position or portion thereof funded from gross lottery revenues,
10 as defined in s. 25.75 (1) (b), in the department of revenue to perform services relating
11 to the state lottery that are not performed by one or more persons under contract with
12 the department of administration. Upon receiving such a request, the governor may
13 change the authorized level of full-time equivalent positions funded from such
14 revenues in the department of revenue in accordance with this subsection. The
15 governor may approve a different authorized level of positions than is requested. If
16 the governor proposes to change the number of full-time equivalent positions, the
17 governor shall notify the joint committee on finance in writing of his or her proposed
18 action. If the cochairpersons of the committee do not notify the governor that the
19 committee has scheduled a meeting for the purpose of reviewing the proposed action
20 within 14 working days after the date of the governor's notification, the position
21 changes may be made as proposed by the governor. If, within 14 working days after
22 the date of the governor's notification, the cochairpersons of the committee notify the
23 governor that the committee has scheduled a meeting for the purpose of reviewing
24 the proposed action, the position changes may be made under this subsection only
25 upon approval of the committee.

SENATE BILL 44**SECTION 178**

1 **SECTION 178.** 16.52 (6) (a) of the statutes is amended to read:

2 16.52 **(6)** (a) Except as authorized in s. 16.74, all purchase orders, contracts,
3 or printing orders for any agency, as defined in s. 16.70 ~~(1)~~ (1e), shall, before any
4 liability is incurred thereon, be submitted to the secretary for his or her approval as
5 to legality of purpose and sufficiency of appropriated and allotted funds therefor. In
6 all cases the date of the contract or order governs the fiscal year to which the contract
7 or order is chargeable, unless the secretary determines that the purpose of the
8 contract or order is to prevent lapsing of appropriations or to otherwise circumvent
9 budgetary intent. Upon such approval, the secretary shall immediately encumber
10 all contracts or orders, and indicate the fiscal year to which they are chargeable.

11 **SECTION 179.** 16.52 (10) of the statutes is amended to read:

12 16.52 **(10)** DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
13 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal
14 year shall not apply to the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
15 (r).

16 **SECTION 180.** 16.523 of the statutes is created to read:

17 **16.523 Purchase of bonds issued by Badger Tobacco Asset**
18 **Securitization Corporation; revenue obligations.** (1) There is established a
19 tobacco settlement bond purchase program, to be administered by the department,
20 to purchase any bonds issued by Badger Tobacco Asset Securitization Corporation.
21 The legislature finds and determines that the tobacco settlement bond purchase
22 program is likely to produce sufficient net income to pay when due the principal of
23 and interest on revenue obligations issued by the state to make the purchase and,
24 thereby, constitutes a revenue-producing enterprise or program, as defined in s.
25 18.52 (6).

SENATE BILL 44**SECTION 180**

1 **(2)** The net proceeds of revenue obligations issued under subch. II of ch. 18, as
2 authorized under this section, shall be deposited in a fund in the state treasury, or
3 an account maintained by a trustee, created under s. 18.57 (1). The moneys shall be
4 applied for ancillary payments and the provision of reserves, as determined by the
5 building commission, and for the purchase by the department of any bonds issued
6 by Badger Tobacco Asset Securitization Corporation, as determined by the
7 department, and any remainder shall be paid into a tobacco settlement bond
8 purchase program redemption fund created under s. 18.561 (5) or the tobacco
9 settlement bond purchase program repayment fund, or both, as provided in the
10 authorizing resolution.

11 **(3)** The department shall have all powers necessary and convenient to
12 distribute the revenues from the tobacco settlement bond purchase program and the
13 proceeds of the revenue obligations issued under this section in accordance with
14 subch. II of ch. 18.

15 **(4)** The department may enter into agreements with the federal government
16 or its agencies, political subdivisions of this state, individuals, or private entities to
17 insure, or in any other manner provide, additional security for the revenue
18 obligations issued under this section.

19 **(5)** (a) Subject to the limitation under par. (b), the building commission may
20 contract revenue obligations under this section in the maximum amount that the
21 building commission believes can be fully paid on a timely basis from moneys
22 received or anticipated to be received from the tobacco settlement bond purchase
23 program.

24 (b) The requirements for funds for the tobacco settlement bond purchase
25 program to be paid from revenue obligations issued under this section shall be

SENATE BILL 44

1 determined by the secretary of administration, but shall not exceed \$1,600,000,000
2 to purchase, acquire, conduct, control, operate, or manage the tobacco settlement
3 bond purchase program.

4 (6) Unless otherwise expressly provided in resolutions authorizing the
5 issuance of revenue obligations under this section or in other agreements with the
6 owners of revenue obligations, each issue of revenue obligations under this section
7 shall be on a parity with every other revenue obligation issued under this section and
8 in accordance with subch. II of ch. 18.

9 (7) As determined by the building commission, any moneys deposited into the
10 tobacco settlement bond purchase program repayment fund that are not required for
11 paying principal of and premium, if any, and interest on revenue obligations and
12 providing for reserves and for ancillary payments authorized to be paid from such
13 moneys are transferred in equal amounts to the tobacco control fund and to the
14 general fund.

15 (8) Recognizing its moral obligation to do so, the legislature expresses its
16 expectation and aspiration that, if the funds in the tobacco settlement bond purchase
17 program repayment fund are insufficient to pay the principal of and interest on the
18 revenue obligations issued under subch. II of ch. 18 pursuant to this section, the
19 legislature shall make an appropriation from the general fund sufficient to pay the
20 principal of and interest on the obligations or to replenish a reserve fund, if
21 applicable.

22 **SECTION 181.** 16.526 of the statutes is created to read:

23 **16.526 Payment of the state's unfunded prior service liability under**
24 **the Wisconsin Retirement System; revenue obligations.** (1) For purposes of
25 subch. II of ch. 18, the purpose of paying of the state's unfunded prior service liability

SENATE BILL 44**SECTION 181**

1 under s. 40.05 (2) (b) is a special fund program, and the excise tax fund is a special
2 fund. The legislature finds and determines that the excise tax fund is a segregated
3 fund consisting of fees, penalties, or excise taxes and that the special program to pay
4 the state's unfunded prior service liability under s. 40.05 (2) (b) from the net proceeds
5 of revenue obligations issued under this section is appropriate and will serve a public
6 purpose.

7 (2) The net proceeds of revenue obligations issued under subch. II of ch. 18, as
8 authorized under this section, shall be deposited in a fund in the state treasury, or
9 an account maintained by a trustee, created under s. 18.57 (1). The moneys shall be
10 applied for ancillary payments and for the provision of reserves, as determined by
11 the building commission, and for the payment of part or all of the state's unfunded
12 prior service liability under s. 40.05 (2) (b), as determined by the department, and
13 any remainder shall be paid into a prior service liability obligation redemption fund
14 created under 18.562 (3).

15 (3) The department shall have all powers necessary and convenient to
16 distribute the excise tax fund revenues and to distribute the proceeds of the revenue
17 obligations issued under this section in accordance with subch. II of ch. 18.

18 (4) The department may enter into agreements with the federal government
19 or its agencies, political subdivisions of this state, individuals, or private entities to
20 insure, or in any other manner provide, additional security for the revenue
21 obligations issued under this section.

22 (5) (a) Subject to the limitation under par. (b), the building commission may
23 contract revenue obligations, payable from the excise tax fund, under this section in
24 the maximum amount that the building commission believes can be fully paid on a
25 timely basis from moneys received or anticipated to be received in the excise tax fund.

SENATE BILL 44**SECTION 181**

1 (b) The requirements for funds used for the payment of the state's unfunded
2 prior service liability under s. 40.05 (2) (b) that are to be paid from revenue
3 obligations issued under this section shall be determined by the secretary, but shall
4 not exceed \$750,000,000.

5 (6) Unless otherwise expressly provided in resolutions authorizing the
6 issuance of revenue obligations under this section or in other agreements with the
7 owners of revenue obligations, each issue of revenue obligations under this section
8 shall be on a parity with every other revenue obligation issued under this section and
9 in accordance with subch. II of ch. 18.

10 (7) As determined by the building commission, any moneys deposited in the
11 excise tax fund that are not required for the retirement of revenue obligations and
12 providing for reserves and for ancillary payments authorized to be paid from such
13 moneys are transferred to the general fund.

14 (8) Recognizing its moral obligation to do so, the legislature expresses its
15 expectation and aspiration that, if the funds in the excise tax fund are insufficient
16 to pay the principal of and interest on the revenue obligations issued under subch.
17 II of ch. 18 pursuant to this section, the legislature shall make an appropriation from
18 the general fund sufficient to pay the principal and interest on the obligations or to
19 replenish a reserve fund, if applicable.

20 **SECTION 182.** 16.527 of the statutes is created to read:

21 **16.527 Retirement of state's unfunded prior service liability under the**
22 **Wisconsin Retirement System; appropriation obligations. (1) LEGISLATIVE**
23 **FINDING AND DETERMINATION.** Recognizing that the state, by prepaying part or all of
24 the state's unfunded prior service liability under s. 40.05 (2) (b), may reduce its costs
25 and better ensure the timely and full payment of retirement benefits to participants

SENATE BILL 44**SECTION 182**

1 and their beneficiaries under the Wisconsin Retirement System, the legislature finds
2 and determines that it is in the public interest for the state to issue appropriation
3 obligations to pay part or all of the state’s unfunded prior service liability under s.
4 40.05 (2) (b).

5 **(2) DEFINITIONS.** In this section:

6 (a) “Appropriation obligation” means an undertaking by the state to repay a
7 certain amount of borrowed money that is all of the following:

8 1. Payable from moneys annually appropriated by law for debt service due with
9 respect to such undertaking in that year.

10 2. Used for the purpose of paying part or all of the state’s unfunded prior service
11 liability under s. 40.05 (2) (b).

12 3. Not public debt under s. 18.01 (4).

13 (b) “Evidence of appropriation obligation” means a written promise to pay an
14 appropriation obligation.

15 (c) “Refunding obligation” means an appropriation obligation contracted to
16 fund or refund all or any part of one or more outstanding appropriation obligations.

17 **(3) AUTHORIZATION OF APPROPRIATION OBLIGATIONS.** (a) The department shall
18 have all powers necessary and convenient to carry out its duties, and exercise its
19 authority, under this section.

20 (b) 1. Subject to the limitation under subd. 2., the department may contract
21 appropriation obligations of the state under this section.

22 2. Appropriation obligations issued under this section may not exceed
23 \$750,000,000 in principal amount, excluding any obligations that have been
24 defeased under a cash optimization program administered by the building
25 commission. In addition to this limit on principal amount, the department may

SENATE BILL 44

1 contract appropriation obligations as the department determines is desirable to fund
2 or refund outstanding appropriation obligations issued under this section, to pay
3 issuance or administrative expenses, to make deposits to reserve funds, to pay
4 accrued or funded interest, to pay the costs of credit enhancement, or to make
5 payments under other agreements entered into under sub. (4) (e).

6 (4) TERMS. (a) Money may be borrowed and evidences of appropriation
7 obligation issued therefor pursuant to one or more written authorizing certifications
8 under sub. (5), unless otherwise provided in the certification, at any time, in any
9 specific amounts, at any rates of interest, for any term, payable at any intervals, at
10 any place, in any manner, and having any other terms or conditions that the
11 department considers necessary or useful. Appropriation obligations may bear
12 interest at variable or fixed rates, bear no interest, or bear interest payable only at
13 maturity or upon redemption prior to maturity.

14 (b) The department may authorize evidences of appropriation obligation
15 having any provisions for prepayment considered necessary or useful, including the
16 payment of any premium.

17 (c) Interest shall cease to accrue on an appropriation obligation on the date that
18 the obligation becomes due for payment if payment is made or duly provided for, but
19 the obligation and accrued interest shall continue to be a binding obligation
20 according to its terms until 6 years overdue for payment, or such longer period as may
21 be required by federal law. At that time, unless demand for its payment has been
22 made, it shall be extinguished and considered no longer outstanding.

23 (d) All money borrowed by the state pursuant to evidences of appropriation
24 obligation issued under this section shall be lawful money of the United States, and
25 all appropriation obligations shall be payable in such money.

SENATE BILL 44**SECTION 182**

1 (e) At the time of, or in anticipation of, contracting for the appropriation
2 obligations and at any time thereafter so long as the appropriation obligations are
3 outstanding, the department may enter into agreements and ancillary
4 arrangements relating to the appropriation obligations, including trust indentures,
5 liquidity facilities, remarketing or dealer agreements, letter of credit agreements,
6 insurance policies, guaranty agreements, reimbursement agreements, indexing
7 agreements, or interest exchange agreements. Any payments made or received
8 pursuant to any such agreement or ancillary arrangement shall be made from or
9 deposited into a program revenue appropriation account in the general fund.

10 (f) All evidences of appropriation obligation owned or held by any state fund are
11 outstanding in all respects and the state agency controlling the fund shall have the
12 same rights with respect to an evidence of appropriation obligation as a private party,
13 but if any sinking fund acquires evidences of appropriation obligation that gave rise
14 to such fund, the obligations are considered paid for all purposes and no longer
15 outstanding and shall be canceled as provided in sub. (8) (e). All evidences of
16 appropriation obligation owned by any state fund shall be registered to the fullest
17 extent registrable.

18 (g) The state shall not be generally liable on evidences of appropriation
19 obligation and evidences of appropriation obligation shall not be a debt of the state
20 for any purpose whatsoever. Evidences of appropriation obligation, including the
21 principal thereof and interest thereon, shall be payable only from amounts that the
22 legislature may, from year to year, appropriate for the payment thereof.

23 **(5) PROCEDURES.** (a) No evidence of appropriation obligation may be issued by
24 the state unless the issuance is pursuant to a written authorizing certification. The
25 certification shall set forth the aggregate principal amount of appropriation

SENATE BILL 44

1 obligations authorized thereby, the manner of sale of the evidences of appropriation
2 obligation, and the form and terms thereof. The certification shall be signed by the
3 secretary, or his or her designee, and shall be transmitted to the governor and the
4 state treasurer.

5 (b) Appropriation obligations may be sold at either public or private sale and
6 may be sold at any price or percentage of par value. The department may provide
7 in any authorizing certification for refunding obligations under sub. (7) that they be
8 exchanged privately in payment and discharge of any of the outstanding obligations
9 being refinanced. All appropriation obligations sold at public sale shall be noticed
10 as provided in the authorizing certification. Any bid received at public sale may be
11 rejected.

12 **(6) FORM.** (a) Evidences of appropriation obligation may be in the form of
13 bonds, notes, or other evidences of obligation, and may be issued in book-entry form
14 or in certificated form. Notwithstanding s. 403.104 (1), every evidence of
15 appropriation obligation is a negotiable instrument.

16 (b) Every evidence of appropriation obligation shall be executed in the name
17 of and for the state by the governor and the state treasurer and shall be sealed with
18 the great seal of the state or a facsimile thereof. The facsimile signature of either the
19 governor or state treasurer, or both, may be imprinted in lieu of the manual signature
20 of such officer, as the department directs, if approved by such officer. An evidence
21 of appropriation obligation bearing the manual or facsimile signature of a person in
22 office at the time such signature was signed or imprinted shall be fully valid
23 notwithstanding that before or after the delivery thereof such person ceased to hold
24 such office.

SENATE BILL 44**SECTION 182**

1 (c) Every evidence of appropriation obligation shall be dated not later than the
2 date issued, shall contain a reference by date to the appropriate authorizing
3 certification, shall state the limitation established in sub. (4) (g), and shall be in
4 accordance with the authorizing certification.

5 (d) An evidence of appropriation obligation shall be in such form and contain
6 such statements or terms as determined by the department, and may not conflict
7 with law or with the appropriate authorizing certification.

8 **(7) REFUNDING OBLIGATIONS.** (a) 1. The department may authorize the issuance
9 of appropriation obligation refunding obligations. Refunding obligations may be
10 issued, subject to any contract rights vested in owners of obligations being
11 refinanced, to refinance all or any part of one or more issue of obligations
12 notwithstanding that the obligations may have been issued at different times. The
13 principal amount of the refunding obligations may not exceed the sum of: the
14 principal amount of the obligations being refinanced; applicable redemption
15 premiums; unpaid interest on the obligations to the date of delivery or exchange of
16 the refunding obligations; in the event the proceeds are to be deposited in trust as
17 provided in par. (c), interest to accrue on the obligations from the date of delivery to
18 the date of maturity or to the redemption date selected by the department, whichever
19 is earlier; and the expenses incurred in the issuance of the refunding obligations and
20 the payment of the obligations.

21 2. A determination by the department that a refinancing is advantageous or
22 that any of the amounts provided subd. 1. should be included in the refinancing shall
23 be conclusive.

24 (b) If the department determines to exchange refunding obligations, they may
25 be exchanged privately for and in payment and discharge of any of the outstanding

SENATE BILL 44

1 obligations being refinanced. Refunding obligations may be exchanged for such
2 principal amount of the obligations being exchanged therefor as may be determined
3 by the department to be necessary or advisable. The owners of the obligations being
4 refunded who elect to exchange need not pay accrued interest on the refunding
5 obligations if and to the extent that interest is accrued and unpaid on the obligations
6 being refunded and to be surrendered. If any of the obligations to be refinanced are
7 to be called for redemption, the department shall determine which redemption dates
8 are to be used, if more than one date is applicable and shall, prior to the issuance of
9 the refunding obligations, provide for notice of redemption to be given in the manner
10 and at the times required by the certification authorizing the outstanding
11 obligations.

12 (c) 1. The principal proceeds from the sale of any refunding obligations shall
13 be applied either to the immediate payment and retirement of the obligations being
14 refinanced or, if the obligations have not matured and are not presently redeemable,
15 to the creation of a trust for and shall be pledged to the payment of the obligations
16 being refinanced.

17 2. If a trust is created, a separate deposit shall be made for each issue of
18 appropriation obligations being refinanced. Each deposit shall be with the state
19 treasurer or a bank or trust company that is a member of the Federal Deposit
20 Insurance Corporation. If the total amount of any deposit, including money other
21 than sale proceeds but legally available for such purpose, is less than the principal
22 amount of the obligations being refinanced and for the payment of which the deposit
23 has been created and pledged, together with applicable redemption premiums and
24 interest accrued and to accrue to maturity or to the date of redemption, then the
25 application of the sale proceeds shall be legally sufficient only if the money deposited

SENATE BILL 44**SECTION 182**

1 is invested in securities issued by the United States or one of its agencies, or
2 securities fully guaranteed by the United States, and only if the principal amount
3 of the securities at maturity and the income therefrom to maturity will be sufficient
4 and available, without the need for any further investment or reinvestment, to pay
5 at maturity or upon redemption the principal amount of the obligations being
6 refinanced together with applicable redemption premiums and interest accrued and
7 to accrue to maturity or to the date of redemption. The income from the principal
8 proceeds of the securities shall be applied solely to the payment of the principal of
9 and interest and redemption premiums on the obligations being refinanced, but
10 provision may be made for the pledging and disposition of any surplus.

11 3. Nothing in this paragraph may be construed as a limitation on the duration
12 of any deposit in trust for the retirement of obligations being refinanced that have
13 not matured and that are not presently redeemable. Nothing in this paragraph may
14 be construed to prohibit reinvestment of the income of a trust if the reinvestments
15 will mature at such times that sufficient cash will be available to pay interest,
16 applicable premiums, and principal on the obligations being refinanced.

17 **(8) FISCAL REGULATIONS.** (a) The state treasurer shall act as registrar for each
18 evidence of appropriation obligation. No transfer of a registered evidence of
19 appropriation obligation is valid unless made on a register maintained by the state
20 treasurer, and the state may treat the registered owner as the owner of the
21 instrument for all purposes. Payments of principal and interest shall be by electronic
22 funds transfer, check, share draft, or other draft to the registered owner at the
23 owner's address as it appears on the register, unless the department has otherwise
24 provided. Information in the register is not available for inspection and copying
25 under s. 19.35 (1). The department may make any other provision respecting

SENATE BILL 44**SECTION 182**

1 registration as it considers necessary or useful. The state treasurer may enter into
2 a contract for the performance of any of his or her functions relating to appropriation
3 obligations.

4 (b) The state treasurer, or the treasurer's agent, shall maintain records
5 containing a full and correct description of each evidence of appropriation obligation
6 issued, identifying it, and showing its date, issue, amount, interest rate, payment
7 dates, payments made, registration, destruction, and every other relevant
8 transaction.

9 (c) The secretary may appoint one or more trustees and fiscal agents for each
10 issue of appropriation obligations. The state treasurer may be denominated the
11 trustee and the sole fiscal agent or a cofiscal agent for any issue of appropriation
12 obligations. Every other fiscal agent shall be an incorporated bank or trust company
13 authorized by the laws of the United States or of the state in which it is located to
14 do a banking or trust company business. There may be deposited with a trustee, in
15 a special account, moneys to be used only for the purposes expressly provided in the
16 certification authorizing the issuance of evidences of appropriation obligation or an
17 agreement between the department and the trustee. The department may make
18 other provisions respecting trustees and fiscal agents as the department considers
19 necessary or useful and may enter into a contract with any trustee or fiscal agent
20 containing such terms, including compensation, and conditions in regard to the
21 trustee or fiscal agent as the department considers necessary or useful.

22 (d) If any evidence of appropriation obligation is destroyed, lost, or stolen, the
23 department shall execute and deliver a new evidence of appropriation obligation,
24 upon filing with the department evidence satisfactory to the department that the
25 evidence of appropriation obligation has been destroyed, lost, or stolen, upon

SENATE BILL 44**SECTION 182**

1 providing proof of ownership thereof, and upon furnishing the department with
2 indemnity satisfactory to it and complying with such other rules of the department
3 and paying any expenses that the department or the state treasurer may incur. The
4 department shall cancel the evidences of appropriation obligation surrendered to the
5 department.

6 (e) Unless otherwise directed by the department, every evidence of
7 appropriation obligation paid or otherwise retired shall be marked “canceled” and
8 delivered, through the state treasurer if delivered to a fiscal agent other than the
9 state treasurer, to the state auditor who shall destroy them and deliver to the state
10 treasurer a certificate to that effect.

11 **(9) APPROPRIATION OBLIGATIONS AS LEGAL INVESTMENTS.** Any of the following may
12 legally invest any sinking funds, moneys, or other funds belonging to them or under
13 their control in any appropriation obligations issued under this section:

14 (a) The state, the investment board, public officers, municipal corporations,
15 political subdivisions, and public bodies.

16 (b) Banks and bankers, savings and loan associations, credit unions, trust
17 companies, savings banks and institutions, investment companies, insurance
18 companies, insurance associations, and other persons carrying on a banking or
19 insurance business.

20 (c) Personal representatives, guardians, trustees, and other fiduciaries.

21 **(10) MORAL OBLIGATION PLEDGE.** Recognizing its moral obligation to do so, the
22 legislature expresses its expectation and aspiration that it shall make timely
23 appropriations from moneys in the general fund that are sufficient to pay the
24 principal and interest due with respect to any appropriation obligations in any year.

25 **SECTION 183.** 16.53 (1) (d) 1. of the statutes is amended to read:

SENATE BILL 44**SECTION 183**

1 16.53 (1) (d) 1. The secretary, with the approval of the joint committee on
2 employment relations, shall fix the time, ~~except as provided in ss. 106.21 (9) (e) and~~
3 ~~s. 106.215 (10) (e)~~, and frequency for payment of salaries due elective and appointive
4 officers and employees of the state. As determined under this subdivision, the
5 salaries shall be paid either monthly, semimonthly or for each 2-week period.

6 **SECTION 184.** 16.53 (5) of the statutes is amended to read:

7 16.53 (5) WARRANTS; WHAT TO SPECIFY. The secretary shall draw a warrant on
8 the state ~~treasurer~~ treasury payable to the claimant for the amount allowed by the
9 secretary upon every claim audited under sub. (1), except as authorized in s. 16.52
10 (7), 20.920, or 20.929, specifying from what fund to be paid, the particular law ~~which~~
11 that authorizes the claim to be paid out of the state treasury, and at the secretary's
12 discretion the post-office address of the payee. ~~The secretary shall not credit the~~
13 ~~treasurer for any sum of money paid out by the treasurer~~ No moneys may be paid out
14 of the state treasury under this section otherwise than upon such warrants.

15 **SECTION 185.** 16.53 (10) (a) of the statutes is amended to read:

16 16.53 (10) (a) If an emergency arises which requires the department to draw
17 vouchers for payments which will be in excess of available moneys in any state fund,
18 the secretary, ~~in consultation with the state treasurer, and after notifying the joint~~
19 committee on finance under par. (b), may prorate and establish priority schedules for
20 all payments within each fund, including those payments for which a specific
21 payment date is provided by statute, except as otherwise provided in this paragraph.
22 The secretary shall draw all vouchers according to the preference provided in this
23 paragraph. All direct or indirect payments of principal or interest on state bonds and
24 notes issued under subch. I of ch. 18 have first priority. All direct or indirect
25 payments of principal or interest on state notes issued under subch. III of ch. 18 have

SENATE BILL 44**SECTION 185**

1 2nd priority. No payment having a 1st or 2nd priority may be prorated or reduced
2 under this subsection. All state employee payrolls have 3rd priority. The secretary
3 shall draw all remaining vouchers according to a priority determined by the
4 secretary. The secretary shall maintain records of all claims prorated under this
5 subsection and shall provide written notice to the state treasurer when a potential
6 cash flow emergency is anticipated.

7 **SECTION 186.** 16.53 (10) (b) of the statutes is amended to read:

8 16.53 (10) (b) Before exercising authority under par. (a) the secretary shall,
9 after consultation with the state treasurer, notify the joint committee on finance as
10 to the need for and the procedures under which proration or priority schedules under
11 par. (a) shall occur. If the joint committee on finance has not, within 2 working days
12 after the notification, scheduled a meeting to review the secretary's proposal, the
13 secretary may proceed with the proposed action. If, within 2 working days after the
14 notification, the committee schedules a meeting, the secretary may not proceed with
15 the proposed action until after the meeting is held.

16 **SECTION 187.** 16.53 (13) (a) of the statutes is amended to read:

17 16.53 (13) (a) In this subsection, "agency" has the meaning given in s. 16.70 (1)
18 (1e).

19 **SECTION 188.** 16.54 (2) (b) of the statutes is amended to read:

20 16.54 (2) (b) Upon presentation by the department to the joint committee on
21 finance of alternatives to the provisions under s. ~~16.385~~ 16.27, the joint committee
22 on finance may revise the eligibility criteria under s. ~~16.385~~ 16.27 (5), benefit
23 payments under s. ~~16.385~~ 16.27 (6) or the amount allocated for crises under s. ~~16.385~~
24 16.27 (3) (e) 2. and the department shall implement those revisions. Benefits or
25 eligibility criteria so revised shall take into account and be consistent with the

SENATE BILL 44**SECTION 188**

1 requirements of federal regulations promulgated under 42 USC 8621 to 8629. If
2 funds received under 42 USC 8621 to 8629 in a federal fiscal year total less than 90%
3 of the amount received in the previous federal fiscal year, the department shall
4 submit to the joint committee on finance a plan for expenditure of the funds. The
5 department may not use the funds unless the committee approves the plan.

6 **SECTION 189.** 16.545 (9) of the statutes is amended to read:

7 16.545 (9) To initiate contacts with the federal government for the purpose of
8 facilitating participation by agencies, as defined in s. 16.70 (1) (1e), in federal aid
9 programs, to assist those agencies in applying for such aid, and to facilitate
10 influencing the federal government to make policy changes that will be beneficial to
11 this state. The department may assess an agency to which it provides services under
12 this subsection a fee for the expenses incurred by the department in providing those
13 services.

14 **SECTION 190.** 16.61 (2) (af) of the statutes is amended to read:

15 16.61 (2) (af) "Form" has the meaning specified in s. 22.01 16.97 (5p).

16 **SECTION 191.** 16.61 (3n) of the statutes is amended to read:

17 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
18 about the forms specified in s. 22.03 16.971 (2m).

19 **SECTION 192.** 16.70 (1) of the statutes is renumbered 16.70 (1e).

20 **SECTION 193.** 16.70 (1b) of the statutes is created to read:

21 16.70 (1b) "Affiliate" means an individual or business that controls, is
22 controlled by, or is under common control with another individual or business.

23 **SECTION 194.** 16.70 (2e) of the statutes is created to read:

24 16.70 (2e) "Business" means a corporation, partnership, limited liability
25 company, association, or sole proprietorship operated for profit.

SENATE BILL 44**SECTION 195**

1 **SECTION 195.** 16.70 (3e) of the statutes is created to read:

2 16.70 **(3e)** “Control” means to own, directly or indirectly, more than 10% of the
3 interest in or voting securities of a business.

4 **SECTION 196.** 16.70 (3m) of the statutes is amended to read:

5 16.70 **(3m)** “Educational technology” has the meaning given in s. ~~44.70~~ 115.997
6 (3).

7 **SECTION 197.** 16.70 (4m) of the statutes is amended to read:

8 16.70 **(4m)** “Information technology” has the meaning given in s. ~~22.01~~ 16.97
9 (6).

10 **SECTION 198.** 16.70 (15) of the statutes is amended to read:

11 16.70 **(15)** “Telecommunications” has the meaning given in s. ~~22.01~~ 16.97 (10).

12 **SECTION 199.** 16.70 (16) of the statutes is created to read:

13 16.70 **(16)** “Voting securities” means securities that confer upon the holder the
14 right to vote for the election of members of the board of directors or similar governing
15 body of a business, or are convertible into, or entitle the holder to receive upon their
16 exercise, securities that confer such a right to vote.

17 **SECTION 200.** 16.705 (1m) of the statutes is amended to read:

18 16.705 **(1m)** Subsection (1) does not apply to contracts entered into by the
19 volunteer fire fighter and emergency medical technician service award board under
20 s. ~~16.25~~ 560.9813 (4) (b).

21 **SECTION 201.** 16.705 (3) (intro.) of the statutes is amended to read:

22 16.705 **(3)** (intro.) ~~Contracts for contractual services shall be submitted by the~~
23 ~~department for the review and approval of the~~ The secretary of employment relations
24 prior to award, under conditions established by rule of the department. ~~The~~

SENATE BILL 44**SECTION 201**

1 ~~secretary of employment relations,~~ shall review such contracts for contractual
2 services in order to ensure that agencies:

3 **SECTION 202.** 16.71 (1m) of the statutes is amended to read:

4 16.71 (1m) The department shall not delegate to any executive branch agency,
5 other than the board of regents of the University of Wisconsin System, the authority
6 to enter into any contract for materials, supplies, equipment, or contractual services
7 relating to information technology ~~or telecommunications~~ prior to review and
8 approval of the contract by the ~~chief information officer~~ department. The
9 department shall not delegate to any executive branch agency the authority to enter
10 into any contract for materials, supplies, equipment, or contractual services relating
11 to telecommunications prior to review and approval of the contract by the
12 department. No executive branch agency, ~~other than the board of regents of the~~
13 ~~University of Wisconsin System,~~ may enter into any such contract for which review
14 is required under this subsection without review and approval of the contract by the
15 ~~chief information officer~~ department.

16 **SECTION 203.** 16.71 (2m) of the statutes is repealed.

17 **SECTION 204.** 16.71 (4) of the statutes is amended to read:

18 16.71 (4) ~~With the approval of the department of electronic government~~ Upon
19 request of the department of public instruction, the department of administration
20 shall delegate authority to the ~~technology for educational achievement in Wisconsin~~
21 ~~board~~ department of public instruction to make purchases of educational technology
22 equipment for use by school districts, cooperative educational service agencies, and
23 public educational institutions in this state, ~~upon request of the board~~ and to enter
24 into cooperative purchasing agreements under s. 16.73 (1) under which participating
25 school districts and cooperative educational service agencies may contract for their

SENATE BILL 44**SECTION 204**

1 professional employees to receive training concerning the effective use of educational
2 technology.

3 **SECTION 205.** 16.71 (5) of the statutes is amended to read:

4 16.71 (5) The department shall delegate authority to the volunteer fire fighter
5 and emergency medical technician service award board to enter into contracts under
6 s. ~~16.25~~ 560.9813 (4) (b).

7 **SECTION 206.** 16.72 (2) (a) of the statutes is amended to read:

8 16.72 (2) (a) The department of ~~administration~~ shall prepare standard
9 specifications, as far as possible, for all state purchases. By “standard specifications”
10 is meant a specification, either chemical or physical or both, prepared to describe in
11 detail the article which the state desires to purchase, and trade names shall not be
12 used. On the formulation, adoption and modification of any standard specifications,
13 the department of administration shall also seek and be accorded without cost, the
14 assistance, advice and cooperation of other agencies and officers. Each specification
15 adopted for any commodity shall, insofar as possible, satisfy the requirements of any
16 and all agencies which use it in common. ~~Any specifications for the purchase of~~
17 ~~materials, supplies, equipment, or contractual services for information technology~~
18 ~~or telecommunications purposes are subject to the approval of the chief information~~
19 ~~officer.~~

20 **SECTION 207.** 16.72 (2) (b) of the statutes is amended to read:

21 16.72 (2) (b) Except as provided in par. (a) and ss. ~~16.25~~ (4) (b), 16.751 and,
22 560.9813 (4) (b), and 565.25 (2) (a) 4., the department shall prepare or review
23 specifications for all materials, supplies, equipment, other permanent personal
24 property and contractual services not purchased under standard specifications.
25 Such “nonstandard specifications” may be generic or performance specifications, or

SENATE BILL 44**SECTION 207**

1 both, prepared to describe in detail the article which the state desires to purchase
2 either by its physical properties or by its programmatic utility. When appropriate
3 for such nonstandard items or services, trade names may be used to identify what
4 the state requires, but wherever possible 2 or more trade names shall be designated
5 and the trade name of any Wisconsin producer, distributor or supplier shall appear
6 first.

7 **SECTION 208.** 16.72 (4) (a) of the statutes is amended to read:

8 16.72 (4) (a) Except as provided in ss. 16.71 and 16.74 or as otherwise provided
9 in this subchapter and the rules promulgated under s. 16.74 and this subchapter, all
10 supplies, materials, equipment and contractual services shall be purchased for and
11 furnished to any agency only upon requisition to the department. The department
12 shall prescribe the form, contents, number and disposition of requisitions and shall
13 promulgate rules as to time and manner of submitting such requisitions for
14 processing. No agency or officer may engage any person to perform contractual
15 services without the specific prior approval of the department for each such
16 engagement. Purchases of supplies, materials, equipment or contractual services by
17 ~~the department of electronic government,~~ the legislature, the courts or legislative
18 service or judicial branch agencies do not require approval under this paragraph.

19 **SECTION 209.** 16.72 (4) (b) of the statutes is amended to read:

20 16.72 (4) (b) The department shall promulgate rules for the declaration as
21 surplus of supplies, materials and equipment in any agency and for the transfer to
22 other agencies or for the disposal by private or public sale of supplies, materials and
23 equipment. In either case ~~due credit shall be given to the agency releasing the same~~
24 , the department shall deposit the net proceeds in the budget stabilization fund,
25 except that the department shall transfer any supplies, materials or equipment

SENATE BILL 44**SECTION 209**

1 declared to be surplus to the department of tourism, upon request of the department
2 of tourism, at no cost, if the transfer is permitted by the agency having possession
3 of the supplies, materials or equipment.

4 **SECTION 210.** 16.72 (8) of the statutes is amended to read:

5 16.72 (8) The department may purchase educational technology materials,
6 supplies, equipment, or contractual services from orders placed with the department
7 by the ~~technology for educational achievement in Wisconsin board~~ department of
8 public instruction on behalf of school districts, cooperative educational service
9 agencies, technical college districts, and the board of regents of the University of
10 Wisconsin System.

11 **SECTION 211.** 16.75 (1) (a) 1. of the statutes is amended to read:

12 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
13 materials, supplies, equipment, and contractual services to be provided to any
14 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
15 (6), (7), (8), ~~and (9), and (10m)~~ and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05
16 (7) (f), and 287.15 (7), shall be awarded to the lowest responsible bidder, taking into
17 consideration life cycle cost estimates under sub. (1m), when appropriate, the
18 location of the agency, the quantities of the articles to be supplied, their conformity
19 with the specifications, and the purposes for which they are required and the date
20 of delivery.

21 **SECTION 212.** 16.75 (3t) (a) of the statutes is amended to read:

22 16.75 (3t) (a) In this subsection, "form" has the meaning given under s. ~~22.01~~
23 16.97 (5p).

24 **SECTION 213.** 16.75 (6) (am) of the statutes is amended to read:

SENATE BILL 44**SECTION 213**

1 16.75 (6) (am) Subsections (1) and (3t) do not apply to procurements by the
2 ~~department of electronic government~~ department relating to information technology
3 or telecommunications. Annually not later than October 1, the department of
4 ~~electronic government~~ shall report to the ~~department of administration~~ governor, in
5 the form specified by the ~~secretary~~ governor, concerning all procurements relating
6 to information technology or telecommunications by the ~~department of electronic~~
7 ~~government~~ department during the preceding fiscal year that were not made in
8 accordance with the requirements of subs. (1) and (3t).

9 **SECTION 214.** 16.75 (10m) of the statutes is created to read:

10 16.75 (10m) The department, any other designated purchasing agent under s.
11 16.71 (1), any agency making purchases under s. 16.74, and any authority shall not
12 enter into any contract or order for the purchase of materials, supplies, equipment,
13 or contractual services with a person if the name of the person, or the name of an
14 affiliate of that person, is certified to the department by the secretary of revenue
15 under s. 77.66.

16 **SECTION 215.** 16.752 (12) (i) of the statutes is amended to read:

17 16.752 (12) (i) Paragraph (a) does not apply to procurements by the department
18 ~~of electronic government~~ relating to information technology or telecommunications.

19 **SECTION 216.** 16.78 (title) of the statutes is amended to read:

20 **16.78 (title) Purchases from department of ~~electronic government~~**
21 **relating to information technology or telecommunications.**

22 **SECTION 217.** 16.78 (1) of the statutes is renumbered 16.78 (1) (a) and amended
23 to read:

24 16.78 (1) (a) ~~Every~~ Except as authorized in par. (b), every agency other than
25 the board of regents of the University of Wisconsin System or an agency making

SENATE BILL 44**SECTION 217**

1 purchases under s. 16.74 shall make all purchases of materials, supplies, equipment,
2 and contractual services relating to information technology ~~or telecommunications~~
3 from the department of ~~electronic government~~, unless. Except as authorized in par.
4 (b), every agency except an agency making purchases under s. 16.74 shall make all
5 purchases of materials, supplies, equipment, and contractual services relating to
6 telecommunications from the department.

7 (b) Paragraph (a) does not apply if the department of ~~electronic government~~
8 requires the agency to purchase the materials, supplies, equipment, or contractual
9 services pursuant to a master contract established under s. ~~22.05~~ 16.972 (2) (h), or
10 grants written authorization to the agency to procure the materials, supplies,
11 equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the
12 materials, supplies, equipment, or contractual services from another agency or to
13 provide the materials, supplies, equipment, or contractual services to itself. The
14 board of regents of the University of Wisconsin System may make purchases of
15 materials, supplies, equipment, and contractual services relating to information
16 technology ~~or telecommunications~~ from the department of ~~electronic government~~.

17 **SECTION 218.** 16.78 (2) of the statutes is amended to read:

18 16.78 (2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase
19 of materials, supplies, equipment, or contractual services by any agency from the
20 department of ~~electronic government~~ under sub. (1) (a).

21 **SECTION 219.** 16.836 of the statutes is repealed.

22 **SECTION 220.** 16.84 (14) of the statutes is amended to read:

23 16.84 (14) Provide interagency mail delivery service for agencies, as defined
24 in s. 16.70 ~~(1)~~ (1e). The department may charge agencies for this service. Any moneys
25 collected shall be credited to the appropriation account under s. 20.505 (1) (kb).

SENATE BILL 44

1 **SECTION 221.** 16.841 (1) (a) of the statutes is amended to read:

2 16.841 (1) (a) “Agency” has the meaning given in s. 16.70 ~~(1)~~ (1e).

3 **SECTION 222.** 16.855 (16) (b) 1. of the statutes is amended to read:

4 16.855 (16) (b) 1. In this paragraph, “agency” has the meaning given in s. 16.70
5 ~~(1)~~ (1e).

6 **SECTION 223.** 16.957 (3) (a) of the statutes is amended to read:

7 16.957 (3) (a) The ~~division of housing~~ department shall, on the basis of
8 competitive bids, contract with community action agencies described in s. 46.30 (2)
9 (a) 1., nonstock, nonprofit corporations organized under ch. 181 or local units of
10 government to provide services under the programs established under sub. (2) (a).

11 **SECTION 224.** 16.964 (1) of the statutes is renumbered 16.964 (1g).

12 **SECTION 225.** 16.964 (1g) (i) of the statutes is created to read:

13 16.964 (1g) (i) Apply for contracts and receive and expend any moneys or grant
14 from the federal government related to homeland security.

15 **SECTION 226.** 16.964 (2) of the statutes is amended to read:

16 16.964 (2) All persons in charge of law enforcement agencies and other criminal
17 and juvenile justice system agencies shall supply the office with the information
18 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
19 supplied by the office under sub. ~~(1)~~ (1g) (g).

20 **SECTION 227.** 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
21 amended to read:

22 16.964 (1d) In this ~~subsection~~ section, “tribe” means a federally recognized
23 American Indian tribe or band in this state.

24 **SECTION 228.** 16.964 (6) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 228**

1 16.964 (6) (b) From the appropriation under s. 20.505 (6) (~~ks~~) (kq), the office
2 shall provide grants to tribes to fund tribal law enforcement operations. To be
3 eligible for a grant under this subsection, a tribe must submit an application for a
4 grant to the office that includes a proposed plan for expenditure of the grant moneys.
5 The office shall review any application and plan submitted to determine whether
6 that application and plan meet the criteria established under par. (c). The office shall
7 review the use of grant money provided under this subsection to ensure that the
8 money is used according to the approved plan.

9 **SECTION 229.** 16.964 (7) of the statutes is repealed and recreated to read:

10 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
11 justice assistance shall provide grants for cooperative county-tribal law enforcement
12 services to counties that have one or more federally recognized American Indian
13 reservations within or partially within their boundaries or that border on one or
14 more federally recognized American Indian reservations. In order to receive aid
15 under this subsection, a county must enter into an agreement in accordance with s.
16 59.54 (12) with an Indian tribe that is located in or borders on the county, to establish
17 a cooperative county-tribal law enforcement program. The office shall consider a
18 request for aid under this subsection from any county that meets the eligibility
19 criteria established under this paragraph and that submits to the office a proposal
20 for expenditure of grant moneys.

21 (b) The office may require that a county include the following in its proposal
22 for aid under this subsection:

23 1. A description of any cooperative county-tribal law enforcement program or
24 law enforcement service for which the county requests funding.

SENATE BILL 44

2. A description of the population and geographic area that the county proposes to serve.

3. The county's need for funding under this subsection and the amount of funding requested.

4. Identification of the county governmental unit that shall administer any aid received under this subsection and a description of how that governmental unit shall disburse any aid received under this subsection.

5. Any information, other than that in subds. 1. to 4., that is required by the office or considered relevant by the county submitting the application.

(c) The office shall develop criteria and procedures for use in administering this subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be promulgated as rules under ch. 227.

SECTION 230. 16.964 (9) (intro.) of the statutes is created to read:

16.964 (9) (intro.) From the appropriation under s. 20.505 (6) (p), the office shall distribute the following grants for children's community programs:

SECTION 231. Subchapter VII (title) of chapter 16 [precedes 16.97] of the statutes is amended to read:

CHAPTER 16

SUBCHAPTER VII

EDUCATIONAL INFORMATION

TECHNOLOGY

SECTION 232. 16.97 of the statutes is renumbered 16.97 (intro.) and amended to read:

16.97 Definition Definitions. (intro.) In this subchapter, "telecommunications" has the meaning given in s. 22.01 (10).

SENATE BILL 44**SECTION 233**

1 **SECTION 233.** 16.974 (intro.) of the statutes is repealed.

2 **SECTION 234.** 16.974 (1) of the statutes is amended to read:

3 16.974 (1) ~~Coordinate with the technology for educational achievement in~~
4 ~~Wisconsin board~~ department of public instruction to provide secured correctional
5 facilities, as defined in s. 44.70 115.997 (3r), school districts, and cooperative
6 educational service agencies with telecommunications access under s. 44.73
7 115.9995 and contract with telecommunications providers to provide ~~such~~ that
8 access.

9 **SECTION 235.** 16.974 (1) to (4) of the statutes, as affected by 2003 Wisconsin Act
10 (this act), are renumbered 16.971 (13) to (16).

11 **SECTION 236.** 16.974 (2) of the statutes is amended to read:

12 16.974 (2) ~~Subject to s. 44.73 (5), coordinate~~ Coordinate with the technology for
13 ~~educational achievement in Wisconsin board~~ department of public instruction to
14 provide private colleges, technical college districts, public library boards and, public
15 library systems, and public museums with telecommunications access under s. 44.73
16 115.9995 and contract with telecommunications providers to provide ~~such~~ that
17 access.

18 **SECTION 237.** 16.974 (3) of the statutes is amended to read:

19 16.974 (3) ~~Coordinate with the technology for educational achievement in~~
20 ~~Wisconsin board~~ department of public instruction to provide private schools with
21 telecommunications access under s. 44.73 115.9995 and contract with
22 telecommunications providers to provide ~~such~~ that access.

23 **SECTION 238.** 16.974 (4) of the statutes is amended to read:

24 16.974 (4) ~~Coordinate with the technology for educational achievement in~~
25 ~~Wisconsin board~~ department of public instruction to provide the Wisconsin Center

SENATE BILL 44**SECTION 238**

1 for the Blind and Visually Impaired and the Wisconsin Educational Services
2 Program for the Deaf and Hard of Hearing with telecommunications access under
3 s. ~~44.73~~ 115.9995 and contract with telecommunications providers to provide ~~such~~
4 that access.

5 **SECTION 239.** 18.01 (4) (intro.) of the statutes is amended to read:

6 18.01 (4) (intro.) "Public debt" or "debt" means every voluntary, unconditional
7 undertaking by the state, other than an operating note ~~or an interest exchange~~
8 ~~agreement~~, to repay a sum certain:

9 **SECTION 240.** 18.06 (8) (a) of the statutes is renumbered 18.06 (8) (a) (intro.)
10 and amended to read:

11 18.06 (8) (a) (intro.) The At the time of, or in anticipation of, contracting public
12 debt and at any time thereafter while the public debt is outstanding, the commission
13 may enter into agreements and ancillary arrangements for relating to the public
14 debt, including liquidity facilities, remarketing or dealer agreements, letter of credit
15 agreements, insurance policies, guaranty agreements, reimbursement agreements,
16 indexing agreements, or interest exchange agreements. At the time of contracting
17 for any such agreement or ancillary arrangement, the commission shall determine
18 all of the following, if applicable:

19 **SECTION 241.** 18.06 (8) (a) 1. of the statutes is created to read:

20 18.06 (8) (a) 1. For any payment to be received with respect to the agreement
21 or ancillary arrangement, whether the payment will be deposited into the bond
22 security and redemption fund or the capital improvement fund.

23 **SECTION 242.** 18.06 (8) (a) 2. of the statutes is created to read:

24 18.06 (8) (a) 2. For any payment to be made with respect to the agreement or
25 ancillary arrangement, whether the payment will be made from the bond security

SENATE BILL 44**SECTION 242**

1 and redemption fund or the capital improvement fund and the timing of any transfer
2 of funds.

3 **SECTION 243.** 18.07 (2) of the statutes is amended to read:

4 18.07 (2) Every loan agreement entered into pursuant to s. 18.06 (2) and every
5 evidence of indebtedness given under such a loan agreement shall be executed in the
6 name of and for the state by the secretary of the commission. Every other evidence
7 of indebtedness shall be executed in the name of and for the state by the governor and
8 by the state treasurer and shall be sealed with the great seal of the state or a facsimile
9 thereof of any size, ~~and every interest coupon appurtenant thereto shall be executed~~
10 ~~in the name of and for the state by the governor.~~ The facsimile signature of either
11 the governor or state treasurer or both may be imprinted in lieu of the manual
12 signature of such officer, as the commission directs, if approved by such officer, ~~and~~
13 ~~shall be so imprinted in the case of interest coupons.~~ Evidence of indebtedness and
14 ~~interest coupons appurtenant thereto~~ bearing the manual or facsimile signature of
15 a person in office at the time such signature was signed or imprinted shall be fully
16 valid notwithstanding that before or after the delivery thereof such person ceased to
17 hold such office.

18 **SECTION 244.** 18.08 (1) (a) of the statutes is renumbered 18.08 (1) (a) (intro.)
19 is amended to read:

20 18.08 (1) (a) (intro.) All moneys resulting from the contracting of public debt
21 or any payment to be received with respect to any agreement or ancillary
22 arrangement entered into under s. 18.06 (8) (a) with respect to any such public debt
23 shall be credited to a separate and distinct fund, established in the state treasury,
24 designated as the capital improvement fund, except that such:

SENATE BILL 44**SECTION 244**

1 1. Such moneys which represent ~~premium and~~ accrued interest on bonds or
2 notes issued, or are for purposes of funding or refunding bonds pursuant to s. 18.06
3 (5) shall be credited to one or more of the sinking funds of the bond security and
4 redemption fund or to the state building trust fund.; and

5 **SECTION 245.** 18.08 (1) (a) 2. of the statutes is created to read:

6 18.08 (1) (a) 2. Any such moneys that represent premium or any payments
7 received pursuant to any agreement or ancillary arrangement entered into under s.
8 18.06 (8) (a) with respect to any such public debt may be credited to one or more of
9 the sinking funds of the bond security and redemption fund or to the capital
10 improvement fund as determined by the commission.

11 **SECTION 246.** 18.08 (2) of the statutes is amended to read:

12 18.08 (2) The capital improvement fund may be expended, pursuant to
13 appropriations, only for the purposes and in the amounts for which the public debts
14 have been contracted, for the payment of principal and interest on loans or on notes,
15 for the payment due, if any, under an agreement or ancillary arrangement entered
16 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes
17 identified under s. 20.867 (2) (v) and (4) (q), and for expenses incurred in contracting
18 public debt.

19 **SECTION 247.** 18.08 (4) of the statutes is amended to read:

20 18.08 (4) If at any time it appears that there will not be on hand in the capital
21 improvement fund sufficient moneys for the payment of principal and interest on
22 loans or on notes or for the payment due, if any, under an agreement or ancillary
23 arrangement entered into under s. 18.06 (8) (a) with respect to any public debt, the
24 department of administration shall transfer to such fund, out of the appropriation

SENATE BILL 44**SECTION 247**

1 made pursuant to s. 20.866, a sum sufficient which, together with any available
2 money on hand in such fund, is sufficient to make such payment.

3 **SECTION 248.** 18.09 (2) of the statutes is amended to read:

4 18.09 (2) Each sinking fund shall be expended, and all moneys from time to
5 time on hand therein are irrevocably appropriated, in sums sufficient, only for the
6 payment of principal and interest on the bonds giving rise to it ~~and~~, premium, if any,
7 due upon ~~refunding~~ redemption of any such bonds, and payment due, if any, under
8 an agreement or ancillary arrangement entered into under s. 18.06 (8) (a) with
9 respect to any such bonds.

10 **SECTION 249.** 18.10 (4) of the statutes is amended to read:

11 18.10 (4) DEBT HELD BY STATE. All evidence of indebtedness owned or held by
12 any state fund shall be deemed to be outstanding in all respects and the agency
13 having such fund under its control shall have the same rights with respect to such
14 evidence of indebtedness as a private party, but if any sinking fund acquires bonds
15 which gave rise to such fund, such bonds shall be deemed paid for all purposes and
16 no longer outstanding and, ~~together with any interest coupons appurtenant thereto,~~
17 shall be canceled as provided in sub. (11). All evidence of indebtedness owned by any
18 state fund shall be registered to the fullest extent registrable.

19 **SECTION 250.** 18.10 (5) of the statutes is amended to read:

20 18.10 (5) REGISTRATION. The state treasurer shall act as registrar for ~~evidence~~
21 evidences of indebtedness registrable as to principal or interest or both. No transfer
22 of a registered evidence of indebtedness is valid unless made on the register
23 maintained by the state treasurer for that purpose, and the state shall be entitled
24 to treat the registered owner as the owner of such instrument for all purposes.
25 Payments of principal and interest, when registered as to interest, of registered

SENATE BILL 44**SECTION 250**

1 instruments shall be by electronic funds transfer, check, share draft or other draft
2 to the registered owner at the owner's address as it appears on the register, unless
3 the commission has otherwise provided. Information in the register relating to the
4 owners of evidence of indebtedness is not available for inspection and copying under
5 s. 19.35 (1). The commission may make such other provisions respecting registration
6 as it deems necessary or useful. The state treasurer may enter into a contract for the
7 performance of any of his or her functions under this subsection and sub. (7).

8 **SECTION 251.** 18.10 (8) of the statutes is amended to read:

9 18.10 (8) TRUSTEES AND FISCAL AGENTS. The commission may appoint one or
10 more trustees and fiscal agents for each issue of bonds or notes. The state treasurer
11 may be denominated the trustee and the sole fiscal agent or a cofiscal agent for any
12 issue of bonds or notes. Every other such fiscal agent shall be an incorporated bank
13 or trust company authorized by the laws of the United States or of the state in which
14 it is located to do a banking or trust company business. ~~The commission shall~~
15 ~~periodically require competitive proposals, under procedures established by the~~
16 ~~commission, for fiscal agent services and, in so doing, shall consult the state~~
17 ~~treasurer.~~ There may be deposited with a trustee, in a special account administered
18 as provided in this chapter, moneys to be used only for the purposes expressly
19 provided in a resolution authorizing the issuance of debt or an agreement between
20 the commission and the trustee. ~~There may be deposited with a fiscal agent, in a~~
21 ~~special account for such purpose only, a sum estimated to be sufficient to enable such~~
22 ~~fiscal agent to pay the principal and interest on public debt which will come due not~~
23 ~~more than 15 days after the date of such deposit.~~ The commission may make such
24 other provisions respecting trustees and fiscal agents as it deems necessary or useful
25 and may enter into a contract with any trustee or fiscal agent containing such terms,

SENATE BILL 44**SECTION 251**

1 including compensation, and conditions in regard to the trustee or fiscal agent as it
2 deems necessary or useful.

3 **SECTION 252.** 18.51 of the statutes is amended to read:

4 **18.51 Provisions applicable.** The following sections apply to this
5 subchapter, except that all references to “public debt” or “debt” shall be read to refer
6 to a “revenue obligation” and all references to “evidences of indebtedness” shall be
7 read to refer to “evidences of revenue obligation”: ss. 18.02, 18.03, ~~18.06 (8)~~, 18.07,
8 18.10 (1), (2), (4) to (9) ~~and (11), and (12)~~, and 18.17.

9 **SECTION 253.** 18.52 (1) of the statutes is renumbered 18.52 (1m).

10 **SECTION 254.** 18.52 (1e) of the statutes is created to read:

11 18.52 (1e) “Ancillary payments” means payments for issuance costs and
12 expenses, payments under contracts entered into under s. 18.55 (6), payments of
13 accrued or funded interest, and payments of other costs and expenses of
14 administering revenue obligations.

15 **SECTION 255.** 18.53 (4) of the statutes is repealed and recreated to read:

16 18.53 (4) Unless otherwise provided in laws applicable to the issuance of a
17 specific revenue obligation, in addition to the requirements established under sub.
18 (3), the commission shall establish the amounts required for ancillary payments and
19 establishment of reserves relating to the revenue obligations.

20 **SECTION 256.** 18.54 (2) of the statutes is amended to read:

21 18.54 (2) The amount of evidences of revenue obligation issued or outstanding
22 for purposes specified by the legislature under s. 18.53 (3) and (4) are subject only
23 to the limits provided in the legislation which authorizes that revenue obligation.
24 No refunding obligation is subject to any limitation specified by that legislation.

25 **SECTION 257.** 18.55 (5) of the statutes is amended to read:

SENATE BILL 44

1 18.55 (5) EXERCISE OF AUTHORITY. Money may be borrowed and evidences of
2 revenue obligation issued therefor pursuant to one or more authorizing resolutions,
3 unless otherwise provided in the resolution or in this subchapter, at any time and
4 from time to time, for any combination of purposes, in any specific amounts, at any
5 rates of interest, for any term, payable at any intervals, at any place, in any manner
6 and having any other terms or conditions deemed necessary or useful. Revenue
7 obligation bonds may bear interest at variable or fixed rates, bear no interest or bear
8 interest payable only at maturity or upon redemption prior to maturity. Unless
9 sooner exercised or unless a ~~shorter~~ different period is provided in the resolution,
10 every authorizing resolution, except as provided in s. 18.59 (1), shall expire one year
11 after the date of its adoption.

12 **SECTION 258.** 18.55 (6) of the statutes is created to read:

13 18.55 (6) AGREEMENTS AND ARRANGEMENTS; DELEGATION; USE OF REVENUE
14 OBLIGATIONS. (a) At the time of, or in anticipation of, contracting revenue obligations
15 and at any time thereafter while the revenue obligations are outstanding, the
16 commission may enter into agreements and ancillary arrangements relating to the
17 revenue obligations, including trust indentures, liquidity facilities, remarketing or
18 dealer agreements, letter of credit agreements, insurance policies, guaranty
19 agreements, reimbursement agreements, indexing agreements, or interest
20 exchange agreements. Any payment made or received pursuant to any such
21 agreements or ancillary arrangements shall be made from or deposited into a fund
22 relating to the relevant revenue obligation, as determined by the commission.

23 (b) The commission may delegate to other persons the authority and
24 responsibility to take actions necessary and appropriate to implement agreements
25 and ancillary arrangements under par. (a).

SENATE BILL 44**SECTION 258**

1 (c) Any revenue obligations may include revenue obligations contracted to fund
2 interest, accrued or to accrue, on the revenue obligations.

3 **SECTION 259.** 18.561 (2) of the statutes is amended to read:

4 18.561 (2) SECURITY INTERESTS OF OWNERS OF ENTERPRISE OBLIGATIONS. There is
5 a mortgage lien upon or security interest in the income and property of each
6 revenue-producing enterprise or program for the benefit of the owners of the related
7 enterprise obligations and other persons specified in the authorizing resolution
8 providing for the issuance of the particular enterprise obligations. No physical
9 delivery, recordation or other action is required to perfect the security interest. The
10 income and property of the revenue-producing enterprise or program shall remain
11 subject to the lien or security interest until provision for payment in full of the
12 principal of and interest of on the enterprise obligations, and other obligations
13 specified in the authorizing resolution providing for the issuance of the particular
14 enterprise obligations, has been made, as provided in the authorizing resolution.
15 The lien or security interest for the benefit of the owners of the enterprise obligations
16 and other persons specified in the authorizing resolution providing for the issuance
17 of the particular enterprise obligations shall have priority over all conflicting
18 security interests in the income and property of the revenue-producing enterprise
19 or program. Any owner of such enterprise obligations may either at law or in equity
20 protect and enforce the lien and compel performance of all duties required by this
21 section. If there is any default in the payment of the principal of or interest of on any
22 of such enterprise obligations, any court having jurisdiction of the action may
23 appoint a receiver to administer the revenue-producing enterprise or program on
24 behalf of the state and the owners of the enterprise obligations, with power to charge
25 and collect rates sufficient to provide for the payment of the operating expenses and

SENATE BILL 44**SECTION 259**

1 also to pay any enterprise obligations outstanding against the revenue-producing
2 enterprise or program, and to apply the income and revenues thereof in conformity
3 with this subchapter and the authorizing resolution, or the court may declare the
4 whole amount of the enterprise obligations due and payable, if such relief is
5 requested, and may order and direct the sale of the revenue-producing enterprise
6 or program. Under any sale so ordered, the purchaser shall be vested with an
7 indeterminate permit to maintain and operate the revenue-producing enterprise or
8 program. The legislature may provide for additions, extensions and improvements
9 to a revenue-producing enterprise or program to be financed by additional issues of
10 enterprise obligations as provided by this section. Such additional issues of
11 enterprise obligations shall be subordinate to all prior related issues of enterprise
12 obligations which may have been made under this section, unless the legislature, in
13 the statute authorizing the initial issue of enterprise obligations, ~~permits the issue~~
14 ~~of additional enterprise obligations on a parity therewith~~ a particular issue of
15 enterprise obligations, or the authorizing resolution providing for the issuance of a
16 particular enterprise obligation, permits the issue of additional enterprise
17 obligations or other obligations on a parity therewith or senior thereto.

18 **SECTION 260.** 18.561 (3) of the statutes is amended to read:

19 18.561 (3) DEDICATION OF REVENUES. As accurately as possible in advance, the
20 commission and the state department or agency carrying out program
21 responsibilities for which enterprise obligations are to be issued shall determine, and
22 the commission shall fix in the authorizing resolution for such enterprise obligations:
23 the proportion of the revenues of the revenue-producing enterprise or program
24 which shall be necessary for the reasonable and proper operation and maintenance
25 thereof; the proportion of the revenues which shall be set aside as a proper and

SENATE BILL 44**SECTION 260**

1 adequate replacement and reserve fund; and the proportion of the revenues which
2 shall be set aside and applied to the payment of the principal of and interest of on
3 the enterprise obligations, and ancillary payments authorized to be paid from such
4 moneys; and the proportion of the revenues which shall be available for other
5 purposes, and shall provide that the revenues be set aside in separate funds. At
6 Subject to the provisions and covenants of the authorizing resolution, at any time
7 after one year's operation, the state department or agency and the commission may
8 recompute the proportion of the revenues which shall be assignable under this
9 subsection based upon the experience of operation or upon the basis of further
10 financing.

11 **SECTION 261.** 18.561 (5) of the statutes is amended to read:

12 18.561 (5) REDEMPTION FUND. The proportion which shall be set aside for the
13 payment of the principal of and interest on the enterprise obligations ~~shall from~~
14 ~~month to month as they accrue and are received~~ and, as directed by the commission,
15 payments to be received with respect to an agreement or ancillary arrangement
16 entered into pursuant to s. 18.55 (6), shall, at such times as provided in the
17 authorizing resolution, be set apart and paid into a separate fund in the treasury or
18 in an account maintained by a trustee appointed for that purpose in the authorizing
19 resolution to be identified as "the ... redemption fund". Each redemption fund shall
20 be expended, and all moneys from time to time on hand therein are irrevocably
21 appropriated, in sums sufficient, only for the payment of principal of and interest on
22 the enterprise obligations giving rise to it and premium, if any, due upon redemption
23 of any such obligations, and for ~~other obligations that are secured by the property or~~
24 ~~income, or both, of the enterprise or program~~ payment of obligations under an
25 agreement or ancillary arrangement entered into under s. 18.55 (6) to the extent

SENATE BILL 44**SECTION 261**

1 provided for in an authorizing resolution. Moneys in the redemption funds may be
2 commingled only for the purpose of investment with other public funds, but they
3 shall be invested only in investment instruments permitted in s. 25.17 (3) (dr). All
4 such investments shall be the exclusive property of the fund and all earnings on or
5 income from such investments shall be credited to the fund.

6 **SECTION 262.** 18.562 (1) of the statutes is renumbered 18.562 (1) (a) and
7 amended to read:

8 18.562 (1) (a) There is a security interest, for the benefit of the owners of the
9 special fund obligations and other persons specified in the authorizing resolution
10 providing for the issuance of the particular special fund obligations, in the amounts
11 that arise after the creation of the special fund program in the special fund related
12 to the special fund obligations. For this purpose, amounts in the special fund shall
13 be accounted for on a first-in, first-out basis.—~~No, and no~~ physical delivery,
14 recordation, or other action is required to perfect the security interest.

15 (c) The special fund shall remain subject to the security interest until provision
16 for payment in full of the principal and interest of the special fund obligations, and
17 other obligations specified in the authorizing resolution providing for the issuance
18 of the particular special fund obligations, has been made, as provided in the
19 authorizing resolution.

20 (d) An owner of special fund obligations may either at law or in equity protect
21 and enforce the security interest and compel performance of all duties required by
22 this section.

23 **SECTION 263.** 18.562 (1) (b) of the statutes is created to read:

24 18.562 (1) (b) 1. Except as provided in subd. 2., the security interest for the
25 benefit of the owners of the special fund obligations and other persons specified in

SENATE BILL 44**SECTION 263**

1 the authorizing resolution providing for the issuance of the particular special fund
2 obligations shall have priority over all conflicting security interests to the fees,
3 penalties, or excise taxes that are required to be deposited in the special fund.

4 2. For different special fund obligations secured by the same fees, penalties, or
5 excise taxes, priority shall be established according to the date of issuance of the
6 special fund obligation or the incurrence of the other obligations specified in an
7 authorizing resolution, if applicable, with earlier issuances or incurrences having
8 priority over later issuances or incurrences, unless laws governing the issuance of
9 a particular special fund obligation or the authorizing resolution providing for the
10 issuance of a particular special fund obligation permit later issuances or incurrences
11 on a parity or priority basis.

12 **SECTION 264.** 18.562 (3) of the statutes is amended to read:

13 18.562 (3) REDEMPTION FUND. The special fund revenues that are to be set aside
14 for the payment of the principal of and interest ~~of~~ on the special fund obligations and,
15 as directed by the commission, payments to be received with respect to an agreement
16 or ancillary arrangement entered into under s. 18.55 (6), shall be paid into a separate
17 fund in the treasury or in an account maintained by a trustee appointed for that
18 purpose in the authorizing resolution to be identified as “the ... redemption fund”.
19 Each redemption fund shall be expended, and all moneys from time to time on hand
20 therein are irrevocably appropriated, in sums sufficient, only for the payment of
21 principal of and interest on the special fund obligations giving rise to it and premium,
22 if any, due upon redemption of any such obligations, and for ~~other obligations that~~
23 ~~are secured by any fees, penalties, or excise taxes deposited in the special fund~~
24 payment of obligations under an agreement or ancillary arrangement entered into
25 under s. 18.55 (6) to the extent provided for in an authorizing resolution. Moneys in

SENATE BILL 44**SECTION 264**

1 the redemption funds may be commingled only for the purpose of investment with
2 other public funds, but they shall be invested only in investment instruments
3 permitted in s. 25.17 (3) (dr). All such investments shall be the exclusive property
4 of the fund and all earnings on or income from such investments shall be credited to
5 the fund.

6 **SECTION 265.** 18.57 (1) of the statutes is amended to read:

7 18.57 (1) A separate and distinct fund shall be established in the state treasury
8 or in an account maintained by a trustee appointed for that purpose by the
9 authorizing resolution with respect to each revenue-producing enterprise or
10 program the income from which is to be applied to the payment of any enterprise
11 obligation. A separate and distinct fund shall be established in the state treasury
12 or in an account maintained by a trustee appointed for that purpose by the
13 authorizing resolution with respect to any special fund program that is ~~created by~~
14 ~~the imposition of fees, penalties or excise taxes and is applied to the payment~~
15 financed through the issuance of special fund obligations. All moneys resulting from
16 the issuance of evidences of revenue obligation shall be credited to the appropriate
17 fund, applied for refunding or note renewal purposes, or to make deposits to reserve
18 funds, except that moneys which represent ~~premium or accrued interest or, to the~~
19 extent provided in the resolution authorizing the issuance of such evidences of
20 revenue obligation, premium received on the issuance of evidences shall be credited
21 to the appropriate redemption fund. As determined by the commission, payments
22 to be received under an agreement or ancillary arrangement entered into under s.
23 18.55 (6) with respect to any such issuance of evidences of revenue obligation shall
24 be credited to the appropriate fund.

25 **SECTION 266.** 18.57 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 266**

1 18.57 (2) Moneys in such funds may be expended, pursuant to appropriations,
2 only for the purposes and in the amounts for which borrowed, for the payment of the
3 principal of and interest on related revenue obligations, to make deposits to reserve
4 funds, and ~~for expenses incurred in issuing such obligations~~ to make ancillary
5 payments.

6 **SECTION 267.** 18.58 (2) of the statutes is repealed.

7 **SECTION 268.** 18.60 (2) of the statutes is amended to read:

8 18.60 (2) If the commission determines to exchange refunding obligations, they
9 may be exchanged privately for and in payment and discharge of any of the
10 outstanding obligations or notes being refinanced. Refunding obligations may be
11 exchanged for ~~a like or greater principal amount of the obligations or notes being~~
12 ~~exchanged therefor except that the principal amount of the refunding obligations~~
13 ~~may exceed the principal amount of the obligations or notes being exchanged~~
14 ~~therefor only to the extent determined by the commission to be necessary or~~
15 ~~advisable to pay redemption premiums and unpaid interest to the date of exchange~~
16 ~~not otherwise provided for~~ such principal amount of the obligations or notes being
17 exchanged therefore as may be determined by the commission to be necessary or
18 advisable. The owners of the obligations or notes being refunded who elect to
19 exchange need not pay accrued interest on the refunding obligations if and to the
20 extent that interest is accrued and unpaid on the obligations or notes being refunded
21 and to be surrendered. If any of the obligations or notes to be refinanced are to be
22 called for redemption, the commission shall determine which redemption dates shall
23 be used, if more than one date is applicable and shall, prior to the issuance of the
24 refunding obligations, provide for notice of redemption to be given in the manner and

SENATE BILL 44**SECTION 268**

1 at the times required by the proceedings authorizing the outstanding obligations or
2 notes.

3 **SECTION 269.** 18.60 (3) of the statutes is amended to read:

4 18.60 (3) The principal proceeds from the sale of any refunding obligations
5 shall be applied either to the immediate payment and retirement of the obligations
6 or notes being refinanced or, if the obligations or notes have not matured and are not
7 presently redeemable, to the creation of a trust for and shall be pledged to the
8 payment of the obligations or notes being refinanced. If a trust is created, a separate
9 deposit shall be made for each issue of obligations or notes being refinanced. Each
10 deposit shall be with the ~~state treasurer~~ secretary of administration or a bank or
11 trust company that is then a member of the federal deposit insurance corporation.
12 If the total amount of any deposit, including money other than sale proceeds but
13 legally available for such purpose, is less than the principal amount of the obligations
14 or notes being refinanced and for the payment of which the deposit has been created
15 and pledged, together with applicable redemption premiums and interest accrued
16 and to accrue to maturity or to the date of redemption, then the application of the sale
17 proceeds shall be legally sufficient only if the money deposited is invested in
18 securities issued by the United States or one of its agencies, or securities fully
19 guaranteed by the United States, and only if the principal amount of the securities
20 at maturity and the income therefrom to maturity will be sufficient and available,
21 without the need for any further investment or reinvestment, to pay at maturity or
22 upon redemption the principal amount of the obligations or notes being refinanced
23 together with applicable redemption premiums and interest accrued and to accrue
24 to maturity or to the date of redemption. The income from the principal proceeds of
25 the securities shall be applied solely to the payment of the principal of and interest

SENATE BILL 44**SECTION 269**

1 and redemption premiums on the obligations or notes being refinanced, but
2 provision may be made for the pledging and disposition of any surplus. Nothing in
3 this subsection shall be construed as a limitation on the duration of any deposit in
4 trust for the retirement of obligations or notes being refinanced, but which have not
5 matured and which are not presently redeemable. Nothing in this subsection shall
6 be construed to prohibit reinvestment of the income of a trust if the reinvestments
7 will mature at such times that sufficient cash will be available to pay interest,
8 applicable premiums, and principal on the obligations or notes being refinanced.

9 **SECTION 270.** 18.61 (5) of the statutes is amended to read:

10 18.61 (5) The legislature may provide, with respect to any specific issue of
11 revenue obligations, prior to their issuance, that if the special fund income or the
12 enterprise or program income pledged to the payment of the principal of and interest
13 of on the issue is insufficient for that purpose, or is insufficient to replenish a reserve
14 fund, if applicable, it will consider supplying the deficiency by appropriation of funds,
15 from time to time, out of the treasury. If the legislature so provides, the commission
16 may make the necessary provisions therefor in the authorizing resolution and other
17 proceedings of the issue. Thereafter, if the contingency occurs, recognizing its moral
18 obligation to do so, the legislature hereby expresses its expectation and aspiration
19 that it shall make such appropriation.

20 **SECTION 271.** 18.70 of the statutes is amended to read:

21 **18.70 Provisions applicable.** The following sections apply to this
22 subchapter, except that all references to “public debt”, “debt” or “revenue obligation”
23 are deemed to refer to “operating notes”, all references to “evidence of indebtedness”
24 are deemed to refer to “evidence of operating note”, and all references to “evidences
25 of indebtedness” are deemed to refer to “evidences of operating notes”: ss. 18.03,

SENATE BILL 44

1 ~~18.06 (8)~~, 18.07, 18.10 (1), (2), (4) to (9) and (11), 18.17, 18.52 (1), ~~18.58 (2) (1m)~~, 18.61
2 (1), 18.62 and 18.63.

3 **SECTION 272.** 18.73 (5) of the statutes is created to read:

4 **18.73 (5) AGREEMENTS AND ARRANGEMENTS; DELEGATION; USE OF OPERATING NOTES.**

5 (a) At the time of, or in anticipation of, contracting operating notes and at any time
6 thereafter while the operating notes are outstanding, the commission may enter into
7 agreements and ancillary arrangements relating to the operating notes, including
8 liquidity facilities, remarketing or dealer agreements, letter of credit agreements,
9 insurance policies, guaranty agreements, reimbursement agreements, indexing
10 agreements, or interest exchange agreements. Any payment received pursuant to
11 any such agreements or ancillary arrangements shall be deposited in, and any
12 payments made pursuant to any such agreements or ancillary arrangements will be
13 made from, the general fund or the operating note redemption fund, as determined
14 by the commission.

15 (b) The commission may delegate to other persons the authority and
16 responsibility to take actions necessary and appropriate to implement agreements
17 and ancillary arrangements under par. (a).

18 (c) Any operating notes may include operating notes contracted to fund
19 interest, accrued or to accrue, on the operating notes.

20 **SECTION 273.** 18.74 of the statutes is amended to read:

21 **18.74 Application of operating note proceeds.** All moneys resulting from
22 the contracting of operating notes or any payment to be received under an agreement
23 or ancillary arrangement entered into under s. 18.73 (5) with respect to any such
24 operating notes shall be credited to the general fund, except that moneys which
25 represent premium and accrued interest on operating notes, or moneys for purposes

SENATE BILL 44**SECTION 273**

1 of funding or refunding operating notes pursuant to s. 18.72 (1) shall be credited to
2 the operating note redemption fund.

3 **SECTION 274.** 18.75 (2) of the statutes is amended to read:

4 18.75 (2) The operating note redemption fund shall be expended and all
5 moneys from time to time on hand therein are irrevocably appropriated, in sums
6 sufficient, only for the payment of principal and interest on operating notes giving
7 rise to it and premium, if any, due upon refunding or early redemption of such
8 operating notes, and for the payment due, if any, under an agreement or ancillary
9 arrangement entered into under s. 18.73 (5) with respect to such operating notes.

10 **SECTION 275.** 18.75 (4) of the statutes is amended to read:

11 18.75 (4) There shall be transferred, under s. 20.855 (1) (a), a sum sufficient
12 for the payment of the principal, interest and premium due, if any, and for the
13 payment due, if any, under an agreement or ancillary arrangement entered into
14 pursuant to s. 18.73 (5) with respect to such operating notes on the operating notes
15 giving rise to it as the same falls due. Such transfers shall be so timed that there is
16 at all times on hand in the fund an amount not less than the amount to be paid out
17 of it during the ensuing 30 days or such other period if so provided for in the
18 authorizing resolution. The commission may pledge the deposit of additional
19 amounts at periodic intervals and the secretary of the department may impound
20 moneys of the general fund, including moneys temporarily reallocated from other
21 funds under s. 20.002 (11), in accordance with the pledge of revenues in the
22 authorizing resolution, and all such impoundments are deemed to be payments for
23 purposes of s. 16.53 (10), but no such impoundment may be made until the amounts
24 to be paid into the bond security and redemption fund under s. 18.09 during the
25 ensuing 30 days have been deposited in the bond security and redemption fund.

SENATE BILL 44**SECTION 276**

1 **SECTION 276.** 19.36 (4) of the statutes is amended to read:

2 19.36 (4) COMPUTER PROGRAMS AND DATA. A computer program, as defined in s.
3 ~~22.03~~ 16.971 (4) (c), is not subject to examination or copying under s. 19.35 (1), but
4 the material used as input for a computer program or the material produced as a
5 product of the computer program is subject to the right of examination and copying,
6 except as otherwise provided in s. 19.35 or this section.

7 **SECTION 277.** 19.43 (7) of the statutes is amended to read:

8 19.43 (7) If an official required to file fails to make a timely filing, the board
9 shall promptly provide notice of the delinquency to the ~~state treasurer~~ secretary of
10 administration, and to the chief executive of the department of which the official's
11 office or position is a part, or, in the case of a district attorney, to the chief executive
12 of that department and to the county clerk of each county served by the district
13 attorney or in the case of a municipal judge to the clerk of the municipality of which
14 the official's office is a part, or in the case of a justice, court of appeals judge, or circuit
15 judge, to the director of state courts. Upon such notification both the ~~state treasurer~~
16 secretary of administration and the department, municipality, or director shall
17 withhold all payments for compensation, reimbursement of expenses, and other
18 obligations to the official until the board notifies the officers to whom notice of the
19 delinquency was provided that the official has complied with this section.

20 **SECTION 278.** 19.45 (7) (a) 4. of the statutes is amended to read:

21 19.45 (7) (a) 4. In a matter before the department of revenue or the office of the
22 commissioner of tax appeals ~~commission~~ that involves the representation of a client
23 in connection with a tax matter.

24 **SECTION 279.** 19.45 (11) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 279**

1 19.45 (11) (a) The administrator of the division of merit recruitment and
2 selection in the department of ~~employment relations~~ administration shall, with the
3 board's advice, promulgate rules to implement a code of ethics for classified and
4 unclassified state employees except state public officials subject to this subchapter,
5 unclassified personnel in the University of Wisconsin System and officers and
6 employees of the judicial branch.

7 **SECTION 280.** 20.003 (4) (e) of the statutes is amended to read:

8 20.003 (4) (e) For fiscal year 2003-04, ~~1.6%~~ the amount by which the
9 appropriation under s. 20.435 (4) (b) is reduced for fiscal year 2003-04 under 2003
10 Wisconsin Act (this act), section 9224 (1), or \$35,000,000, whichever is greater.

11 **SECTION 281.** 20.003 (4) (f) of the statutes is amended to read:

12 20.003 (4) (f) For fiscal year 2004-05, ~~1.8%~~ the amount by which the
13 appropriation under s. 20.435 (4) (b) is reduced for fiscal year 2004-05 under 2003
14 Wisconsin Act (this act), section 9224 (2), or \$40,000,000, whichever is greater.

15 **SECTION 282.** 20.003 (4) (fm) of the statutes is created to read:

16 20.003 (4) (fm) For fiscal year 2005-06, \$75,000,000.

17 **SECTION 283.** 20.003 (4) (g) of the statutes is amended to read:

18 20.003 (4) (g) For fiscal year ~~2005-06~~ 2006-07 and each fiscal year thereafter,
19 2%.

20 **SECTION 284.** 20.005 (1) of the statutes is repealed and recreated to read:

21 20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for
22 the state of Wisconsin for all funds beginning on July 1, 2003, and ending on June
23 30, 2005, is summarized as follows: [See Figure 20.005 (1) following]

SENATE BILL 44**SECTION 284**1
2
3**Figure: 20.005 (1)****GENERAL FUND SUMMARY**

	2003-04	2004-05
Opening Balance, July 1	\$ -292,172,300	\$ 35,354,100
Revenues and Transfers		
Taxes	\$10,746,900,000	\$11,350,900,000
Departmental Revenues		
New Tribal Gaming Revenues	112,000,000	125,000,000
Other	<u>218,843,900</u>	<u>227,677,100</u>
Total Available	\$10,785,571,600	\$11,738,931,200
Appropriations, Transfers and Reserves		
Gross Appropriations	\$10,783,708,900	\$11,678,898,200
Compensation Reserves	115,812,900	176,359,600
Transfer to Tobacco Control Fund	15,345,100	15,345,100
Less Lapses	<u>-164,649,400</u>	<u>-171,873,700</u>
Total Expenditures	\$10,750,217,500	\$11,698,729,200
Balances		
Gross Balance	\$ 35,354,100	\$ 40,202,000
Less Required Statutory Balance	<u>-35,000,000</u>	<u>-40,000,000</u>
Net Balance, June 30	\$ 354,100	\$ 202,000
Structural Balance	\$ 327,526,400	\$ 4,847,900

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	2003-04	2004-05
General Purpose Revenue	\$11,578,951,600	\$11,670,350,400
Federal Revenue		

SENATE BILL 44**SECTION 284**

	2003-04	2004-05
Program Revenue	4,759,271,300	4,833,602,200
Segregated Revenue	<u>716,680,000</u>	<u>745,123,600</u>
	\$ 5,475,951,300	\$ 5,578,725,800
Program Revenue		
Nonservice	2,293,638,000	2,352,071,600
Service	<u>729,931,100</u>	<u>723,413,200</u>
	\$ 3,023,569,100	\$ 3,075,484,800
Segregated Revenue		
State nonservice	2,968,116,600	2,713,296,900
Local	72,740,300	72,081,200
Service	<u>160,654,400</u>	<u>165,381,100</u>
	\$ 3,201,511,300	\$ 2,950,759,200
GRAND TOTAL	\$23,279,983,300	\$23,275,320,200

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	2003-04	2004-05
General Purpose Revenue	\$ 115,812,900	\$ 176,359,600
Federal Revenue	29,559,200	45,012,600
Program	25,502,400	38,835,000
Segregated	4,056,800	6,177,600
Program Revenue	88,926,600	135,417,200
Nonservice	81,650,600	124,337,300
Service	7,276,000	11,079,900
Segregated Revenue	17,852,200	27,185,300
State nonservice	17,811,600	27,123,400
Local	-0-	-0-

SENATE BILL 44

	2003-04	2004-05
Service	<u>40,600</u>	<u>61,900</u>
TOTAL	\$ 252,150,900	\$ 383,974,700

LOTTERY FUND SUMMARY

	2003-04	2004-05
Gross Revenue		
Ticket Sales	\$ 417,198,100	\$ 418,049,000
Miscellaneous Revenue	<u>100,600</u>	<u>100,600</u>
	\$ 417,298,700	\$ 418,149,600
Expenses		
Prizes	\$ 238,113,600	\$ 238,701,200
Administrative Expenses	<u>64,958,700</u>	<u>66,237,200</u>
	\$ 303,072,300	\$ 304,938,400
Net Proceeds	\$ 114,266,400	\$ 113,211,200
Total Available for Property Tax Relief		
Opening Balance	\$ 8,256,300	\$ 8,346,000
Net Proceeds	114,226,400	113,211,200
Interest Earnings	1,395,300	1,457,100
Gaming-related Revenue	<u>1,348,900</u>	<u>1,311,700</u>
	\$ 125,226,900	\$ 124,326,000
Property Tax Relief	\$ 116,880,900	\$ 115,963,000

SENATE BILL 44**SECTION 284**

	2003-04	2004-05
Gross Closing Balance	\$ 8,346,000	\$ 8,363,000
Reserve	\$ 8,346,000	\$ 8,363,000
Net Closing Balance	\$ -0-	\$ -0-

1
2 **SECTION 285.** 20.005 (2) of the statutes is repealed and recreated to read:
3 20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following schedule sets
4 forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b)
5 following]

**SUMMARY OF BONDING AUTHORITY MODIFICATIONS
2003-05 FISCAL BIENNIUM**

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Agriculture, Trade and Consumer Protection	
Soil and water	\$ 7,000,000
Building Commission	
Refunding general obligation debt	350,000,000
Natural Resources	
Nonpoint source grants	9,546,800
Urban nonpoint source cost sharing	4,700,000
Environmental repair	6,000,000
Transportation	
Harbor improvements	3,000,000
Rail acquisitions and improvements	4,500,000

SENATE BILL 44

Source and Purpose	Amount
Veterans Affairs	
Refunding bonds	175,000,000
TOTAL General Obligation Bonds	\$ 559,746,800

REVENUE OBLIGATIONS

Administration	
Unfunded prior service liability obligations	\$ 750,000,000
Tobacco settlement bond purchase program	1,600,000,000
Commerce	
PECFA	115,000,000
Environmental Improvement Program	
Clean water fund program	259,670,000
Transportation	
Major highway projects, Marquette Interchange, state highway rehabilitation	1,163,335,500
TOTAL Revenue Obligation Bonds	\$ 3,888,005,500
GRAND TOTAL Bonding Authority Modifications	\$ 4,447,752,300

1
2
3

Figure: 20.005 (2) (b)

**GENERAL OBLIGATION AND
BUILDING CORPORATION DEBT SERVICE
FISCAL YEARS 2003-04 AND 2004-05**

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
<i>20.115 Agriculture, trade and consumer protection, department of</i>			
(2) (d) Principal repayment and interest	GPR	\$ 18,900	\$ 17,100

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
(7) (b) Principal repayment and interest, conservation reserve enhancement	GPR	1,560,300	4,140,000
(7) (f) Principal repayment and interest; soil and water	GPR	502,400	696,100
<i>20.190 State fair park board</i>			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	927,200	926,000
(1) (d) Principal repayment and interest	GPR	571,800	1,013,500
<i>20.225 Educational communications board</i>			
(1) (c) Principal repayment and interest	GPR	1,453,900	2,011,300
<i>20.245 Historical society</i>			
(1) (e) Principal repayment, interest, and rebates	GPR	1,259,800	1,210,200
<i>20.250 Medical College of Wisconsin</i>			
(1) (c) Principal repayment, interest, and rebates; biomedical research and technology incubator	GPR	-0-	1,405,700
(1) (e) Principal repayment and interest	GPR	158,800	158,700
<i>20.255 Public instruction, department of</i>			
(1) (d) Principal repayment and interest	GPR	1,229,600	1,123,700
(4) (er) Principal, interest and rebates; general purpose revenue - public library boards	GPR	73,900	159,500
(4) (es) Principal, interest, and rebates; general purpose revenue - schools	GPR	5,197,200	6,467,800

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
<i>20.275 Technology for educational achievement in Wisconsin board</i>			
(1) (er) Principal, interest and rebates; general purpose revenue - public library boards	GPR	-0-	-0-
(1) (es) Principal, interest and rebates; general purpose revenue - school boards	GPR	-0-	-0-
<i>20.285 University of Wisconsin System</i>			
(1) (d) Principal repayment and interest	GPR	100,798,400	101,057,700
(1) (db) Self-amortizing facilities principal and interest	GPR	-0-	-0-
(1) (fh) State laboratory of hygiene; principal repayment and interest	GPR	-0-	-0-
<i>20.320 Environmental improvement program</i>			
(1) (c) Principal repayment and interest - clean water fund program	GPR	33,950,200	37,989,700
(2) (c) Principal repayment and interest - safe drinking water loan program	GPR	1,450,800	1,711,800
<i>20.370 Natural resources, department of</i>			
(7) (aa) Resource acquisition and development - principal repayment and interest	GPR	26,702,900	30,162,700
(7) (ac) Principal repayment and interest - recreational boating bonds	GPR	-0-	-0-
	GPR	-0-	-0-
(7) (ca) Principal repayment and interest - nonpoint source grants	GPR	4,629,900	5,844,700
(7) (cb) Principal repayment and interest - pollution abatement bonds	GPR	57,109,900	51,506,300

SENATE BILL 44**SECTION 285**

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
(7) (cc) Principal repayment and interest - combined sewer overflow; pollution abatement bonds	GPR	16,563,500	16,576,100
(7) (cd) Principal repayment and interest - municipal clean drinking water grants	GPR	1,136,800	1,394,400
(7) (ce) Principal repayment and interest - nonpoint source	GPR	181,000	181,000
(7) (cf) Principal repayment and interest - urban nonpoint source cost-sharing	GPR	832,800	1,314,000
(7) (ea) Administrative facilities - principal repayment and interest	GPR	565,000	621,300
<i>20.395 Transportation, department of</i>			
(6) (af) Principal repayment and interest, local roads for job preservation, state funds	GPR	168,900	168,900
<i>20.410 Corrections, department of</i>			
(1) (e) Principal repayment and interest	GPR	71,027,900	67,497,300
(1) (ec) Prison industries principal, interest and rebates	GPR	-0-	-0-
(3) (e) Principal repayment and interest	GPR	4,600,000	4,496,600
<i>20.435 Health and family services, department of</i>			
(2) (ee) Principal repayment and interest	GPR	12,078,900	11,848,400
(2) (ef) Lease rental payments	GPR	-0-	-0-
(6) (e) Principal repayment and interest	GPR	59,800	54,300
<i>20.465 Military affairs, department of</i>			
(1) (d) Principal repayment and interest	GPR	3,368,600	3,413,600
<i>20.485 Veterans affairs, department of</i>			
(1) (e) Lease rental payments	GPR	-0-	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
(1) (f) Principal repayment and interest	GPR	1,511,900	1,421,200
<i>20.505 Administration, department of</i>			
(5) (c) Principal repayment and interest; Black Point Estate	GPR	45,000	112,600
<i>20.855 Miscellaneous appropriations</i>			
(8) (a) Dental clinic and education facility; principal repayment, interest and rebates	GPR	973,100	974,800
<i>20.867 Building commission</i>			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	-0-	-0-
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	12,362,900	15,407,200
(3) (a) Principal repayment and interest	GPR	19,684,600	37,202,900
(3) (b) Principal repayment and interest	GPR	1,864,000	2,865,400
(3) (bm) Principal repayment, interest, and rebates; HR Academy, Inc.	GPR	126,700	126,700
(3) (bp) Principal repayment, interest and rebates	GPR	56,300	84,500
(3) (br) Principal repayment, interest and rebates	GPR	79,900	80,400
(3) (bt) Principal repayment, interest, and rebates; Discovery Place Museum	GPR	56,300	84,500
(3) (c) Lease rental payments	GPR	-0-	-0-
(3) (e) Principal repayment, interest and rebates; parking ramp	GPR	-0-	-0-
TOTAL General Purpose Revenue Debt Service		\$384,939,800	\$413,528,900

SENATE BILL 44**SECTION 285**

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
<i>20.190 State Fair Park Board</i>			
(1) (j) State fair principal repayment, interest and rebates	PR	\$ 3,912,500	\$ 6,046,800
<i>20.225 Educational communications board</i>			
(1) (i) Program revenue facilities; principal repayment, interest and rebates	PR	-0-	-0-
<i>20.245 Historical society</i>			
(1) (j) Self-amortizing facilities; principal repayment, interest and rebates	PR	157,800	248,900
<i>20.255 Public instruction, department of</i>			
(4) (h) Principal, interest, and rebates; program revenue - schools	PR	3,206,800	4,487,000
(4) (hb) Principal, interest, and rebates; program revenue - public library boards	PR	72,700	158,200
<i>20.275 Technology for educational achievement in Wisconsin board</i>			
(1) (h) Principal, interest and rebates; program revenue - schools	PR	-0-	-0-
(1) (hb) Principal, interest and rebates; program revenue - public library boards	PR	-0-	-0-
<i>20.285 University of Wisconsin System</i>			
(1) (ih) State laboratory of hygiene; principal repayment and interest	PR	-0-	-0-
(1) (kd) Principal repayment, interest and rebates	PR-S	36,095,700	46,895,300
(1) (ke) Lease rental payments	PR-S	-0-	-0-
<i>20.370 Natural resources, department of</i>			
(7) (ag) Land acquisition - principal repayment and interest	PR	-0-	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
(7) (cg) Principal repayment and interest - nonpoint repayments	PR	-0-	-0-
<i>20.410 Corrections, department of</i>			
(1) (ko) Prison industries principal repayment, interest and rebates	PR-S	270,000	517,400
<i>20.485 Veterans Affairs, department of</i>			
(1) (go) Self-amortizing housing facilities; principal repayment and interest	PR	1,030,900	2,211,300
<i>20.505 Administration, department of</i>			
(5) (g) Principal repayment, interest and rebates; parking	PR	1,762,100	1,763,600
(5) (kc) Principal repayment, interest and rebates	PR-S	16,769,500	16,281,700
<i>20.867 Building commission</i>			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	-0-	-0-
(3) (h) Principal repayment, interest and rebates	PR	-0-	-0-
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	<u>145,300</u>	<u>191,300</u>
TOTAL Program Revenue Debt Service		\$ 63,423,300	\$ 79,341,400
<i>20.320 Environmental improvement program</i>			
(1) (t) Principal repayment and interest - clean water fund program bonds	SEG	\$ 6,000,000	\$ 6,000,000
(1) (u) Principal repayment and interest - clean water fund program revenue obligation repayment	SEG	-0-	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
<i>20.370 Natural resources, department of</i>			
(7) (aq) Resource acquisition and development - principal repayment and interest	SEG	233,000	233,400
(7) (ar) Dam repair and removal - principal repayment and interest	SEG	426,400	509,500
(7) (at) Recreation development - principal repayment and interest	SEG	-0-	-0-
(7) (au) State forest acquisition and development - principal repayment and interest	SEG	8,000,000	8,000,000
(7) (bq) Principal repayment and interest - remedial action	SEG	3,203,700	3,771,600
(7) (eq) Administrative facilities - principal repayment and interest	SEG	1,747,700	2,208,800
(7) (er) Administrative facilities - principal repayment and interest; environmental fund	SEG	253,400	487,700
<i>20.395 Transportation, department of</i>			
(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	4,421,500	4,841,800
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	112,100	62,000
<i>20.485 Veterans affairs, department of</i>			
(3) (t) Debt service	SEG	81,019,900	81,370,000
(3) (v) Revenue obligation prepayment	SEG	-0-	-0-
(4) (qm) Repayment of principal and interest	SEG	103,600	99,700
<i>20.866 Public debt</i>			
(1) (u) Principal repayment and interest	SEG	-0-	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	2003-04	2004-05
20.867 Building commission			
(3) (q) Principal repayment and interest; segregated revenues	SEG	-0-	-0-
TOTAL Segregated Revenue Debt Service		\$105,521,300	\$107,584,500
GRAND TOTAL All Debt Service		\$553,884,400	\$600,454,800

SECTION 286. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 (3) APPROPRIATIONS. The following schedule sets forth all annual, biennial, and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
Commerce				
20.115 Agriculture, trade and rural resources				
(1) FOOD SAFETY AND CONSUMER PROTECTION				
(a) General program operations	GPR	A	-0-	-0-
Food inspection	GPR	A	3,070,600	3,070,600
Meat and poultry inspection	GPR	A	2,897,700	2,897,700
Trade and consumer protection	GPR	A	496,300	496,300
NET APPROPRIATION			6,464,600	6,464,600
(d) Payments to ethanol producers	GPR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(g) Related services	PR	A	40,500	40,500
2	(gb) Food regulation	PR	A	4,424,400	4,424,400
3	(gf) Fruit and vegetable inspection	PR	C	1,067,200	1,067,200
4	(gh) Public warehouse regulation	PR	A	97,600	97,600
5	(gm) Dairy trade regulation	PR	A	141,200	141,200
6	(h) Grain inspection and certification	PR	C	2,212,000	2,212,000
7	(hm) Ozone-depleting refrigerants and				
8	products regulation	PR	A	362,500	362,500
9	(i) Sale of supplies	PR	A	42,000	42,000
10	(j) Weights and measures inspection	PR	A	849,200	849,200
11	(jb) Consumer protection, information,				
12	and education	PR	A	175,000	175,000
13	(k) Payments to ethanol producers	PR-S	A	1,900,000	1,900,000
14	(m) Federal funds	PR-F	C	3,316,100	3,316,100
15	(q) Dairy, grain, and vegetable security	SEG	A	1,082,000	1,082,000
16	(r) Unfair sales act	SEG	A	188,200	188,200
17	(s) Weights and measures; petroleum				
18	inspection fund	SEG	A	486,800	486,800
19	(u) Recyclable and nonrecyclable				
20	products regulation	SEG	A	-0-	-0-
21	(v) Agricultural producer security;				
22	bonds	SEG	S	350,000	350,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(w) Agricultural producer security;				
2	payments	SEG	S	2,000,000	2,000,000
3	(wb) Agricultural producer security;				
4	bond proceeds	SEG	C	-0-	-0-
	(1) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			6,464,600	6,464,600
	PROGRAM REVENUE			14,627,700	14,627,700
	FEDERAL			(3,316,100)	(3,316,100)
	OTHER			(9,411,600)	(9,411,600)
	SERVICE			(1,900,000)	(1,900,000)
	SEGREGATED FUNDS			4,107,000	4,107,000
	OTHER			(4,107,000)	(4,107,000)
	TOTAL-ALL SOURCES			25,199,300	25,199,300
5	(2) ANIMAL HEALTH SERVICES				
6	(a) General program operations	GPR	A	2,140,200	2,140,200
7	(b) Animal disease indemnities	GPR	S	108,600	108,600
8	(c) Financial assistance for				
9	paratuberculosis testing	GPR	A	250,000	250,000
10	(d) Principal repayment and interest	GPR	S	18,900	17,100
11	(g) Related services	PR	C	45,000	45,000
12	(h) Sale of supplies	PR	A	30,300	30,300
13	(ha) Inspection, testing and enforcement	PR	C	480,600	480,600
14	(j) Dog licenses, rabies control and				
15	related services	PR	A	109,200	109,200
16	(m) Federal funds	PR-F	C	168,700	168,700
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			2,517,700	2,515,900
	PROGRAM REVENUE			833,800	833,800
	FEDERAL			(168,700)	(168,700)

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	OTHER			(665,100)	(665,100)
	TOTAL-ALL SOURCES			3,351,500	3,349,700
1	(3) MARKETING SERVICES				
2	(a) General program operations	GPR	A	1,647,300	1,647,300
3	(g) Related services	PR	A	-0-	-0-
4	(i) Marketing orders and agreements	PR	C	77,700	77,700
5	(j) Stray voltage program	PR	A	319,200	319,200
6	(ja) Marketing services and materials	PR	C	302,000	302,000
7	(jm) Stray voltage program; rural				
8	electric cooperatives	PR	A	21,200	21,200
9	(L) Something special from Wisconsin				
10	promotion	PR	A	30,500	30,500
11	(m) Federal funds	PR-F	C	466,500	466,500
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,647,300	1,647,300
	PROGRAM REVENUE			1,217,100	1,217,100
	FEDERAL			(466,500)	(466,500)
	OTHER			(750,600)	(750,600)
	TOTAL-ALL SOURCES			2,864,400	2,864,400
12	(4) AGRICULTURAL ASSISTANCE				
13	(a) Aid to Wisconsin livestock breeders				
14	association	GPR	A	-0-	-0-
15	(b) Aids to county and district fairs	GPR	A	-0-	-0-
16	(c) Agricultural investment aids	GPR	B	380,000	380,000
17	(d) Farmers tuition assistance grants	GPR	B	-0-	-0-
18	(e) Aids to World Dairy Expo, Inc.	GPR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(f) Exposition center grants	GPR	A	240,000	240,000
2	(q) Grants for agriculture in the				
3	classroom program	SEG	A	100,000	100,000
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			620,000	620,000
	SEGREGATED FUNDS			100,000	100,000
	OTHER			(100,000)	(100,000)
	TOTAL-ALL SOURCES			720,000	720,000
4	(7) AGRICULTURAL RESOURCE MANAGEMENT				
5	(a) General program operations	GPR	A	1,403,000	1,403,000
6	(b) Principal repayment and interest,				
7	conservation reserve enhancement	GPR	S	1,560,300	4,140,000
8	(c) Soil and water resource				
9	management program	GPR	C	5,581,900	5,581,900
10	(d) Drainage board grants	GPR	A	200,000	200,000
11	(e) Agricultural chemical cleanup				
12	program; general fund	GPR	B	-0-	-0-
13	(f) Principal repayment and interest,				
14	soil and water	GPR	S	502,400	696,100
15	(g) Agricultural impact statements	PR	C	191,600	191,600
16	(ga) Related services	PR	C	135,500	135,500
17	(gm) Seed testing and labeling	PR	C	72,100	72,100
18	(h) Fertilizer research assessments	PR	C	160,500	160,500
19	(ha) Liming material research funds	PR	C	25,000	25,000
20	(ja) Plant protection	PR	C	169,100	169,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(k) Agricultural resource management				
2	services	PR-S	C	537,700	537,700
3	(m) Federal funds	PR-F	C	911,600	911,600
4	(qc) Plant protection; conservation fund	SEG	A	1,392,000	1,392,000
5	(qd) Soil and water management;				
6	environmental fund	SEG	A	4,701,300	4,701,300
7	(r) General program operations;				
8	agricultural management	SEG	A	5,516,900	5,253,100
9	(ue) Pesticide sales and use reporting				
10	system development	SEG	C	-0-	-0-
11	(va) Chemical and container disposal	SEG	A	560,400	560,400
12	(wm) Agricultural chemical cleanup				
13	reimbursement	SEG	C	3,738,600	3,738,600
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			9,247,600	12,021,000
	PROGRAM REVENUE			2,203,100	2,203,100
	FEDERAL			(911,600)	(911,600)
	OTHER			(753,800)	(753,800)
	SERVICE			(537,700)	(537,700)
	SEGREGATED FUNDS			15,909,200	15,645,400
	OTHER			(15,909,200)	(15,645,400)
	TOTAL-ALL SOURCES			27,359,900	29,869,500
14	(8) CENTRAL ADMINISTRATIVE SERVICES				
15	(a) General program operations	GPR	A	4,237,000	4,237,000
16	(g) Gifts and grants	PR	C	764,200	764,200
17	(gm) Enforcement cost recovery	PR	A	25,000	25,000
18	(h) Sale of material and supplies	PR	C	53,900	53,900

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ha) General laboratory related services	PR	C	413,800	413,800
2	(hm) Restitution	PR	C	-0-	-0-
3	(i) Related services	PR	A	100,000	100,000
4	(j) Electronic processing	PR	C	-0-	-0-
5	(k) Computer system equipment, staff				
6	and services	PR	A	2,138,200	2,138,200
7	(kL) Central services	PR-S	C	702,400	702,400
8	(km) General laboratory services	PR-S	B	2,593,800	2,593,800
9	(ks) State services	PR-S	C	190,100	190,100
10	(m) Federal funds	PR-F	C	80,000	80,000
11	(pz) Indirect cost reimbursements	PR-F	C	854,800	854,800
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,237,000	4,237,000
	PROGRAM REVENUE			7,916,200	7,916,200
	FEDERAL			(934,800)	(934,800)
	OTHER			(3,495,100)	(3,495,100)
	SERVICE			(3,486,300)	(3,486,300)
	TOTAL-ALL SOURCES			12,153,200	12,153,200
	20.115 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			24,734,200	27,505,800
	PROGRAM REVENUE			26,797,900	26,797,900
	FEDERAL			(5,797,700)	(5,797,700)
	OTHER			(15,076,200)	(15,076,200)
	SERVICE			(5,924,000)	(5,924,000)
	SEGREGATED FUNDS			20,116,200	19,852,400
	OTHER			(20,116,200)	(19,852,400)
	TOTAL-ALL SOURCES			71,648,300	74,156,100
12	20.143 Commerce, department of				
13	(1) ECONOMIC AND COMMUNITY DEVELOPMENT				
14	(a) General program operations	GPR	A	3,858,900	3,858,900

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(b) Economic development promotion,				
2	plans and studies	GPR	A	30,000	30,000
3	(bm) Aid to Forward Wisconsin, Inc.	GPR	A	380,000	380,000
4	(c) Wisconsin development fund;				
5	grants, loans and assistance	GPR	B	4,498,400	4,498,400
6	(cb) WI Dev. Fund; tech. & pollut.				
7	control & abatement grant & loans,				
8	assistance	GPR	B	-0-	-0-
9	(cf) Community-based nonprofit				
10	organization grant for educational				
11	project	GPR	A	-0-	-0-
12	(d) High-technology business				
13	development corporation	GPR	A	250,000	250,000
14	(dr) Main street program	GPR	A	432,500	435,700
15	(e) Technology-based economic				
16	development	GPR	A	-0-	-0-
17	(em) Hazardous pollution prevention;				
18	contract	GPR	A	-0-	-0-
19	(er) Rural economic development				
20	program	GPR	B	606,500	606,500
21	(et) Volunteer firefighter and EMT				
22	service award pgm; general				
23	program operations	GPR	A	20,300	20,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(eu) Volunteer firefighter and EMT				
2	service award pgm; state matching				
3	awards	GPR	S	653,900	653,900
4	(ew) International trade, business and				
5	economic development grants	GPR	B	-0-	-0-
6	(fg) New economy for Wisconsin				
7	program	GPR	A	712,100	712,100
8	(fm) Minority business projects; grants				
9	and loans	GPR	B	254,200	254,200
10	(fy) Women's business incubator grant	GPR	B	-0-	-0-
11	(g) Gifts, grants and proceeds	PR	C	651,700	651,700
12	(gc) Business development assistance				
13	center	PR	C	-0-	-0-
14	(gm) Wisconsin development fund,				
15	administration of grants and loans	PR	C	61,500	61,500
16	(h) Economic development operations	PR	A	-0-	-0-
17	(hm) Certified capital companies	PR	C	-0-	-0-
18	(ie) Wisconsin development fund,				
19	repayments	PR	C	4,050,000	4,050,000
20	(if) Mining economic development				
21	grants and loans; repayments	PR	C	-0-	-0-
22	(ig) Gaming economic development and				
23	diversification; repayments	PR	B	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(im) Minority business projects;				
2	repayments	PR	C	317,200	317,200
3	(ir) Rural economic development loan				
4	repayments	PR	C	120,100	120,100
5	(jc) Physician and dentist and health				
6	care prov loan assistance pgm;				
7	penalties	PR	C	-0-	-0-
8	(jL) Health care provider loan				
9	assistance program; local				
10	contributions	PR	C	-0-	-0-
11	(jm) Physician and dentist loan				
12	assistance program; local				
13	contributions	PR	C	-0-	-0-
14	(k) Sale of materials or services	PR-S	C	75,500	75,500
15	(ka) Sale of materials and services —				
16	local assistance	PR-S	C	-0-	-0-
17	(kb) Sale of materials and services —				
18	individuals and organizations	PR-S	C	-0-	-0-
19	(kc) Clean air act compliance assistance	PR-S	A	196,000	196,000
20	(kf) American Indian economic				
21	development; technical assistance	PR-S	A	94,000	94,000
22	(kg) American Indian economic liaison				
23	and gaming grants specialist and				
24	pgm mktg	PR-S	A	265,100	265,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kh) American Indian economic				
2	development; liaison-grants	PR-S	A	25,000	25,000
3	(kj) Gaming economic development and				
4	diversification; grants and loans	PR-S	B	3,238,700	3,238,700
5	(kr) Physician and dental and health				
6	care prov loans	PR-S	B	488,700	488,700
7	(kt) Funds transferred from other state				
8	agencies	PR-S	C	-0-	-0-
9	(L) Recycling market development;				
10	repayments	PR	C	2,000,000	2,000,000
11	(m) Federal aid, state operations	PR-F	C	1,562,500	1,562,500
12	(n) Federal aid, local assistance	PR-F	C	34,400,000	34,400,000
13	(o) Federal aid, individuals and				
14	organizations	PR-F	C	-0-	-0-
15	(r) Mining economic development				
16	grants and loans	SEG	C	-0-	-0-
17	(st) Recycling market development				
18	board; operations	SEG	A	78,500	78,500
19	(tm) Recycling market development				
20	board; contracts and assistance	SEG	B	-0-	-0-
21	(x) Industrial building construction				
22	loan fund	SEG	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			11,696,800	11,700,000
	PROGRAM REVENUE			47,546,000	47,546,000
	FEDERAL			(35,962,500)	(35,962,500)
	OTHER			(7,200,500)	(7,200,500)

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
	SERVICE			(4,383,000)	(4,383,000)
	SEGREGATED FUNDS			78,500	78,500
	OTHER			(78,500)	(78,500)
	TOTAL-ALL SOURCES			59,321,300	59,324,500
1	(2) HOUSING ASSISTANCE				
2	(a) General program operations	GPR	A	530,300	530,300
3	(b) Housing grants and loans; general				
4	purpose revenue	GPR	B	3,300,300	3,300,300
5	(c) Payments to designated agents	GPR	A	-0-	-0-
6	(fm) Shelter for homeless and				
7	transitional housing grants	GPR	A	1,506,000	1,506,000
8	(h) Funding for the homeless	PR	C	-0-	-0-
9	(k) Sale of materials or services	PR-S	C	-0-	-0-
10	(kg) Housing program services	PR-S	C	6,822,600	6,822,600
11	(m) Federal aid; state operations	PR-F	C	602,000	602,000
12	(n) Federal aid; local assistance	PR-F	C	-0-	-0-
13	(o) Federal aid; individuals and				
14	organizations	PR-F	C	35,000,000	35,000,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,336,600	5,336,600
	PROGRAM REVENUE			42,424,600	42,424,600
	FEDERAL			(35,602,000)	(35,602,000)
	OTHER			(-0-)	(-0-)
	SERVICE			(6,822,600)	(6,822,600)
	TOTAL-ALL SOURCES			47,761,200	47,761,200
15	(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
16	(a) General program operations	GPR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(de) Private sewage system replacement				
2	and rehabilitation	GPR	C	2,999,000	2,999,000
3	(dm) Storage tank inventory	GPR	A	-0-	-0-
4	(g) Gifts and grants	PR	C	18,000	18,000
5	(ga) Auxiliary services	PR	C	25,000	25,000
6	(gb) Local agreements	PR	C	-0-	-0-
7	(h) Local energy resource system fees	PR	A	-0-	-0-
8	(j) Safety and buildings operations	PR	A	15,223,100	15,223,100
9	(ka) Interagency agreements	PR-S	C	106,300	106,300
10	(ks) Data processing	PR-S	C	-0-	-0-
11	(L) Fire dues distribution	PR	C	8,600,000	8,600,000
12	(La) Fire prevention and fire dues				
13	administration	PR	A	656,000	656,000
14	(Lm) Petroleum storage remedial action				
15	fees	PR	A	116,100	116,100
16	(m) Federal funds	PR-F	C	1,472,200	1,472,200
17	(ma) Federal aid program administration	PR-F	C	-0-	-0-
18	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
19	(q) Groundwater standards;				
20	implementation	SEG	A	-0-	-0-
21	(r) Safety and buildings operations;				
22	petroleum inspection fund	SEG	A	5,043,500	5,043,500
23	(sa) Administration of mobile homes	SEG	A	91,300	91,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(t) Petroleum inspection fund -				
2	revenue obligation repayment	SEG	S	-0-	-0-
3	(v) Petroleum storage environmental				
4	remedial action; awards	SEG	B	68,000,000	68,000,000
5	(w) Petroleum storage environmental				
6	remedial action; administration	SEG	A	2,816,500	2,733,800
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,999,000	2,999,000
	PROGRAM REVENUE			26,216,700	26,216,700
	FEDERAL			(1,472,200)	(1,472,200)
	OTHER			(24,638,200)	(24,638,200)
	SERVICE			(106,300)	(106,300)
	SEGREGATED FUNDS			75,951,300	75,868,600
	OTHER			(75,951,300)	(75,868,600)
	TOTAL-ALL SOURCES			105,167,000	105,084,300
7	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
8	(a) General program operations	GPR	A	1,412,300	1,412,300
9	(g) Gifts, grants and proceeds	PR	C	12,000	12,000
10	(k) Sale of materials or services	PR-S	C	42,200	42,200
11	(ka) Sale of materials and services —				
12	local assistance	PR-S	C	-0-	-0-
13	(kb) Sale of materials and services —				
14	individuals and organizations	PR-S	C	-0-	-0-
15	(kd) Administrative services	PR-S	A	3,902,700	3,902,700
16	(ke) Transfer of unappropriated				
17	balances	PR-S	C	-0-	-0-
18	(m) Federal aid, state operations	PR-F	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
2	(o) Federal aid, individuals and				
3	organizations	PR-F	C	-0-	-0-
4	(pz) Indirect cost reimbursements	PR-F	C	343,200	343,200
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,412,300	1,412,300
	PROGRAM REVENUE			4,300,100	4,300,100
	FEDERAL			(343,200)	(343,200)
	OTHER			(12,000)	(12,000)
	SERVICE			(3,944,900)	(3,944,900)
	TOTAL-ALL SOURCES			5,712,400	5,712,400
20.143 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			21,444,700	21,447,900
	PROGRAM REVENUE			120,487,400	120,487,400
	FEDERAL			(73,379,900)	(73,379,900)
	OTHER			(31,850,700)	(31,850,700)
	SERVICE			(15,256,800)	(15,256,800)
	SEGREGATED FUNDS			76,029,800	75,947,100
	OTHER			(76,029,800)	(75,947,100)
	TOTAL-ALL SOURCES			217,961,900	217,882,400
5	20.144 Financial institutions, department of				
6	(1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS				
7	(a) Losses on public deposits	GPR	S	-0-	-0-
8	(g) General program operations	PR	A	13,484,700	13,554,500
9	(h) Gifts, grants, settlements and				
10	publications	PR	C	65,000	65,000
11	(i) Investor education fund	PR	A	100,000	100,000
12	(u) State deposit fund	SEG	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			13,649,700	13,719,500
	OTHER			(13,649,700)	(13,719,500)
	SEGREGATED FUNDS			-0-	-0-

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,649,700	13,719,500
1	(2) OFFICE OF CREDIT UNIONS				
2	(g) General program operations	PR	A	1,719,700	1,730,500
3	(m) Credit union examinations, federal				
4	funds	PR-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			1,719,700	1,730,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,719,700)	(1,730,500)
	TOTAL-ALL SOURCES			1,719,700	1,730,500
	20.144 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			15,369,400	15,450,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(15,369,400)	(15,450,000)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			15,369,400	15,450,000
5	20.145 Insurance, office of the commissioner of				
6	(1) SUPERVISION OF THE INSURANCE INDUSTRY				
7	(g) General program operations	PR	A	12,774,000	12,801,400
8	(gm) Gifts and grants	PR	C	-0-	-0-
9	(h) Holding company restructuring				
10	expenses	PR	C	-0-	-0-
11	(k) Administrative and support				
12	services	PR-S	A	4,333,000	4,288,800
13	(m) Federal funds	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			17,107,000	17,090,200
	FEDERAL			(-0-)	(-0-)

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	OTHER			(12,774,000)	(12,801,400)
	SERVICE			(4,333,000)	(4,288,800)
	TOTAL-ALL SOURCES			17,107,000	17,090,200
1	(2) PATIENTS COMPENSATION FUND				
2	(a) Claims payable by the patients				
3	compensation fund	GPR	S	-0-	-0-
4	(q) Interest earned on future medical				
5	expenses	SEG	S	-0-	-0-
6	(u) Administration	SEG	A	1,146,200	1,161,000
7	(um) Peer review council	SEG	A	122,700	122,700
8	(v) Specified responsibilities, inv. board				
9	payments and future medical				
10	expenses	SEG	C	254,697,400	54,697,400
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			255,966,300	55,981,100
	OTHER			(255,966,300)	(55,981,100)
	TOTAL-ALL SOURCES			255,966,300	55,981,100
11	(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
12	(u) Administration	SEG	A	708,000	708,000
13	(v) Specified payments, fire dues and				
14	reinsurance	SEG	C	23,801,500	26,926,600
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			24,509,500	27,634,600
	OTHER			(24,509,500)	(27,634,600)
	TOTAL-ALL SOURCES			24,509,500	27,634,600
15	(4) STATE LIFE INSURANCE FUND				
16	(u) Administration	SEG	A	573,700	573,700

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(v) Specified payments and losses	SEG	C	2,980,000	2,980,000
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			3,553,700	3,553,700
	OTHER			(3,553,700)	(3,553,700)
	TOTAL-ALL SOURCES			3,553,700	3,553,700
	20.145 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			17,107,000	17,090,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(12,774,000)	(12,801,400)
	SERVICE			(4,333,000)	(4,288,800)
	SEGREGATED FUNDS			284,029,500	87,169,400
	OTHER			(284,029,500)	(87,169,400)
	TOTAL-ALL SOURCES			301,136,500	104,259,600
2	20.155 Public service commission				
3	(1) REGULATION OF PUBLIC UTILITIES				
4	(g) Utility regulation	PR	A	14,011,800	13,539,700
5	(h) Holding company and nonutility				
6	affiliate regulation	PR	C	662,300	664,000
7	(j) Intervenor financing	PR	A	750,000	750,000
8	(L) Stray voltage program	PR	A	207,400	208,300
9	(Lb) Gifts for stray voltage program	PR	C	-0-	-0-
10	(Lm) Consumer education and awareness	PR	C	-0-	-0-
11	(m) Federal funds	PR-F	C	143,600	143,600
12	(n) Indirect costs reimbursement	PR-F	C	25,000	25,000
13	(q) Universal telecommunications				
14	service	SEG	A	5,000,000	6,000,000
15	(r) Nuclear waste escrow fund	SEG	S	-0-	-0-

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05	
20.155 DEPARTMENT TOTALS					
PROGRAM REVENUE			15,800,100	15,330,600	
FEDERAL			(168,600)	(168,600)	
OTHER			(15,631,500)	(15,162,000)	
SEGREGATED FUNDS			5,000,000	6,000,000	
OTHER			(5,000,000)	(6,000,000)	
TOTAL-ALL SOURCES			20,800,100	21,330,600	
1	20.165 Regulation and licensing, department of				
2	(1) PROFESSIONAL REGULATION				
3	(g) General program operations	PR	A	10,223,600	10,223,600
4	(gm) Applicant investigation				
5	reimbursement	PR	C	133,800	133,800
6	(h) Technical assistance; nonstate				
7	agencies and organizations	PR	C	-0-	-0-
8	(i) Examinations; general program				
9	operations	PR	C	1,623,500	1,623,500
10	(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
11	(m) Federal funds	PR-F	C	-0-	-0-
20.165 DEPARTMENT TOTALS					
PROGRAM REVENUE			11,980,900	11,980,900	
FEDERAL			(-0-)	(-0-)	
OTHER			(11,980,900)	(11,980,900)	
SERVICE			(-0-)	(-0-)	
TOTAL-ALL SOURCES			11,980,900	11,980,900	
12	20.190 State fair park board				
13	(1) STATE FAIR PARK				
14	(c) Housing facilities principal				
15	repayment, interest and rebates	GPR	S	927,200	926,000
16	(d) Principal repayment and interest	GPR	S	571,800	1,013,500

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(h) State fair operations	PR	C	13,132,500	13,046,300
2	(i) State fair capital expenses	PR	C	224,000	224,000
3	(j) State fair principal repayment,				
4	interest and rebates	PR	S	3,912,500	6,046,800
5	(jm) Gifts and grants	PR	C	-0-	-0-
6	(m) Federal funds	PR-F	C	-0-	-0-
20.190 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			1,499,000	1,939,500
	PROGRAM REVENUE			17,269,000	19,317,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(17,269,000)	(19,317,100)
	TOTAL-ALL SOURCES			18,768,000	21,256,600
Commerce					
FUNCTIONAL AREA TOTALS					
	GENERAL PURPOSE REVENUES			47,677,900	50,893,200
	PROGRAM REVENUE			224,811,700	226,454,100
	FEDERAL			(79,346,200)	(79,346,200)
	OTHER			(119,951,700)	(121,638,300)
	SERVICE			(25,513,800)	(25,469,600)
	SEGREGATED FUNDS			385,175,500	188,968,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(385,175,500)	(188,968,900)
	SERVICE			(-0-)	(-0-)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			657,665,100	466,316,200
Education					
7	20.215 Arts board				
8	(1) SUPPORT OF ARTS PROJECTS				
9	(a) General program operations	GPR	A	271,100	271,100
10	(b) State aid for the arts	GPR	A	1,196,700	1,196,700
11	(c) Portraits of governors	GPR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(d) Challenge grant program	GPR	A	778,800	778,800
2	(e) High point fund	GPR	A	-0-	-0-
3	(f) Wisconsin regranting program	GPR	A	124,300	124,300
4	(g) Gifts and grants; state operations	PR	C	20,000	20,000
5	(h) Gifts and grants; aids to individuals				
6	and organizations	PR	C	-0-	-0-
7	(j) Support of arts programs	PR	C	-0-	-0-
8	(k) Funds received from other state				
9	agencies	PR-S	C	427,200	427,200
10	(ka) Percent-for-art administration	PR-S	A	-0-	-0-
11	(km) State aid for the arts; Indian				
12	gaming receipts	PR-S	A	25,200	25,200
13	(m) Federal grants; state operations	PR-F	C	409,300	409,300
14	(o) Federal grants; aids to individuals				
15	and organizations	PR-F	C	236,000	236,000

20.215 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,370,900	2,370,900
PROGRAM REVENUE	1,117,700	1,117,700
FEDERAL	(645,300)	(645,300)
OTHER	(20,000)	(20,000)
SERVICE	(452,400)	(452,400)
TOTAL-ALL SOURCES	3,488,600	3,488,600

16 20.220 Wisconsin artistic endowment foundation

17	(1) WISCONSIN ARTISTIC ENDOWMENT FOUNDATION				
18	(a) Education and marketing	GPR	C	-0-	-0-
19	(q) General program operations	SEG	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(r) Support of the arts	SEG	C	-0-	-0-
20.220 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
2	20.225 Educational communications board				
3	(1) INSTRUCTIONAL TECHNOLOGY				
4	(a) General program operations	GPR	A	3,171,900	3,177,900
5	(b) Energy costs	GPR	A	420,900	423,000
6	(c) Principal repayment and interest	GPR	S	1,453,900	2,011,300
7	(d) Milwaukee area technical college	GPR	A	313,500	313,500
8	(eg) Transmitter construction	GPR	C	-0-	-0-
9	(er) Transmitter operation	GPR	A	19,000	19,000
10	(f) Programming	GPR	A	1,061,900	1,061,900
11	(g) Gifts, grants, contracts, leases,				
12	instructional material, and				
13	copyrights	PR	C	8,830,300	8,832,200
14	(i) Program revenue facilities;				
15	principal repayment, interest, and				
16	rebates	PR	S	-0-	-0-
17	(k) Funds received from other state				
18	agencies	PR-S	C	-0-	-0-
19	(kb) Emergency weather warning				
20	system operation	PR-S	A	71,800	71,800

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(m) Federal grants	PR-F	C	1,171,800	1,171,800
20.225 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			6,441,100	7,006,600
	PROGRAM REVENUE			10,073,900	10,075,800
	FEDERAL			(1,171,800)	(1,171,800)
	OTHER			(8,830,300)	(8,832,200)
	SERVICE			(71,800)	(71,800)
	TOTAL-ALL SOURCES			16,515,000	17,082,400
2	20.235 Higher educational aids board				
3	(1) STUDENT SUPPORT ACTIVITIES				
4	(b) Tuition grants	GPR	B	22,103,700	-0-
5	(cg) Nursing student loans	GPR	A	-0-	-0-
6	(cm) Nursing student loan program	GPR	A	450,000	-0-
7	(cr) Minority teacher loans	GPR	A	262,100	-0-
8	(cu) Teacher education loan program	GPR	A	275,000	-0-
9	(cx) Loan pgm for teachers & orient &				
10	mobility instructors of vis imp				
11	pupils	GPR	A	100,000	-0-
12	(d) Dental education contract	GPR	A	758,500	-0-
13	(e) Minnesota-Wisconsin student				
14	reciprocity agreement	GPR	S	-0-	-0-
15	(fc) Independent student grants				
16	program	GPR	B	-0-	-0-
17	(fd) Talent incentive grants	GPR	B	4,503,800	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(fe) Wisconsin higher education grants;				
2	University of Wisconsin system				
3	students	GPR	B	20,745,900	-0-
4	(ff) Wisconsin higher education grants;				
5	technical college students	GPR	B	14,874,000	-0-
6	(fg) Minority undergraduate retention				
7	grants program	GPR	B	756,900	-0-
8	(fj) Handicapped student grants	GPR	B	123,800	-0-
9	(fy) Academic excellence higher				
10	education scholarship program	GPR	S	3,133,000	-0-
11	(g) Student loans	PR	A	-0-	-0-
12	(gg) Nursing student loan repayments	PR	C	-0-	-0-
13	(gm) Indian student assistance;				
14	contributions	PR	C	-0-	-0-
15	(i) Gifts and grants	PR	C	-0-	-0-
16	(k) Indian student assistance	PR-S	B	787,600	-0-
17	(ke) Wisconsin higher educ. grants for				
18	UW System students; auxiliary				
19	enterprises	PR-S	A	6,453,700	-0-
20	(km) Wisconsin higher education grants;				
21	tribal college students	PR-S	B	404,000	-0-
22	(no) Federal aid; aids to individuals and				
23	organizations	PR-F	C	1,396,400	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			68,086,700	-0-
	PROGRAM REVENUE			9,041,700	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
	FEDERAL			(1,396,400)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(7,645,300)	(-0-)
	TOTAL-ALL SOURCES			77,128,400	-0-
1	(2) ADMINISTRATION				
2	(aa) General program operations	GPR	A	704,200	-0-
3	(bb) Student loan interest, loans sold or				
4	conveyed	GPR	S	-0-	-0-
5	(bc) Write-off of uncollectible student				
6	loans	GPR	A	-0-	-0-
7	(bd) Purchase of defective student loans	GPR	S	-0-	-0-
8	(ga) Student interest payments	PR	C	1,000	-0-
9	(gb) Student interest payments, loans				
10	sold or conveyed	PR	C	-0-	-0-
11	(ia) Student loans; collection and				
12	administration	PR	C	-0-	-0-
13	(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
14	(n) Federal aid; state operations	PR-F	C	-0-	-0-
15	(qa) Student loan revenue obligation				
16	repayment	SEG	C	-0-	-0-
17	(qb) Wisconsin health education loan				
18	revenue obligation repayment	SEG	C	76,800	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			704,200	-0-
	PROGRAM REVENUE			1,000	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,000)	(-0-)
	SEGREGATED FUNDS			76,800	-0-

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
OTHER			(76,800)	(-0-)
TOTAL-ALL SOURCES			782,000	-0-
2 0 . 2 3 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			68,790,900	-0-
PROGRAM REVENUE			9,042,700	-0-
FEDERAL			(1,396,400)	(-0-)
OTHER			(1,000)	(-0-)
SERVICE			(7,645,300)	(-0-)
SEGREGATED FUNDS			76,800	-0-
OTHER			(76,800)	(-0-)
TOTAL-ALL SOURCES			77,910,400	-0-

1	20.245 Historical society				
2	(1) HISTORY SERVICES				
3	(a) General program operations	GPR	A	8,434,200	8,436,100
4	(c) Energy costs	GPR	A	400,800	408,000
5	(e) Principal repayment, interest, and				
6	rebates	GPR	S	1,259,800	1,210,200
7	(g) Admissions, sales and other				
8	receipts	PR	C	3,031,800	3,031,800
9	(h) Gifts and grants	PR	C	317,500	317,500
10	(hm) Power's Bluff county park	PR	A	-0-	-0-
11	(hr) Native tribal history	PR	A	-0-	-0-
12	(j) Self-amortizing facilities; principal				
13	repayment, interest and rebates	PR	S	157,800	248,900
14	(km) Northern great lakes center	PR-S	A	189,800	189,800
15	(ks) General program operations -				
16	service funds	PR-S	C	1,709,400	1,709,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(m) General program operations;				
2	federal funds	PR-F	C	1,129,200	1,129,200
3	(n) Federal aids	PR-F	C	-0-	-0-
4	(pz) Indirect cost reimbursements	PR-F	C	95,000	95,000
5	(q) Endowment principal	SEG	C	682,400	682,400
6	(y) Northern great lakes center;				
7	interpretive programming	SEG	A	36,600	36,600
20.245 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			10,094,800	10,054,300
	PROGRAM REVENUE			6,630,500	6,721,600
	FEDERAL			(1,224,200)	(1,224,200)
	OTHER			(3,507,100)	(3,598,200)
	SERVICE			(1,899,200)	(1,899,200)
	SEGREGATED FUNDS			719,000	719,000
	OTHER			(719,000)	(719,000)
	TOTAL-ALL SOURCES			17,444,300	17,494,900

8 20.250 Medical college of Wisconsin

9	(1) TRAINING OF HEALTH PERSONNEL				
10	(a) General program operations	GPR	A	2,052,500	2,052,500
11	(b) Family medicine and practice	GPR	A	3,371,900	3,371,900
12	(c) Principal repay, int & rebates;				
13	biomedical research & technology				
14	incubator	GPR	S	-0-	1,405,700
15	(e) Principal repayment and interest	GPR	S	158,800	158,700
16	(k) Tobacco-related illnesses	PR-S	C	500,000	500,000

20.250 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			5,583,200	6,988,800
	PROGRAM REVENUE			500,000	500,000

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
SERVICE			(500,000)	(500,000)
TOTAL-ALL SOURCES			6,083,200	7,488,800
1 20.255 Public instruction, department of				
2 (1) EDUCATIONAL LEADERSHIP				
3 (a) General program operations	GPR	A	9,903,100	9,851,400
4 (b) Gen pgm ops: program for the deaf				
5 and center for the blind	GPR	A	9,080,200	9,080,200
6 (c) Energy costs: program for the deaf				
7 and center for the blind	GPR	A	375,400	377,500
8 (d) Principal repayment and interest	GPR	S	1,229,600	1,123,700
9 (dw) Pupil assessment	GPR	A	3,137,000	3,137,000
10 (g) Student activity therapy	PR	A	4,000	4,000
11 (gb) Program for the deaf and center for				
12 the blind; nonresident fees	PR	C	50,000	50,000
13 (gh) Program for the deaf and center for				
14 the blind; hospitalization	PR	C	-0-	-0-
15 (gL) Program for the deaf and center for				
16 the blind; leasing of space	PR	C	10,000	10,000
17 (gs) Program for the deaf and center for				
18 the blind; services	PR	C	50,000	50,000
19 (gt) Program for the deaf and center for				
20 the blind; pupil transportation	PR	A	796,000	828,000
21 (hf) Administrative leadership academy	PR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(hg) Personnel certific., teacher supply,				
2	info. and analysis and teacher				
3	improv.	PR	A	3,320,000	3,420,000
4	(hj) General educational development				
5	and high school graduation				
6	equivalency	PR	A	50,300	118,600
7	(hm) Services for drivers	PR	A	241,300	241,300
8	(i) Publications	PR	A	582,500	582,500
9	(im) Library products and services	PR	C	250,000	250,000
10	(jg) School lunch handling charges	PR	A	15,033,400	15,033,400
11	(jm) Professional services center charges	PR	A	200,000	200,000
12	(jr) Gifts, grants and trust funds	PR	C	1,188,900	1,261,400
13	(js) State-owned housing maintenance	PR	A	7,500	7,500
14	(jz) School district boundary appeal				
15	proceedings	PR	C	10,500	10,500
16	(kd) Alcohol and other drug abuse				
17	program	PR-S	A	800,000	800,000
18	(ke) Funds transferred from other state				
19	agencies; program operations	PR-S	C	2,028,000	1,990,200
20	(km) State agency library processing				
21	center	PR-S	A	64,000	64,000
22	(ks) Data processing	PR-S	C	2,409,100	2,409,100
23	(me) Federal aids; program operations	PR-F	C	38,906,800	38,906,800
24	(pz) Indirect cost reimbursements	PR-F	C	2,663,100	2,423,500

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05	
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				23,725,300	23,569,800	
PROGRAM REVENUE				68,665,400	68,660,800	
FEDERAL				(41,569,900)	(41,330,300)	
OTHER				(21,794,400)	(22,067,200)	
SERVICE				(5,301,100)	(5,263,300)	
TOTAL-ALL SOURCES				92,390,700	92,230,600	
1	(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
2	(ac)	General equalization aids	GPR	A	4,200,945,900	4,200,945,900
3	(ad)	Supplemental aid	GPR	A	125,000	125,000
4	(b)	Aids for special education and				
5		school age parents programs	GPR	A	315,681,400	315,681,400
6	(bc)	Aid for children-at-risk programs	GPR	A	3,500,000	3,500,000
7	(bh)	Aid to county children with				
8		disabilities education boards	GPR	A	4,214,800	4,214,800
9	(cc)	Bilingual-bicultural education aids	GPR	A	8,291,400	8,291,400
10	(cf)	Alternative education grants	GPR	A	5,000,000	5,000,000
11	(cg)	Tuition payments; full-time open				
12		enrollment transfer payments	GPR	A	9,741,000	9,741,000
13	(cm)	Grants for school breakfast				
14		programs	GPR	C	1,055,400	1,055,400
15	(cn)	Aids for school lunches and				
16		nutritional improvement	GPR	A	4,371,100	4,371,100
17	(cp)	Wisconsin school day milk program	GPR	A	710,600	710,600
18	(cr)	Aid for pupil transportation	GPR	A	17,742,500	17,742,500
19	(cs)	Aid for debt service	GPR	A	300,000	300,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(cu) Achievement guarantee contracts	GPR	A	90,290,600	90,290,600
2	(cv) Achievement guarantee contracts;				
3	supplement	GPR	A	4,739,000	4,739,000
4	(cw) Aid for transportation; youth				
5	options program	GPR	A	20,000	20,000
6	(cy) Aid for transportation; open				
7	enrollment	GPR	A	500,000	500,000
8	(dm) Grants for alcohol & other drug				
9	abuse prevention & intervention				
10	programs	GPR	A	4,520,000	4,520,000
11	(do) Grants for preschool to grade 5				
12	programs	GPR	A	7,353,700	7,353,700
13	(eh) Head start supplement	GPR	A	3,712,500	3,712,500
14	(em) Driver education; local assistance	GPR	A	4,304,700	4,304,700
15	(fg) Aid for cooperative educational				
16	service agencies	GPR	A	300,000	300,000
17	(fk) Grant program for peer review and				
18	mentoring	GPR	A	500,000	500,000
19	(fm) Charter schools	GPR	S	34,656,800	41,889,100
20	(fu) Milwaukee parental choice program	GPR	S	68,427,900	72,187,900
21	(k) Funds transferred from other state				
22	agencies; local aids	PR-S	C	9,164,800	9,164,800
23	(kd) Aid for alcohol and other drug				
24	abuse programs	PR-S	A	1,573,500	1,573,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kh) Head start supplement	PR-S	C	3,500,000	3,500,000
2	(kj) Grant to Beloit college	PR	A	50,000	50,000
3	(kL) Special counselor grants	PR	A	-0-	-0-
4	(km) Alternative school American Indian				
5	language and culture education aid	PR-S	A	260,000	260,000
6	(m) Federal aids; local aid	PR-F	C	472,352,600	472,352,600
7	(r) General equalization aids;				
8	transportation fund	SEG	A	40,000,000	60,000,000
9	(s) School library aids	SEG	C	26,000,000	29,000,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,791,004,300	4,801,996,600
	PROGRAM REVENUE			486,900,900	486,900,900
	FEDERAL			(472,352,600)	(472,352,600)
	OTHER			(50,000)	(50,000)
	SERVICE			(14,498,300)	(14,498,300)
	SEGREGATED FUNDS			66,000,000	89,000,000
	OTHER			(66,000,000)	(89,000,000)
	TOTAL-ALL SOURCES			5,343,905,200	5,377,897,500
10	(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
11	(c) National teacher certification	GPR	S	545,000	947,500
12	(d) Elks and Easter Seals center for				
13	respite and recreation	GPR	A	50,000	50,000
14	(e) Aid to public library systems	GPR	A	12,084,800	12,084,800
15	(ea) Library service contracts	GPR	A	928,500	928,500
16	(eg) Milwaukee public museum	GPR	A	50,000	50,000
17	(fa) Very special arts	GPR	A	75,000	75,000
18	(fg) Special olympics	GPR	A	75,000	75,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(fz) Minority group pupil scholarships	GPR	A	2,177,500	2,177,500
2	(mm) Federal funds; local assistance	PR-F	C	1,022,100	1,022,100
3	(ms) Federal funds; individuals and				
4	organizations	PR-F	C	42,019,400	42,019,400
5	(q) Periodical and reference				
6	information databases	SEG	A	1,886,900	1,943,500
7	(qm) Supplemental aid to public library				
8	systems	SEG	A	2,111,900	2,111,900
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			15,985,800	16,388,300
	PROGRAM REVENUE			43,041,500	43,041,500
	FEDERAL			(43,041,500)	(43,041,500)
	SEGREGATED FUNDS			3,998,800	4,055,400
	OTHER			(3,998,800)	(4,055,400)
	TOTAL-ALL SOURCES			63,026,100	63,485,200
9	(4) EDUCATIONAL TECHNOLOGY				
10	(er) Principal, interest & rebates;				
11	general purpose rev.-public library				
12	boards	GPR	S	73,900	159,500
13	(es) Principal, interest, and rebates;				
14	general purpose revenue-schools	GPR	S	5,197,200	6,467,800
15	(h) Principal, interest, and rebates;				
16	program revenue-schools	PR	C	3,206,800	4,487,000
17	(hb) Principal, interest, and rebates;				
18	program revenue-public library				
19	boards	PR	C	72,700	158,200

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(js) Educ. tech. block grants; Wisc.				
2	advncd. telecomm. foundation				
3	assessments	PR	C	-0-	-0-
4	(L) Equipment purchases and leases	PR	C	-0-	-0-
5	(mp) Federal e-rate aid	PR-F	C	4,415,000	4,415,000
6	(s) Telecommunications access; school				
7	districts	SEG	B	10,893,400	11,324,200
8	(t) Telecommunications access; private				
9	and technical colleges and libraries	SEG	B	4,735,500	5,066,000
10	(tm) Telecommunications access; private				
11	schools	SEG	B	708,100	701,300
12	(tu) Telecommunications access; state				
13	schools	SEG	B	75,000	68,200
14	(tw) Telecommunications access; secured				
15	correctional facilities	SEG	B	112,500	102,300

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	5,271,100	6,627,300
PROGRAM REVENUE	7,694,500	9,060,200
FEDERAL	(4,415,000)	(4,415,000)
OTHER	(3,279,500)	(4,645,200)
SEGREGATED FUNDS	16,524,500	17,262,000
OTHER	(16,524,500)	(17,262,000)
TOTAL-ALL SOURCES	29,490,100	32,949,500

20.255 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	4,835,986,500	4,848,582,000
PROGRAM REVENUE	606,302,300	607,663,400
FEDERAL	(561,379,000)	(561,139,400)
OTHER	(25,123,900)	(26,762,400)
SERVICE	(19,799,400)	(19,761,600)
SEGREGATED FUNDS	86,523,300	110,317,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	OTHER			(86,523,300)	(110,317,400)
	TOTAL-ALL SOURCES			5,528,812,100	5,566,562,800
1	20.285 University of Wisconsin system				
2	(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
3	(a) General program operations	GPR	A	745,498,900	715,498,900
4	(ab) Student aid	GPR	A	1,347,400	1,347,400
5	(am) Distinguished professorships	GPR	A	803,600	803,600
6	(as) Industrial and economic				
7	development research	GPR	A	1,649,100	1,649,100
8	(b) Area health education centers	GPR	A	1,113,400	1,113,400
9	(bm) Fee remissions	GPR	A	29,000	29,000
10	(c) Energy costs	GPR	A	58,160,000	56,921,200
11	(cm) Educational technology	GPR	A	6,434,800	6,434,800
12	(d) Principal repayment and interest	GPR	S	100,798,400	101,057,700
13	(da) Lease rental payments	GPR	S	-0-	-0-
14	(db) Self-amortizing facilities principal				
15	and interest	GPR	S	-0-	-0-
16	(ee) Environmental educational grants	GPR	A	-0-	-0-
17	(em) Schools of business	GPR	A	1,606,800	1,606,800
18	(eo) Extension outreach	GPR	A	340,100	340,100
19	(ep) Extension local planning program	GPR	A	84,300	84,300
20	(er) Grants for study abroad	GPR	A	1,000,000	1,000,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(fc) Department of family medicine and				
2	practice	GPR	A	7,911,500	7,911,500
3	(fd) State laboratory of hygiene; general				
4	program operations	GPR	A	7,636,900	7,636,900
5	(fh) State laboratory of hygiene;				
6	principal repayment and interest	GPR	S	-0-	-0-
7	(fj) Veterinary diagnostic laboratory	GPR	A	3,846,100	3,846,100
8	(fm) Laboratories	GPR	A	3,930,200	3,930,200
9	(fs) Farm safety program grants	GPR	A	19,400	19,400
10	(ft) Wisconsin humanities council	GPR	A	72,600	72,600
11	(fx) Alcohol and other drug abuse				
12	prevention and intervention	GPR	A	65,600	65,600
13	(g) Physical plant service departments	PR	C	-0-	-0-
14	(ga) Surplus auxiliary funds	PR	C	-0-	-0-
15	(gr) Center for urban land economics				
16	research	PR	A	175,000	175,000
17	(gs) Charter school operator payments	PR	C	-0-	-0-
18	(h) Auxiliary enterprises	PR	C	482,875,700	501,659,500
19	(ha) Stores	PR	C	3,812,000	3,812,000
20	(hm) Extension outreach	PR	C	130,000	130,000
21	(i) State laboratory of hygiene	PR	C	18,475,100	18,475,100
22	(ia) State laboratory of hygiene, drivers	PR	C	1,384,900	1,384,900

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ih) State laboratory of hygiene;				
2	principal repayment and interest	PR	S	-0-	-0-
3	(im) Academic student fees	PR	C	664,436,900	715,475,400
4	(ip) Extension student fees	PR	C	12,770,900	12,770,900
5	(iz) General operations receipts	PR	C	84,673,700	85,668,500
6	(j) Gifts and donations	PR	C	382,604,500	412,425,100
7	(ja) Gifts; student loans	PR	C	3,802,700	3,802,700
8	(je) Veterinary diagnostic laboratory;				
9	fees	PR	C	3,138,800	3,138,800
10	(jm) Distinguished professorships	PR	C	729,600	729,600
11	(jp) License plate scholarship programs	PR	C	135,500	135,500
12	(k) Funds transferred from other state				
13	agencies	PR-S	C	-0-	-0-
14	(ka) Sale of real property	PR	C	-0-	-0-
15	(kb) Great Lakes studies	PR-S	A	33,100	33,100
16	(kc) Charter school	PR-S	C	-0-	-0-
17	(kd) Principal repayment, interest and				
18	rebates	PR-S	S	36,095,700	46,895,300
19	(ke) Lease rental payments	PR-S	S	-0-	-0-
20	(kf) Outdoors skills training	PR-S	A	46,100	46,100
21	(kg) Veterinary diagnostic laboratory;				
22	state agencies	PR	C	637,100	637,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kn) Aquaculture demonstration facility;				
2	operational costs	PR-S	A	250,000	250,000
3	(kp) Student-related activities	PR-S	C	-0-	-0-
4	(kr) University of Wisconsin center for				
5	tobacco research and intervention	PR-S	C	1,000,000	1,000,000
6	(Lm) Laboratories	PR	A	4,405,400	4,405,400
7	(Ls) Schools of business	PR	A	607,900	607,900
8	(m) Federal aid	PR-F	C	404,631,200	404,631,200
9	(ma) Federal aid; loans and grants	PR-F	C	220,091,500	220,091,500
10	(mc) Veterinary diagnostic lab-federal				
11	aid	PR-F	C	718,000	718,000
12	(n) Federal indirect cost				
13	reimbursement	PR-F	C	88,295,500	88,295,500
14	(q) Telecommunications services	SEG	A	1,054,800	1,054,800
15	(qm) Grants to forestry cooperatives	SEG	A	50,000	50,000
16	(r) Environmental education;				
17	environmental assessments	SEG	C	30,000	30,000
18	(rc) Environmental education; forestry	SEG	A	400,000	400,000
19	(tb) Extension recycling education	SEG	A	336,900	336,900
20	(tm) Solid waste research and				
21	experiments	SEG	A	154,900	154,900
22	(u) Trust fund income	SEG	C	25,381,900	27,114,300
23	(w) Trust fund operations	SEG	C	-0-	-0-

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05	
(1) P R O G R A M T O T A L S						
GENERAL PURPOSE REVENUES				942,348,100	911,368,600	
PROGRAM REVENUE				2,415,956,800	2,527,394,100	
FEDERAL				(713,736,200)	(713,736,200)	
OTHER				(1,664,795,700)	(1,765,433,400)	
SERVICE				(37,424,900)	(48,224,500)	
SEGREGATED FUNDS				27,408,500	29,140,900	
OTHER				(27,408,500)	(29,140,900)	
TOTAL-ALL SOURCES				3,385,713,400	3,467,903,600	
1	(3)	UNIVERSITY SYSTEM ADMINISTRATION				
2	(a)	General program operations	GPR	A	9,543,800	9,740,700
3	(bb)	Student loan interest, loans sold or				
4		conveyed	GPR	S	-0-	-0-
5	(bc)	Write-off of uncollectible student				
6		loans	GPR	A	-0-	-0-
7	(bd)	Purchase of defective student loans	GPR	S	-0-	-0-
8	(i)	Student interest payments	PR	C	-0-	1,000
9	(ib)	Student interest payments, loans				
10		sold or conveyed	PR	C	-0-	-0-
11	(ic)	Student loans; collection and				
12		administration	PR	C	-0-	-0-
13	(id)	Write-off of defaulted student loans	PR	A	-0-	-0-
14	(iz)	General operations receipts	PR	C	146,000	146,000
15	(n)	Federal indirect cost				
16		reimbursement	PR-F	C	1,337,000	1,337,000
17	(nn)	Federal aid; state operations	PR-F	C	-0-	-0-

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(qa) Student loan revenue obligation				
2	repayment	SEG	C	-0-	-0-
3	(qb) Wisconsin health education loan				
4	revenue obligation repayment	SEG	C	-0-	76,800
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,543,800	9,740,700
	PROGRAM REVENUE			1,483,000	1,484,000
	FEDERAL			(1,337,000)	(1,337,000)
	OTHER			(146,000)	(147,000)
	SEGREGATED FUNDS			-0-	76,800
	OTHER			(-0-)	(76,800)
	TOTAL-ALL SOURCES			11,026,800	11,301,500
5	(4) MINORITY AND DISADVANTAGED PROGRAMS				
6	(a) Minority and disadvantaged				
7	programs	GPR	A	10,057,900	10,057,900
8	(b) Graduate student financial aid	GPR	A	4,905,900	4,905,900
9	(dd) Lawton minority undergraduate				
10	grants program	GPR	A	3,080,800	3,080,800
11	(g) Lawton minority undergraduate				
12	grant program; auxiliary				
13	enterprises	PR	A	761,500	1,842,100
14	(gm) Graduate student financial aid —				
15	auxiliary enterprises	PR	A	825,000	1,650,000
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			18,044,600	18,044,600
	PROGRAM REVENUE			1,586,500	3,492,100
	OTHER			(1,586,500)	(3,492,100)
	TOTAL-ALL SOURCES			19,631,100	21,536,700
16	(5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(a) General program operations	GPR	A	-0-	-0-
2	(h) Auxiliary enterprises	PR	A	47,818,300	49,716,500
3	(i) Nonincome sports	PR	C	325,100	325,100
4	(j) Gifts and grants	PR	C	3,300,700	3,827,700
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			51,444,100	53,869,300
	OTHER			(51,444,100)	(53,869,300)
	TOTAL-ALL SOURCES			51,444,100	53,869,300
5	(6) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				
6	(a) Services received from authority	GPR	A	4,156,600	4,156,600
7	(g) Services provided to authority	PR	C	36,000,000	36,000,000
(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,156,600	4,156,600
	PROGRAM REVENUE			36,000,000	36,000,000
	OTHER			(36,000,000)	(36,000,000)
	TOTAL-ALL SOURCES			40,156,600	40,156,600
8	(7) HIGHER EDUCATIONAL AID				
9	(b) Tuition grants	GPR	B	-0-	22,103,700
10	(cg) Nursing student loans	GPR	A	-0-	-0-
11	(cm) Nursing student loan program	GPR	A	-0-	450,000
12	(cr) Minority teacher loans	GPR	A	-0-	262,100
13	(cu) Teacher education loan program	GPR	A	-0-	275,000
14	(cx) Loan prm for teachers & orient. &				
15	mobility instruc. of vis imp pupils	GPR	A	-0-	100,000
16	(d) Dental education contract	GPR	A	-0-	758,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(e) Minnesota-Wisconsin student				
2	reciprocity agreement	GPR	S	-0-	-0-
3	(fc) Independent student grants				
4	program	GPR	B	-0-	-0-
5	(fd) Talent incentive grants	GPR	B	-0-	4,503,800
6	(fe) Wisconsin higher educ. grants;				
7	University of Wisconsin students	GPR	S	-0-	19,926,800
8	(ff) Wisconsin higher education grants;				
9	technical college students	GPR	B	-0-	14,874,000
10	(fg) Minority undergraduate retention				
11	grants program	GPR	B	-0-	756,900
12	(fj) Handicapped student grants	GPR	B	-0-	123,800
13	(fy) Academic excellence higher				
14	education scholarship program	GPR	S	-0-	3,133,000
15	(g) Student loans	PR	A	-0-	-0-
16	(gg) Nursing student loan repayments	PR	C	-0-	-0-
17	(gm) Indian student assistance;				
18	contributions	PR	C	-0-	-0-
19	(i) Gifts and grants	PR	C	-0-	-0-
20	(k) Indian student assistance	PR-S	B	-0-	787,600
21	(ke) Wisconsin higher educ. grants for				
22	UW System students; auxiliary				
23	enterprises	PR-S	A	-0-	15,032,800

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(km) Wisconsin higher education grants;				
2	tribal college students	PR-S	B	-0-	404,000
3	(no) Federal aid; aids to individuals and				
4	organizations	PR-F	C	-0-	1,396,400
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	67,267,600
	PROGRAM REVENUE			-0-	17,620,800
	FEDERAL			(-0-)	(1,396,400)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(16,224,400)
	TOTAL-ALL SOURCES			-0-	84,888,400
20.285 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			974,093,100	1,010,578,100
	PROGRAM REVENUE			2,506,470,400	2,639,860,300
	FEDERAL			(715,073,200)	(716,469,600)
	OTHER			(1,753,972,300)	(1,858,941,800)
	SERVICE			(37,424,900)	(64,448,900)
	SEGREGATED FUNDS			27,408,500	29,217,700
	OTHER			(27,408,500)	(29,217,700)
	TOTAL-ALL SOURCES			3,507,972,000	3,679,656,100
5	20.292 Technical college system, board of				
6	(1) TECHNICAL COLLEGE SYSTEM				
7	(a) General program operations	GPR	A	3,153,700	3,153,700
8	(am) Fee remissions	GPR	A	14,300	14,300
9	(b) Displaced homemakers' program	GPR	A	813,400	813,400
10	(bm) Workplace literacy resource center	GPR	A	-0-	-0-
11	(c) Minority student participation and				
12	retention grants	GPR	A	589,200	589,200
13	(ce) Basic skills grants	GPR	A	-0-	-0-
14	(ch) Health care education programs	GPR	A	4,340,000	5,450,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(d) State aid for technical colleges;				
2	statewide guide	GPR	A	118,415,000	118,415,000
3	(dc) Incentive grants	GPR	C	6,533,100	6,533,100
4	(dd) Farm training program tuition				
5	grants	GPR	A	143,200	143,200
6	(de) Services for handicapped students;				
7	local assistance	GPR	A	382,000	382,000
8	(dm) Aid for special collegiate transfer				
9	programs	GPR	A	1,073,700	1,073,700
10	(e) Technical college instructor				
11	occupational competency program	GPR	A	68,100	68,100
12	(ec) Milwaukee enterprise center	GPR	A	-0-	-0-
13	(eg) Faculty development grants	GPR	A	794,600	794,600
14	(em) Apprenticeship curriculum				
15	development	GPR	A	71,600	71,600
16	(f) Alcohol and other drug abuse				
17	prevention and intervention	GPR	A	501,400	501,400
18	(fc) Driver education, local assistance	GPR	A	307,500	307,500
19	(fg) Chauffeur training grants	GPR	C	191,000	191,000
20	(fm) Supplemental aid	GPR	A	1,432,500	1,432,500
21	(fp) Emergency medical technician -				
22	basic training; state operations	GPR	A	-0-	-0-
23	(g) Text materials	PR	A	123,000	123,000
24	(gm) Fire schools; state operations	PR	A	392,700	392,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gr) Fire schools; local assistance	PR	A	600,000	600,000
2	(h) Gifts and grants	PR	C	20,600	20,600
3	(hm) Truck driver training	PR-S	C	616,000	616,000
4	(i) Conferences	PR	C	85,900	85,900
5	(j) Personnel certification	PR	A	180,000	180,000
6	(k) Gifts and grants	PR	C	30,200	30,200
7	(ka) Interagency projects; local				
8	assistance	PR-S	A	3,414,700	3,414,700
9	(kb) Interagency projects; state				
10	operations	PR-S	A	715,800	715,800
11	(L) Services for district boards	PR	A	143,300	143,300
12	(m) Federal aid, state operations	PR-F	C	3,366,100	3,366,100
13	(n) Federal aid, local assistance	PR-F	C	26,674,300	26,674,300
14	(o) Federal aid, aids to individuals and				
15	organizations	PR-F	C	800,000	800,000
16	(pz) Indirect cost reimbursements	PR-F	C	196,000	196,000
17	(q) Agricultural education consultant	GPR	A	58,500	58,500

20.292 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	138,882,800	139,992,800
PROGRAM REVENUE	37,358,600	37,358,600
FEDERAL	(31,036,400)	(31,036,400)
OTHER	(1,575,700)	(1,575,700)
SERVICE	(4,746,500)	(4,746,500)
TOTAL-ALL SOURCES	176,241,400	177,351,400

Education**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	6,042,243,300	6,025,573,500
PROGRAM REVENUE	3,177,496,100	3,303,297,400
FEDERAL	(1,311,926,300)	(1,311,686,700)

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
OTHER			(1,793,030,300)	(1,899,730,300)
SERVICE			(72,539,500)	(91,880,400)
SEGREGATED FUNDS			114,727,600	140,254,100
FEDERAL			(-0-)	(-0-)
OTHER			(114,727,600)	(140,254,100)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			9,334,467,000	9,469,125,000

Environmental Resources

1	20.320 Environmental improvement program			
2	(1) CLEAN WATER FUND PROGRAM OPERATIONS			
3	(a) Environmental aids — clean water			
4	fund program	GPR	A	-0- -0-
5	(c) Principal repayment and			
6	interest — clean water fund			
7	program	GPR	S	33,950,200 37,989,700
8	(r) Clean water fund program			
9	repayment of revenue obligations	SEG	S	-0- -0-
10	(s) Clean water fund program financial			
11	assistance	SEG	S	-0- -0-
12	(sm) Land recycling loan program			
13	financial assistance	SEG	S	-0- -0-
14	(t) Principal repayment and			
15	interest — clean water fund			
16	program bonds	SEG	A	6,000,000 6,000,000
17	(u) Principal repay. & interest - clean			
18	water fd. prog. rev. obligation repay.	SEG	C	-0- -0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(x) Clean water fund program financial				
2	assistance; federal	SEG-F	C	-0-	-0-
3	(y) Clean water fund program federal				
4	financial hardship assistance	SEG-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			33,950,200	37,989,700
	SEGREGATED FUNDS			6,000,000	6,000,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,000,000)	(6,000,000)
	TOTAL-ALL SOURCES			39,950,200	43,989,700
5	(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
6	(c) Principal repayment and				
7	interest — safe drinking water loan				
8	program	GPR	S	1,450,800	1,711,800
9	(s) Safe drinking water loan programs				
10	financial assistance	SEG	S	-0-	-0-
11	(x) Safe drinking water loan programs				
12	financial assistance; federal	SEG-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,450,800	1,711,800
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,450,800	1,711,800
13	(3) PRIVATE SEWAGE SYSTEM PROGRAM				
14	(q) Private sewage system loans	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
2 0 . 3 2 0 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			35,401,000	39,701,500
SEGREGATED FUNDS			6,000,000	6,000,000
FEDERAL			(-0-)	(-0-)
OTHER			(6,000,000)	(6,000,000)
TOTAL-ALL SOURCES			41,401,000	45,701,500

1 20.360 Lower Wisconsin state riverway board

2 (1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY

3 (g) Gifts and grants	PR	C	-0-	-0-
4 (q) General program operations —				
5 conservation fund	SEG	A	151,800	151,800

2 0 . 3 6 0 D E P A R T M E N T T O T A L S

PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SEGREGATED FUNDS			151,800	151,800
OTHER			(151,800)	(151,800)
TOTAL-ALL SOURCES			151,800	151,800

6 20.370 Natural resources, department of

7 (1) LAND

8 (cq) Forestry — reforestation	SEG	C	100,000	100,000
9 (cr) Forestry — recording fees	SEG	C	50,000	50,000
10 (cs) Forestry — forest fire emergencies	SEG	C	-0-	-0-
11 (ct) Timber sales contracts - repair and				
12 reimbursement costs	SEG	C	-0-	-0-
13 (cu) Forestry - forestry education				
14 curriculum	SEG	A	318,700	318,700
15 (cv) Forestry - public education	SEG	C	318,700	318,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ea) Parks — general program				
2	operations	GPR	A	4,943,700	4,775,600
3	(eq) Parks and forests - operation and				
4	maintenance	SEG	S	-0-	-0-
5	(fb) Endangered resources — general				
6	program operations	GPR	A	-0-	-0-
7	(fc) Endangered resources — Wisconsin				
8	stewardship program	GPR	A	-0-	-0-
9	(fd) Endangered resources — natural				
10	heritage inventory program	GPR	A	252,600	200,800
11	(fe) Endangered resources — general				
12	fund	GPR	S	312,200	364,000
13	(fs) Endangered resources — voluntary				
14	payments; sales, leases and fees	SEG	C	1,138,300	1,475,600
15	(ft) Endangered resources —				
16	application fees	SEG	C	-0-	-0-
17	(gr) Endangered resources program —				
18	gifts and grants	SEG	C	-0-	-0-
19	(hk) Elk management	PR-S	A	100,600	100,600
20	(hq) Elk hunting fees	SEG	C	-0-	-0-
21	(hr) Pheasant restoration	SEG	C	370,000	370,000
22	(ht) Wild turkey restoration	SEG	C	496,600	496,600
23	(hu) Wetlands habitat improvement	SEG	C	338,400	338,400
24	(it) Atlas revenues	SEG	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(iu) Gravel pit reclamation	SEG	C	-0-	-0-
2	(jr) Rental property and equipment —				
3	maintenance and replacement	SEG	C	-0-	-0-
4	(kk) Wild crane study	PR-S	A	-0-	-0-
5	(kq) Taxes and assessments —				
6	conservation fund	SEG	A	300,000	300,000
7	(Lk) Reintroduction of whooping cranes	PR-S	A	44,700	44,700
8	(Lq) Trapper education program	SEG	C	29,100	29,100
9	(Lr) Beaver control; fish and wildlife				
10	account	SEG	C	36,600	36,600
11	(Ls) Control of wild animals	SEG	C	217,000	217,000
12	(Lt) Wildlife management	SEG	A	-0-	-0-
13	(Lu) Fish and wildlife habitat	SEG	S	-0-	-0-
14	(ma) General program operations —				
15	state funds	GPR	A	191,400	-0-
16	(mg) General program operations —				
17	endangered resources	PR	C	-0-	-0-
18	(mi) General program operations —				
19	private and public sources	PR	C	627,000	627,000
20	(mk) General program operations —				
21	service funds	PR-S	C	771,200	750,000
22	(mq) General program operations —				
23	state snowmobile trails and areas	SEG	A	84,400	84,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mr) General program operations —				
2	park and forest trails	SEG	A	100,000	100,000
3	(ms) General program operations —				
4	state all-terrain vehicle projects	SEG	A	60,000	60,000
5	(mt) Land preservation and				
6	management - endowment fund	SEG	S	-0-	-0-
7	(mu) General program operations —				
8	state funds	SEG	A	-0-	-0-
9	Land program management	SEG	A	852,300	852,300
10	Wildlife management	SEG	A	11,201,500	11,772,900
11	Southern forests	SEG	A	4,832,900	4,832,900
12	Parks and recreation	SEG	A	9,396,500	9,396,500
13	Facilities and lands	SEG	A	5,694,600	5,867,600
	NET APPROPRIATION			31,977,800	32,722,200
14	(mv) General program operations - state				
15	funds; forestry	SEG	A	40,069,700	39,987,000
16	(my) General program operations —				
17	federal funds	SEG-F	C	-0-	-0-
18	Wildlife management	SEG-F	C	3,689,600	3,678,700
19	Forestry	SEG-F	C	802,600	802,600
20	Southern forests	SEG-F	C	91,800	91,800
21	Parks and recreation	SEG-F	C	610,100	610,100
22	Endangered resources	SEG-F	C	548,100	548,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	Facilities and lands	SEG-F	C	1,701,300	1,701,300
	NET APPROPRIATION			7,443,500	7,432,600
2	(mz) Forest fire emergencies — federal				
3	funds	SEG-F	C	-0-	-0-
	(1) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			5,699,900	5,340,400
	PROGRAM REVENUE			1,543,500	1,522,300
	OTHER			(627,000)	(627,000)
	SERVICE			(916,500)	(895,300)
	SEGREGATED FUNDS			83,448,800	84,436,900
	FEDERAL			(7,443,500)	(7,432,600)
	OTHER			(76,005,300)	(77,004,300)
	TOTAL-ALL SOURCES			90,692,200	91,299,600
4	(2) AIR AND WASTE				
5	(bg) Air management — stationary				
6	sources	PR	A	8,498,500	8,498,500
7	(bi) Air management — asbestos				
8	management	PR	C	340,800	425,800
9	(bq) Air management — vapor recovery				
10	administration	SEG	A	73,400	73,400
11	(br) Air management — mobile sources	SEG	A	1,202,900	1,202,900
12	(cf) Air management - motor veh.				
13	emission inspection & maint. prog.,				
14	state funds	GPR	A	50,900	50,900
15	(cg) Air management — recovery of				
16	ozone-depleting refrigerants	PR	A	122,700	122,700
17	(ch) Air management — emission				
18	analysis	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ci) Air management — permit review				
2	and enforcement	PR	A	1,643,600	1,643,600
3	(cL) Air management - air waste				
4	management-incinerator operator				
5	certification	PR	C	-0-	-0-
6	(dg) Solid waste management — solid				
7	and hazardous waste disposal				
8	administration	PR	C	2,934,300	2,934,300
9	(dh) Solid waste				
10	management-remediated property	PR	C	963,100	963,100
11	(di) Solid waste management —				
12	operator certification	PR	C	-0-	-0-
13	(dq) Solid waste management — waste				
14	management fund	SEG	C	-0-	-0-
15	(dt) Solid waste management — closure				
16	and long-term care	SEG	C	-0-	-0-
17	(du) Solid waste management - site				
18	specific remediation	SEG	C	-0-	-0-
19	(dv) Solid waste management —				
20	environmental repair; spills;				
21	abandoned containers	SEG	C	3,321,300	3,321,300
22	(dw) Solid waste management —				
23	environmental repair; petroleum				
24	spills; admin.	SEG	A	292,800	292,800

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(dy) Solid waste mgt. — corrective				
2	action; proofs of financial				
3	responsibility	SEG	C	-0-	-0-
4	(dz) Solid waste management -				
5	assessments and legal action	SEG	C	-0-	-0-
6	(eg) Solid waste facility siting board fee	PR	C	-0-	-0-
7	(eh) Solid waste management — source				
8	reduction review	PR	C	-0-	-0-
9	(eq) Solid waste management - dry				
10	cleaner environmental response	SEG	A	127,800	127,800
11	(fq) Indemnification agreements	SEG	S	-0-	-0-
12	(gh) Mining — mining regulation and				
13	administration	PR	A	294,700	284,500
14	(gr) Solid waste management — mining				
15	programs	SEG	C	-0-	-0-
16	(hq) Recycling; administration	SEG	A	755,700	755,700
17	(ma) General program operations —				
18	state funds	GPR	A	2,544,000	2,544,000
19	(mi) General program operations —				
20	private and public sources	PR	C	-0-	-0-
21	(mk) General program operations —				
22	service funds	PR-S	C	100,000	100,000
23	(mm) General program operations —				
24	federal funds	PR-F	C	6,736,300	6,736,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mq) General program operations -				
2	environmental fund	SEG	A	3,868,800	3,868,800
3	(mu) Petroleum inspection fd. suppl. to				
4	env. fd.; env. repair and well comp.	SEG	A	1,049,400	1,049,400
5	(my) General program operations —				
6	environmental fund; federal funds	SEG-F	C	818,600	818,600
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			2,594,900	2,594,900
	PROGRAM REVENUE			21,634,000	21,708,800
	FEDERAL			(6,736,300)	(6,736,300)
	OTHER			(14,797,700)	(14,872,500)
	SERVICE			(100,000)	(100,000)
	SEGREGATED FUNDS			11,510,700	11,510,700
	FEDERAL			(818,600)	(818,600)
	OTHER			(10,692,100)	(10,692,100)
	TOTAL-ALL SOURCES			35,739,600	35,814,400
7	(3) ENFORCEMENT AND SCIENCE				
8	(ak) Law enforcement - snowmobile				
9	enforcement and safety training;				
10	service funds	PR-S	A	626,500	626,500
11	(aq) Law enforcement — snowmobile				
12	enforcement and safety training	SEG	A	437,700	437,700
13	(ar) Law enforcement — boat				
14	enforcement and safety training	SEG	A	2,247,400	2,247,400
15	(as) Law enforcement — all-terrain				
16	vehicle enforcement	SEG	A	367,000	367,000
17	(at) Education and safety programs	SEG	C	174,700	174,700
18	(au) Hunter education and bow hunter				
19	education	SEG	A	171,200	171,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(av) Law enforcement - car kill deer;				
2	transportation fund	SEG	A	402,100	414,600
3	(aw) Law enforcement — car kill deer	SEG	A	402,100	414,600
4	(bg) Enforcement — stationary sources	PR	A	75,300	75,300
5	(dg) Environmental impact —				
6	consultant services; printing and				
7	postage costs	PR	C	-0-	-0-
8	(dh) Environmental impact — power				
9	projects	PR	C	27,100	27,100
10	(di) Environmental consulting costs —				
11	federal power projects	PR	A	-0-	-0-
12	(fj) Environmental quality - laboratory				
13	certification	PR	A	598,700	598,700
14	(is) Lake research; voluntary				
15	contributions	SEG	C	70,000	70,000
16	(ma) General program operations —				
17	state funds	GPR	A	3,099,200	3,099,200
18	(mi) General program operations —				
19	private and public sources	PR	C	386,900	386,900
20	(mk) General program operations —				
21	service funds	PR-S	C	543,300	543,300
22	(mm) General program operations —				
23	federal funds	PR-F	C	456,600	456,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mq) General program operations —				
2	environmental fund	SEG	A	1,191,200	1,191,200
3	(mr) Recycling; enforcement and				
4	research	SEG	A	99,000	99,000
5	(ms) General program operations -				
6	pollution prevention	SEG	A	62,700	62,700
7	(mt) General program operations,				
8	nonpoint source — environmental				
9	fund	SEG	A	342,700	342,700
10	(mu) General program operations —				
11	state funds	SEG	A	16,625,700	17,426,800
12	(mv) Aquatic and terrestrial resources				
13	inventory	SEG	A	154,800	154,800
14	(my) General program operations —				
15	federal funds	SEG-F	C	5,945,700	5,945,700
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,099,200	3,099,200
	PROGRAM REVENUE			2,714,400	2,714,400
	FEDERAL			(456,600)	(456,600)
	OTHER			(1,088,000)	(1,088,000)
	SERVICE			(1,169,800)	(1,169,800)
	SEGREGATED FUNDS			28,694,000	29,520,100
	FEDERAL			(5,945,700)	(5,945,700)
	OTHER			(22,748,300)	(23,574,400)
	TOTAL-ALL SOURCES			34,507,600	35,333,700
16	(4) WATER				
17	(af) Water resources - remedial action	GPR	C	142,500	142,500
18	(ag) Water resources - pollution credits	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ah) Water resources - Great Lakes				
2	protection fund	PR	C	229,000	229,000
3	(aq) Water resources management -				
4	management activities	SEG	A	2,881,500	2,892,800
5	(ar) Water resources - groundwater				
6	management	SEG	B	125,000	125,000
7	(as) Water resources — trading water				
8	pollution credits	SEG	C	25,000	-0-
9	(at) Watershed — nonpoint source				
10	contracts	SEG	B	997,600	997,600
11	(au) Cooperative remedial action;				
12	contributions	SEG	C	-0-	-0-
13	(av) Cooperative remedial action;				
14	interest on contributions	SEG	S	-0-	-0-
15	(bg) Water regulation and zoning -				
16	computer access fees	PR	C	50,000	50,000
17	(bh) Water regulation and zoning - dam				
18	inspect. and safety administ.; gen.				
19	fund	PR	A	-0-	-0-
20	(bi) Water regulation and zoning - fees	PR	C	1,024,900	1,024,900
21	(bj) Storm water management - fees	PR	A	821,600	821,600
22	(bL) Wastewater management - fees	PR	C	271,600	271,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(br) Water reg. & zoning — dam safety				
2	& wetland mapping; conservation				
3	fund	SEG	A	510,900	510,900
4	(jk) Trout management	PR-S	A	20,000	20,000
5	(kk) Fishery resources for ceded				
6	territories	PR-S	A	128,300	128,300
7	(ku) Great Lakes trout and salmon	SEG	C	1,189,800	789,800
8	(kv) Trout habitat improvement	SEG	C	1,157,900	1,157,900
9	(kw) Sturgeon stock and habitat	SEG	C	-0-	-0-
10	(ma) General program operations - state				
11	funds	GPR	A	-0-	-0-
12	Watershed management	GPR	A	7,608,600	7,163,200
13	Fisheries management and habitat				
14	protection	GPR	A	2,889,900	2,636,300
15	Drinking water and groundwater	GPR	A	2,894,400	2,564,400
16	Water program management	GPR	A	2,739,000	2,739,000
	NET APPROPRIATION			16,131,900	15,102,900
17	(mi) General program operations -				
18	private and public sources	PR	C	70,200	70,200
19	(mk) General program operations —				
20	service funds	PR-S	C	473,000	473,000
21	(mm) General program operations -				
22	federal funds	PR-F	C	-0-	-0-
23	Watershed management	PR-F	C	4,948,700	4,948,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	Fisheries management and habitat				
2	protection	PR-F	C	616,000	616,000
3	Drinking water and groundwater	PR-F	C	4,015,000	4,015,000
	NET APPROPRIATION			9,579,700	9,579,700
4	(mq) General program operations -				
5	environmental fund	SEG	A	-0-	-0-
6	Watershed management	SEG	A	750,100	750,100
7	Drinking water and groundwater	SEG	A	1,591,400	1,591,400
8	Water program management	SEG	A	79,000	79,000
	NET APPROPRIATION			2,420,500	2,420,500
9	(mr) General program operations,				
10	nonpoint source	SEG	A	441,700	441,700
11	(mt) General program				
12	operations-environmental				
13	improvement programs; state funds	SEG	A	575,500	575,500
14	(mu) General program operations - state				
15	funds	SEG	A	13,517,300	14,367,300
16	(mw) Petroleum inspection fund				
17	supplement to env. fund;				
18	groundwater management	SEG	A	766,900	766,900
19	(mx) General program operations - clean				
20	water fund program; federal funds	SEG-F	C	793,300	793,300
21	(my) General program operations -				
22	environmental fund - federal funds	SEG-F	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mz) General program operations -				
2	federal funds	SEG-F	C	3,631,000	3,629,200
3	(nz) General program operations-safe				
4	drinking water loan programs;				
5	federal funds	SEG-F	C	643,500	643,500
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,274,400	15,245,400
	PROGRAM REVENUE			12,668,300	12,668,300
	FEDERAL			(9,579,700)	(9,579,700)
	OTHER			(2,467,300)	(2,467,300)
	SERVICE			(621,300)	(621,300)
	SEGREGATED FUNDS			29,677,400	30,111,900
	FEDERAL			(5,067,800)	(5,066,000)
	OTHER			(24,609,600)	(25,045,900)
	TOTAL-ALL SOURCES			58,620,100	58,025,600
6	(5) CONSERVATION AIDS				
7	(ac) Resource aids - Milwaukee public				
8	museum	GPR	A	-0-	-0-
9	(aq) Resource aids - Canadian agencies				
10	migratory waterfowl aids	SEG	C	169,200	169,200
11	(ar) Resource aids - county				
12	conservation aids	SEG	C	-0-	150,000
13	(as) Recreation aids - fish, wildlife, and				
14	forestry recreation aids	SEG	C	234,500	234,500
15	(at) Ice age trail area grants	SEG	A	75,000	75,000
16	(au) Resource aids - Ducks Unlimited,				
17	Inc. payments	SEG	C	-0-	-0-
18	(av) Resource aids - private forest				
19	grants	SEG	B	1,250,000	1,250,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(aw) Resource aids - nonprofit				
2	conservation organizations	SEG	C	235,000	235,000
3	(ay) Resource aids - urban land				
4	conservation	SEG	A	75,000	75,000
5	(bq) Resource aids - county forest loans;				
6	severance share payments	SEG	C	-0-	-0-
7	(br) Resource aids - forest croplands				
8	and managed forest land aids	SEG	A	1,250,000	1,250,000
9	(bs) Resource aids - county forest loans	SEG	A	622,400	622,400
10	(bt) Resource aids - county forest				
11	project loans	SEG	C	400,000	400,000
12	(bu) Resource aids - county forest				
13	project loans; severance share				
14	payments	SEG	C	-0-	-0-
15	(bv) Res. aids - county forests, forest				
16	croplands and managed forest land				
17	aids	SEG	S	1,311,400	1,349,400
18	(bw) Resource aids - urban forestry and				
19	county forest administrator grants	SEG	A	1,864,900	1,987,100
20	(bx) Resource aids - national forest				
21	income aids	PR-F	C	782,200	782,200
22	(by) Resource aids - fire suppression				
23	grants	SEG	A	448,000	448,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(cb) Recreation aids - snowmobile trail				
2	and area aids; general fund	GPR	A	-0-	-0-
3	(cq) Recreation aids - recreational				
4	boating and other projects	SEG	C	4,547,000	4,547,000
5	(cr) Recreation aids - county				
6	snowmobile trail and area aids	SEG	C	3,301,400	3,301,400
7	(cs) Recreation aids - snowmobile trail				
8	areas	SEG	C	4,660,000	4,868,100
9	(ct) Recreation aids - all-terrain				
10	vehicle project aids; gas tax				
11	payment	SEG	C	1,276,900	1,506,400
12	(cu) Recreation aids — all-terrain				
13	vehicle project aids	SEG	C	625,300	625,300
14	(cv) Recreation aids — motorcycle				
15	recreation aids; trails	SEG	A	28,000	-0-
16	(cw) Recreation aids - supplemental				
17	snowmobile trail aids	SEG	C	900,000	900,000
18	(cx) Recreation aids — all-terrain				
19	vehicle safety program	SEG	A	350,000	350,000
20	(cy) Recreation and resource aids,				
21	federal funds	SEG-F	C	510,900	510,900
22	(da) Aids in lieu of taxes	GPR	S	4,190,000	4,190,000
23	(dq) Aids in lieu of taxes	SEG	S	871,600	871,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(dx) Resource aids — payment in lieu of				
2	taxes; federal	PR-F	C	440,000	440,000
3	(ea) Enforcement aids — spearfishing				
4	enforcement	GPR	C	-0-	-0-
5	(eq) Enforcement aids — boating				
6	enforcement	SEG	A	1,400,000	1,400,000
7	(er) Enforcement aids — all-terrain				
8	vehicle enforcement	SEG	A	100,000	130,000
9	(es) Enforcement aids — snowmobiling				
10	enforcement	SEG	A	400,000	400,000
11	(ex) Enforcement aids — federal funds	SEG-F	C	-0-	-0-
12	(fq) Wildlife damage claims and				
13	abatement	SEG	C	2,187,700	2,187,700
14	(fr) Wildlife abatement and control				
15	grants	SEG	B	25,000	25,000
16	(fs) Chronic wasting disease				
17	management	SEG	A	-0-	-0-
18	(ft) Venison processing; voluntary				
19	contributions	SEG	C	-0-	-0-
20	(fv) Chronic wasting disease				
21	management — supplemental				
22	funds	SEG	A	-0-	-0-
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,190,000	4,190,000
	PROGRAM REVENUE			1,222,200	1,222,200
	FEDERAL			(1,222,200)	(1,222,200)
	SEGREGATED FUNDS			29,119,200	29,869,000

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
	FEDERAL			(510,900)	(510,900)
	OTHER			(28,608,300)	(29,358,100)
	TOTAL-ALL SOURCES			34,531,400	35,281,200
1	(6) ENVIRONMENTAL AIDS				
2	(aa) Environmental aids - non-point				
3	source	GPR	B	839,400	839,400
4	(ar) Environmental aids - lake				
5	protection	SEG	C	2,675,400	2,675,400
6	(au) Environmental aids — river				
7	protection; environmental fund	SEG	A	-0-	-0-
8	(av) Environmental aids - river				
9	protection; conservation fund	SEG	A	292,400	292,400
10	(aw) Environmental aids - river				
11	protection; nonprofit organization				
12	contracts	SEG	C	75,000	75,000
13	(bj) Environmental aids — waste				
14	reduction and recycling grants and				
15	gifts	PR	C	-0-	-0-
16	(bk) Environmental aids — wastewater				
17	and drinking water grant	PR-S	A	500,000	500,000
18	(br) Environmental aids - waste				
19	reduction and recycling				
20	demonstration grants	SEG	C	500,000	500,000
21	(bs) Environmental aids - household				
22	hazardous waste	SEG	A	150,000	150,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05	
1	(bu) Financial assistance for responsible					
2	units	SEG	A	24,500,000	24,500,000	
3	(bv) Recycling efficiency incentive					
4	grants	SEG	A	1,900,000	1,900,000	
5	(ca) Environmental aids - scenic urban					
6	waterways	GPR	C	-0-	-0-	
7	(cm) Environmental aids - federal funds	PR-F	C	-0-	-0-	
8	(cr) Environmental aids - compensation					
9	for well contamination	SEG	C	400,000	400,000	
10	(da) Environmental planning aids -					
11	local water quality planning	GPR	A	269,200	269,200	
12	(dm) Environmental planning aids -					
13	federal funds	PR-F	C	150,000	150,000	
14	(dq) Environmental aids — urban					
15	nonpoint source	SEG	B	1,399,000	1,399,000	
16	(eq) Environmental aids - dry cleaner					
17	environmental response	SEG	B	1,050,000	1,050,000	
18	(es) Brownfields grant program	SEG	B	9,200,000	9,200,000	
	(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,108,600	1,108,600	
	PROGRAM REVENUE			650,000	650,000	
	FEDERAL			(150,000)	(150,000)	
	OTHER			(-0-)	(-0-)	
	SERVICE			(500,000)	(500,000)	
	SEGREGATED FUNDS			42,141,800	42,141,800	
	OTHER			(42,141,800)	(42,141,800)	
	TOTAL-ALL SOURCES			43,900,400	43,900,400	
19	(7) DEBT SERVICE AND DEVELOPMENT					

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(aa) Resource acquisition and				
2	development - principal repayment				
3	and interest	GPR	S	26,702,900	30,162,700
4	(ac) Principal repayment and interest -				
5	recreational boating bonds	GPR	S	-0-	-0-
6	(ag) Land acquisition; principal				
7	repayment and interest	PR	C	-0-	-0-
8	(aq) Resource acquisition and				
9	development - principal repayment				
10	and interest	SEG	S	233,000	233,400
11	(ar) Dam repair and removal - principal				
12	repayment and interest	SEG	S	426,400	509,500
13	(at) Recreation development - principal				
14	repayment and interest	SEG	S	-0-	-0-
15	(au) State forest acquisition and				
16	development - principal				
17	repayment and interest	SEG	A	8,000,000	8,000,000
18	(bq) Principal repayment and interest -				
19	remedial action	SEG	S	3,203,700	3,771,600
20	(ca) Principal repayment and interest -				
21	nonpoint source grants	GPR	S	4,629,900	5,844,700
22	(cb) Principal repayment and interest -				
23	pollution abatement bonds	GPR	S	57,109,900	51,506,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(cc) Principal repay. and int. – combined				
2	sewer overflow; pollution abat.				
3	bonds	GPR	S	16,563,500	16,576,100
4	(cd) Principal repayment and interest –				
5	municipal clean drinking water				
6	grants	GPR	S	1,136,800	1,394,400
7	(ce) Principal repayment and interest –				
8	nonpoint source	GPR	S	181,000	181,000
9	(cf) Principal repayment and interest –				
10	urban nonpoint source cost-sharing	GPR	S	832,800	1,314,000
11	(cg) Principal repayment and interest –				
12	nonpoint repayments	PR	C	-0-	-0-
13	(ea) Administrative facilities – principal				
14	repayment and interest	GPR	S	565,000	621,300
15	(eq) Administrative facilities – principal				
16	repayment and interest	SEG	S	1,747,700	2,208,800
17	(er) Administrative facilities – principal				
18	repayment & interest; env. fund	SEG	S	253,400	487,700
19	(fa) Resource maintenance and				
20	development – state funds	GPR	C	-0-	894,400
21	(fk) Resource acquisition and				
22	development – service funds;				
23	transportation moneys	PR-S	C	1,000,000	1,000,000
24	(fr) Resource acq. and dev. – boating				
25	access to southeastern lakes	SEG	C	100,000	100,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(fs) Resource acquisition and				
2	development - state funds	SEG	C	3,119,600	1,950,500
3	(ft) Resource acquisition and				
4	development - boating access	SEG	C	200,000	200,000
5	(fu) Resource acquisition and				
6	development — nonmotorized				
7	boating improvements	SEG	C	-0-	-0-
8	(fw) Resource acq. and dev. - Mississippi				
9	and St. Croix rivers management	SEG	C	62,500	62,500
10	(fy) Resource acquisition and				
11	development — federal funds	SEG-F	C	2,120,000	2,120,000
12	(gg) Ice Age trail - gifts and grants	PR	C	-0-	-0-
13	(gq) State trails - gifts and grants	SEG	C	-0-	-0-
14	(ha) Facilities acquisition, development				
15	and maintenance	GPR	C	-0-	170,900
16	(hq) Facilities acquisition, development				
17	and maintenance - conservation				
18	fund	SEG	C	376,800	376,800
19	(jr) Rental property and equipment -				
20	maintenance and replacement	SEG	C	-0-	-0-
21	(mc) Resource maintenance and				
22	development - state park, forest &				
23	riverway roads	GPR	C	-0-	321,400
24	(mi) General program operations -				
25	private and public sources	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mk) General program operations -				
2	service funds	PR-S	C	-0-	-0-
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			107,721,800	108,987,200
	PROGRAM REVENUE			1,000,000	1,000,000
	OTHER			(-0-)	(-0-)
	SERVICE			(1,000,000)	(1,000,000)
	SEGREGATED FUNDS			19,843,100	20,020,800
	FEDERAL			(2,120,000)	(2,120,000)
	OTHER			(17,723,100)	(17,900,800)
	TOTAL-ALL SOURCES			128,564,900	130,008,000
3	(8) ADMINISTRATION AND TECHNOLOGY				
4	(ir) Promotional activities and				
5	publications	SEG	C	83,000	83,000
6	(iw) Statewide recycling administration	SEG	A	195,800	195,800
7	(ma) General program operations —				
8	state funds	GPR	A	5,805,800	5,795,800
9	(mg) General program operations —				
10	stationary sources	PR	A	-0-	-0-
11	(mi) General program operations —				
12	private and public sources	PR	C	-0-	-0-
13	(mk) General program operations —				
14	service funds	PR-S	C	7,214,900	7,214,900
15	(mq) General program operations —				
16	mobile sources	SEG	A	562,800	562,800
17	(mr) General program operations -				
18	environmental improvement fund	SEG	A	336,100	336,100
19	(mt) Equipment pool operations	SEG-S	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mu) General program operations —				
2	state funds	SEG	A	15,437,600	15,423,500
3	(mv) General program operations —				
4	environmental fund	SEG	A	2,301,500	2,301,500
5	(mz) Indirect cost reimbursements	SEG-F	C	6,284,900	6,264,800
6	(ni) Geographic information systems,				
7	general program operations - other				
8	funds	PR	C	-0-	-0-
9	(nk) Geographic information systems,				
10	general program operations —				
11	service fds.	PR-S	C	1,359,100	1,359,100
12	(zq) Gifts and donations	SEG	C	-0-	-0-
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,805,800	5,795,800
	PROGRAM REVENUE			8,574,000	8,574,000
	OTHER			(-0-)	(-0-)
	SERVICE			(8,574,000)	(8,574,000)
	SEGREGATED FUNDS			25,201,700	25,167,500
	FEDERAL			(6,284,900)	(6,264,800)
	OTHER			(18,916,800)	(18,902,700)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			39,581,500	39,537,300
13	(9) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
14	(eg) Gifts and grants; environmental				
15	management systems	PR	C	-0-	-0-
16	(gb) Education programs - program fees	PR	B	66,200	66,200
17	(hk) Approval fees to Lac du Flambeau				
18	band-service funds	PR-S	A	100,000	100,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(hs) Approval fees from Lac du				
2	Flambeau band	SEG	C	-0-	-0-
3	(ht) Approval fees to Lac du Flambeau				
4	band	SEG	S	-0-	-0-
5	(hu) Handling, issuing and approval list				
6	fees	SEG	C	534,000	534,000
7	(iq) Natural resources magazine	SEG	C	895,400	895,400
8	(is) Statewide recycling administration	SEG	A	485,300	485,300
9	(jL) Fox river management; fees	PR	C	42,400	42,400
10	(ju) Fox river management	SEG	B	126,700	126,700
11	(ma) General program operations - state				
12	funds	GPR	A	1,977,400	1,977,400
13	(mh) General programs operations -				
14	stationary sources	PR	A	614,100	614,100
15	(mi) General program operations —				
16	private and public sources	PR	C	40,000	40,000
17	(mj) General program operations —				
18	solid and hazardous waste	PR	A	149,700	149,700
19	(mk) General program operations —				
20	service funds	PR-S	C	512,200	473,300
21	(mm) General program operations -				
22	federal funds	PR-F	C	1,507,100	1,465,200
23	(mq) General program operations -				
24	mobile sources	SEG	A	175,300	175,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ms) General program operations —				
2	cooperative environmental				
3	assistance	SEG	A	128,500	128,500
4	(mt) Aids administration —				
5	environmental improvement				
6	programs; state funds	SEG	A	1,100,600	1,100,600
7	(mu) General program operations - state				
8	funds	SEG	A	12,256,000	12,354,200
9	(mv) General program operations —				
10	environmental fund	SEG	A	673,600	673,600
11	(mw) Aids administration - snowmobile				
12	recreation	SEG	A	144,300	144,300
13	(mx) Aids administration - clean water				
14	fund program; federal funds	SEG-F	C	963,900	963,900
15	(my) General program operations -				
16	federal funds	SEG-F	C	280,200	280,200
17	(mz) Indirect cost reimbursements	SEG-F	C	779,800	779,800
18	(nq) Aids administration - dry cleaner				
19	environmental response	SEG	A	61,200	61,200
20	(ny) Aids administration - safe drinking				
21	water loan programs; federal funds	SEG-F	C	137,300	137,300

(9) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,977,400	1,977,400
PROGRAM REVENUE	3,031,700	2,950,900
FEDERAL	(1,507,100)	(1,465,200)
OTHER	(912,400)	(912,400)
SERVICE	(612,200)	(573,300)
SEGREGATED FUNDS	18,742,100	18,840,300

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
FEDERAL			(2,161,200)	(2,161,200)
OTHER			(16,580,900)	(16,679,100)
TOTAL-ALL SOURCES			23,751,200	23,768,600

20.370 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			148,472,000	148,338,900
PROGRAM REVENUE			53,038,100	53,010,900
FEDERAL			(19,651,900)	(19,610,000)
OTHER			(19,892,400)	(19,967,200)
SERVICE			(13,493,800)	(13,433,700)
SEGREGATED FUNDS			288,378,800	291,619,000
FEDERAL			(30,352,600)	(30,319,800)
OTHER			(258,026,200)	(261,299,200)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			489,888,900	492,968,800

1 20.373 Fox river navigational system authority

2 (1) INITIAL COSTS

3 (r) Establishment and operation SEG C -0- -0-

20.373 DEPARTMENT TOTALS

SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

4 20.380 Tourism, department of

5 (1) TOURISM DEVELOPMENT PROMOTION

6 (a) General program operations GPR A 3,568,400 3,568,400

7 (b) Tourism marketing; general
8 purpose revenue GPR A 5,186,400 5,186,400

9 (g) Gifts, grants and proceeds PR C 6,200 6,200

10 (h) Tourism promotion; sale of surplus
11 property PR C -0- -0-12 (j) Tourism promotion - private and
13 public sources PR C 100,000 100,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(k) Sale of materials or services	PR-S	C	-0-	-0-
2	(ka) Sales of materials or services-local				
3	assistance	PR-S	C	-0-	-0-
4	(kb) Sales of materials or				
5	services-individuals and				
6	organizations	PR-S	C	-0-	-0-
7	(kc) Marketing clearinghouse charges	PR-S	A	-0-	-0-
8	(kg) Tourism marketing; gaming				
9	revenue	PR-S	B	3,969,500	3,969,500
10	(km) Tourist information assistant	PR-S	A	129,700	129,700
11	(m) Federal aid-state operations	PR-F	C	-0-	-0-
12	(n) Federal aid-local assistance	PR-F	C	-0-	-0-
13	(o) Federal aid-individuals and				
14	organizations	PR-F	C	-0-	-0-
15	(q) Administrative				
16	services-conservation fund	SEG	A	55,300	55,300
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,754,800	8,754,800
	PROGRAM REVENUE			4,205,400	4,205,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(106,200)	(106,200)
	SERVICE			(4,099,200)	(4,099,200)
	SEGREGATED FUNDS			55,300	55,300
	OTHER			(55,300)	(55,300)
	TOTAL-ALL SOURCES			13,015,500	13,015,500
17	(2) KICKAPOO VALLEY RESERVE				

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(c) Kickapoo reserve management				
2	board; information technology				
3	support	GPR	A	17,800	17,800
4	(ip) Kickapoo reserve management				
5	board; program services	PR	C	-0-	-0-
6	(ir) Kickapoo reserve management				
7	board; gifts and grants	PR	C	-0-	-0-
8	(kc) Kickapoo valley reserve; law				
9	enforcement services	PR-S	A	31,300	31,300
10	(ms) Kickapoo reserve management				
11	board; federal aid	PR-F	C	-0-	-0-
12	(q) Kickapoo reserve management				
13	board; general program operations	SEG	A	315,500	331,700
14	(r) Kickapoo valley reserve; aids in lieu				
15	of taxes	SEG	S	244,700	266,700
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			17,800	17,800
	PROGRAM REVENUE			31,300	31,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(31,300)	(31,300)
	SEGREGATED FUNDS			560,200	598,400
	OTHER			(560,200)	(598,400)
	TOTAL-ALL SOURCES			609,300	647,500
20.380 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			8,772,600	8,772,600
	PROGRAM REVENUE			4,236,700	4,236,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(106,200)	(106,200)
	SERVICE			(4,130,500)	(4,130,500)
	SEGREGATED FUNDS			615,500	653,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	OTHER			(615,500)	(653,700)
	TOTAL-ALL SOURCES			13,624,800	13,663,000
1	20.395 Transportation, department of				
2	(1) AIDS				
3	(ar) Corrections of transportation aid				
4	payments	SEG	S	-0-	-0-
5	(as) Transportation aids to counties,				
6	state funds	SEG	A	91,170,200	93,449,400
7	(at) Transportation aids to				
8	municipalities, state funds	SEG	A	286,832,300	294,003,100
9	(br) Milwaukee urban area rail transit				
10	system planning study, state funds	SEG	A	-0-	-0-
11	(bs) Transportation employment and				
12	mobility, state funds	SEG	C	336,000	336,000
13	(bt) Urban rail transit system grants	SEG	C	-0-	-0-
14	(bv) Transit and transportation				
15	employment and mobility aids, local				
16	funds	SEG-L	C	110,000	110,000
17	(bx) Transit and transportation				
18	employment and mobility aids,				
19	federal funds	SEG-F	C	26,500,000	26,500,000
20	(cq) Elderly and disabled capital aids,				
21	state funds	SEG	C	921,900	921,900
22	(cr) Elderly and disabled county aids,				
23	state funds	SEG	A	8,146,300	8,373,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(cv) Elderly and disabled aids, local				
2	funds	SEG-L	C	605,500	605,500
3	(cx) Elderly and disabled aids, federal				
4	funds	SEG-F	C	1,500,000	1,500,000
5	(dq) Commuter rail transit system				
6	development grants, state funds	SEG	A	-0-	400,000
7	(dv) Commuter rail transit system				
8	development grants, local funds	SEG-L	C	-0-	-0-
9	(dx) Commuter rail transit system				
10	development grants, federal funds	SEG-F	C	-0-	-0-
11	(ex) Highway safety, local assistance,				
12	federal funds	SEG-F	C	1,700,000	1,700,000
13	(fq) Connecting highways aids, state				
14	funds	SEG	A	12,851,900	12,851,900
15	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
16	(ft) Lift bridge aids, state funds	SEG	B	1,515,000	1,515,000
17	(fu) County forest road aids, state funds	SEG	A	303,300	303,300
18	(gq) Expressway policing aids, state				
19	funds	SEG	A	1,040,800	1,040,800
20	(hr) Tier B transit operating aids, state				
21	funds	SEG	A	21,145,100	21,699,900
22	(hs) Tier C transit operating aids, state				
23	funds	SEG	A	5,716,800	5,893,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ht) Tier A-1 transit operating aids,				
2	state funds	SEG	A	57,156,900	58,537,200
3	(hu) Tier A-2 transit operating aids,				
4	state funds	SEG	A	15,259,300	15,629,500
5	(ig) Professional football stadium				
6	maintenance and operating costs,				
7	state funds	PR	C	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			533,411,300	545,969,900
	FEDERAL			(29,700,000)	(29,700,000)
	OTHER			(502,995,800)	(515,554,400)
	LOCAL			(715,500)	(715,500)
	TOTAL-ALL SOURCES			533,411,300	545,969,900
8	(2) LOCAL TRANSPORTATION ASSISTANCE				
9	(aq) Accelerated local bridge				
10	improvement assistance, state				
11	funds	SEG	C	-0-	-0-
12	(av) Accelerated local bridge				
13	improvement assistance, local				
14	funds	SEG-L	C	-0-	-0-
15	(ax) Accelerated local bridge				
16	improvement assistance, federal				
17	funds	SEG-F	C	-0-	-0-
18	(bq) Rail service assistance, state funds	SEG	C	725,900	725,900
19	(bu) Freight rail infrastructure				
20	improvements, state funds	SEG	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000
2	(bw) Freight rail assistance loan				
3	repayments, local funds	SEG-L	C	3,500,000	4,000,000
4	(bx) Rail service assistance, federal				
5	funds	SEG-F	C	50,000	50,000
6	(cq) Harbor assistance, state funds	SEG	C	598,400	598,400
7	(cr) Rail passenger service, state funds	SEG	C	1,015,200	1,143,200
8	(ct) Passenger railroad station				
9	improvement grants, state funds	SEG	B	-0-	-0-
10	(cu) Passenger railroad station				
11	improvement grants, local funds	SEG-L	C	-0-	-0-
12	(cv) Rail passenger service, local funds	SEG-L	C	-0-	-0-
13	(cx) Rail passenger service, federal				
14	funds	SEG-F	C	4,060,600	4,572,600
15	(dq) Aeronautics assistance, state funds	SEG	C	12,035,600	12,035,600
16	(ds) Aviation career education, state				
17	funds	SEG	A	138,900	138,900
18	(dv) Aeronautics assistance, local funds	SEG-L	C	8,430,700	8,430,700
19	(dx) Aeronautics assistance, federal				
20	funds	SEG-F	C	48,900,000	48,900,000
21	(eq) Highway and local bridge				
22	improvement assistance, state				
23	funds	SEG	C	8,493,200	8,493,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ev) Local bridge improvement				
2	assistance, local funds	SEG-L	C	8,780,400	8,780,400
3	(ex) Local bridge improvement				
4	assistance, federal funds	SEG-F	C	23,265,300	24,438,300
5	(fb) Local roads for job preservation,				
6	state funds	GPR	C	-0-	-0-
7	(fr) Local roads improvement program,				
8	state funds	SEG	C	24,543,900	25,157,500
9	(fv) Local transportation facility				
10	improvement assistance, local				
11	funds	SEG-L	C	38,900,900	39,514,500
12	(fx) Local transportation facility				
13	improvement assistance, federal				
14	funds	SEG-F	C	67,012,600	70,391,300
15	(fz) Local roads for job preservation,				
16	federal funds	SEG-F	C	-0-	-0-
17	(gg) Railroad payments	PR	C	588,800	588,800
18	(gj) Railroad crossing protection				
19	installation and maintenance, state				
20	funds	SEG	C	-0-	-0-
21	(gq) Railroad crossing improvement and				
22	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
23	(gr) Railroad crossing improvement and				
24	protection installation, state funds	SEG	C	1,700,000	1,700,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gs) Railroad crossing repair assistance,				
2	state funds	SEG	C	250,000	250,000
3	(gv) Railroad crossing improvement,				
4	local funds	SEG-L	C	-0-	-0-
5	(gx) Railroad crossing improvement,				
6	federal funds	SEG-F	C	3,141,200	3,299,600
7	(hq) Multimodal transportation studies,				
8	state funds	SEG	C	750,000	750,000
9	(hx) Multimodal transportation studies,				
10	federal funds	SEG-F	C	-0-	-0-
11	(iq) Transportation facilities economic				
12	assistance and development, state				
13	funds	SEG	C	3,625,000	3,625,000
14	(iv) Transportation facilities economic				
15	assistance and development, local				
16	funds	SEG-L	C	3,625,000	3,625,000
17	(iw) Transportation facility				
18	improvement loans, local funds	SEG-L	C	-0-	-0-
19	(ix) Transportation facilities economic				
20	assistance & development, federal				
21	funds	SEG-F	C	-0-	-0-
22	(jq) Surface transportation grants, state				
23	funds	SEG	C	-0-	-0-
24	(jv) Surface transportation grants, local				
25	funds	SEG-L	C	680,000	680,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(jx) Surface transportation grants,				
2	federal funds	SEG-F	C	2,407,200	2,528,600
3	(kv) Congestion mitigation and air				
4	quality improvement, local funds	SEG-L	C	3,124,700	3,124,700
5	(kx) Congestion mitigation and air				
6	quality improvement, federal funds	SEG-F	C	11,061,300	11,619,000
7	(nv) Transportation enhancement				
8	activities, local funds	SEG-L	C	1,682,600	1,682,600
9	(nx) Transportation enhancement				
10	activities, federal funds	SEG-F	C	5,956,300	6,256,600
11	(ny) Milwaukee lakeshore walkway	SEG-F	B	-0-	-0-
12	(ph) Transportation infrastructure				
13	loans, gifts and grants	SEG	C	-0-	-0-
14	(pq) Transportation infrastructure				
15	loans, state funds	SEG	C	176,000	5,000
16	(pu) Transportation infrastructure				
17	loans, service funds	SEG-S	C	-0-	-0-
18	(pv) Transportation infrastructure				
19	loans, local funds	SEG-L	C	-0-	-0-
20	(px) Transportation infrastructure				
21	loans, federal funds	SEG-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			588,800	588,800
	OTHER			(588,800)	(588,800)
	SEGREGATED FUNDS			291,380,900	299,266,600
	FEDERAL			(165,854,500)	(172,056,000)
	OTHER			(56,302,100)	(56,872,700)

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
	SERVICE			(-0-)	(-0-)
	LOCAL			(69,224,300)	(70,337,900)
	TOTAL-ALL SOURCES			291,969,700	299,855,400
1	(3) STATE HIGHWAY FACILITIES				
2	(bq) Major highway development, state				
3	funds	SEG	C	16,671,600	32,950,900
4	(br) Major highway development,				
5	service funds	SEG-S	C	173,295,400	158,221,200
6	(bv) Major highway development, local				
7	funds	SEG-L	C	-0-	-0-
8	(bx) Major highway development,				
9	federal funds	SEG-F	C	28,733,000	31,198,400
10	(ck) West canal street reconstruction				
11	and extension, service funds	PR-S	C	-0-	-0-
12	(cq) State highway rehabilitation, state				
13	funds	SEG	C	40,809,600	82,884,200
14	(cr) Southeast Wisconsin freeway				
15	rehabilitation, state funds	SEG	C	7,924,200	-0-
16	(cs) Marquette interchange				
17	reconstruction, service funds	SEG-S	C	-0-	85,500,000
18	(ct) State highway rehabilitation,				
19	service funds	SEG-S	C	147,708,000	128,135,700
20	(cv) State highway rehabilitation, local				
21	funds	SEG-L	C	2,000,000	2,000,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(cw) Southeast Wisconsin freeway				
2	rehabilitation, local funds	SEG-L	C	-0-	-0-
3	(cx) State highway rehabilitation,				
4	federal funds	SEG-F	C	265,339,400	279,238,900
5	(cy) Southeast Wisconsin freeway				
6	rehabilitation, federal funds	SEG-F	C	71,317,600	79,241,800
7	(eq) Highway maintenance, repair, and				
8	traffic operations, state funds	SEG	B	176,296,900	188,404,500
9	(ev) Highway maintenance, repair, and				
10	traffic operations, local funds	SEG-L	C	496,000	496,000
11	(ex) Highway maintenance, repair, and				
12	traffic operations, federal funds	SEG-F	C	1,015,800	1,102,900
13	(iq) Administration and planning, state				
14	funds	SEG	A	20,854,000	20,731,700
15	(ir) Disadvantaged business				
16	mobilization assistance, state funds	SEG	C	-0-	-0-
17	(iv) Administration and planning, local				
18	funds	SEG-L	C	-0-	-0-
19	(ix) Administration and planning,				
20	federal funds	SEG-F	C	3,949,700	4,245,700
21	(jh) Utility facilities within highway				
22	rights-of-way, state funds	PR	C	-0-	-0-
23	(jj) Damage claims	PR	C	1,850,000	1,850,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(js) Telecommunications services,				
2	service funds	SEG-S	C	-0-	-0-
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			1,850,000	1,850,000
	OTHER			(1,850,000)	(1,850,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			956,411,200	1,094,351,900
	FEDERAL			(370,355,500)	(395,027,700)
	OTHER			(262,556,300)	(324,971,300)
	SERVICE			(321,003,400)	(371,856,900)
	LOCAL			(2,496,000)	(2,496,000)
	TOTAL-ALL SOURCES			958,261,200	1,096,201,900
3	(4) GENERAL TRANSPORTATION OPERATIONS				
4	(aq) Departmental management and				
5	operations, state funds	SEG	A	55,077,400	54,670,500
6	(ar) Minor construction projects, state				
7	funds	SEG	C	-0-	-0-
8	(as) Type 1 motorcycle, moped, and				
9	motor bicycle safety program	SEG	A	598,300	598,300
10	(at) Capital building projects, service				
11	funds	SEG-S	C	6,000,000	6,000,000
12	(av) Departmental management and				
13	operations, local funds	SEG-L	C	369,000	369,000
14	(ax) Departmental management and				
15	operations, federal funds	SEG-F	C	13,761,800	14,482,700
16	(ay) Indirect cost reimbursements,				
17	federal funds	SEG-F	C	-0-	-0-
18	(ch) Gifts and grants	SEG	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(dq) Demand management	SEG	A	292,300	292,300
2	(eq) Data processing services, service				
3	funds	SEG-S	C	15,109,600	15,109,600
4	(er) Fleet operations, service funds	SEG-S	C	12,045,200	12,045,200
5	(es) Other department services,				
6	operations, service funds	SEG-S	C	5,677,400	5,585,600
7	(et) Equipment acquisition	SEG	A	-0-	-0-
8	(ew) Operating budget supplements,				
9	state funds	SEG	C	-0-	-0-
(4) PROGRAM TOTALS					
	SEGREGATED FUNDS			108,931,000	109,153,200
	FEDERAL			(13,761,800)	(14,482,700)
	OTHER			(55,968,000)	(55,561,100)
	SERVICE			(38,832,200)	(38,740,400)
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			108,931,000	109,153,200
10	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
11	(cg) Internet and telephone				
12	transactions, state funds	PR	C	-0-	-0-
13	(ch) Repaired salvage vehicle				
14	examinations, state funds	PR	C	-0-	-0-
15	(ci) Breath screening instruments,				
16	state funds	PR	C	-0-	-0-
17	(cj) Vehicle registration, special group				
18	plates, state funds	PR	C	-0-	-0-
19	(cL) Licensing fees, state funds	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(cq) Veh. reg., insp. & maint., driver				
2	licensing & aircraft reg., state				
3	funds	SEG	A	73,602,900	74,280,400
4	(cx) Vehicle registration and driver				
5	licensing, federal funds	SEG-F	C	200,000	200,000
6	(dg) Escort, security and traffic				
7	enforcement services, state funds	PR	C	164,100	164,100
8	(dh) Traffic academy tuition payments,				
9	state funds	PR	C	474,800	474,800
10	(di) Chemical testing training and				
11	services, state funds	PR	A	1,115,600	1,115,600
12	(dk) Public safety radio management,				
13	service funds	PR-S	C	213,100	213,100
14	(dL) Public safety radio management,				
15	state funds	PR	C	22,000	22,000
16	(dq) Vehicle inspection, traffic				
17	enforcement and radio				
18	management, state funds	SEG	A	50,336,100	51,073,300
19	(dx) Vehicle inspection and traffic				
20	enforcement, federal funds	SEG-F	C	7,928,400	7,755,700
21	(ek) Safe-ride grant program; state				
22	funds	PR-S	C	-0-	-0-
23	(fq) Motor vehicle emission inspection &				
24	maint. prog.; petroleum inspection				
25	fund	SEG	A	-0-	6,321,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(hq) Motor veh. emission insp. and				
2	maint. program, contractor costs,				
3	state funds	SEG	A	7,881,700	7,881,700
4	(hx) Motor vehicle emission inspection				
5	and maintenance programs, federal				
6	funds	SEG-F	C	6,321,700	-0-
7	(iv) Municipal and county registration				
8	fee, local funds	SEG-L	C	-0-	-0-
9	(jr) Pretrial intoxicated driver				
10	intervention grants, state funds	SEG	A	779,400	779,400
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			1,989,600	1,989,600
	OTHER			(1,776,500)	(1,776,500)
	SERVICE			(213,100)	(213,100)
	SEGREGATED FUNDS			147,050,200	148,292,200
	FEDERAL			(14,450,100)	(7,955,700)
	OTHER			(132,600,100)	(140,336,500)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			149,039,800	150,281,800
11	(6) DEBT SERVICES				
12	(af) Principal repayment and interest,				
13	local roads for job preserv, state				
14	funds	GPR	S	168,900	168,900
15	(aq) Principal repayment and interest,				
16	transportation facilities, state funds	SEG	S	4,421,500	4,841,800
17	(ar) Principal repayment and interest,				
18	buildings, state funds	SEG	S	112,100	62,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(at) Principal repayment & interest,				
2	major highway & rehab. proj., state				
3	funds	SEG	S	-0-	-0-
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			168,900	168,900
	SEGREGATED FUNDS			4,533,600	4,903,800
	OTHER			(4,533,600)	(4,903,800)
	TOTAL-ALL SOURCES			4,702,500	5,072,700
4	(9) GENERAL PROVISIONS				
5	(gg) Credit card use charges	SEG	C	-0-	-0-
6	(qd) Freeway land disposal				
7	reimbursement clearing account	SEG	C	-0-	-0-
8	(qh) Highways, bridges and local				
9	transportation assistance clearing				
10	account	SEG	C	-0-	-0-
11	(qj) Hwys., bridges & local transp.				
12	assist. clearing acct., fed. funded				
13	pos.	SEG-F	C	-0-	-0-
14	(qn) Motor vehicle financial				
15	responsibility	SEG	C	-0-	-0-
16	(th) Temporary funding of projects				
17	financed by revenue bonds	SEG	S	-0-	-0-
	(9) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.395 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			168,900	168,900
	PROGRAM REVENUE			4,428,400	4,428,400

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
OTHER			(4,215,300)	(4,215,300)
SERVICE			(213,100)	(213,100)
SEGREGATED FUNDS			2,041,718,200	2,201,937,600
FEDERAL			(594,121,900)	(619,222,100)
OTHER			(1,014,955,900)	(1,098,199,800)
SERVICE			(359,835,600)	(410,597,300)
LOCAL			(72,804,800)	(73,918,400)
TOTAL-ALL SOURCES			2,046,315,500	2,206,534,900

Environmental Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			192,814,500	196,981,900
PROGRAM REVENUE			61,703,200	61,676,000
FEDERAL			(19,651,900)	(19,610,000)
OTHER			(24,213,900)	(24,288,700)
SERVICE			(17,837,400)	(17,777,300)
SEGREGATED FUNDS			2,336,864,300	2,500,362,100
FEDERAL			(624,474,500)	(649,541,900)
OTHER			(1,279,749,400)	(1,366,304,500)
SERVICE			(359,835,600)	(410,597,300)
LOCAL			(72,804,800)	(73,918,400)
TOTAL-ALL SOURCES			2,591,382,000	2,759,020,000

Human Relations and Resources

1	20.410 Corrections, department of				
2	(1) ADULT CORRECTIONAL SERVICES				
3	(a) General program operations	GPR	A	487,342,900	493,530,400
4	(aa) Institutional repair and				
5	maintenance	GPR	A	4,152,600	4,201,300
6	(ab) Corrections contracts and				
7	agreements	GPR	A	49,687,200	46,442,200
8	(b) Services for community corrections	GPR	A	95,863,700	95,865,100
9	(bm) Pharmacological treatment for				
10	certain child sex offenders	GPR	A	698,500	698,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(bn) Reimbursing counties for probation,				
2	extended supervision and parole				
3	holds	GPR	A	4,935,100	4,935,100
4	(c) Reimbursement claims of counties				
5	containing state prisons	GPR	S	180,000	180,000
6	(cw) Mother-young child care program	GPR	A	200,000	200,000
7	(d) Purchased services for offenders	GPR	A	21,940,400	22,137,600
8	(e) Principal repayment and interest	GPR	S	71,027,900	67,497,300
9	(ec) Prison industries principal, interest				
10	and rebates	GPR	S	-0-	-0-
11	(ed) Correctional facilities rental	GPR	A	-0-	-0-
12	(ef) Lease rental payments	GPR	S	-0-	-0-
13	(f) Energy costs	GPR	A	14,028,600	14,218,900
14	(g) Loan fund for persons on probation,				
15	extended supervision or parole	PR	A	6,000	6,000
16	(gb) Drug testing	PR	C	38,900	38,900
17	(gc) Sex offender honesty testing	PR	C	90,000	90,000
18	(ge) Administrative and minimum				
19	supervision	PR	A	-0-	-0-
20	(gf) Probation, parole and extended				
21	supervision	PR	A	11,203,000	11,203,000
22	(gg) Supervision of defendants and				
23	offenders	PR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gh) Supervision of persons on lifetime				
2	supervision	PR	A	-0-	-0-
3	(gi) General operations	PR	A	3,471,600	3,782,200
4	(gm) Sale of fuel and utility service	PR	A	-0-	-0-
5	(gr) Home detention services	PR	A	756,600	750,700
6	(gt) Telephone company commissions	PR	A	1,092,000	1,150,100
7	(h) Administration of restitution	PR	A	817,600	819,000
8	(hm) Private business employment of				
9	inmates and residents	PR	A	370,800	370,800
10	(i) Gifts and grants	PR	C	33,400	33,400
11	(jz) Operations and maintenance	PR	C	312,500	336,900
12	(kc) Correctional institution enterprises;				
13	inmate activities and employment	PR-S	C	1,240,400	1,240,700
14	(kf) Correctional farms	PR-S	A	4,100,400	4,101,900
15	(kh) Victim services and programs	PR-S	A	227,700	227,700
16	(kk) Institutional operations and				
17	charges	PR-S	A	12,659,500	12,659,300
18	(km) Prison industries	PR-S	A	24,140,200	24,119,700
19	(ko) Prison industries principal				
20	repayment, interest and rebates	PR-S	S	270,000	517,400
21	(kp) Correctional officer training	PR-S	A	1,933,000	1,941,000
22	(kx) Interagency and intra-agency				
23	programs	PR-S	C	2,308,100	2,108,800

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ky) Interagency and intra-agency aids	PR-S	C	1,442,100	1,442,100
2	(kz) Interagency and intra-agency local				
3	assistance	PR-S	C	-0-	-0-
4	(m) Federal project operations	PR-F	C	2,473,100	2,473,100
5	(n) Federal program operations	PR-F	C	86,800	86,800
6	(qm) Computer recycling	SEG	A	295,300	295,600
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			750,056,900	749,906,400
	PROGRAM REVENUE			69,073,700	69,499,500
	FEDERAL			(2,559,900)	(2,559,900)
	OTHER			(18,192,400)	(18,581,000)
	SERVICE			(48,321,400)	(48,358,600)
	SEGREGATED FUNDS			295,300	295,600
	OTHER			(295,300)	(295,600)
	TOTAL-ALL SOURCES			819,425,900	819,701,500
7	(2) PAROLE PROGRAM				
8	(a) General program operations	GPR	A	1,173,500	1,174,500
9	(kx) Interagency and intra-agency				
10	programs	PR-S	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,173,500	1,174,500
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,173,500	1,174,500
11	(3) JUVENILE CORRECTIONAL SERVICES				
12	(a) General program operations	GPR	A	942,700	944,400
13	(ba) Mendota juvenile treatment center	GPR	A	1,379,300	1,379,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(c) Reimbursement claims of counties				
2	containing secured correctional				
3	facilities	GPR	A	200,000	200,000
4	(cd) Community youth and family aids	GPR	A	85,841,000	85,841,000
5	(cg) Serious juvenile offenders	GPR	B	16,716,300	16,011,200
6	(e) Principal repayment and interest	GPR	S	4,600,000	4,496,900
7	(f) Community intervention program	GPR	A	3,750,000	3,750,000
8	(g) Legal service collections	PR	C	-0-	-0-
9	(gg) Collection remittances to local units				
10	of government	PR	C	-0-	-0-
11	(hm) Juvenile correctional services	PR	A	54,893,600	55,126,600
12	(ho) Juvenile residential aftercare	PR	A	12,034,500	12,512,300
13	(hr) Juvenile corrective sanctions				
14	program	PR	A	4,024,000	4,033,900
15	(i) Gifts and grants	PR	C	7,700	7,700
16	(j) State-owned housing maintenance	PR	A	35,000	35,000
17	(jr) Institutional operations and				
18	charges	PR	A	214,600	214,600
19	(jv) Secure detention services	PR	C	-0-	-0-
20	(ko) Interagency programs; community				
21	youth and family aids	PR-S	C	2,449,200	2,449,200
22	(kx) Interagency and intra-agency				
23	programs	PR-S	C	1,897,900	1,898,400

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
2	(kz) Interagency and intra-agency local				
3	assistance	PR-S	C	-0-	-0-
4	(m) Federal project operations	PR-F	C	-0-	-0-
5	(n) Federal program operations	PR-F	C	30,000	30,000
6	(q) Girls school benevolent trust fund	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			113,429,300	112,622,800
	PROGRAM REVENUE			75,586,500	76,307,700
	FEDERAL			(30,000)	(30,000)
	OTHER			(71,209,400)	(71,930,100)
	SERVICE			(4,347,100)	(4,347,600)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			189,015,800	188,930,500
20.410 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			864,659,700	863,703,700
	PROGRAM REVENUE			144,660,200	145,807,200
	FEDERAL			(2,589,900)	(2,589,900)
	OTHER			(89,401,800)	(90,511,100)
	SERVICE			(52,668,500)	(52,706,200)
	SEGREGATED FUNDS			295,300	295,600
	OTHER			(295,300)	(295,600)
	TOTAL-ALL SOURCES			1,009,615,200	1,009,806,500
7	20.425 Employment relations commission				
8	(1) LABOR RELATIONS				
9	(a) General program operations	GPR	A	2,162,700	2,162,700
10	(g) Publications	PR	A	19,300	19,300
11	(h) Collective bargaining training	PR	A	12,000	12,000
12	(i) Fees	PR	A	220,600	220,600
20.425 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			2,162,700	2,162,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	PROGRAM REVENUE			251,900	251,900
	OTHER			(251,900)	(251,900)
	TOTAL-ALL SOURCES			2,414,600	2,414,600
1	20.432 Board on aging and long-term care				
2	(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
3	(a) General program operations	GPR	A	785,900	785,900
4	(i) Gifts and grants	PR	C	-0-	-0-
5	(k) Contracts with other state agencies	PR-S	C	543,500	540,400
6	(kb) Insurance and other information,				
7	counseling and assistance	PR-S	A	312,300	311,000
8	(m) Federal aid	PR-F	C	-0-	-0-
	20.432 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			785,900	785,900
	PROGRAM REVENUE			855,800	851,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(855,800)	(851,400)
	TOTAL-ALL SOURCES			1,641,700	1,637,300
9	20.433 Child abuse and neglect prevention board				
10	(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
11	(g) General program operations	PR	A	342,900	342,900
12	(h) Grants to organizations	PR	C	1,480,000	1,480,000
13	(i) Gifts and grants	PR	C	-0-	-0-
14	(k) Interagency programs	PR-S	C	490,000	490,000
15	(m) Federal project operations	PR-F	C	90,000	90,000
16	(ma) Federal project aids	PR-F	C	300,000	300,000

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(q) Children's trust fund; gifts and				
2	grants	SEG	C	23,100	23,100
	20.433 DEPARTMENT TOTALS				
	PROGRAM REVENUE			2,702,900	2,702,900
	FEDERAL			(390,000)	(390,000)
	OTHER			(1,822,900)	(1,822,900)
	SERVICE			(490,000)	(490,000)
	SEGREGATED FUNDS			23,100	23,100
	OTHER			(23,100)	(23,100)
	TOTAL-ALL SOURCES			2,726,000	2,726,000
3	20.435 Health and family services, department of				
4	(1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS				
5	(a) General program operations	GPR	A	4,652,600	4,325,700
6	(b) Tobacco control: annual transfer				
7	from general fund	GPR	S	-0-	-0-
8	(g) Tobacco control: gifts and grants	PR	C	-0-	-0-
9	(gm) Licensing, review and certifying				
10	activities fees; supplies and services	PR	A	6,355,000	6,444,000
11	(gr) Supplemental food program for				
12	women, infants and children				
13	administration	PR	C	1,000	1,000
14	(i) Gifts and grants	PR	C	310,000	283,600
15	(jb) Congenital disorders; operations	PR	A	50,600	50,600
16	(kx) Interagency and intra-agency				
17	programs	PR-S	C	3,574,900	3,578,200
18	(m) Federal project operations	PR-F	C	16,689,400	16,629,600
19	(mc) Block grant operations	PR-F	C	7,063,600	7,010,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(n) Federal program operations	PR-F	C	4,480,000	4,449,100
2	(q) Groundwater and air quality				
3	standards	SEG	A	395,700	396,200
4	(tb) General program operations:				
5	tobacco control	SEG	B	54,500	62,000
6	(tc) Grants from tobacco control fund	SEG	C	15,000,000	15,000,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,652,600	4,325,700
	PROGRAM REVENUE			38,524,500	38,446,700
	FEDERAL			(28,233,000)	(28,089,300)
	OTHER			(6,716,600)	(6,779,200)
	SERVICE			(3,574,900)	(3,578,200)
	SEGREGATED FUNDS			15,450,200	15,458,200
	OTHER			(15,450,200)	(15,458,200)
	TOTAL-ALL SOURCES			58,627,300	58,230,600
7	(2) CARE AND TREATMENT FACILITIES				
8	(a) General program operations	GPR	A	47,396,200	47,641,700
9	(aa) Institutional repair and				
10	maintenance	GPR	A	659,300	659,300
11	(b) Wisconsin resource center	GPR	A	26,695,200	26,845,800
12	(bj) Competency examinations and				
13	conditional and supervised release				
14	services	GPR	B	6,834,900	8,173,200
15	(bm) Secure mental health units or				
16	facilities	GPR	A	29,323,900	29,472,300
17	(ee) Principal repayment and interest	GPR	S	12,078,900	11,848,400
18	(ef) Lease rental payments	GPR	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(f) Energy costs	GPR	A	2,437,100	2,479,000
2	(g) Alternative services of institutes				
3	and centers	PR	C	2,366,600	6,776,600
4	(gk) Institutional operations and				
5	charges	PR	A	158,428,200	145,562,100
6	(gL) Extended intensive treatment				
7	surcharge	PR	C	-0-	-0-
8	(gs) Sex offender honesty testing	PR	C	-0-	-0-
9	(i) Gifts and grants	PR	C	300,000	300,000
10	(kx) Interagency and intra-agency				
11	programs	PR-S	C	4,193,500	4,193,500
12	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
13	(kz) Interagency and intra-agency local				
14	assistance	PR-S	C	-0-	-0-
15	(m) Federal project operations	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			125,425,500	127,119,700
	PROGRAM REVENUE			165,288,300	156,832,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(161,094,800)	(152,638,700)
	SERVICE			(4,193,500)	(4,193,500)
	TOTAL-ALL SOURCES			290,713,800	283,951,900
16	(3) CHILDREN AND FAMILY SERVICES				
17	(a) General program operations	GPR	A	4,668,600	6,966,700
18	(bc) Grants for children's community				
19	programs	GPR	A	467,200	467,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(bm) Services for children and families	GPR	S	250,000	250,000
2	(cd) Domestic abuse grants	GPR	A	5,070,200	5,070,200
3	(cf) Foster, trtmt foster &				
4	family-operated group home parent				
5	ins & liability	GPR	A	60,000	60,000
6	(cw) Milwaukee child welfare services;				
7	general program operations	GPR	A	12,967,600	13,116,000
8	(cx) Milwaukee child welfare services;				
9	aids	GPR	A	39,028,200	39,645,600
10	(dd) State foster care and adoption				
11	services	GPR	A	36,459,900	40,316,500
12	(de) Child abuse and neglect prevention				
13	grants	GPR	A	995,700	995,700
14	(dg) State adoption information				
15	exchange and state adoption center	GPR	A	171,300	171,300
16	(dn) Food distribution grants	GPR	A	170,000	170,000
17	(eg) Adolescent services	GPR	A	1,959,500	1,959,500
18	(f) Second-chance homes	GPR	A	-0-	-0-
19	(fp) Food pantry grants	GPR	A	-0-	-0-
20	(gx) Milwaukee child welfare services;				
21	collections	PR	C	3,600,000	3,600,000
22	(hh) Domestic abuse assessment grants	PR	C	365,000	365,000
23	(i) Gifts and grants	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(j) Statewide automated child welfare				
2	information system receipts	PR	C	1,352,900	1,478,200
3	(jb) Fees for administrative services	PR	C	78,400	78,400
4	(jj) Searches for birth parents and				
5	adoption record information;				
6	foreign adopt	PR	A	64,000	64,200
7	(jm) Licensing activities	PR	A	686,200	695,100
8	(kc) Interagency and intra-agency aids;				
9	kinship care and long-term kinship				
10	care	PR-S	A	22,501,100	22,501,100
11	(kd) Kinship care and long-term kinship				
12	care assessments	PR-S	A	1,464,000	1,464,000
13	(km) Federal block grant transfer; aids	PR-S	A	750,000	750,000
14	(kw) Interagency and intra-agency aids;				
15	Milwaukee child welfare services	PR-S	A	21,991,100	21,991,100
16	(kx) Interagency and intra-agency				
17	programs	PR-S	C	16,696,000	16,723,600
18	(ky) Interagency and intra-agency aids	PR-S	C	1,002,000	1,002,000
19	(kz) Interagency and intra-agency local				
20	assistance	PR-S	C	-0-	-0-
21	(m) Federal project operations	PR-F	C	1,152,800	1,164,800
22	(ma) Federal project aids	PR-F	C	3,445,200	3,445,200
23	(mb) Federal project local assistance	PR-F	C	-0-	-0-
24	(mc) Federal block grant operations	PR-F	C	2,162,200	2,176,900

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(md) Federal block grant aids	PR-F	C	8,760,600	8,760,600
2	(me) Federal block grant local assistance	PR-F	C	-0-	-0-
3	(mw) Federal aid; Milwaukee child				
4	welfare services general program				
5	operations	PR-F	C	6,022,100	6,137,900
6	(mx) Federal aid; Milwaukee child				
7	welfare services aids	PR-F	C	17,592,500	17,488,300
8	(n) Federal program operations	PR-F	C	8,294,000	8,629,200
9	(na) Federal program aids	PR-F	C	2,280,700	2,280,700
10	(nL) Federal program local assistance	PR-F	C	15,414,700	10,664,700
11	(o) Community aids; prevention				
12	activities	PR-F	C	2,710,100	2,710,100
13	(pd) Federal aid; state foster care and				
14	adoption services	PR-F	C	32,488,200	36,113,300
15	(pm) Federal aid; adoption incentive				
16	payments	PR-F	C	1,235,000	235,100
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			102,268,200	109,188,700
	PROGRAM REVENUE			172,108,800	170,519,500
	FEDERAL			(101,558,100)	(99,806,800)
	OTHER			(6,146,500)	(6,280,900)
	SERVICE			(64,404,200)	(64,431,800)
	TOTAL-ALL SOURCES			274,377,000	279,708,200
17	(4) HEALTH SERVICES PLANNING, REG & DELIVERY; HLTH CARE FIN; OTHER SUPPORT PGMS				
18	(a) General program operations	GPR	A	19,402,400	21,709,500
19	(b) Medical assistance program				
20	benefits	GPR	B	464,417,100	1,389,869,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(bc) Health care for low-income families	GPR	C	58,094,100	56,904,500
2	(bm) MA, food stamps & BadgerCare				
3	admin; contracts costs; ins reports				
4	& res ctrs	GPR	B	29,133,100	30,214,800
5	(bn) Income maintenance	GPR	B	35,576,700	29,528,300
6	(bt) Relief block grants to counties	GPR	A	800,000	800,000
7	(bv) Prescription drug assistance for				
8	elderly; aids	GPR	B	33,453,100	45,646,900
9	(d) Facility appeals mechanism	GPR	A	546,800	546,800
10	(e) Disease aids	GPR	B	4,676,200	5,187,800
11	(g) Family care benefit; cost sharing	PR	C	-0-	-0-
12	(gm) Health services regulation and vital				
13	statistics	PR	A	2,000,400	2,025,500
14	(gp) Medical assistance; hospital				
15	assessments	PR	C	1,500,000	1,500,000
16	(h) General assistance medical				
17	program; intergovernmental				
18	transfer	PR	A	4,660,000	4,660,000
19	(hg) General program operations; health				
20	care information	PR	A	2,973,400	3,164,700
21	(hi) Compilations and special reports	PR	C	295,600	343,800
22	(hm) Medical assistance; supplementary				
23	payments to counties	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(i) Gifts and grants; health care				
2	financing	PR	C	110,300	115,800
3	(iL) Medical assistance provider				
4	assessments	PR	C	-0-	-0-
5	(im) Medical assistance; recovery of				
6	correct payments	PR	C	17,325,600	17,504,100
7	(in) Community options program;				
8	family care; recovery of costs				
9	administration	PR	A	75,300	75,300
10	(j) Prescription drug assistance for				
11	elderly; manufacturer rebates	PR	C	14,511,500	19,307,000
12	(jb) Prescription drug assistance for				
13	elderly; enrollment fees	PR	C	3,204,000	3,566,800
14	(je) Disease aids; drug manufacturer				
15	rebates	PR	C	273,000	273,000
16	(jz) Badger Care cost sharing	PR	C	5,580,900	6,911,100
17	(kb) Relief block grants to tribal				
18	governing bodies	PR-S	A	800,000	800,000
19	(kt) Medical assistance outreach and				
20	reimbursements for tribes	PR-S	B	1,070,000	1,070,000
21	(kx) Interagency and intra-agency				
22	programs	PR-S	C	2,399,900	2,648,800
23	(ky) Interagency and intra-agency aids	PR-S	C	220,500	231,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kz) Interagency and intra-agency local				
2	assistance	PR-S	C	401,300	401,300
3	(L) Medical assistance and food stamps				
4	fraud and error reduction	PR	C	2,082,700	1,937,300
5	(m) Federal project operations	PR-F	C	735,500	735,900
6	(ma) Federal project aids	PR-F	C	-0-	-0-
7	(md) Federal block grant aids	PR-F	C	-0-	-0-
8	(n) Federal program operations	PR-F	C	47,590,900	50,423,100
9	(na) Federal program aids	PR-F	C	8,842,700	9,244,100
10	(nn) Federal aid; income maintenance	PR-F	B	46,587,700	40,476,200
11	(o) Federal aid; medical assistance	PR-F	C	2,433,129,600	2,513,485,400
12	(p) Federal aid; health care for				
13	low-income families	PR-F	C	125,732,800	120,579,000
14	(pa) Federal aid; medical assistance and				
15	food stamps contracts				
16	administration	PR-F	C	51,013,300	48,661,000
17	(pv) Food stamps; electronic benefits				
18	transfer	PR-F	C	-0-	-0-
19	(r) Health care provider availability				
20	and cost control	SEG	C	200,000,000	-0-
21	(u) HIRSP; administration	SEG	B	5,430,200	5,957,600
22	(v) HIRSP; program benefits	SEG	C	146,080,700	208,515,900
23	(w) Medical assistance trust fund	SEG	B	890,462,800	220,823,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(wm) Medical assistance trust fund;				
2	nursing homes	SEG	A	-0-	-0-
3	(wp) Medical assistance trust fund;				
4	county reimbursement	SEG	S	-0-	-0-
5	(wr) Medical assistance trust fund;				
6	health maintenance organizations	SEG	B	10,454,300	11,098,800
7	(x) Health care for low-income families	SEG	C	6,097,100	6,348,700
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			646,099,500	1,580,408,300
	PROGRAM REVENUE			2,773,116,900	2,850,140,700
	FEDERAL			(2,713,632,500)	(2,783,604,700)
	OTHER			(54,592,700)	(61,384,400)
	SERVICE			(4,891,700)	(5,151,600)
	SEGREGATED FUNDS			1,258,525,100	452,744,200
	OTHER			(1,258,525,100)	(452,744,200)
	TOTAL-ALL SOURCES			4,677,741,500	4,883,293,200
8	(5) PUBLIC HEALTH SERVICES PLANNING, REGULATION & DELIVERY; AIDS & LOCAL ASSIST				
9	(am) Services, reimbursement and				
10	payment related to human				
11	immunodeficiency virus	GPR	A	4,208,800	4,208,800
12	(cb) Well woman program	GPR	A	2,188,200	2,188,200
13	(cc) Cancer control and prevention	GPR	A	394,600	394,600
14	(ce) Services for homeless individuals	GPR	C	125,000	125,000
15	(ch) Emergency medical services; aids	GPR	A	2,200,000	2,200,000
16	(cm) Immunization	GPR	S	-0-	-0-
17	(de) Dental services	GPR	A	2,970,500	2,970,500
18	(dm) Rural health dental clinics	GPR	A	587,600	587,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ds) Statewide poison control program	GPR	A	375,000	375,000
2	(e) Public health dispensaries and				
3	drugs	GPR	B	391,900	391,900
4	(ed) Radon aids	GPR	A	30,000	30,000
5	(ef) Lead poisoning or lead exposure				
6	services	GPR	A	1,004,100	1,004,100
7	(eg) Pregnancy counseling	GPR	A	77,600	77,600
8	(em) Supplemental food program for				
9	women, infants and children				
10	benefits	GPR	C	179,300	179,300
11	(ev) Pregnancy outreach and infant				
12	health	GPR	A	211,200	211,200
13	(f) Family planning	GPR	A	1,955,200	1,955,200
14	(fh) Community health services	GPR	A	3,075,000	3,075,000
15	(i) Gifts and grants; aids	PR	C	-0-	-0-
16	(ja) Congenital disorders; diagnosis,				
17	special dietary treatment and				
18	counseling	PR	A	1,929,300	1,929,300
19	(kb) Minority health	PR-S	A	50,000	50,000
20	(ke) Cooperative American Indian				
21	health projects	PR-S	A	120,000	120,000
22	(ky) Interagency and intra-agency aids	PR-S	C	9,400,000	9,400,000
23	(kz) Interagency and intra-agency local				
24	assistance	PR-S	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ma) Federal project aids	PR-F	C	33,574,600	33,574,600
2	(md) Block grant aids	PR-F	C	10,345,600	10,345,600
3	(na) Federal program aids	PR-F	C	54,424,900	54,424,900
(5) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			19,974,000	19,974,000
	PROGRAM REVENUE			109,844,400	109,844,400
	FEDERAL			(98,345,100)	(98,345,100)
	OTHER			(1,929,300)	(1,929,300)
	SERVICE			(9,570,000)	(9,570,000)
	TOTAL-ALL SOURCES			129,818,400	129,818,400
4	(6) SUPPORTIVE LIVING; STATE OPERATIONS				
5	(a) General program operations;				
6	physical disabilities; publicity				
7	activities	GPR	A	12,595,800	11,767,400
8	(dm) Nursing home monitoring and				
9	receivership supplement	GPR	S	-0-	-0-
10	(e) Principal repayment and interest	GPR	S	59,800	54,300
11	(ee) Admin. exp. for state suppl to				
12	federal supplemental security				
13	income program	GPR	A	611,800	611,800
14	(g) Nursing facility resident protection	PR	C	150,000	150,000
15	(ga) Community-based residential				
16	facility monitoring and receivership				
17	ops	PR	C	-0-	-0-
18	(gb) Alcohol and drug abuse initiatives	PR	C	1,141,600	1,147,800
19	(gd) Group home revolving loan fund	PR	A	100,000	100,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(hs) Interpreter services for hearing				
2	impaired	PR	A	40,000	40,000
3	(hx) Services related to drivers, receipts	PR	A	-0-	-0-
4	(i) Gifts and grants	PR	C	26,600	26,700
5	(jb) Fees for administrative services	PR	C	458,300	458,300
6	(jm) Licensing and support services	PR	A	3,744,800	3,674,000
7	(k) Nursing home monitoring and				
8	receivership operations	PR-S	C	-0-	-0-
9	(kx) Interagency and intra-agency				
10	programs	PR-S	C	1,796,400	1,766,100
11	(m) Federal project operations	PR-F	C	4,476,700	4,506,100
12	(mc) Federal block grant operations	PR-F	C	2,195,100	2,154,400
13	(n) Federal program operations	PR-F	C	18,686,400	17,550,700
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,267,400	12,433,500
	PROGRAM REVENUE			32,815,900	31,574,100
	FEDERAL			(25,358,200)	(24,211,200)
	OTHER			(5,661,300)	(5,596,800)
	SERVICE			(1,796,400)	(1,766,100)
	TOTAL-ALL SOURCES			46,083,300	44,007,600
14	(7) SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE				
15	(b) Community aids	GPR	A	185,976,500	184,383,600
16	(bc) Grants for community programs	GPR	A	6,284,500	6,284,500
17	(bd) Community options program; pilot				
18	projects; family care benefit	GPR	A	95,382,100	94,289,100
19	(be) Mental health treatment services	GPR	A	12,334,000	12,334,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(bg) Alzheimer's disease; training and				
2	information grants	GPR	A	132,700	132,700
3	(bL) Community support programs	GPR	A	1,186,900	1,186,900
4	(bm) Purchased services for clients	GPR	A	94,800	94,800
5	(br) Respite care	GPR	A	225,000	225,000
6	(bt) Early intervention services for				
7	infants and toddlers with				
8	disabilities	GPR	A	6,878,700	6,878,700
9	(c) Independent living centers	GPR	A	1,283,500	1,283,500
10	(ce) Services for homeless individuals	GPR	A	45,000	45,000
11	(cg) Guardianship grant program	GPR	A	193,600	193,600
12	(co) Integrated service programs for				
13	children with severe disabilities	GPR	A	133,300	133,300
14	(d) Interpreter services and				
15	telecommunication aid for the				
16	hearing impaired	GPR	A	180,000	180,000
17	(da) Reimbursements to local units of				
18	government	GPR	S	400,000	400,000
19	(dh) Programs for senior citizens; elder				
20	abuse services; benefit specialist				
21	pgm	GPR	A	11,658,500	11,658,500
22	(ed) State supplement to federal				
23	supplemental security income				
24	program	GPR	S	128,281,600	128,281,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gg) Collection remittances to local units				
2	of government	PR	C	100,000	100,000
3	(hy) Services for drivers, local assistance	PR	A	1,000,000	1,000,000
4	(i) Gifts and grants; local assistance	PR	C	-0-	-0-
5	(im) Community options program;				
6	family care benefit; recovery of				
7	costs	PR	C	15,000	15,000
8	(kb) Severely emotionally disturbed				
9	children	PR-S	C	586,100	731,900
10	(kc) Independent living center grants	PR-S	A	300,000	300,000
11	(kd) Rehabilitation teaching aids	PR-S	C	-0-	-0-
12	(kg) Compulsive gambling awareness				
13	campaigns	PR-S	A	250,000	250,000
14	(kL) Indian aids	PR-S	A	271,600	271,600
15	(km) Indian drug abuse prevention and				
16	education	PR-S	A	500,000	500,000
17	(kn) Elderly nutrition; home-delivered				
18	and congregate meals	PR-S	A	500,000	500,000
19	(ky) Interagency and intra-agency aids	PR-S	C	20,750,600	19,836,700
20	(kz) Interagency and intra-agency local				
21	assistance	PR-S	C	2,500,900	2,500,900
22	(ma) Federal project aids	PR-F	C	12,471,500	12,471,500
23	(mb) Federal project local assistance	PR-F	C	-0-	-0-
24	(md) Federal block grant aids	PR-F	C	7,716,700	7,939,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(me) Federal block grant local assistance	PR-F	C	10,373,800	10,373,800
2	(na) Federal program aids	PR-F	C	27,675,200	27,875,700
3	(nL) Federal program local assistance	PR-F	C	6,693,800	7,029,300
4	(o) Federal aid; community aids	PR-F	C	81,831,700	81,608,800
(7) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			450,670,700	447,984,800
	PROGRAM REVENUE			173,536,900	173,304,800
	FEDERAL			(146,762,700)	(147,298,700)
	OTHER			(1,115,000)	(1,115,000)
	SERVICE			(25,659,200)	(24,891,100)
	TOTAL-ALL SOURCES			624,207,600	621,289,600
5	(8) GENERAL ADMINISTRATION				
6	(a) General program operations	GPR	A	16,554,400	15,437,400
7	(i) Gifts and grants	PR	C	410,500	416,700
8	(k) Administrative and support				
9	services	PR-S	A	34,156,600	35,486,400
10	(kx) Interagency and intra-agency				
11	programs	PR-S	C	207,100	181,700
12	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
13	(kz) Interagency and intra-agency local				
14	assistance	PR-S	C	-0-	-0-
15	(m) Federal project operations	PR-F	C	970,000	1,230,100
16	(ma) Federal project aids	PR-F	C	-0-	-0-
17	(mb) Income augmentation services				
18	receipts	PR-F	C	12,036,100	9,361,400
19	(mc) Federal block grant operations	PR-F	C	1,336,500	1,346,300

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(mm) Reimbursements from federal				
2	government	PR-F	C	-0-	-0-
3	(n) Federal program operations	PR-F	C	3,665,100	3,574,800
4	(pz) Indirect cost reimbursements	PR-F	C	2,365,100	2,473,500
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,554,400	15,437,400
	PROGRAM REVENUE			55,147,000	54,070,900
	FEDERAL			(20,372,800)	(17,986,100)
	OTHER			(410,500)	(416,700)
	SERVICE			(34,363,700)	(35,668,100)
	TOTAL-ALL SOURCES			71,701,400	69,508,300
	20.435 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,378,912,300	2,316,872,100
	PROGRAM REVENUE			3,520,382,700	3,584,733,300
	FEDERAL			(3,134,262,400)	(3,199,341,900)
	OTHER			(237,666,700)	(236,141,000)
	SERVICE			(148,453,600)	(149,250,400)
	SEGREGATED FUNDS			1,273,975,300	468,202,400
	OTHER			(1,273,975,300)	(468,202,400)
	TOTAL-ALL SOURCES			6,173,270,300	6,369,807,800
5	20.440 Health and educational facilities authority				
6	(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
7	(a) General program operations	GPR	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
8	(2) RURAL HOSPITAL LOAN GUARANTEE				
9	(a) Rural assistance loan fund	GPR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	2 0 . 4 4 0 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
1	20.445 Workforce development, department of				
2	(1) WORKFORCE DEVELOPMENT				
3	(a) General program operations	GPR	A	5,004,500	5,251,700
4	(aa) Special death benefit	GPR	S	479,100	479,100
5	(bc) Assistance for dislocated workers	GPR	A	-0-	-0-
6	(cm) Wisconsin service corps member				
7	compensation and support	GPR	C	-0-	-0-
8	(e) Local youth apprenticeship grants	GPR	A	2,203,000	2,203,000
9	(ef) School-to-work programs for				
10	children at risk	GPR	A	285,000	285,000
11	(em) Youth apprenticeship training				
12	grants	GPR	A	-0-	-0-
13	(f) Death and disability benefit				
14	payments; public insurrections	GPR	S	-0-	-0-
15	(fg) Employment transit aids, state				
16	funds	GPR	A	550,100	550,100
17	(g) Gifts and grants	PR	C	-0-	-0-
18	(ga) Auxiliary services	PR	C	589,800	589,800
19	(gb) Local agreements	PR	C	3,517,100	3,517,100
20	(gc) Unemployment administration	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gd) Unemployment interest and				
2	penalty payments	PR	C	246,000	246,000
3	(ge) Unemployment reserve fund				
4	research	PR	A	307,800	307,800
5	(gf) Unemployment insurance				
6	administration	PR	A	1,515,000	1,515,000
7	(gg) Unemployment tax and accounting				
8	system; interest and penalties	PR	C	-0-	-0-
9	(gh) Unemployment tax and accounting				
10	system; assessments	PR	C	4,689,500	4,689,500
11	(ha) Worker's compensation operations	PR	A	11,240,500	11,243,500
12	(hb) Worker's compensation contracts	PR	C	500,000	500,000
13	(hp) Uninsured employers program;				
14	administration	PR	A	938,000	938,000
15	(jm) Dislocated worker program grants	PR	C	-0-	-0-
16	(ka) Interagency and intra-agency				
17	agreements	PR-S	C	4,609,800	4,609,800
18	(kc) Administrative services	PR-S	A	44,690,300	45,690,400
19	(kd) Transfer of Indian gaming receipts;				
20	work-based learning programs	PR	A	600,000	600,000
21	(ke) Funds transferred from the				
22	technical college system board;				
23	school-to-work	PR-S	A	2,236,200	2,236,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	-0-	-0-
3	(m) Workforce investment and				
4	assistance	PR-F	C	60,770,300	60,770,300
5	(n) Employment assistance and				
6	unemployment ins. administration;				
7	federal moneys	PR-F	C	56,326,200	55,707,300
8	(na) Employment security buildings and				
9	equipment	PR-F	C	101,400	101,400
10	(nb) Unemployment tax and accounting				
11	system; federal moneys	PR-F	C	-0-	-0-
12	(nc) Unemployment insurance				
13	administration; special federal				
14	monies	PR-F	C	2,263,800	2,263,800
15	(nd) Unemployment insurance				
16	administration; apprenticeship	PR-F	C	-0-	-0-
17	(o) Equal rights; federal moneys	PR-F	C	1,015,900	1,015,900
18	(p) Worker's compensation; federal				
19	moneys	PR-F	C	206,200	206,200
20	(pz) Indirect cost reimbursements	PR-F	C	234,000	234,000
21	(s) Self-insured employers liability				
22	fund	SEG	C	-0-	-0-
23	(sm) Uninsured employers fund;				
24	payments	SEG	S	2,200,000	2,200,000

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(t) Work injury supplemental benefit				
2	fund	SEG	C	2,500,000	2,500,000
3	(u) Education vouchers and youth				
4	employment grants; conservation				
5	fund	SEG	B	1,275,900	1,275,900
6	(y) Youth employment administrative				
7	support; conservation fund	SEG	A	109,200	109,200
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,521,700	8,768,900
	PROGRAM REVENUE			196,597,800	196,982,000
	FEDERAL			(120,917,800)	(120,298,900)
	OTHER			(24,143,700)	(24,146,700)
	SERVICE			(51,536,300)	(52,536,400)
	SEGREGATED FUNDS			6,085,100	6,085,100
	OTHER			(6,085,100)	(6,085,100)
	TOTAL-ALL SOURCES			211,204,600	211,836,000
8	(2) REVIEW COMMISSION				
9	(a) General program operations, review				
10	commission	GPR	A	191,600	191,500
11	(ha) Worker's compensation operations	PR	A	718,700	718,700
12	(m) Federal moneys	PR-F	C	158,100	159,300
13	(n) Unemployment administration;				
14	federal moneys	PR-F	C	1,694,100	1,694,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			191,600	191,500
	PROGRAM REVENUE			2,570,900	2,572,100
	FEDERAL			(1,852,200)	(1,853,400)
	OTHER			(718,700)	(718,700)
	TOTAL-ALL SOURCES			2,762,500	2,763,600
15	(3) ECONOMIC SUPPORT				

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(a) General program operations	GPR	A	9,700,900	9,459,700
2	(cm) Wisconsin works child care	GPR	A	25,054,100	25,054,100
3	(cr) State supplement to employment				
4	opportunity demonstration projects	GPR	A	237,500	237,500
5	(dz) Temporary assistance for needy				
6	families; maintenance of effort	GPR	A	128,905,200	128,905,200
7	(i) Gifts and grants	PR	C	8,200	700
8	(ja) Child support state operations-fees				
9	and reimbursements	PR	C	8,399,500	8,199,500
10	(jb) Fees for administrative services	PR	C	485,800	485,800
11	(jL) Job access loan repayments	PR	C	83,300	83,300
12	(k) Child support transfers	PR-S	C	26,588,200	25,588,200
13	(kp) Delinquent support, maintenance,				
14	and fee payments	PR-S	C	-0-	-0-
15	(kx) Interagency and intra-agency				
16	programs	PR-S	C	79,570,900	79,570,900
17	(L) Public assistance overpayment				
18	recovery and fraud and error				
19	reduction	PR	C	1,931,800	1,931,800
20	(ma) Federal project activities	PR-F	C	420,700	420,700
21	(mc) Federal block grant operations	PR-F	A	29,368,300	29,435,600
22	(md) Federal block grant aids	PR-F	A	399,819,300	396,713,000
23	(mm) Reimbursements from federal				
24	government	PR-F	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(n) Child support state operations;				
2	federal funds	PR-F	C	20,909,900	23,672,900
3	(na) Refugee assistance; federal funds	PR-F	C	5,904,300	5,870,700
4	(nL) Child support local assistance;				
5	federal funds	PR-F	C	42,950,000	43,244,100
6	(pv) Electronic benefits transfer	PR-F	C	-0-	-0-
7	(pz) Income augmentation services				
8	receipts	PR-F	C	-0-	-0-
9	(q) Centralized support receipt and				
10	disbursement; interest	SEG	S	600,000	600,000
11	(qm) Child support state ops and reimb				
12	for claims and expenses; unclaimed				
13	pymts	SEG	S	1,500,000	1,500,000
14	(r) Support receipt and disbursement				
15	program; payments	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			163,897,700	163,656,500
	PROGRAM REVENUE			616,440,200	615,217,200
	FEDERAL			(499,372,500)	(499,357,000)
	OTHER			(10,908,600)	(10,701,100)
	SERVICE			(106,159,100)	(105,159,100)
	SEGREGATED FUNDS			2,100,000	2,100,000
	OTHER			(2,100,000)	(2,100,000)
	TOTAL-ALL SOURCES			782,437,900	780,973,700
16	(5) VOCATIONAL REHABILITATION SERVICES				
17	(a) General program operations	GPR	A	12,294,100	12,288,200
18	(gg) Contractual services	PR	C	33,300	33,300
19	(gp) Contractual services aids	PR	C	106,500	106,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(h) Enterprises and services for blind				
2	and visually impaired	PR	C	141,700	141,700
3	(he) Supervised business enterprise	PR	C	200,000	200,000
4	(i) Gifts and grants	PR	C	10,000	10,000
5	(kg) Vocational rehabilitation services				
6	for tribes	PR-S	A	350,000	350,000
7	(kx) Interagency and intra-agency				
8	programs	PR-S	C	-0-	-0-
9	(ky) Interagency and intra-agency aids	PR-S	C	1,000,000	1,000,000
10	(kz) Interagency and intra-agency local				
11	assistance	PR-S	C	-0-	-0-
12	(m) Federal project operations	PR-F	C	112,500	112,500
13	(ma) Federal project aids	PR-F	C	150,000	-0-
14	(n) Federal program operations	PR-F	C	55,571,900	56,396,900
15	(nL) Federal program local assistance	PR-F	C	-0-	-0-

(5) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	12,294,100	12,288,200
PROGRAM REVENUE	57,675,900	58,350,900
FEDERAL	(55,834,400)	(56,509,400)
OTHER	(491,500)	(491,500)
SERVICE	(1,350,000)	(1,350,000)
TOTAL-ALL SOURCES	69,970,000	70,639,100

20.445 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	184,905,100	184,905,100
PROGRAM REVENUE	873,284,800	873,122,200
FEDERAL	(677,976,900)	(678,018,700)
OTHER	(36,262,500)	(36,058,000)
SERVICE	(159,045,400)	(159,045,500)
SEGREGATED FUNDS	8,185,100	8,185,100

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
OTHER			(8,185,100)	(8,185,100)
TOTAL-ALL SOURCES			1,066,375,000	1,066,212,400
1 20.455 Justice, department of				
2 (1) LEGAL AND REGULATORY SERVICES				
3 (a) General program operations	GPR	A	12,250,900	12,156,000
4 (b) Special counsel	GPR	S	805,700	805,700
5 (d) Legal expenses	GPR	B	406,700	406,700
6 (g) Consumer protection, information				
7 and education	PR	A	-0-	-0-
8 (gs) Delinquent obligation collection	PR	A	-0-	-0-
9 (hm) Restitution	PR	C	-0-	-0-
10 (j) Telephone solicitation regulation	PR	C	283,500	283,500
11 (k) Environment litigation project	PR-S	C	454,100	454,200
12 (km) Interagency and intra-agency				
13 assistance	PR-S	A	959,600	959,600
14 (kt) Telecommunications positions	PR-S	C	-0-	-0-
15 (m) Federal aid	PR-F	C	766,000	766,000
	(1) PROGRAM TOTALS			
	GENERAL PURPOSE REVENUES		13,463,300	13,368,400
	PROGRAM REVENUE		2,463,200	2,463,300
	FEDERAL		(766,000)	(766,000)
	OTHER		(283,500)	(283,500)
	SERVICE		(1,413,700)	(1,413,800)
	TOTAL-ALL SOURCES		15,926,500	15,831,700
16 (2) LAW ENFORCEMENT SERVICES				
17 (a) General program operations	GPR	A	11,250,100	11,250,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(am) Officer training reimbursement	GPR	S	97,400	97,400
2	(b) Investigations and operations	GPR	A	-0-	-0-
3	(c) Crime laboratory equipment	GPR	B	-0-	-0-
4	(cm) Computers for transaction				
5	information for management of				
6	enforcement system	GPR	A	982,200	982,200
7	(dg) Weed and seed and law				
8	enforcement technology	GPR	A	-0-	-0-
9	(dq) Law enforcement community				
10	policing grants	GPR	B	-0-	-0-
11	(e) Drug enforcement	GPR	A	-0-	-0-
12	(g) Gaming law enforcement; racing				
13	revenues	PR	A	130,900	131,900
14	(gc) Gaming law enforcement; Indian				
15	gaming	PR	A	109,800	111,100
16	(gm) Criminal history searches;				
17	fingerprint identification	PR	C	3,438,300	3,684,200
18	(gr) Gun purchaser record checks	PR	C	377,900	377,900
19	(h) Terminal charges	PR	A	2,621,700	2,621,700
20	(i) Penalty assessment surcharge,				
21	receipts	PR	A	-0-	-0-
22	(j) Law enforcement training fund,				
23	local assistance	PR	A	5,345,700	5,345,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ja) Law enforcement training fund,				
2	state operations	PR	A	3,377,800	3,377,800
3	(jb) Crime laboratory equipment and				
4	supplies	PR	A	377,300	377,300
5	(k) Interagency and intra-agency				
6	assistance	PR-S	C	187,900	187,900
7	(kd) Drug law enforcement, crime				
8	laboratories, and genetic evidence				
9	activities	PR-S	A	4,065,400	4,088,600
10	(ke) Drug enforcement intelligence				
11	operations	PR-S	A	1,496,200	1,505,000
12	(kf) Narcotics purchase appropriation	PR-S	A	25,000	25,000
13	(kg) Interagency and intra-agency				
14	assistance; fingerprint				
15	identification	PR-S	A	545,000	-0-
16	(km) Lottery background investigations	PR-S	A	-0-	-0-
17	(Lm) Crime laboratories;				
18	deoxyribonucleic acid analysis	PR	C	650,500	650,500
19	(m) Federal aid, state operations	PR-F	C	1,847,500	1,847,500
20	(ma) Federal aid, drug enforcement	PR-F	C	-0-	-0-
21	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
22	(r) Gaming law enforcement; lottery				
23	revenues	SEG	A	299,200	302,100
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			12,329,700	12,329,900
	PROGRAM REVENUE			24,596,900	24,332,100

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
	FEDERAL			(1,847,500)	(1,847,500)
	OTHER			(16,429,900)	(16,678,100)
	SERVICE			(6,319,500)	(5,806,500)
	SEGREGATED FUNDS			299,200	302,100
	OTHER			(299,200)	(302,100)
	TOTAL-ALL SOURCES			37,225,800	36,964,100
1	(3) ADMINISTRATIVE SERVICES				
2	(a) General program operations	GPR	A	3,873,400	3,873,400
3	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
4	(k) Interagency and intra-agency				
5	assistance	PR-S	A	-0-	-0-
6	(m) Federal aid, state operations	PR-F	C	-0-	-0-
7	(pz) Indirect cost reimbursements	PR-F	C	102,100	102,100
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,873,400	3,873,400
	PROGRAM REVENUE			102,100	102,100
	FEDERAL			(102,100)	(102,100)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,975,500	3,975,500
8	(5) VICTIMS AND WITNESSES				
9	(a) General program operations	GPR	A	903,800	905,300
10	(b) Awards for victims of crimes	GPR	A	1,258,000	1,258,000
11	(c) Reimbursement for victim and				
12	witness services	GPR	A	1,422,200	1,422,200
13	(g) Crime victim and witness				
14	assistance surcharge, general				
15	services	PR	A	2,566,600	2,566,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gc) Crime victim and witness				
2	surcharge, sexual assault victim				
3	services	PR	C	2,023,200	2,023,200
4	(h) Crime victim compensation services	PR	A	41,000	41,000
5	(hm) Subrogation payments for awards				
6	for victims of crime	PR	C	200,000	200,000
7	(i) Victim compensation, inmate				
8	payments	PR	C	9,700	9,700
9	(k) Interagency and intra-agency				
10	assistance; reimbursement to				
11	counties	PR-S	A	962,400	962,400
12	(kj) Victim payments, victim surcharge	PR-S	A	488,800	488,800
13	(kk) Reimbursement to counties for				
14	providing victim and witness				
15	services	PR-S	C	-0-	-0-
16	(kp) Reimbursement to counties for				
17	victim-witness services	PR-S	A	773,000	773,000
18	(m) Federal aid; victim compensation	PR-F	C	643,900	643,900
19	(ma) Federal aid, state operations	PR-F	C	70,700	70,700
20	(mh) Federal aid; victim assistance	PR-F	C	4,131,900	4,131,900
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,584,000	3,585,500
	PROGRAM REVENUE			11,911,200	11,911,200
	FEDERAL			(4,846,500)	(4,846,500)
	OTHER			(4,840,500)	(4,840,500)
	SERVICE			(2,224,200)	(2,224,200)
	TOTAL-ALL SOURCES			15,495,200	15,496,700

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
20.455 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				33,250,400	33,157,200
PROGRAM REVENUE				39,073,400	38,808,700
FEDERAL				(7,562,100)	(7,562,100)
OTHER				(21,553,900)	(21,802,100)
SERVICE				(9,957,400)	(9,444,500)
SEGREGATED FUNDS				299,200	302,100
OTHER				(299,200)	(302,100)
TOTAL-ALL SOURCES				72,623,000	72,268,000
1	20.465 Military affairs, department of				
2	(1) NATIONAL GUARD OPERATIONS				
3	(a) General program operations	GPR	A	4,764,200	4,760,800
4	(b) Repair and maintenance	GPR	A	601,700	605,100
5	(c) Public emergencies	GPR	S	48,500	48,500
6	(d) Principal repayment and interest	GPR	S	3,368,600	3,413,600
7	(e) State service flags	GPR	A	400	400
8	(f) Energy costs	GPR	A	1,531,200	1,539,600
9	(g) Military property	PR	A	520,900	520,900
10	(h) Intergovernmental services	PR	A	220,300	220,300
11	(i) Distance learning centers	PR	C	-0-	-0-
12	(k) Armory store operations	PR-S	A	240,200	240,200
13	(km) Agency services	PR-S	A	68,300	68,300
14	(Li) Gifts and grants	PR	C	-0-	-0-
15	(m) Federal aid	PR-F	C	17,566,900	17,566,900
16	(pz) Indirect cost reimbursements	PR-F	C	434,200	434,200
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				10,314,600	10,368,000
PROGRAM REVENUE				19,050,800	19,050,800
FEDERAL				(18,001,100)	(18,001,100)

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
	OTHER			(741,200)	(741,200)
	SERVICE			(308,500)	(308,500)
	TOTAL-ALL SOURCES			29,365,400	29,418,800
1	(2) GUARD MEMBERS' BENEFITS				
2	(a) Tuition grants	GPR	B	4,821,200	5,637,300
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,821,200	5,637,300
	TOTAL-ALL SOURCES			4,821,200	5,637,300
3	(3) EMERGENCY MANAGEMENT SERVICES				
4	(a) General program operations	GPR	A	680,000	680,000
5	(dd) Regional emergency response				
6	teams	GPR	A	1,400,000	1,400,000
7	(dp) Emergency response equipment	GPR	A	468,000	468,000
8	(dr) Emergency response supplement	GPR	C	-0-	-0-
9	(dt) Emergency response training	GPR	B	64,900	64,900
10	(e) Disaster recovery aid	GPR	S	1,347,000	1,347,000
11	(f) Civil air patrol aids	GPR	A	19,000	19,000
12	(g) Program services	PR	A	1,105,100	1,105,100
13	(h) Interstate emergency assistance	PR	A	-0-	-0-
14	(i) Emergency planning and reporting;				
15	administration	PR	A	795,100	791,700
16	(j) Division of emergency				
17	management; gifts and grants	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(jm) Division of emergency				
2	management; emergency planning				
3	grants	PR	C	834,700	834,700
4	(jt) Regional emergency response				
5	reimbursement	PR	C	-0-	-0-
6	(m) Federal aid, state operations	PR-F	C	1,856,000	1,809,100
7	(n) Federal aid, local assistance	PR-F	C	8,306,700	8,306,700
8	(o) Federal aid, individuals and				
9	organizations	PR-F	C	1,926,400	1,926,400
10	(r) Division of emergency				
11	management; petroleum inspection				
12	fund	SEG	A	465,700	465,700
13	(t) Emergency response training -				
14	environmental fund	SEG	B	10,500	10,500
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,978,900	3,978,900
	PROGRAM REVENUE			14,824,000	14,773,700
	FEDERAL			(12,089,100)	(12,042,200)
	OTHER			(2,734,900)	(2,731,500)
	SEGREGATED FUNDS			476,200	476,200
	OTHER			(476,200)	(476,200)
	TOTAL-ALL SOURCES			19,279,100	19,228,800
15	(4) NATIONAL GUARD YOUTH PROGRAMS				
16	(b) Badger challenge program	GPR	A	-0-	-0-
17	(g) Program fees	PR	C	-0-	-0-
18	(h) Gifts, grants and contributions	PR	C	-0-	-0-

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(k) Interagency assistance; badger				
2	challenge program	PR-S	C	-0-	-0-
3	(ka) Youth challenge program; public				
4	instruction funds	PR-S	C	1,304,900	1,304,900
5	(m) Federal aid - youth programs	PR-F	C	1,976,600	1,976,600
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			3,281,500	3,281,500
	FEDERAL			(1,976,600)	(1,976,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,304,900)	(1,304,900)
	TOTAL-ALL SOURCES			3,281,500	3,281,500
20.465 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			19,114,700	19,984,200
	PROGRAM REVENUE			37,156,300	37,106,000
	FEDERAL			(32,066,800)	(32,019,900)
	OTHER			(3,476,100)	(3,472,700)
	SERVICE			(1,613,400)	(1,613,400)
	SEGREGATED FUNDS			476,200	476,200
	OTHER			(476,200)	(476,200)
	TOTAL-ALL SOURCES			56,747,200	57,566,400
6	20.475 District attorneys				
7	(1) DISTRICT ATTORNEYS				
8	(d) Salaries and fringe benefits	GPR	A	36,407,200	36,429,400
9	(f) Firearm prosecution costs	GPR	A	-0-	-0-
10	(h) Gifts and grants	PR	C	1,248,000	1,248,000
11	(i) Other employees	PR	A	190,900	192,900
12	(k) Interagency and intra-agency				
13	assistance	PR-S	C	569,100	588,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(km) Deoxyribonucleic acid evidence				
2	activities	PR-S	A	131,600	136,400
3	(m) Federal aid	PR-F	C	-0-	-0-
20.475 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			36,407,200	36,429,400
	PROGRAM REVENUE			2,139,600	2,165,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,438,900)	(1,440,900)
	SERVICE			(700,700)	(724,700)
	TOTAL-ALL SOURCES			38,546,800	38,595,000
4	20.485 Veterans affairs, department of				
5	(1) HOMES AND FACILITIES FOR VETERANS				
6	(b) General fund supplement to				
7	institutional operations	GPR	B	-0-	-0-
8	(d) Cemetery maintenance and				
9	beautification	GPR	A	24,900	24,900
10	(e) Lease rental payments	GPR	S	-0-	-0-
11	(f) Principal repayment and interest	GPR	S	1,511,900	1,421,200
12	(g) Home exchange	PR	A	266,200	266,200
13	(gd) Veterans home cemetery operations	PR	C	5,000	5,000
14	(gk) Institutional operations	PR	A	45,380,400	45,380,400
15	(go) Self-amortizing housing facilities;				
16	principal repayment and interest	PR	S	1,030,900	2,211,300
17	(h) Gifts and bequests	PR	C	214,700	214,700
18	(hm) Gifts and grants	PR	C	-0-	-0-
19	(i) State-owned housing maintenance	PR	A	65,700	65,700

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(j) Geriatric program receipts	PR	C	139,100	139,100
2	(m) Federal aid; care at veterans home	PR-F	C	-0-	-0-
3	(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
4	(mn) Federal projects	PR-F	C	12,500	12,500
5	(t) Veterans home member accounts	SEG	C	-0-	-0-
6	(u) Rentals; improvements; equipment;				
7	land acquisition	SEG	A	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,536,800	1,446,100
	PROGRAM REVENUE			47,114,500	48,294,900
	FEDERAL			(12,500)	(12,500)
	OTHER			(47,102,000)	(48,282,400)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			48,651,300	49,741,000
8	(2) LOANS AND AIDS TO VETERANS				
9	(c) Operation of Wisconsin veterans				
10	museum	GPR	A	601,400	601,400
11	(d) Veterans memorials at The				
12	Highground	GPR	C	-0-	-0-
13	(db) General fund supplement to				
14	veterans trust fund	GPR	A	-0-	-0-
15	(e) Veterans memorial grants	GPR	C	-0-	-0-
16	(eg) Victorious charge monument grant	GPR	A	-0-	-0-
17	(em) Payments related to The				
18	Highground	GPR	C	-0-	-0-
19	(g) Consumer reporting agency fees	PR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kg) American Indian services				
2	coordinator	PR-S	A	57,800	57,800
3	(km) American Indian grants	PR-S	A	15,000	15,000
4	(kt) Operation of Wisconsin veterans				
5	museum; Indian gaming receipts	PR-S	A	193,200	160,900
6	(m) Federal aid; veterans training	PR-F	C	465,300	465,300
7	(mn) Federal projects; museum				
8	acquisitions and operations	PR-F	C	-0-	-0-
9	(q) Military honors funerals	SEG	B	162,000	175,500
10	(rm) Veterans assistance program	SEG	B	1,501,600	1,501,600
11	(rp) Veterans assistance program				
12	receipts	SEG	A	80,000	80,000
13	(s) Transportation grant	SEG	A	200,000	200,000
14	(tf) Veterans' tuition and fee				
15	reimbursement program	SEG	A	2,198,300	2,572,100
16	(th) Correspondence courses and				
17	part-time classroom study	SEG	A	673,400	787,900
18	(tj) Retraining grant program	SEG	A	378,000	378,000
19	(tm) Facilities	SEG	C	-0-	-0-
20	(u) Administration of loans and aids to				
21	veterans	SEG	A	3,857,600	3,946,000
22	(v) Wisconsin veterans museum sales				
23	receipts	SEG	C	123,400	123,400
24	(vg) Health care aids grants	SEG	A	1,500,000	1,500,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(vm) Subsistence grants	SEG	A	750,800	750,800
2	(vo) Veterans of World War I	SEG	A	2,500	2,500
3	(vw) Payments to veterans organizations				
4	for claims service	SEG	A	192,500	192,500
5	(vx) County grants	SEG	A	297,500	297,500
6	(w) Home for needy veterans	SEG	C	10,000	10,000
7	(wd) Operation of Wisconsin veterans				
8	museum	SEG	A	777,000	760,700
9	(x) Federal per diem payments	SEG-F	A	519,700	519,700
10	(yg) Acquisition of 1981 revenue bond				
11	mortgages	SEG	S	-0-	-0-
12	(yn) Veterans trust fund loans and				
13	expenses	SEG	B	15,450,000	15,450,000
14	(yo) Debt payment	SEG	S	-0-	-0-
15	(z) Gifts	SEG	C	-0-	-0-
16	(zm) Museum gifts and bequests	SEG	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			601,400	601,400
	PROGRAM REVENUE			731,300	699,000
	FEDERAL			(465,300)	(465,300)
	OTHER			(-0-)	(-0-)
	SERVICE			(266,000)	(233,700)
	SEGREGATED FUNDS			28,674,300	29,248,200
	FEDERAL			(519,700)	(519,700)
	OTHER			(28,154,600)	(28,728,500)
	TOTAL-ALL SOURCES			30,007,000	30,548,600
17	(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
18	(b) Self insurance	GPR	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(e) General program deficiency	GPR	S	-0-	-0-
2	(q) Foreclosure loss payments	SEG	C	801,000	801,000
3	(r) Funded reserves	SEG	C	50,000	50,000
4	(rm) Other reserves	SEG	C	-0-	-0-
5	(s) General program operations	SEG	A	4,506,900	4,416,000
6	(sm) County grants	SEG	A	444,000	444,000
7	(t) Debt service	SEG	C	81,019,900	81,370,000
8	(v) Revenue obligation repayment	SEG	C	-0-	-0-
9	(w) Revenue obligation funding	SEG	C	-0-	-0-
10	(wd) Loan-servicing administration	SEG	A	-0-	-0-
11	(wg) Escrow payments, recoveries, and				
12	refunds	SEG	C	-0-	-0-
13	(wp) Loan-servicing rights	SEG	B	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			86,821,800	87,081,000
	OTHER			(86,821,800)	(87,081,000)
	TOTAL-ALL SOURCES			86,821,800	87,081,000
14	(4) VETERANS MEMORIAL CEMETERIES				
15	(g) Cemetery operations	PR	A	18,200	18,200
16	(h) Gifts, grants and bequests	PR	C	-0-	-0-
17	(m) Federal aid; cemetery operations				
18	and burials	PR-F	C	89,400	89,400
19	(q) Cemetery administration and				
20	maintenance	SEG	A	689,500	689,500

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(qm) Repayment of principal and				
2	interest	SEG	S	103,600	99,700
3	(r) Cemetery energy costs	SEG	A	21,800	21,800
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			107,600	107,600
	FEDERAL			(89,400)	(89,400)
	OTHER			(18,200)	(18,200)
	SEGREGATED FUNDS			814,900	811,000
	OTHER			(814,900)	(811,000)
	TOTAL-ALL SOURCES			922,500	918,600
4	(5) EDUCATIONAL APPROVAL BOARD				
5	(g) Proprietary school programs	PR-S	A	463,600	463,600
6	(gm) Student protection	PR-S	C	-0-	60,300
7	(h) Certification of massage therapists				
8	and bodyworkers	PR	C	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			463,600	523,900
	OTHER			(-0-)	(-0-)
	SERVICE			(463,600)	(523,900)
	TOTAL-ALL SOURCES			463,600	523,900
	20.485 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,138,200	2,047,500
	PROGRAM REVENUE			48,417,000	49,625,400
	FEDERAL			(567,200)	(567,200)
	OTHER			(47,120,200)	(48,300,600)
	SERVICE			(729,600)	(757,600)
	SEGREGATED FUNDS			116,311,000	117,140,200
	FEDERAL			(519,700)	(519,700)
	OTHER			(115,791,300)	(116,620,500)
	TOTAL-ALL SOURCES			166,866,200	168,813,100
9	20.490 Wisconsin housing and economic development authority				
10	(1) FACILITATION OF CONSTRUCTION				
11	(a) Capital reserve fund deficiency	GPR	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
1	(2) HOUSING REHABILITATION LOAN PROGRAM				
2	(a) General program operations	GPR	C	-0-	-0-
3	(q) Loan loss reserve fund	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
5	(g) Disadvantaged business				
6	mobilization loan guarantee	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
7	(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
8	(a) Wisconsin development reserve				
9	fund	GPR	C	-0-	-0-
10	(q) Recycling fund transfer to				
11	Wisconsin development reserve				
12	fund	SEG	C	-0-	-0-
13	(r) Agrichemical management fund				
14	transfer to Wisconsin development				
15	reserve fd.	SEG	C	-0-	-0-

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(s) Petroleum inspection fund transfer				
2	to WDRF	SEG	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
3	(6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
4	(a) Wisconsin job training reserve fund	GPR	S	-0-	-0-
5	(k) Department of commerce				
6	appropriation transfer to Wisconsin				
7	job training	PR-S	C	-0-	-0-
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.490 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
8	20.495 University of Wisconsin hospitals and clinics board				
9	(1) CONTRACTUAL SERVICES				
10	(g) General program operations	PR	C	99,818,300	102,802,700
	20.495 DEPARTMENT TOTALS				
	PROGRAM REVENUE			99,818,300	102,802,700
	OTHER			(99,818,300)	(102,802,700)
	TOTAL-ALL SOURCES			99,818,300	102,802,700

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,522,336,200	3,460,047,800
PROGRAM REVENUE			4,768,742,900	4,837,977,300
FEDERAL			(3,855,415,300)	(3,920,489,700)
OTHER			(538,813,200)	(542,603,900)
SERVICE			(374,514,400)	(374,883,700)
SEGREGATED FUNDS			1,399,565,200	594,624,700
FEDERAL			(519,700)	(519,700)
OTHER			(1,399,045,500)	(594,105,000)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			8,690,644,300	8,892,649,800

General Executive Functions

1	20.505 Administration, department of				
2	(1) SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD				
3	(a) General program operations	GPR	A	10,925,700	11,029,400
4	(b) Midwest interstate low-level				
5	radioactive waste compact; loan				
6	from gen. fund	GPR	C	-0-	-0-
7	(br) Appropriation obligations				
8	repayment	GPR	A	-0-	-0-
9	(cm) Comprehensive planning grants;				
10	general purpose revenue	GPR	A	-0-	-0-
11	(cn) Comprehensive planning;				
12	administrative support	GPR	A	-0-	-0-
13	(fo) Federal resource acquisition				
14	support grants	GPR	A	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(g) Midwest interstate low-level				
2	radioactive waste compact;				
3	membership & costs	PR	A	5,000	5,000
4	(ge) High-voltage transmission line				
5	annual impact fee distributions	PR	C	-0-	-0-
6	(gs) High-voltage transmission line				
7	environmental impact fee				
8	distributions	PR	C	-0-	-0-
9	(ic) Services to nonstate governmental				
10	units	PR	A	245,000	265,000
11	(ie) Land information board; general				
12	prog. oper.; incorporations and				
13	annexations	PR	A	286,900	187,300
14	(if) Comprehensive planning grants;				
15	program revenue	PR	A	2,000,000	2,000,000
16	(ig) Land information board; technical				
17	assistance and education	PR	A	-0-	-0-
18	(ij) Land information board; aids to				
19	counties	PR	C	116,700	-0-
20	(ik) Land information board; soil				
21	surveys and mapping	PR	A	69,200	-0-
22	(im) Services to nonstate governmental				
23	units	PR	A	1,339,700	1,339,700
24	(iq) Appropriation obligation proceeds	PR	C	-0-	-0-
25	(ir) Relay service	PR-S	A	5,013,500	5,013,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(is) Information technology and				
2	communication services; non-state				
3	entities	PR	C	84,345,100	84,345,100
4	(iu) Plat and proposed incorporation				
5	and annexation review	PR	C	533,100	533,100
6	(j) Gifts, grants and bequests	PR	C	-0-	-0-
7	(ja) Justice information systems	PR	A	1,491,900	1,491,900
8	(jc) Employee development and				
9	training services	PR	A	561,500	436,500
10	(k) Funds received from other state				
11	agencies	PR-S	C	691,000	691,000
12	(ka) Materials and services to state				
13	agencies and certain districts	PR-S	A	5,635,400	5,635,400
14	(kb) Transportation, records, and				
15	document services	PR-S	A	20,514,400	20,514,400
16	(kc) Capital planning and building				
17	construction services	PR-S	A	10,672,700	10,672,700
18	(ke) Telecommunications services; state				
19	agencies; veterans services	PR-S	A	36,593,800	36,593,800
20	(kf) Procurement services	PR-S	C	3,025,800	3,025,800
21	(kj) Financial services	PR-S	A	8,883,300	9,067,800
22	(kL) Printing, mailing, communications				
23	and information technology svcs;				
24	agencies	PR-S	C	2,157,400	2,157,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(km) University of Wisconsin-Green Bay				
2	programming	PR-S	A	250,000	250,000
3	(kn) Weatherization assistance	PR-S	C	10,000,000	10,000,000
4	(ko) Collective bargaining grievance				
5	arbitrations	PR-S	A	85,200	85,200
6	(kp) Publications	PR-S	A	188,500	188,500
7	(kq) Justice info systems development,				
8	operation, maintenance, and				
9	assistance	PR-S	A	857,500	857,500
10	(kr) Legal services	PR-S	C	6,237,100	8,316,200
11	(ks) Wisconsin land council; state				
12	agency support	PR-S	C	59,300	-0-
13	(kt) Soil surveys and mapping; state				
14	agency support	PR-S	C	-0-	-0-
15	(ku) Management assistance grants to				
16	counties	PR-S	A	-0-	-0-
17	(mb) Federal aid	PR-F	C	9,621,800	9,507,900
18	(md) Oil overcharge restitution funds	PR-F	C	4,411,700	4,411,700
19	(n) Federal aid; local assistance	PR-F	C	71,500,000	71,500,000
20	(ng) Sale of forest products; funds for				
21	public schools and public roads	PR	C	-0-	-0-
22	(pz) Indirect cost reimbursements	PR-F	C	232,600	232,600
23	(r) VendorNet fund administration	SEG	A	90,200	90,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(sm) Excise tax fund - provision of				
2	reserves and pymt. of costs - rev.				
3	oblig.	SEG	S	-0-	-0-
4	(v) General program operations —				
5	environmental improvement				
6	programs; state funds	SEG	A	867,300	867,300
7	(x) General program operations —				
8	clean water fund program; federal				
9	funds	SEG-F	C	-0-	-0-
10	(y) General program operations — safe				
11	drinking water loan program;				
12	federal funds	SEG-F	C	-0-	-0-
13	(z) Transportation planning grants to				
14	local governmental units	SEG-S	B	1,000,000	1,000,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			10,925,700	11,029,400
	PROGRAM REVENUE			287,625,100	289,325,000
	FEDERAL			(85,766,100)	(85,652,200)
	OTHER			(90,994,100)	(90,603,600)
	SERVICE			(110,864,900)	(113,069,200)
	SEGREGATED FUNDS			1,957,500	1,957,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(957,500)	(957,500)
	SERVICE			(1,000,000)	(1,000,000)
	TOTAL-ALL SOURCES			300,508,300	302,311,900
15	(2) RISK MANAGEMENT				
16	(a) General fund supplement — risk				
17	management claims	GPR	S	-0-	-0-
18	(k) Risk management costs	PR-S	C	22,751,800	24,110,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ki) Risk management administration	PR-S	A	6,738,800	7,085,800
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			29,490,600	31,195,900
	SERVICE			(29,490,600)	(31,195,900)
	TOTAL-ALL SOURCES			29,490,600	31,195,900
2	(3) UTILITY PUBLIC BENEFITS AND AIR QUALITY IMPROVEMENT				
3	(q) General program operations	SEG	A	12,686,400	12,686,400
4	(r) Low-income assistance grants	SEG	S	20,500,000	20,500,000
5	(rr) Air quality improvement grants	SEG	S	-0-	-0-
6	(s) Energy conservation and efficiency				
7	and renewable resource grants	SEG	S	16,500,000	16,500,000
	(3) P R O G R A M T O T A L S				
	SEGREGATED FUNDS			49,686,400	49,686,400
	OTHER			(49,686,400)	(49,686,400)
	TOTAL-ALL SOURCES			49,686,400	49,686,400
8	(4) ATTACHED DIVISIONS AND OTHER BODIES				
9	(a) Adjudication of tax appeals	GPR	A	270,300	274,000
10	(b) Adjudication of equalization				
11	appeals	GPR	S	-0-	-0-
12	(ba) General program operations	GPR	A	169,800	169,800
13	(d) Claims awards	GPR	S	23,700	23,700
14	(ea) Women's council operations	GPR	A	107,100	107,100
15	(f) Hearings and appeals operations	GPR	A	2,044,300	2,044,300
16	(h) Program services	PR	A	32,100	32,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(j) National and community service				
2	board; gifts and grants	PR	C	-0-	-0-
3	(k) Waste facility siting board; general				
4	program operations	PR-S	A	32,300	32,300
5	(ka) State use board — general program				
6	operations	PR-S	A	100,000	100,000
7	(kb) National and community service				
8	board; administrative support;				
9	service funds	PR-S	A	45,100	45,100
10	(kp) Hearings and appeals fees	PR-S	A	2,678,400	2,678,400
11	(o) National and community service				
12	board; federal aid for				
13	administration	PR-F	A	429,800	429,800
14	(p) National and community service				
15	board; federal aid for grants	PR-F	C	3,354,300	3,354,300
16	(r) State capitol and executive				
17	residence board; gifts and grants	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,615,200	2,618,900
	PROGRAM REVENUE			6,672,000	6,672,000
	FEDERAL			(3,784,100)	(3,784,100)
	OTHER			(32,100)	(32,100)
	SERVICE			(2,855,800)	(2,855,800)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			9,287,200	9,290,900
18	(5) FACILITIES MANAGEMENT				

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(c) Principal repayment and interest;				
2	Black Point Estate	GPR	S	45,000	112,600
3	(g) Principal repayment, interest and				
4	rebates; parking	PR-S	S	1,762,100	1,763,600
5	(ka) Facility operations and				
6	maintenance; police and protection				
7	functions	PR-S	A	36,677,700	36,677,700
8	(kb) Parking	PR	A	1,114,900	1,114,900
9	(kc) Principal repayment, interest and				
10	rebates	PR-S	C	16,769,500	16,821,700
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			45,000	112,600
	PROGRAM REVENUE			56,324,200	56,377,900
	OTHER			(1,114,900)	(1,114,900)
	SERVICE			(55,209,300)	(55,263,000)
	TOTAL-ALL SOURCES			56,369,200	56,490,500
11	(6) OFFICE OF JUSTICE ASSISTANCE				
12	(a) General program operations	GPR	A	215,400	215,400
13	(c) Law enforcement officer				
14	supplement grants	GPR	A	1,000,000	1,000,000
15	(d) Youth diversion	GPR	A	380,000	380,000
16	(i) Gifts and grants	PR	C	-0-	-0-
17	(j) Penalty assessment surcharge				
18	receipts	PR	C	-0-	-0-
19	(k) Law enforcement programs and				
20	youth diversion - administration	PR-S	A	161,000	161,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kj) Youth diversion program	PR-S	A	720,000	720,000
2	(km) Interagency and intra-agency aids	PR-S	C	300,000	300,000
3	(kp) Anti-drug enforcement program,				
4	penalty assessment - local	PR-S	A	1,468,800	1,406,000
5	(kq) County and tribal law enforcement				
6	assistance	PR-S	A	2,078,000	2,078,000
7	(kt) Anti-drug enforcement program,				
8	penalty assessment - state	PR-S	A	891,200	755,200
9	(m) Federal aid, justice assistance,				
10	state operations	PR-F	C	1,354,000	1,354,000
11	(mb) Federal aid, homeland security	PR-F	C	-0-	-0-
12	(p) Federal aid, local assistance and				
13	aids	PR-F	C	23,077,500	23,077,500
	(6) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			1,595,400	1,595,400
	PROGRAM REVENUE			30,050,500	29,851,700
	FEDERAL			(24,431,500)	(24,431,500)
	OTHER			(-0-)	(-0-)
	SERVICE			(5,619,000)	(5,420,200)
	TOTAL-ALL SOURCES			31,645,900	31,447,100
14	(8) DIVISION OF GAMING				
15	(am) Interest on racing and bingo				
16	moneys	GPR	S	44,000	44,000
17	(g) General program operations; racing	PR	A	1,903,300	1,903,300
18	(h) General program operations; Indian				
19	gaming	PR	A	1,252,000	1,252,000
20	(hm) Indian gaming receipts	PR	C	-0-	-0-

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(j) General program operations; raffles				
2	and crane games	PR	A	181,600	181,600
3	(jm) General program operations; bingo	PR	A	263,500	263,500
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			44,000	44,000
	PROGRAM REVENUE			3,600,400	3,600,400
	OTHER			(3,600,400)	(3,600,400)
	TOTAL-ALL SOURCES			3,644,400	3,644,400
	20.505 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			15,225,300	15,400,300
	PROGRAM REVENUE			413,762,800	417,022,900
	FEDERAL			(113,981,700)	(113,867,800)
	OTHER			(95,741,500)	(95,351,000)
	SERVICE			(204,039,600)	(207,804,100)
	SEGREGATED FUNDS			51,643,900	51,643,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(50,643,900)	(50,643,900)
	SERVICE			(1,000,000)	(1,000,000)
	TOTAL-ALL SOURCES			480,632,000	484,067,100
4	20.507 Board of commissioners of public lands				
5	(1) TRUST LANDS AND INVESTMENTS				
6	(h) Trust lands and investments -				
7	general program operations	PR-S	A	1,407,700	1,407,700
8	(j) Payments to American Indian				
9	tribes or bands for raised sunken				
10	logs	PR	C	-0-	-0-
11	(k) Trust lands and investments -				
12	interagency and intra-agency				
13	assistance	PR-S	A	-0-	-0-
14	(mg) Federal aid — flood control	PR-F	C	52,700	52,700
	20.507 DEPARTMENT TOTALS				
	PROGRAM REVENUE			1,460,400	1,460,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05	
	FEDERAL			(52,700)	(52,700)	
	OTHER			(-0-)	(-0-)	
	SERVICE			(1,407,700)	(1,407,700)	
	TOTAL-ALL SOURCES			1,460,400	1,460,400	
1	20.510 Elections board					
2	(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS					
3	(a) General program operations;					
4	general purpose revenue	GPR	B	1,019,400	969,600	
5	(bm) Training of chief inspectors	GPR	B	-0-	-0-	
6	(c) Voting system transitional					
7	assistance	GPR	B	-0-	-0-	
8	(g) Recount fees	PR	C	-0-	-0-	
9	(h) Materials and services	PR	A	20,000	20,000	
10	(i) General program operations;					
11	program revenue	PR	A	36,000	36,000	
12	(j) Electronic filing software	PR	C	-0-	-0-	
13	(jm) Training of chief inspectors;					
14	program revenue	PR	C	-0-	-0-	
15	(q) Wisconsin election campaign fund	SEG	C	100,000	700,000	
16	(x) Federal aid	SEG-F	C	-0-	-0-	
	20.510 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			1,019,400	969,600	
	PROGRAM REVENUE			56,000	56,000	
	OTHER			(56,000)	(56,000)	
	SEGREGATED FUNDS			100,000	700,000	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(100,000)	(700,000)	
	TOTAL-ALL SOURCES			1,175,400	1,725,600	

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	20.515 Employee trust funds, department of				
2	(1) EMPLOYEE BENEFIT PLANS				
3	(a) Annuity supplements and				
4	payments	GPR	S	2,965,500	2,504,300
5	(c) Contingencies	GPR	S	-0-	-0-
6	(t) Automated operating system	SEG	C	1,043,900	806,800
7	(u) Employee-funded reimbursement				
8	account plan	SEG	C	-0-	-0-
9	(um) Benefit administration	SEG	B	5,000	5,000
10	(ut) Health insurance data collection				
11	and analysis contracts	SEG	A	269,800	269,800
12	(w) Administration	SEG	A	17,637,400	17,447,100
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,965,500	2,504,300
	SEGREGATED FUNDS			18,956,100	18,528,700
	OTHER			(18,956,100)	(18,528,700)
	TOTAL-ALL SOURCES			21,921,600	21,033,000
13	(2) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM				
14	(a) Private employer health care				
15	coverage program; operating costs	GPR	B	211,100	211,100
16	(b) Grants for program administration	GPR	B	-0-	-0-
17	(g) Private employer health care				
18	coverage plan	PR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			211,100	211,100
	PROGRAM REVENUE			-0-	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			211,100	211,100

20.515 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			3,176,600	2,715,400
PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SEGREGATED FUNDS			18,956,100	18,528,700
OTHER			(18,956,100)	(18,528,700)
TOTAL-ALL SOURCES			22,132,700	21,244,100

1 **20.521 Ethics board**

2 (1) ETHICS AND LOBBYING REGULATION

3 (a) General program operations;

4 general purpose revenue GPR A 237,100 237,100

5 (g) General program operations;

6 program revenue PR A 383,500 383,500

7 (h) Gifts and grants PR C -0- -0-

8 (i) Materials and services PR A 25,000 25,000

20.521 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			237,100	237,100
PROGRAM REVENUE			408,500	408,500
OTHER			(408,500)	(408,500)
TOTAL-ALL SOURCES			645,600	645,600

9 **20.525 Office of the governor**

10 (1) EXECUTIVE ADMINISTRATION

11 (a) General program operations GPR S 2,747,400 2,747,400

12 (b) Contingent fund GPR S 21,700 21,700

13 (c) Membership in national

14 associations GPR S 145,900 145,900

15 (d) Disability board GPR S -0- -0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(f) Literacy improvement aids	GPR	A	25,200	25,200
2	(i) Gifts and grants	PR	C	-0-	-0-
3	(m) Federal aid	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,940,200	2,940,200
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,940,200	2,940,200
4	(2) EXECUTIVE RESIDENCE				
5	(a) General program operations	GPR	S	197,000	197,000
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			197,000	197,000
	TOTAL-ALL SOURCES			197,000	197,000
20.525 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			3,137,200	3,137,200
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,137,200	3,137,200
6	20.536 Investment board				
7	(1) INVESTMENT OF FUNDS				
8	(k) General program operations	PR	C	17,720,500	17,720,500
9	(ka) General program operations;				
10	environmental improvement fund	PR-S	C	-0-	-0-
20.536 DEPARTMENT TOTALS					
	PROGRAM REVENUE			17,720,500	17,720,500
	OTHER			(17,720,500)	(17,720,500)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			17,720,500	17,720,500

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	20.540 Office of the lieutenant governor				
2	(1) EXECUTIVE COORDINATION				
3	(a) General program operations	GPR	A	347,200	347,200
4	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
5	(k) Grants from state agencies	PR-S	C	-0-	-0-
6	(m) Federal aid	PR-F	C	-0-	-0-
	20.540 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			347,200	347,200
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			347,200	347,200
7	20.550 Public defender board				
8	(1) LEGAL ASSISTANCE				
9	(a) Program administration	GPR	A	2,463,200	2,465,300
10	(b) Appellate representation	GPR	A	4,264,600	4,272,900
11	(c) Trial representation	GPR	A	37,264,700	37,285,300
12	(d) Private bar and investigator				
13	reimbursement	GPR	B	17,361,900	20,361,900
14	(e) Private bar and investigator				
15	payments; administration costs	GPR	A	601,000	601,000
16	(f) Transcripts, discovery and				
17	interpreters	GPR	A	1,339,100	1,339,100
18	(fb) Payments from clients;				
19	administrative costs	PR	A	146,800	146,900

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(g) Gifts and grants	PR	C	-0-	-0-
2	(h) Contractual agreements	PR-S	A	-0-	-0-
3	(i) Tuition payments	PR	C	-0-	-0-
4	(kj) Conferences and training	PR-S	A	122,700	122,700
5	(L) Private bar and inv.				
6	reimbursement; payments for legal				
7	representation	PR	C	1,024,700	1,024,700
8	(m) Federal aid	PR-F	C	-0-	-0-
20.550 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			63,294,500	66,325,500
	PROGRAM REVENUE			1,294,200	1,294,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,171,500)	(1,171,600)
	SERVICE			(122,700)	(122,700)
	TOTAL-ALL SOURCES			64,588,700	67,619,800
9	20.566 Revenue, department of				
10	(1) COLLECTION OF TAXES				
11	(a) General program operations	GPR	A	44,431,200	44,431,200
12	(g) Administration of county sales and				
13	use taxes	PR	A	3,258,600	3,267,900
14	(ga) Cigarette tax stamps	PR	A	179,100	179,100
15	(gb) Business tax registration	PR	A	1,586,000	1,589,600
16	(gd) Administration of special district				
17	taxes	PR	A	349,100	349,700
18	(ge) Administration of local professional				
19	football stadium districts	PR	A	145,500	146,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(gf) Administration of resort tax	PR	A	20,200	20,200
2	(gg) Administration of local taxes	PR	A	319,800	320,700
3	(gm) Administration of tax on controlled				
4	substances dealers	PR	A	-0-	-0-
5	(h) Debt collection	PR	A	441,300	448,400
6	(ha) Administration of liquor tax	PR	A	246,900	250,500
7	(hm) Collections under contracts	PR	S	354,200	354,200
8	(hn) Collections under the multi-state				
9	tax commission audit program	PR-S	S	57,400	57,400
10	(hp) Admin of endang resources;				
11	football/baseball district voluntary				
12	payments	PR	A	35,600	35,600
13	(i) Gifts and grants	PR	C	-0-	-0-
14	(m) Federal funds; state operations	PR-F	C	-0-	-0-
15	(q) Recycling surcharge administration	SEG	A	253,100	254,000
16	(qm) Administration of rental vehicle fee	SEG	A	34,500	35,600
17	(r) Administration of dry cleaner fees	SEG	A	53,200	53,200
18	(s) Petroleum inspection fee collection	SEG	A	161,600	163,600
19	(u) Motor fuel tax administration	SEG	A	1,328,400	1,343,200
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			44,431,200	44,431,200
	PROGRAM REVENUE			6,993,700	7,019,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,936,300)	(6,962,000)
	SERVICE			(57,400)	(57,400)
	SEGREGATED FUNDS			1,830,800	1,849,600

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
OTHER				(1,830,800)	(1,849,600)
TOTAL-ALL SOURCES				53,255,700	53,300,200
1	(2) STATE AND LOCAL FINANCE				
2	(a) General program operations	GPR	A	6,334,600	6,334,600
3	(am) Lottery and gaming credit				
4	administration	GPR	A	-0-	-0-
5	(g) County assessment studies	PR	C	-0-	-0-
6	(gi) Municipal finance report				
7	compliance	PR	A	40,300	40,300
8	(h) Reassessments	PR	A	635,500	635,500
9	(hi) Wisconsin property assessment				
10	manual	PR	A	100,000	103,200
11	(i) Gifts and grants	PR	C	-0-	-0-
12	(m) Federal funds; state operations	PR-F	C	-0-	-0-
13	(q) Railroad and air carrier tax				
14	administration	SEG	A	210,800	210,800
15	(r) Lottery credit administration	SEG	A	274,300	276,300
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				6,334,600	6,334,600
PROGRAM REVENUE				775,800	779,000
FEDERAL				(-0-)	(-0-)
OTHER				(775,800)	(779,000)
SEGREGATED FUNDS				485,100	487,100
OTHER				(485,100)	(487,100)
TOTAL-ALL SOURCES				7,595,500	7,600,700
16	(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				
17	(a) General program operations	GPR	A	24,339,400	24,339,400

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(b) Integrated tax system technology	GPR	A	4,721,600	4,721,600
2	(c) Expert professional services	GPR	B	28,500	28,500
3	(g) Services	PR	A	98,300	98,300
4	(gm) Reciprocity agreement and				
5	publications	PR	A	201,200	201,200
6	(go) Reciprocity agreement; Illinois	PR	A	-0-	-0-
7	(i) Gifts and grants	PR	C	-0-	-0-
8	(k) Internal services	PR-S	A	299,300	299,300
9	(m) Federal funds; state operations	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			29,089,500	29,089,500
	PROGRAM REVENUE			598,800	598,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(299,500)	(299,500)
	SERVICE			(299,300)	(299,300)
	TOTAL-ALL SOURCES			29,688,300	29,688,300
10	(7) INVESTMENT AND LOCAL IMPACT FUND				
11	(e) Investment and local impact fund				
12	supplement	GPR	A	-0-	-0-
13	(g) Investment and local impact fund				
14	administrative expenses	PR	A	-0-	-0-
15	(n) Federal mining revenue	PR-F	C	-0-	-0-
16	(v) Investment and local impact fund	SEG	C	-0-	-0-
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				-0-	-0-
1	(8) LOTTERY				
2	(q) General program operations	SEG	A	21,940,500	21,940,500
3	(r) Retailer compensation	SEG	S	29,387,700	29,387,700
4	(s) Prizes	SEG	S	-0-	-0-
5	(v) Vendor fees	SEG	S	12,814,500	12,926,700
(8) PROGRAM TOTALS					
SEGREGATED FUNDS				64,142,700	64,254,900
OTHER				(64,142,700)	(64,254,900)
TOTAL-ALL SOURCES				64,142,700	64,254,900
20.566 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				79,855,300	79,855,300
PROGRAM REVENUE				8,368,300	8,397,200
FEDERAL				(-0-)	(-0-)
OTHER				(8,011,600)	(8,040,500)
SERVICE				(356,700)	(356,700)
SEGREGATED FUNDS				66,458,600	66,591,600
OTHER				(66,458,600)	(66,591,600)
TOTAL-ALL SOURCES				154,682,200	154,844,100
6	20.575 Secretary of state				
7	(1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
8	(g) Program fees	PR	A	747,300	748,000
9	(ka) Agency collections	PR-S	A	4,000	4,000
20.575 DEPARTMENT TOTALS					
PROGRAM REVENUE				751,300	752,000
OTHER				(747,300)	(748,000)
SERVICE				(4,000)	(4,000)
TOTAL-ALL SOURCES				751,300	752,000
10	20.585 Treasurer, state				
11	(1) CUSTODIAN OF STATE FUNDS				

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(b) Insurance	GPR	A	-0-	-0-
2	(e) Unclaimed property; contingency				
3	appropriation	GPR	S	-0-	-0-
4	(g) Processing services	PR	A	226,400	202,800
5	(h) Training conferences	PR	C	-0-	-0-
6	(i) Gifts and grants	PR	C	-0-	-0-
7	(j) Unclaimed property	PR	C	1,399,900	1,400,700
8	(jt) Allocation - cash management	PR	A	40,800	-0-
9	(kb) General program operations	PR-S	A	619,500	253,000
10	(km) Credit card use charges	PR-S	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			2,286,600	1,856,500
	OTHER			(1,667,100)	(1,603,500)
	SERVICE			(619,500)	(253,000)
	TOTAL-ALL SOURCES			2,286,600	1,856,500
11	(2) COLLEGE TUITION PREPAYMENT PROGRAM				
12	(q) Pymt of qualified higher ed				
13	expenses & refunds; college tuition				
14	& exp pgm	SEG	S	-0-	-0-
15	(s) Administrative expenses; college				
16	tuition and expenses program	SEG	A	67,000	67,000
17	(t) Payment of qualified higher ed				
18	expenses & refunds; college savings				
19	program	SEG-S	A	-0-	-0-
20	(tm) Administrative expenses	SEG	C	348,200	355,000

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			415,200	422,000
OTHER			(415,200)	(422,000)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			415,200	422,000
20.585 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			2,286,600	1,856,500
OTHER			(1,667,100)	(1,603,500)
SERVICE			(619,500)	(253,000)
SEGREGATED FUNDS			415,200	422,000
OTHER			(415,200)	(422,000)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			2,701,800	2,278,500
General Executive Functions FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			166,292,600	168,987,600
PROGRAM REVENUE			446,108,600	448,968,300
FEDERAL			(114,034,400)	(113,920,500)
OTHER			(125,524,000)	(125,099,600)
SERVICE			(206,550,200)	(209,948,200)
SEGREGATED FUNDS			137,573,800	137,886,200
FEDERAL			(-0-)	(-0-)
OTHER			(136,573,800)	(136,886,200)
SERVICE			(1,000,000)	(1,000,000)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			749,975,000	755,842,100

Judicial

1	20.625 Circuit courts					
2	(1)	COURT OPERATIONS				
3	(a)	Circuit courts	GPR	S	54,386,400	54,386,400
4	(as)	Violent crime court costs	GPR	A	-0-	-0-
5	(b)	Permanent reserve judges	GPR	A	-0-	-0-
6	(c)	Court interpreter fees	GPR	A	952,000	1,160,300
7	(d)	Circuit court support payments	GPR	B	18,739,600	18,739,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(e) Guardian ad litem costs	GPR	A	4,738,500	4,738,500
2	(m) Federal aid	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			78,816,500	79,024,800
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			78,816,500	79,024,800
3	(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES				
4	(a) General program operations	GPR	S	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	20.625 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			78,816,500	79,024,800
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			78,816,500	79,024,800
5	20.660 Court of appeals				
6	(1) APPELLATE PROCEEDINGS				
7	(a) General program operations	GPR	S	8,234,900	8,234,900
8	(m) Federal aid	PR-F	C	-0-	-0-
	20.660 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			8,234,900	8,234,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,234,900	8,234,900
9	20.665 Judicial commission				
10	(1) JUDICIAL CONDUCT				
11	(a) General program operations	GPR	A	187,300	187,300
12	(cm) Contractual agreements	GPR	B	18,200	18,200

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(d) General program operations;				
2	judicial council	GPR	A	21,800	21,800
3	(mm) Federal aid	PR-F	C	-0-	-0-
20.665 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			227,300	227,300
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			227,300	227,300
4	20.680 Supreme court				
5	(1) SUPREME COURT PROCEEDINGS				
6	(a) General program operations	GPR	S	4,270,500	4,270,500
7	(m) Federal aid	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,270,500	4,270,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			4,270,500	4,270,500
8	(2) DIRECTOR OF STATE COURTS				
9	(a) General program operations	GPR	A	5,609,100	5,609,100
10	(b) Judicial planning and research	GPR	A	-0-	-0-
11	(g) Gifts and grants	PR	C	-0-	-0-
12	(ga) Court commissioner training	PR	C	58,300	58,300
13	(gc) Court interpreter training and				
14	certification	PR	C	23,400	17,600
15	(h) Materials and services	PR	C	60,900	60,900
16	(i) Municipal judge training	PR	C	131,500	131,500
17	(j) Court information systems	PR	C	8,113,300	8,113,300

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(kc) Central services	PR-S	A	200,200	200,200
2	(ke) Interagency and intra-agency				
3	automation assistance	PR-S	C	-0-	-0-
4	(m) Federal aid	PR-F	C	400,600	400,600
5	(qm) Mediation fund	SEG	C	714,900	714,900
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			5,609,100	5,609,100
	PROGRAM REVENUE			8,988,200	8,982,400
	FEDERAL			(400,600)	(400,600)
	OTHER			(8,387,400)	(8,381,600)
	SERVICE			(200,200)	(200,200)
	SEGREGATED FUNDS			714,900	714,900
	OTHER			(714,900)	(714,900)
	TOTAL-ALL SOURCES			15,312,200	15,306,400
6	(3) BAR EXAMINERS AND RESPONSIBILITY				
7	(g) Board of bar examiners	PR	C	621,900	621,900
8	(h) Office of lawyer regulation	PR	C	2,012,300	2,012,300
	(3) P R O G R A M T O T A L S				
	PROGRAM REVENUE			2,634,200	2,634,200
	OTHER			(2,634,200)	(2,634,200)
	TOTAL-ALL SOURCES			2,634,200	2,634,200
9	(4) LAW LIBRARY				
10	(a) General program operations	GPR	A	1,934,500	1,934,500
11	(g) Library collections and services	PR	C	127,700	127,700
12	(h) Gifts and grants	PR	C	528,400	528,400
	(4) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			1,934,500	1,934,500
	PROGRAM REVENUE			656,100	656,100
	OTHER			(656,100)	(656,100)
	TOTAL-ALL SOURCES			2,590,600	2,590,600

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
20.680 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			11,814,100	11,814,100
PROGRAM REVENUE			12,278,500	12,272,700
FEDERAL			(400,600)	(400,600)
OTHER			(11,677,700)	(11,671,900)
SERVICE			(200,200)	(200,200)
SEGREGATED FUNDS			714,900	714,900
OTHER			(714,900)	(714,900)
TOTAL-ALL SOURCES			24,807,500	24,801,700
Judicial				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			99,092,800	99,301,100
PROGRAM REVENUE			12,278,500	12,272,700
FEDERAL			(400,600)	(400,600)
OTHER			(11,677,700)	(11,671,900)
SERVICE			(200,200)	(200,200)
SEGREGATED FUNDS			714,900	714,900
FEDERAL			(-0-)	(-0-)
OTHER			(714,900)	(714,900)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			112,086,200	112,288,700

Legislative

1	20.765 Legislature				
2	(1) ENACTMENT OF STATE LAWS				
3	(a) General program operations —				
4	assembly	GPR	S	-0-	-0-
5	(b) General program operations —				
6	senate	GPR	S	-0-	-0-
7	(d) Legislative documents	GPR	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
8	(2) SPECIAL STUDY GROUPS				

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(a) Retirement committees	GPR	A	-0-	-0-
2	(ab) Retirement actuarial studies	GPR	A	-0-	-0-
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
TOTAL-ALL SOURCES				-0-	-0-
3	(3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
4	(a) Revisor of statutes bureau	GPR	B	-0-	-0-
5	(b) Legislative reference bureau	GPR	B	-0-	-0-
6	(c) Legislative audit bureau	GPR	B	-0-	-0-
7	(d) Legislative fiscal bureau	GPR	B	-0-	-0-
8	(e) Legislative council	GPR	B	-0-	-0-
9	(em) Legislative technology services				
10	bureau	GPR	B	-0-	-0-
11	(f) Joint committee on legislative				
12	organization	GPR	B	-0-	-0-
13	(fa) Membership in national				
14	associations	GPR	S	-0-	-0-
15	(g) Gifts and grants to service agencies	PR	C	-0-	-0-
16	(ka) Audit bureau reimbursable audits	PR-S	A	1,661,800	1,669,700
17	(m) Federal aid	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
PROGRAM REVENUE				1,661,800	1,669,700
FEDERAL				(-0-)	(-0-)
OTHER				(-0-)	(-0-)
SERVICE				(1,661,800)	(1,669,700)
TOTAL-ALL SOURCES				1,661,800	1,669,700

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(5) LEGISLATIVE OPERATIONS				
2	(a) Legislative operations costs	GPR	S	54,934,900	54,938,500
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			54,934,900	54,938,500
	TOTAL-ALL SOURCES			54,934,900	54,938,500
	20.765 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			54,934,900	54,938,500
	PROGRAM REVENUE			1,661,800	1,669,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,661,800)	(1,669,700)
	TOTAL-ALL SOURCES			56,596,700	56,608,200
	Legislative FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			54,934,900	54,938,500
	PROGRAM REVENUE			1,661,800	1,669,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,661,800)	(1,669,700)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			56,596,700	56,608,200

General Appropriations

3	20.835 Shared revenue and tax relief				
4	(1) SHARED REVENUE PAYMENTS				
5	(b) Small municipalities shared				
6	revenue	GPR	S	11,221,100	-0-
7	(c) Expenditure restraint program				
8	account	GPR	S	58,145,700	58,145,700
9	(d) Shared revenue account	GPR	S	709,162,000	31,435,600

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(db) County and municipal aid account	GPR	S	-0-	641,336,600
2	(e) State aid; tax exempt property	GPR	S	71,980,000	68,785,000
3	(f) County mandate relief account	GPR	S	21,181,100	-0-
4	(t) Shared revenue and county and				
5	municipal aid; transportation fund	SEG	A	230,000,000	170,000,000
6	(u) County and municipal aid; utility				
7	public benefits fund	SEG	A	-0-	20,000,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			871,689,900	799,702,900
	SEGREGATED FUNDS			230,000,000	190,000,000
	OTHER			(230,000,000)	(190,000,000)
	TOTAL-ALL SOURCES			1,101,689,900	989,702,900
8	(2) TAX RELIEF				
9	(b) Claim of right credit	GPR	S	-0-	-0-
10	(c) Homestead tax credit	GPR	S	103,000,000	100,000,000
11	(ci) Development zones investment				
12	credit	GPR	S	-0-	-0-
13	(cL) Development zones location credit	GPR	S	-0-	-0-
14	(cm) Development zones jobs credit	GPR	S	-0-	-0-
15	(cn) Development zones sales tax credit	GPR	S	-0-	-0-
16	(d) Farmers' drought property tax				
17	credit	GPR	S	-0-	-0-
18	(dm) Farmland preservation credit	GPR	S	13,500,000	13,900,000
19	(dn) Farmland tax relief credit	GPR	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ep) Cigarette and tobacco product tax				
2	refunds	GPR	S	11,700,000	11,600,000
3	(f) Earned income tax credit	GPR	S	12,708,000	12,831,200
4	(ka) Farmland tax relief credit; Indian				
5	gaming receipts	PR-S	C	-0-	-0-
6	(kf) Earned income tax credit;				
7	temporary assistance for needy				
8	families	PR-S	A	57,892,000	50,300,000
9	(q) Farmland tax relief credit	SEG	S	15,000,000	15,000,000
10	(r) Earned income tax credit; utility				
11	public benefits	SEG	A	-0-	7,100,000

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	140,908,000	138,331,200
PROGRAM REVENUE	57,892,000	50,300,000
SERVICE	(57,892,000)	(50,300,000)
SEGREGATED FUNDS	15,000,000	22,100,000
OTHER	(15,000,000)	(22,100,000)
TOTAL-ALL SOURCES	213,800,000	210,731,200

12	(3) STATE PROPERTY TAX CREDITS				
13	(b) School levy tax credit	GPR	S	469,305,000	469,305,000
14	(q) Lottery and gaming credit	SEG	S	101,900,000	101,000,000
15	(r) Lottery and gaming credit				
16	certification	SEG	S	-0-	-0-
17	(s) Lottery and gaming credit; late				
18	applications	SEG	S	150,000	150,000

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	469,305,000	469,305,000
SEGREGATED FUNDS	102,050,000	101,150,000

SENATE BILL 44

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2003-04	2004-05
OTHER				(102,050,000)	(101,150,000)
TOTAL-ALL SOURCES				571,355,000	570,455,000
1	(4) COUNTY AND LOCAL TAXES				
2	(g) County taxes	PR	C	-0-	-0-
3	(gb) Special district taxes	PR	C	-0-	-0-
4	(gd) Premier resort area tax	PR	C	-0-	-0-
5	(ge) Local professional football stadium				
6	district taxes	PR	C	-0-	-0-
7	(gg) Local taxes	PR	C	-0-	-0-
(4) PROGRAM TOTALS					
PROGRAM REVENUE				-0-	-0-
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				-0-	-0-
8	(5) PAYMENTS IN LIEU OF TAXES				
9	(a) Payments for municipal services	GPR	A	21,998,800	21,998,800
(5) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				21,998,800	21,998,800
TOTAL-ALL SOURCES				21,998,800	21,998,800
20.835 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				1,503,901,700	1,429,337,900
PROGRAM REVENUE				57,892,000	50,300,000
OTHER				(-0-)	(-0-)
SERVICE				(57,892,000)	(50,300,000)
SEGREGATED FUNDS				347,050,000	313,250,000
OTHER				(347,050,000)	(313,250,000)
TOTAL-ALL SOURCES				1,908,843,700	1,792,887,900
10	20.855 Miscellaneous appropriations				
11	(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
12	(a) Obligation on operating notes	GPR	S	9,800,000	17,400,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05	
1	(b) Operating note expenses	GPR	S	225,000	225,000	
2	(bm) Payment of cancelled drafts	GPR	S	1,600,000	1,600,000	
3	(c) Interest payments to program					
4	revenue accounts	GPR	S	-0-	-0-	
5	(d) Interest payments to segregated					
6	funds	GPR	S	-0-	-0-	
7	(dm) Interest reimbursements to federal					
8	government	GPR	S	-0-	-0-	
9	(e) Interest on prorated local					
10	government payments	GPR	S	-0-	-0-	
11	(gm) Payment of cancelled drafts;					
12	program revenues	PR	S	-0-	-0-	
13	(q) Redemption of operating notes	SEG	S	-0-	-0-	
14	(r) Interest payments to general fund	SEG	S	-0-	-0-	
15	(rm) Payment of cancelled drafts;					
16	segregated revenues	SEG	S	-0-	-0-	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			11,625,000	19,225,000	
	PROGRAM REVENUE			-0-	-0-	
	OTHER			(-0-)	(-0-)	
	SEGREGATED FUNDS			-0-	-0-	
	OTHER			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			11,625,000	19,225,000	
17	(3) CAPITOL RENOVATION EXPENSES					
18	(b) Capitol restoration and relocation					
19	planning	GPR	B	-0-	-0-	
20	(c) Historically significant furnishings	GPR	B	-0-	-0-	

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
1	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
2	(a) Interest on overpayment of taxes	GPR	S	2,250,000	2,250,000
3	(am) Great Lakes protection fund				
4	contribution	GPR	C	-0-	-0-
5	(b) Election campaign payments	GPR	S	330,000	330,000
6	(c) Minnesota income tax reciprocity	GPR	S	50,800,000	55,000,000
7	(ca) Minnesota income tax reciprocity				
8	bench mark	GPR	A	-0-	-0-
9	(cm) Illinois income tax reciprocity	GPR	S	33,700,000	36,000,000
10	(cn) Illinois income tax reciprocity				
11	bench mark	GPR	A	-0-	-0-
12	(co) Illinois income tax reciprocity, 1998				
13	and 1999	GPR	A	-0-	-0-
14	(e) Transfer to conservation fund; land				
15	acquisition reimbursement	GPR	S	233,000	233,400
16	(f) Supplemental title fee matching	GPR	S	10,969,700	11,200,200
17	(fm) Transfer to the transportation fund;				
18	hub facility exemptions	GPR	S	-0-	2,500,000
19	(q) Terminal tax distribution	SEG	S	1,251,100	1,309,900
20	(r) Petroleum allowance	SEG	S	600,000	600,000

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(rh) Annual transfer from permanent				
2	endowment fund to general fund	SEG	S	-0-	-0-
3	(s) Transfer to conservation fund;				
4	motorboat formula	SEG	S	11,398,800	11,818,700
5	(t) Transfer to conservation fund;				
6	snowmobile formula	SEG	S	4,660,000	4,868,100
7	(u) Transfer to conservation fund;				
8	all-terrain vehicle formula	SEG	S	1,168,800	1,244,700
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			98,282,700	107,513,600
	SEGREGATED FUNDS			19,078,700	19,841,400
	OTHER			(19,078,700)	(19,841,400)
	TOTAL-ALL SOURCES			117,361,400	127,355,000
9	(5) STATE HOUSING AUTHORITY RESERVE FUND				
10	(a) Enhancement of credit of authority				
11	debt	GPR	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
12	(6) MISCELLANEOUS RECEIPTS				
13	(g) Gifts and grants	PR	C	-0-	-0-
14	(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
15	(i) Miscellaneous program revenue	PR	A	-0-	-0-
16	(j) Custody accounts	PR	C	-0-	-0-
17	(k) Aids to individuals and				
18	organizations	PR-S	C	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ka) Local assistance	PR-S	C	-0-	-0-
2	(m) Federal aid	PR-F	C	-0-	-0-
3	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(6) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(8) MARQUETTE UNIVERSITY				
5	(a) Dental clinic and educ facility;				
6	principal repayment, interest &				
7	rebates	GPR	S	973,100	974,800
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			973,100	974,800
	TOTAL-ALL SOURCES			973,100	974,800
8	(9) STATE CAPITOL RENOVATION AND RESTORATION				
9	(a) South wing renovation and				
10	restoration	GPR	C	-0-	-0-
(9) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
20.855 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			110,880,800	127,713,400
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			19,078,700	19,841,400
	OTHER			(19,078,700)	(19,841,400)
	TOTAL-ALL SOURCES			129,959,500	147,554,800

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	20.865 Program supplements				
2	(1) EMPLOYEE COMPENSATION AND SUPPORT				
3	(a) Judgments, legal expenses and				
4	worker's compensation benefits	GPR	S	46,700	46,700
5	(c) Compensation and related				
6	adjustments	GPR	S	-0-	-0-
7	(ci) Nonrepresented university system				
8	faculty and academic pay				
9	adjustments	GPR	S	-0-	-0-
10	(cj) Pay adjustments for certain				
11	university employees	GPR	A	-0-	-0-
12	(d) Employer fringe benefit costs	GPR	S	-0-	-0-
13	(e) Additional biweekly payroll	GPR	A	-0-	-0-
14	(em) Financial and procurement services	GPR	A	423,600	423,600
15	(fm) Risk management	GPR	A	-0-	-0-
16	(fn) Physically handicapped				
17	supplements	GPR	A	6,800	6,800
18	(g) Judgments and legal expenses;				
19	program revenues	PR	S	-0-	-0-
20	(i) Compensation and related				
21	adjustments; program revenues	PR	S	-0-	-0-
22	(ic) Nonrepresented university system				
23	faculty and academic pay				
24	adjustments	PR	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(j) Employer fringe benefit costs;				
2	program revenues	PR	S	-0-	-0-
3	(jm) Additional biweekly payroll;				
4	nonfederal program revenue	PR	S	-0-	-0-
5	(js) Financial and procurement				
6	services; program revenues	PR	S	-0-	-0-
7	(kr) Risk management; program				
8	revenues	PR-S	S	-0-	-0-
9	(Ln) Physically handicapped				
10	supplements; program revenues	PR	S	-0-	-0-
11	(m) Additional biweekly payroll; federal				
12	program revenues	PR-F	S	-0-	-0-
13	(q) Judgments and legal expenses;				
14	segregated revenues	SEG	S	-0-	-0-
15	(s) Compensation and related				
16	adjustments; segregated revenues	SEG	S	-0-	-0-
17	(si) Nonrepresented university system				
18	faculty and academic pay				
19	adjustments	SEG	S	-0-	-0-
20	(t) Employer fringe benefit costs;				
21	segregated revenues	SEG	S	-0-	-0-
22	(tm) Additional biweekly payroll;				
23	nonfederal segregated revenues	SEG	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(ts) Financial and procurement				
2	services; segregated revenues	SEG	S	-0-	-0-
3	(ur) Risk management; segregated				
4	revenues	SEG	S	-0-	-0-
5	(vn) Physically handicapped				
6	supplements; segregated revenues	SEG	S	-0-	-0-
7	(x) Additional biweekly payroll; federal				
8	segregated revenues	SEG-F	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			477,100	477,100
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			477,100	477,100
9	(2) STATE PROGRAMS AND FACILITIES				
10	(a) Private facility rental increases and				
11	state-owned office rent supplement	GPR	A	1,062,400	1,832,800
12	(am) Space management and child care	GPR	A	1,605,400	803,200
13	(d) State deposit fund	GPR	S	-0-	-0-
14	(e) Maintenance of capitol and				
15	executive residence	GPR	A	5,930,500	5,930,500
16	(eb) Executive residence furnishings				
17	replacement	GPR	C	12,000	12,000
18	(em) Groundwater survey and analysis	GPR	A	216,100	216,100

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(g) Private facility rental increa. &				
2	state-owned office rent supp.; prog.				
3	rev.	PR	S	-0-	-0-
4	(gm) Space management and child care;				
5	program revenues	PR	S	-0-	-0-
6	(j) State deposit fund; program				
7	revenues	PR	S	-0-	-0-
8	(L) Data processing and				
9	telecommunications study; program				
10	revenues	PR-S	S	-0-	-0-
11	(q) Private facility rental increases and				
12	state-owned office rent supp; seg				
13	rev	SEG	S	-0-	-0-
14	(qm) Space management and child care;				
15	segregated revenues	SEG	S	-0-	-0-
16	(t) State deposit fund; segregated				
17	revenues	SEG	S	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,826,400	8,794,600
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,826,400	8,794,600
18	(3) TAXES AND SPECIAL CHARGES				
19	(a) Property taxes	GPR	S	-0-	-0-
20	(g) Property taxes; program revenues	PR	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(i) Payments for municipal services;				
2	program revenues	PR	S	-0-	-0-
3	(q) Property taxes; segregated				
4	revenues	SEG	S	-0-	-0-
5	(s) Payments for municipal services;				
6	segregated revenues	SEG	S	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
7	(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
8	(a) General purpose revenue funds				
9	general program supplementation	GPR	B	-0-	-0-
10	(g) Program revenue funds general				
11	program supplementation	PR	S	-0-	-0-
12	(gm) Wisconsin advanced				
13	telecommunications foundation				
14	funds supplementation	PR	C	-0-	-0-
15	(k) Public assistance programs				
16	supplementation	PR-S	C	-0-	-0-
17	(m) Federal funds general program				
18	supplementation	PR-F	C	-0-	-0-
19	(u) Segregated funds general program				
20	supplementation	SEG	S	-0-	-0-

SENATE BILL 44**SECTION 286**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
1	(8)	SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.-SERVICE APPROPRIATIONS			
2	(g)	Supplementation of program			
3		revenue and program rev.-service			
4		appropriations	PR S	-0-	-0-
	(8) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.865 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			9,303,500	9,271,700
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			9,303,500	9,271,700
5	20.866 Public debt				
6	(1)	BOND SECURITY AND REDEMPTION FUND			
7	(u)	Principal repayment and interest	SEG S	-0-	-0-
	20.866 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	20.867 Building commission				
2	(1) STATE OFFICE BUILDINGS				
3	(a) Principal repayment and interest;				
4	housing of state agencies	GPR	S	-0-	-0-
5	(b) Principal repayment and interest;				
6	capitol and executive residence	GPR	S	12,362,900	15,407,200
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			12,362,900	15,407,200
	TOTAL-ALL SOURCES			12,362,900	15,407,200
7	(2) ALL STATE-OWNED FACILITIES				
8	(b) Asbestos removal	GPR	A	-0-	-0-
9	(c) Hazardous materials removal	GPR	A	-0-	-0-
10	(f) Facilities preventive maintenance	GPR	A	-0-	-0-
11	(q) Building trust fund	SEG	C	-0-	-0-
12	(r) Planning and design	SEG	C	-0-	-0-
13	(u) Aids for buildings	SEG	C	-0-	-0-
14	(v) Building program funding				
15	contingency	SEG	C	-0-	-0-
16	(w) Building program funding	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
17	(3) STATE BUILDING PROGRAM				
18	(a) Principal repayment and interest	GPR	S	19,684,600	37,202,900

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(b) Principal repayment and interest	GPR	S	1,864,000	2,865,400
2	(bm) Principal repayment, interest, and				
3	rebates; HR academy, inc.	GPR	S	126,700	126,700
4	(bp) Principal repayment, interest and				
5	rebates	GPR	S	56,300	84,500
6	(br) Principal repayment, interest and				
7	rebates	GPR	S	79,900	80,400
8	(bt) Principal repayment, interest, and				
9	rebates; discovery place museum	GPR	S	56,300	84,500
10	(c) Lease rental payments	GPR	S	-0-	-0-
11	(d) Interest rebates on obligation				
12	proceeds; general fund	GPR	S	-0-	-0-
13	(e) Principal repayment, interest and				
14	rebates; parking ramp	GPR	S	-0-	-0-
15	(g) Principal repayment, interest and				
16	rebates; program revenues	PR	S	-0-	-0-
17	(h) Principal repayment, interest and				
18	rebates	PR	S	-0-	-0-
19	(i) Principal repayment, interest and				
20	rebates; capital equipment	PR	S	145,300	191,200
21	(k) Interest rebates on obligation				
22	proceeds; program revenues	PR-S	C	-0-	-0-
23	(q) Principal repayment and interest;				
24	segregated revenues	SEG	S	-0-	-0-

SENATE BILL 44

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
1	(r) Interest rebates on obligation				
2	proceeds; conservation fund	SEG	S	-0-	-0-
3	(s) Interest rebates on obligation				
4	proceeds; transportation fund	SEG	S	-0-	-0-
5	(t) Interest rebates on obligation				
6	proceeds; veterans trust fund	SEG	S	-0-	-0-
7	(w) Bonding services	SEG	S	1,024,200	1,024,200
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			21,867,800	40,444,400
	PROGRAM REVENUE			145,300	191,200
	OTHER			(145,300)	(191,200)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			23,037,300	41,659,800
8	(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
9	(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
10	(r) Interest on veterans obligations	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
11	(5) SERVICES TO NONSTATE GOVERNMENTAL UNITS				
12	(g) Financial consulting services	PR	C	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.867 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			34,230,700	55,851,600
	PROGRAM REVENUE			145,300	191,200
	OTHER			(145,300)	(191,200)

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			1,024,200	1,024,200
OTHER			(1,024,200)	(1,024,200)
TOTAL-ALL SOURCES			35,400,200	57,067,000
1 20.875 Budget stabilization fund				
2 (1) TRANSFERS TO FUND				
3 (a) General fund transfer	GPR	S	-0-	-0-
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
4 (2) TRANSFERS FROM FUND				
5 (q) Budget stabilization fund transfer	SEG	A	-0-	-0-
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.875 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
General Appropriations				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			1,658,316,700	1,622,174,600
PROGRAM REVENUE			58,037,300	50,491,200
FEDERAL			(-0-)	(-0-)
OTHER			(145,300)	(191,200)
SERVICE			(57,892,000)	(50,300,000)
SEGREGATED FUNDS			367,152,900	334,115,600
FEDERAL			(-0-)	(-0-)
OTHER			(367,152,900)	(334,115,600)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			2,083,506,900	2,006,781,400
STATE TOTAL			24,276,323,200	24,518,631,400
GENERAL PURPOSE REVENUES			10,783,708,900	11,678,898,200
PROGRAM REVENUE			8,750,840,100	8,942,806,700

SENATE BILL 44**SECTION 286**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2003-04	2004-05
FEDERAL			(5,380,774,700)	(5,445,453,700)
OTHER			(2,613,356,100)	(2,725,223,900)
SERVICE			(756,709,300)	(772,129,100)
SEGREGATED FUNDS			4,741,774,200	3,896,926,500
FEDERAL			(624,994,200)	(650,061,600)
OTHER			(3,683,139,600)	(2,761,349,200)
SERVICE			(360,835,600)	(411,597,300)
LOCAL			(72,804,800)	(73,918,400)

1

2 **SECTION 287.** 20.115 (1) (hm) of the statutes is amended to read:

3 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation.* The
4 amounts in the schedule for administration of the mobile air conditioner servicing
5 and refrigerant recycling programs and for responsibilities under ss. s. 100.45 and
6 100.50 relating to sales and labeling of products containing or made with
7 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
8 3. and (5m) shall be credited to this appropriation.

9 **SECTION 288.** 20.115 (2) (j) of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

11 20.115 (2) (j) *Dog licenses, rabies control, and related services.* All moneys
12 received under ss. 95.21 (9) (c), 173.27, ~~173.40~~, and 174.09 (1), to provide dog license
13 tags and forms under s. 174.07 (2), to perform other program responsibilities under
14 ch. 174, to administer the rabies control program under s. 95.21, to help administer
15 the rabies control media campaign, and to carry out activities under s. 93.07 (11) and
16 ch. 173.

17 **SECTION 289.** 20.115 (7) (v) of the statutes is repealed.

18 **SECTION 290.** 20.115 (7) (va) of the statutes is created to read:

19 20.115 (7) (va) *Chemical and container disposal.* From the recycling fund, the
20 amounts in the schedule for chemical and container collection grants under s. 93.55.

SENATE BILL 44

1 **SECTION 291.** 20.115 (8) (jm) of the statutes is repealed.

2 **SECTION 292.** 20.143 (1) (br) of the statutes is repealed.

3 **SECTION 293.** 20.143 (1) (ie) of the statutes is amended to read:

4 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
5 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.147, s.
6 560.16, 1995 stats., s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989
7 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m),
8 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f),
9 1997 Wisconsin Act 310, section 2 (2d), and 1999 Wisconsin Act 9, section 9110 (4),
10 to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for loans
11 under s. 560.147, for grants under ss. 560.16, and 560.175, ~~and 560.25~~, for assistance
12 under s. 560.06 (2), for the loan under 1999 Wisconsin Act 9, section 9110 (4), for the
13 grant under 2001 Wisconsin Act 16, section 9110 (7g), and for reimbursements under
14 s. 560.167. No moneys may be encumbered under this paragraph for grants under
15 s. 560.25 after June 30, 2003.

16 **SECTION 294.** 20.143 (1) (ko) of the statutes is repealed.

17 **SECTION 295.** 20.143 (1) (qa) of the statutes is repealed.

18 **SECTION 296.** 20.143 (1) (qm) of the statutes is repealed.

19 **SECTION 297.** 20.143 (1) (t) of the statutes is repealed.

20 **SECTION 298.** 20.144 (1) (g) of the statutes is amended to read:

21 20.144 (1) (g) *General program operations.* The amounts in the schedule for
22 the general program operations of the department of financial institutions. Except
23 as provided in pars. (a), (h), (i), and (u), all moneys received by the department, other
24 than by the office of credit unions, and the division of banking ~~and the division of~~
25 ~~savings institutions~~, and 88% of all moneys received by the department's division of

SENATE BILL 44**SECTION 298**

1 banking and the department's division of savings institutions shall be credited to this
2 appropriation, but any balance at the close of a fiscal year under this appropriation
3 shall lapse to the general fund. Annually, \$200,000 of the amounts received under
4 this appropriation account shall be transferred to the appropriation account under
5 s. 20.575 (1) (g).

6 **SECTION 299.** 20.145 (2) (a) of the statutes is created to read:

7 20.145 (2) (a) *Claims payable by patients compensation fund.* A sum sufficient
8 for paying any portion of a claim for damages arising out of the rendering of health
9 care services that the patients compensation fund under s. 655.27 is required to pay
10 under ch. 655 but that the patients compensation fund is unable to pay because of
11 insufficient moneys.

12 **SECTION 300.** 20.155 (intro.) of the statutes is amended to read:

13 **20.155 Public service commission.** (intro.) There is appropriated to the
14 public service commission for the following ~~programs~~ program:

15 **SECTION 301.** 20.155 (2) of the statutes is repealed.

16 **SECTION 302.** 20.215 (1) (fm) of the statutes is repealed.

17 **SECTION 303.** 20.225 (1) (g) of the statutes is amended to read:

18 20.225 (1) (g) *Gifts, grants, contracts and, leases, instructional material, and*
19 *copyrights.* Except as provided in par. (i), all moneys received from gifts, grants,
20 contracts and, the lease of excess capacity, the sale of instructional material under
21 s. 39.11 (16), and the use of copyrights under s. 39.115 (1), to carry out the purposes
22 for which received.

23 **SECTION 304.** 20.225 (1) (h) of the statutes is repealed.

24 **SECTION 305.** 20.225 (1) (kb) of the statutes is amended to read:

SENATE BILL 44

1 20.225 (1) (kb) *Emergency weather warning system operation.* From the
2 moneys received by the department of electronic government administration for the
3 provision of state telecommunications to state agencies, the amounts in the schedule
4 for the operation of the emergency weather warning system under s. 39.11 (21).

5 **SECTION 306.** 20.235 (intro.) of the statutes is repealed.

6 **SECTION 307.** 20.235 (1) (title) of the statutes is renumbered 20.285 (7) (title)
7 and amended to read:

8 20.285 (7) (title) ~~STUDENT SUPPORT ACTIVITIES~~ HIGHER EDUCATIONAL AIDS.

9 **SECTION 308.** 20.235 (1) (b) of the statutes is renumbered 20.285 (7) (b).

10 **SECTION 309.** 20.235 (1) (cg) of the statutes is renumbered 20.285 (7) (cg).

11 **SECTION 310.** 20.235 (1) (cm) of the statutes is renumbered 20.285 (7) (cm).

12 **SECTION 311.** 20.235 (1) (cr) of the statutes is renumbered 20.285 (7) (cr).

13 **SECTION 312.** 20.235 (1) (cu) of the statutes is renumbered 20.285 (7) (cu).

14 **SECTION 313.** 20.235 (1) (cx) of the statutes is renumbered 20.285 (7) (cx).

15 **SECTION 314.** 20.235 (1) (d) of the statutes is amended to read:

16 20.235 (1) (d) *Dental education contract.* The amounts in the schedule for
17 support of those Wisconsin residents enrolled as full-time students in the pursuit of
18 a doctor of dental surgery (D.D.S.) degree. ~~An amount of \$11,330 in the 1993-94~~
19 ~~fiscal year and \$11,670 in the 1994-95 fiscal year and annually thereafter shall be~~
20 ~~disbursed under s. 39.46 for each Wisconsin resident enrolled as a full-time student.~~
21 ~~The maximum number of Wisconsin residents to be funded under this appropriation~~
22 ~~is 160 in the 2001-02 fiscal year and thereafter.~~

23 **SECTION 315.** 20.235 (1) (d) of the statutes, as affected by 2003 Wisconsin Act
24 (this act), is renumbered 20.285 (7) (d).

25 **SECTION 316.** 20.235 (1) (e) of the statutes is renumbered 20.285 (7) (e).

SENATE BILL 44**SECTION 317**

1 **SECTION 317.** 20.235 (1) (fc) of the statutes is renumbered 20.285 (7) (fc).

2 **SECTION 318.** 20.235 (1) (fd) of the statutes is renumbered 20.285 (7) (fd).

3 **SECTION 319.** 20.235 (1) (fe) of the statutes, as affected by 2001 Wisconsin Act
4 109, is renumbered 20.285 (7) (fe).

5 **SECTION 320.** 20.235 (1) (ff) of the statutes is renumbered 20.285 (7) (ff).

6 **SECTION 321.** 20.235 (1) (fg) of the statutes is renumbered 20.285 (7) (fg).

7 **SECTION 322.** 20.235 (1) (fj) of the statutes is renumbered 20.285 (7) (fj).

8 **SECTION 323.** 20.235 (1) (fy) of the statutes is renumbered 20.285 (7) (fy).

9 **SECTION 324.** 20.235 (1) (g) of the statutes is renumbered 20.285 (7) (g) and
10 amended to read:

11 20.285 (7) (g) *Student loans.* The amounts in the schedule for additional loans
12 under s. 39.32, for repurchase of loans assigned, sold, or conveyed, and for repayment
13 of advances by the investment board. All moneys received from the principal repaid
14 on student loans made under s. 49.42, 1963 stats., and s. 39.32 other than principal
15 repaid on loans assigned, sold, or conveyed, and all moneys received as an advance
16 from the investment board, under s. 25.17 (3) (bf), 1977 stats., shall be credited to this
17 appropriation. Moneys credited to the ~~higher educational aids board~~ Board of
18 Regents of the University of Wisconsin System as a result of investments shall be
19 considered under this appropriation as repayments. The amount of advances to the
20 ~~higher educational aids board~~ Board of Regents of the University of Wisconsin
21 System charged against the authorization under s. 25.17 (3) (bf), 1977 stats., shall
22 be decreased by the amount of any repayments to the investment board under this
23 appropriation. Advances repaid to the investment board shall be reappropriated to
24 the ~~higher educational aids board~~ Board of Regents of the University of Wisconsin
25 System for the purpose of providing additional loans subject to s. 25.17 (3) (bf) 2.,

SENATE BILL 44**SECTION 324**

1 1977 stats. Principal repayments on loans assigned, sold, or conveyed shall be repaid
2 under this appropriation. The state auditor may annually audit the portfolio of
3 student loans and notes thereon in the possession of the ~~higher educational aids~~
4 ~~board~~ Board of Regents of the University of Wisconsin System and report his or her
5 determination of the current condition of the student notes receivable portfolio to the
6 investment board, the joint committee on finance, the ~~higher educational aids board~~
7 Board of Regents of the University of Wisconsin System, and the department of
8 administration.

9 **SECTION 325.** 20.235 (1) (gg) of the statutes is renumbered 20.285 (7) (gg).

10 **SECTION 326.** 20.235 (1) (gm) of the statutes is renumbered 20.285 (7) (gm).

11 **SECTION 327.** 20.235 (1) (i) of the statutes is renumbered 20.285 (7) (i).

12 **SECTION 328.** 20.235 (1) (k) of the statutes is renumbered 20.285 (7) (k).

13 **SECTION 329.** 20.235 (1) (ke) of the statutes is created to read:

14 20.235 (1) (ke) *Wisconsin higher education grants for University of Wisconsin*
15 *System students; auxiliary enterprises.* The amounts in the schedule for the
16 Wisconsin higher education grant program under s. 39.435 for University of
17 Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5). All
18 moneys transferred to this appropriation from the appropriation under s. 20.285 (1)
19 (h) shall be credited to this appropriation account.

20 **SECTION 330.** 20.235 (1) (ke) of the statutes, as created by 2003 Wisconsin Act
21 (this act), is renumbered 20.285 (7) (ke).

22 **SECTION 331.** 20.235 (1) (km) of the statutes is renumbered 20.285 (7) (km).

23 **SECTION 332.** 20.235 (1) (no) of the statutes is renumbered 20.285 (7) (no).

24 **SECTION 333.** 20.235 (1) (s) of the statutes is renumbered 20.285 (7) (s).

25 **SECTION 334.** 20.235 (1) (t) of the statutes is renumbered 20.285 (7) (t).

SENATE BILL 44**SECTION 335**

1 **SECTION 335.** 20.235 (2) (title) of the statutes is repealed.

2 **SECTION 336.** 20.235 (2) (aa) of the statutes is repealed.

3 **SECTION 337.** 20.235 (2) (bb) of the statutes is renumbered 20.285 (3) (bb) and
4 amended to read:

5 20.285 (3) (bb) *Student loan interest, loans sold or conveyed.* A sum sufficient
6 for interest on loans assigned, sold, or conveyed, if the amount under par. ~~(gb)~~ (ib) is
7 insufficient to provide interest due on the payment date at the interest rate stated
8 on the loan notes assigned, sold, or conveyed, interest to be computed on the unpaid
9 principal balance of the loans, computed as of January 1 and July 1 of each year and
10 payable within 90 days thereafter.

11 **SECTION 338.** 20.235 (2) (bc) of the statutes is renumbered 20.285 (3) (bc).

12 **SECTION 339.** 20.235 (2) (bd) of the statutes is renumbered 20.285 (3) (bd) and
13 amended to read:

14 20.285 (3) (bd) *Purchase of defective student loans.* A sum sufficient for the
15 repurchase of student loans made under s. 39.32 that have been sold by the higher
16 educational aids board Board of Regents of the University of Wisconsin System or the
17 building commission and subsequently found to be defective.

18 **SECTION 340.** 20.235 (2) (ga) of the statutes is renumbered 20.285 (3) (i).

19 **SECTION 341.** 20.235 (2) (gb) of the statutes is renumbered 20.285 (3) (ib).

20 **SECTION 342.** 20.235 (2) (ia) of the statutes is renumbered 20.285 (3) (ic).

21 **SECTION 343.** 20.235 (2) (ja) of the statutes is renumbered 20.285 (3) (id).

22 **SECTION 344.** 20.235 (2) (n) of the statutes is renumbered 20.285 (3) (nn) and
23 amended to read:

24 20.285 (3) (nn) *Federal aid; state operations.* All moneys received from the
25 federal government as authorized by the governor under s. 16.54 to carry out the

SENATE BILL 44

1 purpose for which made. The executive secretary of the board Board of Regents of
2 the University of Wisconsin System may transfer not more than \$150,000 from this
3 appropriation for purposes of carrying out the functions under s. 39.33.

4 **SECTION 345.** 20.235 (2) (qa) of the statutes is renumbered 20.285 (3) (qa).

5 **SECTION 346.** 20.235 (2) (qb) of the statutes is renumbered 20.285 (3) (qb).

6 **SECTION 347.** 20.250 (1) (a) of the statutes is amended to read:

7 20.250 (1) (a) *General program operations.* The amounts in the schedule for
8 medical education, teaching, and research as provided under s. 39.155. ~~From this~~
9 ~~appropriation, an amount of \$10,091 in the 1989-90 fiscal year and annually~~
10 ~~thereafter shall be disbursed under s. 39.155 for each Wisconsin resident enrolled as~~
11 ~~a student in pursuit of a doctor of medicine (M.D.) degree who is paying full tuition.~~
12 ~~The number of Wisconsin residents enrolled at the college in each academic year to~~
13 ~~be funded under this appropriation shall be determined by multiplying the total~~
14 ~~number of students enrolled at the college by 0.56, but may not exceed 416.~~

15 **SECTION 348.** 20.250 (1) (k) of the statutes is amended to read:

16 20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the ~~tobacco~~
17 ~~control board~~ department of health and family services under s. 255.15 (3) (a) 4., for
18 tobacco use prevention and cessation activities.

19 **SECTION 349.** 20.255 (1) (hj) of the statutes is created to read:

20 20.255 (1) (hj) *General educational development and high school graduation*
21 *equivalency.* The amounts in the schedule for the administrative costs of issuing
22 general educational development certificates and declarations of equivalency of high
23 school graduation under s. 115.29 (4). All moneys received from fees imposed under
24 s. 115.29 (4) (b) shall be credited to this appropriation.

25 **SECTION 350.** 20.255 (2) (ac) of the statutes is amended to read:

SENATE BILL 44**SECTION 350**

1 20.255 (2) (ac) *General equalization aids.* ~~A sum sufficient~~ The amounts in the
2 schedule for the payment of educational aids under ss. 121.08, 121.09, 121.095, and
3 121.105 and subch. VI of ch. 121 equal to \$4,200,945,900 in the 2002-03 fiscal year,
4 equal to the amount determined by law in the 2003-04 fiscal year and biennially
5 thereafter, and equal to the amount determined by the joint committee on finance
6 under s. 121.15 (3m) (c) in the 2004-05 fiscal year and biennially thereafter.

7 **SECTION 351.** 20.255 (2) (b) of the statutes is amended to read:

8 20.255 (2) (b) *Aids for special education and school age parents programs.* The
9 amounts in the schedule for the payment of aids for special education and school age
10 parents programs under ss. 115.88, 115.93 and 118.255. On dates determined by the
11 secretary of administration, amounts equal to the amounts paid by the department
12 of health and family services under s. 49.45 (39) (b) 1m. shall lapse from this
13 appropriation account to the general fund.

14 **SECTION 352.** 20.255 (2) (kp) of the statutes is repealed.

15 **SECTION 353.** 20.255 (2) (r) of the statutes is created to read:

16 20.255 (2) (r) *General equalization aids; transportation fund.* From the
17 transportation fund, the amounts in the schedule for the payment of aid under s.
18 121.08.

19 **SECTION 354.** 20.255 (3) (qm) of the statutes is created to read:

20 20.255 (3) (qm) *Supplemental aid to public library systems.* From the universal
21 service fund, the amounts in the schedule for state aid to public library systems
22 under s. 43.24.

23 **SECTION 355.** 20.255 (4) (s) of the statutes, as affected by 2003 Wisconsin Act
24 (this act), is amended to read:

SENATE BILL 44**SECTION 355**

1 20.255 (4) (s) *Telecommunications access; school districts*. Biennially, from the
2 universal service fund, the amounts in the schedule to make payments to
3 telecommunications providers under contracts with the department of
4 administration under s. ~~16.974 (1)~~ 16.971 (13) to the extent that the amounts due are
5 not paid from the appropriation under s. ~~20.530 (1) (g)~~ 20.505 (1) (is) and, prior to
6 January 1, 2006, to make grants to school districts under s. 115.9995 (6).

7 **SECTION 356.** 20.255 (4) (t) of the statutes, as affected by 2003 Wisconsin Act
8 (this act), is amended to read:

9 20.255 (4) (t) *Telecommunications access; private and technical colleges and*
10 *libraries*. Biennially, from the universal service fund, the amounts in the schedule
11 to make payments to telecommunications providers under contracts with the
12 department of administration under s. ~~16.974 (2)~~ 16.971 (14) to the extent that the
13 amounts due are not paid from the appropriation under s. ~~20.530 (1) (g)~~ 20.505 (1)
14 (is).

15 **SECTION 357.** 20.255 (4) (tm) of the statutes, as affected by 2003 Wisconsin Act
16 (this act), is amended to read:

17 20.255 (4) (tm) *Telecommunications access; private schools*. Biennially, from
18 the universal service fund, the amounts in the schedule to make payments to
19 telecommunications providers under contracts with the department of
20 administration under s. ~~16.974 (3)~~ 16.971 (15) to the extent that the amounts due are
21 not paid from the appropriation under s. ~~20.530 (1) (g)~~ 20.505 (1) (is) and, prior to
22 January 1, 2006, to make grants to private schools under s. 115.9995 (6).

23 **SECTION 358.** 20.255 (4) (tu) of the statutes, as affected by 2003 Wisconsin Act
24 (this act), is amended to read:

SENATE BILL 44**SECTION 358**

1 20.255 (4) (tu) *Telecommunications access; state schools*. Biennially, from the
2 universal service fund, the amounts in the schedule to make payments to
3 telecommunications providers under contracts with the department of
4 administration under s. ~~16.974 (4)~~ 16.971 (16) to the extent that the amounts due are
5 not paid from the appropriation under s. ~~20.530 (1) (g)~~ 20.505 (1) (kL).

6 **SECTION 359.** 20.255 (4) (tw) of the statutes, as affected by 2003 Wisconsin Act
7 (this act), is amended to read:

8 20.255 (4) (tw) *Telecommunications access; secured correctional facilities*.
9 Biennially, from the universal service fund, the amounts in the schedule to make
10 payments to telecommunications providers under contracts with the department of
11 administration under s. ~~16.974 (1)~~ 16.971 (13) to the extent that the amounts due are
12 not paid from the appropriation under s. ~~20.530~~ 20.505 (1) (ke).

13 **SECTION 360.** 20.275 (intro.) of the statutes is repealed.

14 **SECTION 361.** 20.275 (1) (title) of the statutes is renumbered 20.255 (4) (title).

15 **SECTION 362.** 20.275 (1) (a) of the statutes is repealed.

16 **SECTION 363.** 20.275 (1) (d) of the statutes is repealed.

17 **SECTION 364.** 20.275 (1) (er) of the statutes is renumbered 20.255 (4) (er) and
18 amended to read:

19 20.255 (4) (er) *Principal, interest, and rebates; general purpose revenue —*
20 *public library boards*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment
21 of principal and interest costs incurred in financing educational technology
22 infrastructure financial assistance to public library boards under s. ~~44.72 (4)~~ 115.999
23 and to make full payment of the amounts determined by the building commission
24 under s. 13.488 (1) (m), to the extent that these costs and payments are not paid
25 under par. (hb).

SENATE BILL 44**SECTION 365**

1 **SECTION 365.** 20.275 (1) (es) of the statutes is renumbered 20.255 (4) (es) and
2 amended to read:

3 20.255 (4) (es) *Principal, interest, and rebates; general purpose revenue —*
4 *schools.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
5 and interest costs incurred in financing educational technology infrastructure
6 financial assistance to school districts ~~and charter school sponsors~~ under s. ~~44.72 (4)~~
7 115.999 and to make full payment of the amounts determined by the building
8 commission under s. 13.488 (1) (m), to the extent that these costs and payments are
9 not paid under par. (h).

10 **SECTION 366.** 20.275 (1) (et) of the statutes is repealed.

11 **SECTION 367.** 20.275 (1) (f) of the statutes is repealed.

12 **SECTION 368.** 20.275 (1) (g) of the statutes is repealed.

13 **SECTION 369.** 20.275 (1) (h) of the statutes is renumbered 20.255 (4) (h) and
14 amended to read:

15 20.255 (4) (h) *Principal, interest, and rebates; program revenue — schools.* All
16 moneys received under s. ~~44.72 (4) (e)~~ 115.999 (3) to reimburse s. 20.866 (1) (u) for
17 the payment of principal and interest costs incurred in financing educational
18 technology infrastructure financial assistance to school districts ~~and charter school~~
19 ~~sponsors~~ under s. ~~44.72 (4)~~ 115.999 and to make full payment of the amounts
20 determined by the building commission under s. 13.488 (1) (m).

21 **SECTION 370.** 20.275 (1) (hb) of the statutes is renumbered 20.255 (4) (hb) and
22 amended to read:

23 20.255 (4) (hb) *Principal, interest, and rebates; program revenue — public*
24 *library boards.* All moneys received under s. ~~44.72 (4) (e)~~ 115.999 (3) to reimburse
25 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing

SENATE BILL 44**SECTION 370**

1 educational technology infrastructure financial assistance to public library boards
2 under s. 44.72 (4) 115.999 and to make full payment of the amounts determined by
3 the building commission under s. 13.488 (1) (m).

4 **SECTION 371.** 20.275 (1) (i) of the statutes is repealed.

5 **SECTION 372.** 20.275 (1) (im) of the statutes is repealed.

6 **SECTION 373.** 20.275 (1) (jm) of the statutes is repealed.

7 **SECTION 374.** 20.275 (1) (js) of the statutes is renumbered 20.255 (4) (js) and
8 amended to read:

9 20.255 (4) (js) *Educational technology block grants; Wisconsin Advanced*
10 *Telecommunications Foundation assessments.* All moneys received from
11 assessments paid under 2001 Wisconsin Act 16, section 9142 (3mk), to make
12 payments to school districts under s. 44.72 (2) (b) 2. promote the use of educational
13 technology by educational agencies in this state.

14 **SECTION 375.** 20.275 (1) (k) of the statutes is repealed.

15 **SECTION 376.** 20.275 (1) (L) of the statutes is renumbered 20.255 (4) (L) and
16 amended to read:

17 20.255 (4) (L) *Equipment purchases and leases.* All moneys received from
18 school districts, cooperative educational service agencies, and public educational
19 institutions for the purchase or lease of educational technology equipment under s.
20 44.71 (2) (h) 115.998 (8), for the purpose of purchasing such equipment.

21 **SECTION 377.** 20.275 (1) (m) of the statutes is repealed.

22 **SECTION 378.** 20.275 (1) (mp) of the statutes is renumbered 20.255 (4) (mp) and
23 amended to read:

24 20.255 (4) (mp) *Federal e-rate aid.* All federal moneys received under 47 USC
25 254 for payments to school districts under s. 44.72 (2) (b) 2. to pay administrative

SENATE BILL 44**SECTION 378**

1 expenses relating to the receipt and disbursement of those federal moneys, to forgive
2 the repayment of loans under s. 115.999 (3m), and to reimburse s. 20.255 (4) (er) and
3 (es) as provided in s. 115.999 (3m).

4 **SECTION 379.** 20.275 (1) (q) of the statutes is repealed.

5 **SECTION 380.** 20.275 (1) (s) of the statutes is renumbered 20.255 (4) (s) and
6 amended to read:

7 20.255 (4) (s) *Telecommunications access; school districts; ~~grant~~*. Biennially,
8 from the universal service fund, the amounts in the schedule to make payments to
9 telecommunications providers under contracts with the department of
10 administration under s. 16.974 (1) to the extent that the amounts due are not paid
11 from the appropriation under s. 20.530 (1) ~~(is); (g) and~~, prior to January 1, 2006, to
12 make grants to school districts under s. 44.73 (6); and, in the 1999-2000 fiscal year,
13 to award a grant to the distance learning network under 1999 Wisconsin Act 9,
14 section 9148 (4w) 115.9995 (6).

15 **SECTION 381.** 20.275 (1) (t) of the statutes is renumbered 20.255 (4) (t) and
16 amended to read:

17 20.255 (4) (t) *Telecommunications access; private and technical colleges and*
18 *libraries*. Biennially, from the universal service fund, the amounts in the schedule
19 to make payments to telecommunications providers under contracts with the
20 department of administration under s. 16.974 (2) to the extent that the amounts due
21 are not paid from the appropriation under s. 20.530 (1) ~~(is) (g)~~.

22 **SECTION 382.** 20.275 (1) (tm) of the statutes is renumbered 20.255 (4) (tm) and
23 amended to read:

24 20.255 (4) (tm) *Telecommunications access; private schools*. Biennially, from
25 the universal service fund, the amounts in the schedule to make payments to

SENATE BILL 44**SECTION 382**

1 telecommunications providers under contracts with the department of
2 administration under s. 16.974 (3) to the extent that the amounts due are not paid
3 from the appropriation under s. 20.530 (1) ~~(is)~~ (g) and, prior to January 1, 2006, to
4 make grants to private schools under s. ~~44.73~~ 115.9995 (6).

5 **SECTION 383.** 20.275 (1) (tu) of the statutes is renumbered 20.255 (4) (tu) and
6 amended to read:

7 20.255 (4) (tu) *Telecommunications access; state schools.* Biennially, from the
8 universal service fund, the amounts in the schedule to make payments to
9 telecommunications providers under contracts with the department of
10 administration under s. 16.974 (4) to the extent that the amounts due are not paid
11 from the appropriation under s. 20.530 (1) ~~(kL)~~ (g).

12 **SECTION 384.** 20.275 (1) (tw) of the statutes is renumbered 20.255 (4) (tw).

13 **SECTION 385.** 20.285 (1) (h) of the statutes is amended to read:

14 20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (4) (g) and
15 (gm), (5) (i), and (6) (g), all moneys received by the University of Wisconsin System
16 for or on account of any housing facility, commons, dining halls, cafeteria, student
17 union, athletic activities, stationery stand or bookstore, parking facilities or car fleet,
18 or such other auxiliary enterprise activities as the board designates and including
19 such fee revenues as allocated by the board and including such moneys received
20 under leases entered into previously with nonprofit building corporations as the
21 board designates to be receipts under this paragraph, to be used for the operation,
22 maintenance, and capital expenditures of activities specified in this paragraph,
23 including the transfer of funds to pars. ~~(kd) and, (ke)~~, and s. 20.235 (1) (ke), and to
24 nonprofit building corporations to be used by the corporations for the retirement of
25 existing indebtedness and such other payments as may be required under existing

SENATE BILL 44**SECTION 385**

1 loan agreements, and for optional rental payments in addition to the mandatory
2 rental payments under the leases and subleases in connection with the providing of
3 facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate
4 account shall be maintained for each campus and extension. Upon the request of the
5 extension or any campus within the system, the board of regents may transfer
6 surplus moneys appropriated under this paragraph to the appropriation account
7 under par. (kp). Annually, the amount in the schedule under s. 20.005 (3) for the
8 appropriation under s. 20.235 (1) (ke) shall be transferred from this appropriation
9 to the appropriation account under s. 20.235 (1) (ke).

10 **SECTION 386.** 20.285 (1) (h) of the statutes, as affected by 2003 Wisconsin Act
11 (this act), is amended to read:

12 20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (4) (g) and
13 (gm), (5) (i), and (6) (g), all moneys received by the University of Wisconsin System
14 for or on account of any housing facility, commons, dining halls, cafeteria, student
15 union, athletic activities, stationery stand or bookstore, parking facilities or car fleet,
16 or such other auxiliary enterprise activities as the board designates and including
17 such fee revenues as allocated by the board and including such moneys received
18 under leases entered into previously with nonprofit building corporations as the
19 board designates to be receipts under this paragraph, to be used for the operation,
20 maintenance, and capital expenditures of activities specified in this paragraph,
21 including the transfer of funds to pars. (kd), (ke), and s. ~~20.235 (1)~~ sub. (7) (ke), and
22 to nonprofit building corporations to be used by the corporations for the retirement
23 of existing indebtedness and such other payments as may be required under existing
24 loan agreements, and for optional rental payments in addition to the mandatory
25 rental payments under the leases and subleases in connection with the providing of

SENATE BILL 44**SECTION 386**

1 facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate
2 account shall be maintained for each campus and extension. Upon the request of the
3 extension or any campus within the system, the board of regents may transfer
4 surplus moneys appropriated under this paragraph to the appropriation account
5 under par. (kp). Annually, the amount in the schedule under s. 20.005 (3) for the
6 appropriation under ~~s. 20.235 (1) sub. (7)~~ (ke) shall be transferred from this
7 appropriation to the appropriation account under ~~s. 20.235 (1) sub. (7)~~ (ke).

8 **SECTION 387.** 20.285 (1) (kr) of the statutes is amended to read:

9 20.285 (1) (kr) *University of Wisconsin center for tobacco research and*
10 *intervention.* All moneys received from the ~~tobacco control board~~ department of
11 health and family services under s. 255.15 (3) (a) 1., to advance the work of the
12 tobacco research and intervention center at the University of Wisconsin-Madison in
13 developing new educational programs to discourage tobacco use, determining the
14 most effective strategies for preventing tobacco use and expanding smoking
15 cessation programs throughout the state.

16 **SECTION 388.** 20.285 (1) (mc) of the statutes is created to read:

17 20.285 (1) (mc) *Veterinary diagnostic laboratory; federal funds.* All moneys
18 received from the federal government for the veterinary diagnostic laboratory to be
19 used in accordance with the provisions of the federal grant or program.

20 **SECTION 389.** 20.285 (4) (g) of the statutes is created to read:

21 20.285 (4) (g) *Lawton minority undergraduate grant program; auxiliary*
22 *enterprises.* From moneys received from the auxiliary enterprises described under
23 s. 20.285 (1) (h), the amounts in the schedule for the Lawton minority undergraduate
24 grant program under s. 36.34 (1).

25 **SECTION 390.** 20.285 (4) (gm) of the statutes is created to read:

SENATE BILL 44**SECTION 390**

1 20.285 (4) (gm) *Minority and disadvantaged graduate student grant program;*
2 *auxiliary enterprises.* From moneys received from the auxiliary enterprises
3 described under s. 20.285 (1) (h), the amounts in the schedule for the minority and
4 disadvantaged graduate student grant program under s. 36.25 (14).

5 **SECTION 391.** 20.292 (1) (ch) of the statutes is created to read:

6 20.292 (1) (ch) *Health care education programs.* The amounts in the schedule
7 for grants to district boards for health care education programs under s. 38.04 (28).

8 **SECTION 392.** 20.292 (1) (cm) of the statutes is repealed.

9 **SECTION 393.** 20.292 (1) (er) of the statutes is repealed.

10 **SECTION 394.** 20.370 (1) (fe) 1. of the statutes is is renumbered 20.370 (1) (fe)
11 and amended to read:

12 20.370 (1) (fe) From the general fund, a sum sufficient in fiscal year 1993-94
13 and in each fiscal year thereafter that equals the sum of the amount certified in that
14 fiscal year under s. 71.10 (5) (h) 3. for the previous fiscal year and the amounts
15 received under par. (gr) in that fiscal year for the purposes of the endangered
16 resources program, as defined in s. 71.10 (5) (a) 2. The amount appropriated under
17 this subdivision may not exceed \$500,000 in a fiscal year, except that the amount
18 appropriated under this subdivision in fiscal year ~~2001-02~~ 2003-04 may not exceed
19 ~~\$482,500~~ \$312,200 and the amount appropriated under this subdivision in fiscal
20 year ~~2002-03~~ 2004-05 may not exceed ~~\$475,000~~ \$364,000.

21 **SECTION 395.** 20.370 (1) (fe) 1m. of the statutes is repealed.

22 **SECTION 396.** 20.370 (1) (fe) 2. of the statutes is repealed.

23 **SECTION 397.** 20.370 (1) (fs) of the statutes is amended to read:

24 20.370 (1) (fs) *Endangered resources — voluntary payments; sales, leases, and*
25 *fees.* As a continuing appropriation, from moneys received as amounts designated

SENATE BILL 44**SECTION 397**

1 under ss. 71.10 (5) (b) and 71.30 (10) (b), the net amounts certified under ss. 71.10
2 (5) (h) 4. and 71.30 (10) (h) 3., all moneys received from the sale or lease of resources
3 derived from the land in the state natural areas system, and all moneys received from
4 fees collected under ss. 23.27 (3) (b), 29.319 (2), 29.563 (10), and 341.14 (6r) (b) 5., for
5 the purposes of the endangered resources program, as defined under ss. 71.10 (5) (a)
6 2. and 71.30 (10) (a) 2. Three percent of the moneys certified under ss. 71.10 (5) (h)
7 4. and 71.30 (10) (h) 3. in each fiscal year and 3% of the fees received under s. 341.14
8 (6r) (b) 5. in each fiscal year shall be allocated for wildlife damage control and
9 payment of claims for damage associated with endangered or threatened species,
10 except that this combined allocation may not exceed \$100,000 per fiscal year.

11 **SECTION 398.** 20.370 (1) (jk) of the statutes is renumbered 20.370 (4) (jk).

12 **SECTION 399.** 20.370 (1) (mu) of the statutes, as affected by 2001 Wisconsin Act
13 109, section 36db, is amended to read:

14 20.370 (1) (mu) *General program operations — state funds.* The amounts in
15 the schedule for general program operations that do not relate to the management
16 and protection of the state's fishery resources and that are conducted under ss. 23.09
17 to 23.11, 27.01, 30.203, 30.277, and 90.21, subch. VI of ch. 77 and chs. ~~26, 28, 29,~~ and
18 169 and for transfers to the appropriation account under s. 20.285 (1) (kf).

19 **SECTION 400.** 20.370 (1) (mv) of the statutes is created to read:

20 20.370 (1) (mv) *General program operations — state funds; forestry.* The
21 amounts in the schedule for general program operations that relate to the
22 management and protection of the state's forestry resources and that are conducted
23 under ss. 23.09 to 23.11 and 27.01, subch. VI of ch. 77, and chs. 26 and 28.

24 **SECTION 401.** 20.370 (2) (bi) of the statutes is amended to read:

SENATE BILL 44**SECTION 401**

1 20.370 (2) (bi) *Air management — asbestos management.* All moneys received
2 from fees imposed under s. 285.69 (1) (c) on persons proposing asbestos abatement
3 projects and all moneys received ~~from fees imposed~~ under s. 285.69 (3) for asbestos
4 abatement inspections, for costs related to exempting asbestos abatement projects
5 from air pollution control permits and for inspections of asbestos demolition and
6 renovation projects.

7 **SECTION 402.** 20.370 (2) (dh) of the statutes is amended to read:

8 20.370 (2) (dh) *Solid waste management — remediated property.* All moneys
9 received under ss. 292.11 (7) (d) 2., 292.13 (3), 292.15 (5), 292.21 (1) (c) 1. d., 292.35
10 (13) ~~and~~, 292.55 (2), and 292.94 for the department's activities related to the issuance
11 of determinations under s. 292.13 (2), remedial action cost recovery under s. 292.35
12 ~~and~~, remediation of property under ss. 292.11 (7) (d), 292.15 (2) and (4), ~~and~~ 292.55
13 (1), and conducting reviews described in s. 292.94.

14 **SECTION 403.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (3) (av) and
15 amended to read:

16 20.370 (3) (av) *Law enforcement — car kill deer; ~~general~~ transportation fund.*
17 From the ~~general~~ transportation fund, the amounts in the schedule to pay 50% of the
18 costs of the removal and disposal of car kill deer from highways.

19 **SECTION 404.** 20.370 (4) (mu) of the statutes is amended to read:

20 20.370 (4) (mu) *General program operations — state funds.* The amounts in
21 the schedule for general program operations that relate to the management and
22 protection of the state's fishery resources and that are conducted under ss. 23.09 to
23 23.11, 30.203 and 30.277 and ch. 29 and for transfers to the appropriation account
24 under s. 20.285 (1) (kb).

25 **SECTION 405.** 20.370 (6) (aa) of the statutes is amended to read:

SENATE BILL 44**SECTION 405**

1 20.370 (6) (aa) *Environmental aids; nonpoint source*. Biennially, the amounts
2 in the schedule for grants and assistance under the nonpoint source water pollution
3 abatement program under s. 281.65. ~~The department shall allocate \$300,000 in each~~
4 ~~fiscal year from this appropriation for grants under s. 281.65 (8) (em).~~

5 **SECTION 406.** 20.370 (6) (ag) of the statutes is renumbered 20.370 (7) (cg) and
6 amended to read:

7 20.370 (7) (cg) *Environmental aids* Principal repayment and interest —
8 *nonpoint repayments*. All moneys received as repayments of cash surpluses and cash
9 advances from recipients of grants under the nonpoint source water pollution
10 abatement program under s. 281.65, ~~for grants and assistance under the nonpoint~~
11 ~~source water pollution abatement program under s. 281.65~~ to reimburse s. 20.866 (1)
12 (u) for the payment of principal and interest costs incurred in providing funds under
13 s. 20.866 (2) (te) for nonpoint source water pollution projects under s. 281.65 and to
14 make the payments determined by the building commission under s. 13.488 (1) (m)
15 that are attributable to the proceeds of obligations incurred in financing those
16 projects.

17 **SECTION 407.** 20.370 (6) (dq) of the statutes is amended to read:

18 20.370 (6) (dq) *Environmental aids - urban nonpoint source*. ~~From~~ Biennially,
19 from the environmental fund, the amounts in the schedule to provide financial
20 assistance for urban nonpoint source water pollution abatement and storm water
21 management under s. 281.66 and for municipal flood control and riparian
22 restoration under s. 281.665.

23 **SECTION 408.** 20.370 (6) (er) of the statutes is repealed.

24 **SECTION 409.** 20.370 (6) (es) of the statutes is created to read:

SENATE BILL 44

1 20.370 (6) (es) *Brownfields grant program*. Biennially, from the environmental
2 fund, the amounts in the schedule for brownfields grants under s. 292.74.

3 **SECTION 410.** 20.370 (6) (et) of the statutes is repealed.

4 **SECTION 411.** 20.370 (6) (eu) of the statutes is repealed.

5 **SECTION 412.** 20.370 (7) (aa) of the statutes is amended to read:

6 20.370 (7) (aa) *Resource acquisition and development — principal repayment*
7 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
8 principal and interest costs incurred in financing the placement of structures and fill
9 under s. 30.203, in financing the acquisition, construction, development,
10 enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and
11 (tr), in financing state aids for land acquisition and development of local parks under
12 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and
13 (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice
14 age trail development under s. 20.866 (2) (tw), in financing the Warren
15 Knowles-Gaylord Nelson stewardship program under s. 20.866 (2) (tz) and in
16 financing the Warren Knowles-Gaylord Nelson stewardship 2000 program under s.
17 20.866 (2) (ta), but not including payments made under par. (ac). Payments may not
18 be made from this appropriation account for principal and interest costs incurred in
19 financing land acquisition and development of state forests under ss 20.866 (2) (ta)
20 and (tz) until all moneys available under s. 20.370 (7) (au) have been expended.

21 **SECTION 413.** 20.370 (7) (au) of the statutes is amended to read:

22 20.370 (7) (au) *State forest acquisition and development — principal repayment*
23 *and interest*. From the conservation fund, the amounts in the schedule to reimburse
24 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
25 land acquisition and development for state forests from the appropriations under s.

SENATE BILL 44**SECTION 413**

1 20.866 (2) (ta) and (tz). No moneys may be expended or encumbered from this
2 appropriation after June 30, ~~2003~~ 2005.

3 **SECTION 414.** 20.370 (7) (ba) of the statutes is repealed.

4 **SECTION 415.** 20.370 (7) (bq) of the statutes is amended to read:

5 20.370 (7) (bq) *Principal repayment and interest — remedial action.* From the
6 environmental fund, ~~the amounts in the schedule~~ a sum sufficient to reimburse s.
7 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
8 remedial action under ss. 281.83 and 292.31 and for the payment of this state's share
9 of environmental repair that is funded under 42 USC 9601 to 9675.

10 **SECTION 416.** 20.370 (7) (ca) of the statutes is amended to read:

11 20.370 (7) (ca) *Principal repayment and interest — nonpoint source grants.* A
12 sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest
13 costs incurred in providing funds under s. 20.866 (2) (te) for nonpoint source water
14 pollution abatement projects under s. 281.65 and to make the payments determined
15 by the building commission under s. 13.488 (1) (m) that are attributable to the
16 proceeds of obligations incurred in financing those projects, to the extent that these
17 payments are not made under par. (cg).

18 **SECTION 417.** 20.370 (7) (fv) of the statutes is repealed.

19 **SECTION 418.** 20.395 (1) (dq) of the statutes is created to read:

20 20.395 (1) (dq) *Commuter rail transit system development grants, state funds.*

21 The amounts in the schedule for commuter rail transit system development grants
22 under s. 85.064.

23 **SECTION 419.** 20.395 (1) (dv) of the statutes is created to read:

SENATE BILL 44**SECTION 419**

1 20.395 (1) (dv) *Commuter rail transit system development grants, local funds.*

2 All moneys received from any local unit of government or other source for commuter
3 rail transit system development under s. 85.064, for such purposes.

4 **SECTION 420.** 20.395 (1) (dx) of the statutes is created to read:

5 20.395 (1) (dx) *Commuter rail transit system development grants, federal*
6 *funds.* All moneys received from the federal government for commuter rail transit
7 system development under s. 85.064, for such purposes.

8 **SECTION 421.** 20.395 (2) (gg) of the statutes is created to read:

9 20.395 (2) (gg) *Railroad payments.* From the general fund, all moneys received
10 from railroads under s. 195.60 and credited to this appropriation account for
11 activities related to railroad regulation under chs. 190 to 195, for such purposes.

12 **SECTION 422.** 20.395 (2) (gq) of the statutes is amended to read:

13 20.395 (2) (gq) *Railroad crossing improvement and protection maintenance*
14 *and railroad regulation, state funds.* The amounts in the schedule to pay the costs
15 for railroad crossing protection maintenance under s. 195.28 (3) and for activities
16 related to railroad regulation under chs. 190 to 195.

17 **SECTION 423.** 20.395 (3) (ck) (title) of the statutes is amended to read:

18 20.395 (3) (ck) (title) *West Canal Street reconstruction and extension, service*
19 *funds.*

20 **SECTION 424.** 20.395 (3) (cq) of the statutes is amended to read:

21 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
22 appropriation, the amounts in the schedule for improvement of existing state trunk
23 and connecting highways; for improvement of bridges on state trunk or connecting
24 highways and other bridges for which improvement is a state responsibility, for
25 necessary approach work for such bridges and for replacement of such bridges with

SENATE BILL 44**SECTION 424**

1 at-grade crossing improvements; for the construction and rehabilitation of the
2 national system of interstate and defense highways and bridges and related
3 appurtenances; for special maintenance activities under s. 84.04 on roadside
4 improvements; for bridges under s. 84.10; for payment to a local unit of government
5 for a jurisdictional transfer under s. 84.02 (8); for the disadvantaged business
6 demonstration and training program under s. 84.076; for the transfers required
7 under 1999 Wisconsin Act 9, section 9250 (1); and for the purposes described under
8 1999 Wisconsin Act 9, section 9150 (8g), and 2001 Wisconsin Act 16, section 9152 (4e).
9 This paragraph does not apply to any southeast Wisconsin freeway rehabilitation
10 projects under s. 84.014, ~~or to the installation, replacement, rehabilitation, or~~
11 ~~maintenance of highway signs, traffic control signals, highway lighting, pavement~~
12 ~~markings, or intelligent transportation systems, unless incidental to the~~
13 ~~improvement of existing state trunk and connecting highways.~~

14 **SECTION 425.** 20.395 (3) (cr) of the statutes is amended to read:

15 20.395 (3) (cr) *Southeast Wisconsin freeway rehabilitation, state funds.* As a
16 continuing appropriation, the amounts in the schedule for rehabilitation of
17 southeast Wisconsin freeways, including reconstruction and interim repair of the
18 Marquette interchange in Milwaukee County, and for the grant under s. 84.03 (3) (a).
19 ~~This paragraph does not apply to the installation, replacement, rehabilitation, or~~
20 ~~maintenance of highway signs, traffic control signals, highway lighting, pavement~~
21 ~~markings, or intelligent transportation systems, unless incidental to rehabilitation~~
22 ~~of southeast Wisconsin freeways.~~ No moneys may be encumbered from this
23 appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3) (c), any
24 unencumbered balance in this appropriation account on July 1, 2011, shall be
25 transferred to the appropriation account under par. (cq).

SENATE BILL 44**SECTION 426**

1 **SECTION 426.** 20.395 (3) (cs) of the statutes is created to read:

2 20.395 (3) (cs) *Marquette interchange reconstruction, service funds.* All moneys
3 received from the fund created under s. 18.57 (1) as reimbursement for the temporary
4 financing under sub. (9) (th) of the Marquette interchange reconstruction project
5 specified under s. 84.014 if financed under s. 84.59, for the purpose of financing such
6 project.

7 **SECTION 427.** 20.395 (3) (ct) of the statutes is created to read:

8 20.395 (3) (ct) *State highway rehabilitation, service funds.* All moneys received
9 from the fund created under s. 18.57 (1) as reimbursement for the temporary
10 financing under sub. (9) (th) of state highway rehabilitation projects that are
11 financed under s. 84.59, for the purpose of financing such projects.

12 **SECTION 428.** 20.395 (3) (cy) of the statutes is amended to read:

13 20.395 (3) (cy) *Southeast Wisconsin freeway rehabilitation, federal funds.* All
14 moneys received from the federal government for rehabilitation of southeast
15 Wisconsin freeways, including reconstruction and interim repair of the Marquette
16 interchange in Milwaukee County, and for the grant under s. 84.03 (3) (a), for such
17 purposes. ~~This paragraph does not apply to the installation, replacement,~~
18 ~~rehabilitation, or maintenance of highway signs, traffic control signals, highway~~
19 ~~lighting, pavement markings, or intelligent transportation systems, unless~~
20 ~~incidental to rehabilitation of southeast Wisconsin freeways.~~ No moneys may be
21 encumbered from this appropriation account after June 30, 2011. Notwithstanding
22 s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1,
23 2011, shall be transferred to the appropriation account under par. (cx).

24 **SECTION 429.** 20.395 (4) (aq) of the statutes is amended to read:

SENATE BILL 44**SECTION 429**

1 20.395 (4) (aq) *Departmental management and operations, state funds.* The
2 amounts in the schedule for departmental planning and administrative activities
3 and the administration and management of departmental programs except those
4 programs under subs. (2) (bq), (cq), and (dq) and (3) (iq), including those activities in
5 s. 85.07 and including not less than \$220,000 in each fiscal year to reimburse the
6 department of justice for legal services provided the department under s. 165.25 (4)
7 (a) and including activities related to the transportation employment and mobility
8 program under s. 85.24 that are not funded from the appropriation under sub. (1)
9 (bs), (bv), or (bx), and the scholarship and loan repayment incentive grant program
10 under s. 85.107, ~~and the Type 1 motorcycle, moped, and motor bicycle safety program~~
11 ~~under s. 85.30~~ and to match federal funds for mass transit planning.

12 **SECTION 430.** 20.395 (4) (as) of the statutes is created to read:

13 20.395 (4) (as) *Type 1 motorcycle, moped, and motor bicycle safety program.* The
14 amounts in the schedule for the Type 1 motorcycle, moped, and motor bicycle safety
15 program under s. 85.30.

16 **SECTION 431.** 20.395 (4) (ay) of the statutes is created to read:

17 20.395 (4) (ay) *Indirect cost reimbursements, federal funds.* All moneys
18 received from the federal government as reimbursement of indirect costs of
19 administering grants and contracts, for the purposes authorized in s. 16.54 (9) (b).

20 **SECTION 432.** 20.395 (4) (es) of the statutes is amended to read:

21 20.395 (4) (es) *Other department services, operations, service funds.* All moneys
22 received as payment for graphic, audiovisual, printing production, postal, and
23 aircraft fleet services for costs associated with these operations relating to materials
24 and equipment purchases, postage, and other such direct costs as the department
25 deems appropriate.

SENATE BILL 44**SECTION 433**

1 **SECTION 433.** 20.395 (4) (jq) of the statutes is amended to read:

2 20.395 (4) (jq) *Transportation facilities and highway projects revenue*
3 *obligation funding.* As a continuing appropriation, all proceeds from revenue
4 obligations issued under s. 84.59 and deposited into the fund created under s. 18.57
5 (1), for the transportation administrative facilities purposes of s. 84.01 (28) and, for
6 major highway projects as defined under s. 84.013 (1) (a) for the purposes of ss. 84.06
7 and 84.09, for state highway rehabilitation projects for the purposes specified in s.
8 20.395 (3) (cq) and the purposes under ss. 84.06 and 84.09, and for the Marquette
9 interchange reconstruction project under s. 84.014 for the purposes of ss. 84.06 and
10 84.09, providing for reserves and for expenses of issuance and management of the
11 revenue obligations. Estimated disbursements under this paragraph shall not be
12 included in the schedule under s. 20.005.

13 **SECTION 434.** 20.395 (5) (cg) of the statutes is amended to read:

14 20.395 (5) (cg) ~~*Vehicle registration, telephone renewal*~~ *Internet and telephone*
15 *transactions, state funds.* From the general fund, all moneys received from Internet
16 and telephone credit card transaction fees under s. 341.255 (3) for the purpose of
17 administering vehicle registration renewals under s. 341.255 (3) that are authorized
18 under s. 85.14 (1) (a) and all moneys received from convenience fees for the purpose
19 of paying vendor and Internet charges.

20 **SECTION 435.** 20.395 (5) (fq) of the statutes is created to read:

21 20.395 (5) (fq) *Motor vehicle emission inspection and maintenance program;*
22 *petroleum inspection fund.* From the petroleum inspection fund, the amounts in the
23 schedule for administering the motor vehicle emission inspection and maintenance
24 program, and to provide for contracts for the operation of inspection stations, under
25 s. 110.20.

SENATE BILL 44**SECTION 436**

1 **SECTION 436.** 20.395 (6) (as) of the statutes is amended to read:

2 20.395 (6) (as) *Transportation facilities and highway projects revenue*
3 *obligation repayment.* From the any fund created under s. 84.59 (2), all moneys
4 received by the fund and not transferred under s. 84.59 (3) to the transportation fund,
5 for the purpose of the retirement of revenue obligations, providing for reserves and
6 for operations relating to the management and retirement of revenue obligations
7 issued under s. 84.59. All moneys received are irrevocably appropriated in
8 accordance with subch. II of ch. 18 and further established in resolutions authorizing
9 the issuance of the revenue obligations and setting forth the distribution of funds to
10 be received thereafter. Estimated disbursements under this paragraph shall not be
11 included in the schedule under s. 20.005.

12 **SECTION 437.** 20.395 (9) (gg) of the statutes is amended to read:

13 20.395 (9) (gg) *Credit card use charges.* All moneys received under ch. 194, 218,
14 341, 342, 343, or 348 as provided in s. 85.14 (1) (a) that are required to be paid to the
15 ~~state treasurer~~ secretary of administration under s. 85.14 (1) (b) for the purpose of
16 the payment of charges associated with the use of credit cards that are assessed to
17 the department under s. 85.14 (1) (b).

18 **SECTION 438.** 20.395 (9) (th) of the statutes is amended to read:

19 20.395 (9) (th) *Temporary funding of projects financed by revenue bonds.* A sum
20 sufficient to provide initial, temporary funding for any project to be financed under
21 s. 84.59 which that is a major highway project enumerated under s. 84.013 (3) ~~or~~, a
22 project under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01
23 (30), a state highway rehabilitation project, or the Marquette interchange
24 reconstruction project under s. 84.014. The department shall keep a separate
25 account of expenditures under this paragraph for each such project. As soon as

SENATE BILL 44**SECTION 438**

1 moneys become available from the proceeds of the obligation issued under s. 84.59
2 to finance that project, an amount equal to the amounts expended under this
3 paragraph shall be paid from those proceeds into the transportation fund and
4 credited to the appropriation account under sub. (3) (br), (cs), or (ct) or (4) (at).

5 **SECTION 439.** 20.410 (1) (a) of the statutes is amended to read:

6 20.410 (1) (a) *General program operations.* The amounts in the schedule to
7 operate institutions and provide field services and administrative services and for
8 the general program operations of the sentencing commission. No payments may be
9 made under this paragraph for payments in accordance with other states party to the
10 interstate corrections compact under s. 302.25.

11 **SECTION 440.** 20.410 (1) (ge) of the statutes is amended to read:

12 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the
13 schedule for the supervision of probationers, parolees, and persons on extended
14 supervision under minimum or administrative supervision and for the department's
15 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from
16 vendors under s. 301.08 (1) (c) 4. ~~and from fees charged under s. 304.073 (2)~~ shall be
17 credited to this appropriation account.

18 **SECTION 441.** 20.410 (3) (hm) of the statutes is amended to read:

19 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
20 and (hr), the amounts in the schedule for juvenile correctional services specified in
21 s. 301.26 (4) (c) and (d) ~~and to operate the correctional institution authorized under~~
22 ~~1997 Wisconsin Act 4, section 4 (1) (a).~~ All moneys received from the sale of surplus
23 property, including vehicles, from juvenile correctional institutions operated by the
24 department, all moneys received as payments in restitution of property damaged at
25 juvenile correctional institutions operated by the department, all moneys received

SENATE BILL 44**SECTION 441**

1 from miscellaneous services provided at a juvenile correctional institution operated
2 by the department, all moneys transferred under s. 301.26 (4) (cm), all moneys
3 received under ~~1997 Wisconsin Act 27, section 9111 (2u)~~ and, except as provided in
4 par. (hr), all moneys received in payment for juvenile correctional services specified
5 in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If
6 moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year
7 institutional costs, ~~other than the cost of operating the correctional institution~~
8 ~~authorized under 1997 Wisconsin Act 4, section 4 (1) (a)~~, by 2% or more, all moneys
9 in excess of that 2% shall be remitted to the counties during the subsequent calendar
10 year or transferred to the appropriation account under par. (kx) during the
11 subsequent fiscal year. Each county and the department shall receive a
12 proportionate share of the remittance and transfer depending on the total number
13 of days of placement at juvenile correctional institutions including the Mendota
14 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
15 s. 301.26. The department shall deposit in the general fund the amounts transferred
16 under this paragraph to the appropriation account under par. (kx).

17 **SECTION 442.** 20.425 (1) (title) of the statutes is amended to read:

18 20.425 (1) (title) ~~PROMOTION OF PEACE IN LABOR~~ LABOR RELATIONS.

19 **SECTION 443.** 20.425 (1) (a) of the statutes is amended to read:

20 20.425 (1) (a) *General program operations.* The amounts in the schedule for
21 the purposes provided in subchs. I, IV and V of ch. 111 and s. 230.45 (1).

22 **SECTION 444.** 20.434 of the statutes is repealed.

23 **SECTION 445.** 20.435 (2) (bj) of the statutes is amended to read:

24 20.435 (2) (bj) *Competency examinations and conditional and supervised*
25 *release services.* Biennially, the amounts in the schedule for outpatient competency

SENATE BILL 44**SECTION 445**

1 examinations in a county with a population of 500,000 or more, conducted in a jail
2 or locked unit under s. 971.14 (2) (am) and for payment by the department of costs
3 for treatment and services for persons released under s. 980.06 (2) (c), 1997 stats.,
4 or s. 971.17 (3) (d) or (4) (e) or 980.08 (5), for which the department has contracted
5 with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies, or
6 with private agencies to provide the treatment and services.

7 **SECTION 446.** 20.435 (2) (g) of the statutes is amended to read:

8 20.435 (2) (g) *Alternative services of institutes and centers.* ~~The amounts in the~~
9 ~~schedule to provide services under ss. 46.043 and 51.06 (1r).~~ All moneys received as
10 payments for services under ss. 46.043 and 51.06 (1r) shall be credited to this
11 appropriation account for provision of alternative services by mental health
12 institutes under s. 46.043 and by centers for the developmentally disabled under s.
13 51.06 (1r).

14 **SECTION 447.** 20.435 (2) (gk) of the statutes is amended to read:

15 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
16 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
17 developmentally disabled, to reimburse the cost of providing the services and to
18 remit any credit balances to county departments that occur on and after
19 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
20 46.043, provided by the mental health institutes, to reimburse the cost of providing
21 the services and to remit any credit balances to county departments that occur on and
22 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
23 state-owned housing at centers for the developmentally disabled and mental health
24 institutes; for repair or replacement of property damaged at the mental health
25 institutes or at centers for the developmentally disabled; and for reimbursing the

SENATE BILL 44**SECTION 447**

1 total cost of using, producing, and providing services, products, and care. All moneys
2 received as payments from medical assistance on and after August 1, 1978; as
3 payments from all other sources including other payments under s. 46.10 and
4 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
5 assistance payments, other payments under s. 46.10, and payments under s. 51.42
6 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of
7 state-owned housing and other institutional facilities at centers for the
8 developmentally disabled and mental health institutes; for the sale of electricity,
9 steam, or chilled water; as payments in restitution of property damaged at the
10 mental health institutes or at centers for the developmentally disabled; for the sale
11 of surplus property, including vehicles, at the mental health institutes or, except as
12 provided in s. 51.06 (6), at centers for the developmentally disabled; and for other
13 services, products, and care shall be credited to this appropriation, except that any
14 payment under s. 46.10 received for the care or treatment of patients admitted under
15 s. 51.10, 51.15, or 51.20 for which the state is liable under s. 51.05 (3), of patients
16 admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1),
17 of forensic patients committed under ch. 971 or 975, admitted under ch. 975, or
18 transferred under s. 51.35 (3), or of patients transferred from a state prison under
19 s. 51.37 (5), to the Mendota Mental Health Institute or the Winnebago Mental Health
20 Institute shall be treated as general purpose revenue — earned, as defined under s.
21 20.001 (4).

22 **SECTION 448.** 20.435 (2) (gL) of the statutes is created to read:

23 20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received
24 as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for
25 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

SENATE BILL 44**SECTION 449**

1 **SECTION 449.** 20.435 (3) (kc) of the statutes is amended to read:

2 20.435 (3) (kc) *Interagency and intra-agency aids; kinship care and long-term*
3 *kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) and (3n).
4 All moneys transferred from the appropriation account under s. 20.445 (3) (md) to
5 this appropriation account shall be credited to this appropriation account.
6 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
7 is transferred to the appropriation account under s. 20.445 (3) ~~(ky)~~ (kx).

8 **SECTION 450.** 20.435 (3) (kd) of the statutes is amended to read:

9 20.435 (3) (kd) *Kinship care and long-term kinship care assessments.* The
10 amounts in the schedule for assessments of kinship care relatives, as defined in s.
11 48.57 (3m) (a) 2., and long-term kinship care relatives, as defined in s. 48.57 (3n) (a)
12 2., who provide care and maintenance for children to determine if those kinship care
13 relatives and long-term kinship care relatives are eligible to receive payments under
14 s. 48.57 (3m) or (3n). All moneys transferred from the appropriation account under
15 s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation
16 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
17 of each year is transferred to the appropriation account under s. 20.445 (3) ~~(ky)~~ (kx).

18 **SECTION 451.** 20.435 (3) (km) of the statutes is amended to read:

19 20.435 (3) (km) *Federal block grant transfer; aids.* The amounts in the schedule
20 for grants under ~~ss. s. 46.95 (2), 46.99 (2) (a) and 46.995 (2), (3) (b) and (4m) (b).~~ All
21 moneys transferred from the appropriation account under s. 20.445 (3) (md) shall be
22 credited to this appropriation account.

23 **SECTION 452.** 20.435 (4) (af) of the statutes is repealed.

24 **SECTION 453.** 20.435 (4) (ah) of the statutes is repealed.

25 **SECTION 454.** 20.435 (4) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 454**

1 20.435 (4) (b) *Medical assistanee Assistance program benefits*. Biennially, the
2 amounts in the schedule to provide a portion of the state share of medical assistanee
3 Medical Assistance program benefits administered under s. 49.45, to provide
4 ~~medical assistanee~~ a portion of the Medical Assistance program benefits
5 administered under s. 49.45 that are not also provided under par. (o), to fund the pilot
6 project under s. 46.27 (9) and (10), to provide a portion of the facility payments under
7 1999 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource
8 centers under s. 46.283, and for services under the family care benefit under s. 46.284
9 (5). Notwithstanding s. 20.002 (1), the department may transfer from this
10 appropriation account to the appropriation account under sub. (7) (kb) funds in the
11 amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001
12 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation
13 account and may transfer between fiscal years funds that it transfers from the
14 appropriation account under sub. (7) (kb) for the purposes specified in s. 46.485 (3r).
15 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
16 account to the appropriation account under sub. (7) (bd) funds in the amount and for
17 the purposes specified in s. 49.45 (6v).

18 **SECTION 455.** 20.435 (4) (bm) of the statutes is amended to read:

19 20.435 (4) (bm) *Medical ~~assistanee and badger care~~ Assistance, food stamps,*
20 *and Badger Care administration; contract costs, insurer reports, and resource*
21 *centers*. Biennially, the amounts in the schedule to provide the state share of
22 administrative contract costs for the ~~medical assistanee~~ Medical Assistance program
23 under s. 49.45, the food stamp program under s. 49.79, and the ~~badger care~~ Badger
24 Care health care program under s. 49.665, other than payments to counties and
25 tribal governing bodies under s. ~~49.33~~ 49.78 (8), to develop and implement a registry

SENATE BILL 44**SECTION 455**

1 of recipient immunizations, to reimburse insurers for their costs under s. 49.475, for
2 costs associated with outreach activities, and for services of resource centers under
3 s. 46.283. No state positions may be funded in the department of health and family
4 services from this appropriation, except positions for the performance of duties
5 under a contract in effect before January 1, 1987, related to the administration of the
6 ~~medical assistance~~ Medical Assistance program between the subunit of the
7 department primarily responsible for administering the ~~medical assistance~~ Medical
8 Assistance program and another subunit of the department. Total administrative
9 funding authorized for the program under s. 49.665 may not exceed 10% of the
10 amounts budgeted under pars. (bc), (p), and (x).

11 **SECTION 456.** 20.435 (4) (bn) of the statutes is amended to read:

12 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
13 for funeral expenses under s. 49.785 and for payments under s. 49.33 49.78 (8)
14 relating to the administration of the ~~medical assistance~~ Medical Assistance program,
15 the ~~badger care~~ Badger Care health care program under s. 49.665, and the food
16 stamp program, and the cemetery, funeral, and burial expenses program under s.
17 49.785.

18 **SECTION 457.** 20.435 (4) (gm) of the statutes is amended to read:

19 20.435 (4) (gm) *Health services regulation and vital statistics.* The amounts in
20 the schedule for the purposes specified in chs. 69 and 150. All moneys received under
21 ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees
22 collected under s. 50.135 (2), ~~\$310,100~~ \$334,800 in fiscal year ~~2001-02~~ 2003-04 and
23 ~~\$309,300~~ \$338,200 in fiscal year ~~2002-03~~ 2004-05 shall be credited to this
24 appropriation account.

25 **SECTION 458.** 20.435 (4) (gp) of the statutes is amended to read:

SENATE BILL 44**SECTION 458**

1 20.435 (4) (gp) ~~Health care and graduate medical education; aid~~ Medical
2 assistance; hospital assessments. All moneys received under s. 146.99, 50% to be
3 used in each fiscal year for purchase of primary health care services under s. 146.93
4 and 50% to be used in each fiscal year for graduate medical education payments for
5 training of providers under the medical assistance program under ss. 49.45 to 49.499
6 provide a portion of the state share of Medical Assistance program benefits
7 administered under s. 49.45, to provide a portion of Medical Assistance program
8 benefits administered under s. 49.45 that are not also provided under par. (o), to fund
9 the pilot project under s. 46.27 (9) and (10), to provide a portion of the facility
10 payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund services provided
11 by resource centers under s. 46.283, and for services under the family care benefit
12 under s. 46.284 (5). Notwithstanding s. 20.002 (1), the department may transfer
13 from this appropriation account to the appropriation account under sub. (7) (kb)
14 funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding
15 ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this
16 appropriation account and may transfer between fiscal years funds that it transfers
17 from the appropriation account under sub. (7) (kb) for the purposes specified in s.
18 46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this
19 appropriation account to the appropriation account under sub. (7) (bd) funds in the
20 amount and for the purposes specified in s. 49.45 (6v).

21 **SECTION 459.** 20.435 (4) (hm) of the statutes is created to read:

22 20.435 (4) (hm) *Medical Assistance; supplementary payments to counties.* All
23 moneys received from a county under s. 59.53 (24), to supplement the state share of
24 Medical Assistance Program benefits administered under ss. 46.275, 46.278, 49.45
25 (39) (b) 1m., and 49.46 (2) (a) 1., 2., 4. d. and e. and (b) 3., 6. b., c., d., f., fm., j., k., L.,

SENATE BILL 44**SECTION 459**

1 and m., 9., 12., 12m., 13., 15., and 16. Notwithstanding s. 20.001 (2) (b) and (3) (b),
2 on dates to be determined by the secretary of administration, amounts equal to
3 amounts received under this paragraph that are in excess of the payments made
4 under this paragraph are transferred to the Medical Assistance trust fund.

5 **SECTION 460.** 20.435 (4) (jz) of the statutes is amended to read:

6 20.435 (4) (jz) *Badger care premiums* Care cost sharing. All moneys received
7 from payments under s. 49.665 (5) to be used for the ~~badger care~~ Badger Care health
8 care program ~~for low-income families~~ under s. 49.665.

9 **SECTION 461.** 20.435 (4) (n) of the statutes is amended to read:

10 20.435 (4) (n) *Federal program operations*. All moneys received from the
11 federal government or any of its agencies for the state administration of continuing
12 programs, other than moneys received under par. (pa), to be expended for the
13 purposes specified.

14 **SECTION 462.** 20.435 (4) (nn) of the statutes is amended to read:

15 20.435 (4) (nn) *Federal aid; income maintenance*. All moneys received from the
16 federal government for the costs of contracting for the administration of the ~~medical~~
17 ~~assistance~~ Medical Assistance program under subch. IV of ch. 49 and the ~~badger care~~
18 Badger Care health care program under s. 49.665 and the food stamp program, other
19 than moneys received under par. (pa), for payments under s. ~~49.33~~ 49.78 (8).

20 **SECTION 463.** 20.435 (4) (pa) of the statutes is amended to read:

21 20.435 (4) (pa) *Federal aid; medical assistance* Medical Assistance and food
22 stamp contracts administration. All federal moneys received for the federal share
23 of the cost of contracting for payment and services administration and reporting,
24 other than moneys received under par. (nn), to reimburse insurers for their costs

SENATE BILL 44**SECTION 463**

1 under s. 49.475, for administrative contract costs for the food stamp program under
2 s. 49.79, and for services of resource centers under s. 46.283.

3 **SECTION 464.** 20.435 (4) (r) of the statutes is created to read:

4 20.435 (4) (r) *Health care provider availability and cost control.* From the
5 health care provider availability and cost control fund, as a continuing
6 appropriation, the amounts in the schedule to provide a portion of the state share of
7 Medical Assistance program benefits administered under s. 49.45, to provide a
8 portion of the Medical Assistance program benefits administered under s. 49.45 that
9 are not also provided under par. (o), to fund the pilot project under s. 46.27 (9) and
10 (10), to provide a portion of the facility payments under 1999 Wisconsin Act 9, section
11 9123 (9m), to fund services provided by resource centers under s. 46.283, and for
12 services under the family care benefit under s. 46.284 (5).

13 **SECTION 465.** 20.435 (4) (v) of the statutes is amended to read:

14 20.435 (4) (v) ~~*Health insurance risk-sharing plan*~~ *Insurance Risk-Sharing*
15 *Plan; program benefits.* All moneys received by the health insurance risk-sharing
16 ~~plan~~ *Health Insurance Risk-Sharing Plan* fund, except for moneys appropriated
17 under par. (u), for the operating costs of the ~~health insurance risk-sharing plan~~
18 *Health Insurance Risk-Sharing Plan* under ch. 149, including premium, deductible,
19 and prescription drug copayment subsidies, subject to s. 149.143 (2m).

20 **SECTION 466.** 20.435 (4) (w) of the statutes, as affected by 2001 Wisconsin Act
21 16, is amended to read:

22 20.435 (4) (w) ~~*Medical assistance*~~ *Assistance trust fund.* From the ~~medical~~
23 ~~assistance~~ *Medical Assistance* trust fund, biennially, the amounts in the schedule for
24 meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278
25 (6), 46.283 (5), 46.284 (5), 49.45, ~~and 49.472 (6), and 51.421 (3), for providing~~

SENATE BILL 44**SECTION 466**

1 distributions under s. 49.45 (6tt), and for administrative costs associated with
2 augmenting the amount of federal moneys received under 42 CFR 433.51.

3 **SECTION 467.** 20.435 (4) (w) of the statutes, as affected by 2001 Wisconsin Act
4 16, section 717b, and 2003 Wisconsin Act (this act), is amended to read:

5 20.435 (4) (w) *Medical assistance trust fund.* From the Medical Assistance
6 trust fund, biennially, the amounts in the schedule for meeting costs of medical
7 assistance administered under ss. 46.27, 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5),
8 49.45, 49.472 (6), and 51.421 (3), for providing distributions under s. 49.45 (6tt), and
9 for administrative costs associated with augmenting the amount of federal moneys
10 received under 42 CFR 433.51, and for administrative relocation activities specified
11 under ss. 46.277 (5) (am) and 46.278 (6) (am).

12 **SECTION 468.** 20.435 (4) (wp) of the statutes is created to read:

13 20.435 (4) (wp) *Medical Assistance trust fund; county reimbursement.* From
14 the Medical Assistance trust fund, a sum sufficient to provide reimbursement to a
15 county for moneys transferred in support of payment under s. 49.45 (6m) by the
16 county to the Medical Assistance trust fund and used as the nonfederal share of
17 Medical Assistance payments. Payment to a county under this paragraph may not
18 exceed the amount transferred by the county to the Medical Assistance trust fund.

19 **SECTION 469.** 20.435 (4) (wr) of the statutes is created to read:

20 20.435 (4) (wr) *Medical assistance trust fund; health maintenance*
21 *organizations.* From the Medical Assistance trust fund, biennially, from all moneys
22 received from health maintenance organizations under s. 49.45 (2) (a) 25., the
23 amounts in the schedule for payment to health maintenance organizations under ss.
24 49.45 (6zb) and 49.665 (4m).

25 **SECTION 470.** 20.435 (5) (cm) of the statutes is amended to read:

SENATE BILL 44**SECTION 470**

1 20.435 (5) (cm) *Immunization*. A sum sufficient not to exceed in each fiscal year
2 2001-02 the difference between \$9,000,000 and the sum of the moneys received from
3 the federal government under the federal vaccines for children program and under
4 section 317 of the Public Health Service Act in fiscal year 2001-02 and not to exceed
5 in fiscal year 2002-03 the difference between \$9,000,000 and the sum of the moneys
6 received in each fiscal year from the federal government for the provision of vaccine
7 to immunize children, including moneys under the federal vaccines for children
8 program and under section 317 of the Public Health Service Act in fiscal year
9 2002-03 42 USC 247b and 42 USC 1396s, for the provision of vaccine to immunize
10 children under s. 252.04 (1).

11 **SECTION 471.** 20.435 (6) (gb) of the statutes is amended to read:

12 20.435 (6) (gb) *Alcohol and drug abuse initiatives*. All moneys received from
13 ~~the state treasurer~~ under s. 961.41 (5) (c), to be expended on programs providing
14 prevention, intervention, and treatment for alcohol and other drug abuse problems.

15 **SECTION 472.** 20.435 (6) (hx) of the statutes is amended to read:

16 20.435 (6) (hx) *Services related to drivers, receipts*. The amounts in the
17 schedule for services related to drivers. All moneys received by the ~~state treasurer~~
18 secretary of administration from the driver improvement surcharge on court fines
19 and forfeitures authorized under s. 346.655 and all moneys transferred from the
20 appropriation account under s. 20.395 (5) (di) shall be credited to this appropriation.
21 The secretary of administration shall annually transfer to the appropriation account
22 under s. 20.395 (5) (ek) 3.76% of all moneys credited to this appropriation from the
23 driver improvement surcharge. Any unencumbered moneys in this appropriation
24 account may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia),
25 20.395 (5) (ci) and (di), and 20.455 (5) (h) by the secretary of administration, after

SENATE BILL 44

1 consultation with the secretaries of health and family services and transportation,
2 the superintendent of public instruction, the attorney general, and the president of
3 the University of Wisconsin System.

4 **SECTION 473.** 20.435 (6) (jm) of the statutes is amended to read:

5 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
6 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b) and (5) (a),
7 49.45 (47), 50.02 (2), 50.025, 50.065 (2) (am) and (b) 1., (3) (a) and (b) and (5), 50.13,
8 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV
9 of ch. 50 and to conduct health facilities plan and rule development activities, for
10 accrediting nursing homes, convalescent homes and homes for the aged, to conduct
11 capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36
12 (2), for the demonstration projects under 2003 Wisconsin Act (this act), section
13 9124 (2) (a), and for the costs of inspecting, licensing or certifying and approving
14 facilities, issuing permits and providing technical assistance that are not specified
15 under any other paragraph in this subsection. All moneys received under ss. 48.685
16 (8), 49.45 (47) (c), 50.02 (2), 50.025, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495,
17 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from fees for the costs
18 of inspecting, licensing or certifying and approving facilities, issuing permits and
19 providing technical assistance that are not specified under any other paragraph in
20 this subsection, and all moneys received under s. 50.135 (2), less the amounts
21 credited to the appropriation account under sub. (4) (gm), and all moneys received
22 from forfeiture surcharges under 50.04 (5) (bm) shall be credited to this
23 appropriation account.

24 **SECTION 474.** 20.435 (6) (jm) of the statutes, as affected by 2003 Wisconsin Act
25 (this act), is amended to read:

SENATE BILL 44**SECTION 474**

1 20.435 (6) (jm) *Licensing and support services*. The amounts in the schedule
2 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b) and (5) (a),
3 49.45 (47), 50.02 (2), 50.025, 50.065 (2) (am) and (b) 1., (3) (a) and (b) and (5), 50.13,
4 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV
5 of ch. 50 and to conduct health facilities plan and rule development activities, for
6 accrediting nursing homes, convalescent homes and homes for the aged, to conduct
7 capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36
8 (2), ~~for the demonstration projects under 2003 Wisconsin Act (this act), section~~
9 ~~9124 (2) (a)~~, and for the costs of inspecting, licensing or certifying and approving
10 facilities, issuing permits and providing technical assistance that are not specified
11 under any other paragraph in this subsection. All moneys received under ss. 48.685
12 (8), 49.45 (47) (c), 50.02 (2), 50.025, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495,
13 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from fees for the costs
14 of inspecting, licensing or certifying and approving facilities, issuing permits and
15 providing technical assistance that are not specified under any other paragraph in
16 this subsection, and all moneys received under s. 50.135 (2), less the amounts
17 credited to the appropriation account under sub. (4) (gm), and all moneys received
18 from forfeiture surcharges under 50.04 (5) (bm) shall be credited to this
19 appropriation account.

20 **SECTION 475.** 20.435 (7) (d) of the statutes is amended to read:

21 20.435 (7) (d) *Telecommunication Interpreter services and telecommunication*
22 *aid for the hearing impaired*. The amounts in the schedule ~~for the purpose of~~
23 ~~providing to provide interpreter services for hearing-impaired persons under s.~~
24 ~~46.295 (1) and~~ assistance under the telecommunication assistance program for the
25 hearing impaired under s. 46.297.

SENATE BILL 44**SECTION 476**

1 **SECTION 476.** 20.435 (7) (kc) of the statutes is amended to read:

2 20.435 (7) (kc) *Independent living center grants.* The amounts in the schedule
3 for the purpose of making grants to independent living centers for the severely
4 disabled under s. 46.96. All moneys transferred from s. 20.445 (5) (~~na~~) (n) for the
5 purpose of providing grants to independent living centers for the severely disabled
6 under s. 46.96 shall be credited to this appropriation.

7 **SECTION 477.** 20.435 (7) (kd) of the statutes is repealed.

8 **SECTION 478.** 20.435 (7) (o) of the statutes is amended to read:

9 20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in
10 amounts pursuant to allocation plans developed by the department for the provision
11 or purchase of services authorized under par. (b); all federal moneys received as child
12 welfare funds under 42 USC 620 to 626 as limited under s. 48.985; all federal
13 temporary assistance for needy families moneys received under 42 USC 601 to 619
14 that are authorized to be used to purchase or provide social services under 42 USC
15 1397 to 1397e; ~~and~~ all unanticipated federal social services block grant funds
16 received under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2); and all federal
17 moneys received under 42 USC 1396 to 1396v in reimbursement of the cost of
18 preventing out-of-home placements of children, for distribution under s. 46.40.
19 Disbursements from this appropriation may be made directly to counties for social
20 and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties
21 in accordance with federal requirements for the disbursement of federal funds.

22 **SECTION 479.** 20.436 (intro.) of the statutes is repealed.

23 **SECTION 480.** 20.436 (1) (title) of the statutes is repealed.

24 **SECTION 481.** 20.436 (1) (b) of the statutes is renumbered 20.435 (1) (b) and
25 amended to read:

SENATE BILL 44**SECTION 481**

1 20.435 (1) (b) *Annual Tobacco control; annual transfer from general fund.*
2 Annually, beginning on June 15, 2004, a sum sufficient to be transferred from the
3 general fund to the tobacco control fund equal to ~~\$25,000,000~~ \$15,054,500 for fiscal
4 year 2003-04 and equal to \$15,062,000 for fiscal year 2004-05 and every fiscal year
5 thereafter, less the amount transferred to the tobacco control fund from the
6 permanent endowment fund under s. 13.101 (16) (b) in that fiscal year.

7 **SECTION 482.** 20.436 (1) (g) of the statutes is renumbered 20.435 (1) (g) and
8 amended to read:

9 20.435 (1) (g) *Gifts Tobacco control; gifts and grants.* All moneys received from
10 gifts, grants and donations for the purposes specified under s. 255.15 to be used for
11 those purposes.

12 **SECTION 483.** 20.436 (1) (tb) of the statutes is renumbered 20.435 (1) (tb) and
13 amended to read:

14 20.435 (1) (tb) *General program operations; tobacco control.* Biennially, from
15 the tobacco control fund, the amounts in the schedule for general program operations
16 of the related to tobacco control board.

17 **SECTION 484.** 20.436 (1) (tc) of the statutes is renumbered 20.435 (1) (tc) and
18 amended to read:

19 20.435 (1) (tc) *Grants from tobacco control fund.* As From the tobacco control
20 fund, as a continuing appropriation, the amounts in the schedule for the purposes
21 specified under s. 255.15 (3).

22 **SECTION 485.** 20.445 (1) (cm) of the statutes is amended to read:

23 20.445 (1) (cm) *Wisconsin service corps member compensation and support*
24 education vouchers. As a continuing appropriation, the amounts in the schedule for
25 the payment of Wisconsin service corps member ~~compensation and for other costs of~~

SENATE BILL 44**SECTION 485**

1 projects under the Wisconsin service corps program under s. 106.21 if those costs are
2 not paid by project sponsors. Corps member compensation includes the cost of
3 salaries, benefits and education vouchers under s. 106.213.

4 **SECTION 486.** 20.445 (1) (cm) of the statutes, as affected by 2003 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 487.** 20.445 (1) (ga) of the statutes is amended to read:

7 20.445 (1) (ga) *Auxiliary services.* All moneys received from fees collected
8 under ss. 102.16 (2m) (d), 103.005 (15) and, 106.09 (7), and 106.12 (4) for the delivery
9 of services under ss. 102.16 (2m) (f), 103.005 (15) and, 106.09, and 106.12 (4) and ch.
10 108.

11 **SECTION 488.** 20.445 (1) (jr) of the statutes is repealed.

12 **SECTION 489.** 20.445 (1) (ka) of the statutes is amended to read:

13 20.445 (1) (ka) *Interagency and intra-agency agreements.* All moneys received
14 through contracts or financial agreements from other state agencies for the provision
15 of services to those state agencies and all moneys received by the department from
16 the department for the provision of services to the department, except moneys
17 appropriated under par. (kc) ~~or (L)~~, for the purpose of providing the services.

18 **SECTION 490.** 20.445 (1) (km) of the statutes is repealed.

19 **SECTION 491.** 20.445 (1) (kr) of the statutes is repealed.

20 **SECTION 492.** 20.445 (1) (kt) of the statutes is repealed.

21 **SECTION 493.** 20.445 (1) (L) of the statutes is repealed.

22 **SECTION 494.** 20.445 (1) (m) of the statutes is amended to read:

23 20.445 (1) (m) *Federal funds Workforce investment and assistance; federal*
24 *moneys.* All federal moneys received as authorized under s. 16.54, except as
25 otherwise appropriated under this section, for the ~~purposes of the programs~~

SENATE BILL 44**SECTION 494**

1 administered by workforce investment and assistance activities of the department,
2 to be used for those purposes.

3 **SECTION 495.** 20.445 (1) (ma) of the statutes is repealed.

4 **SECTION 496.** 20.445 (1) (mb) of the statutes is repealed.

5 **SECTION 497.** 20.445 (1) (mc) of the statutes is repealed.

6 **SECTION 498.** 20.445 (1) (n) of the statutes is amended to read:

7 20.445 (1) (n) *Unemployment Employment assistance and unemployment*
8 *insurance administration; federal moneys.* All federal moneys received for the
9 employment service under s. 106.09 (4) to (6), as authorized by the governor under
10 s. 16.54, for the administration of employment assistance and unemployment
11 insurance ~~or~~ programs of the department, for the performance of the department's
12 other functions under subch. I of ch. 106 and ch. 108, and ~~for its other efforts to~~
13 ~~regularize employment~~, except moneys appropriated under par. (nc), and to pay the
14 compensation and expenses of appeal tribunals and of employment councils ~~and to~~
15 ~~pay allowances stimulating education during unemployment~~ appointed under s.
16 108.14, to be used for such purposes, except as provided in s. 108.161 (3e), ~~and~~ to
17 transfer to the appropriation account under par. (nb) an amount determined by the
18 treasurer of the unemployment reserve fund not exceeding the lesser of the amount
19 specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb), and to
20 transfer to the appropriation account under par. (nd) an amount determined by the
21 treasurer of the unemployment reserve fund not exceeding the lesser of the amount
22 specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nd).

23 **SECTION 499.** 20.445 (1) (nd) of the statutes is created to read:

24 20.445 (1) (nd) *Unemployment insurance administration; apprenticeship.*

25 From the moneys received from the federal government under section 903 of the

SENATE BILL 44

1 federal Social Security Act, as amended, the amounts in the schedule, as authorized
2 by the governor under s. 16.54, to be used for administration by the department of
3 apprenticeship programs under subch. I of ch. 106. All moneys transferred from par.
4 (n) for this purpose shall be credited to this appropriation account. Notwithstanding
5 s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any
6 unencumbered balance in this appropriation account that is not needed or available
7 to carry out the purpose of this appropriation to the appropriation account under par.
8 (n). No moneys may be expended from this appropriation unless the treasurer of the
9 unemployment reserve fund determines that such expenditure is currently needed
10 for the purpose specified in this paragraph.

11 **SECTION 500.** 20.445 (1) (o) of the statutes is created to read:

12 20.445 (1) (o) *Equal rights; federal moneys.* All federal moneys received for the
13 activities of the division of equal rights in the department, to be used for those
14 purposes.

15 **SECTION 501.** 20.445 (1) (ox) of the statutes is repealed.

16 **SECTION 502.** 20.445 (1) (p) of the statutes is created to read:

17 20.445 (1) (p) *Worker's compensation; federal moneys.* All federal moneys
18 received for the worker's compensation activities of the department, to be used for
19 those purposes.

20 **SECTION 503.** 20.445 (1) (u) of the statutes, as affected by 2003 Wisconsin Act
21 (this act), is amended to read:

22 20.445 (1) (u) ~~*Education vouchers and youth*~~ *Youth employment grants;*
23 *conservation fund.* Biennially, from the conservation fund, the amounts in the
24 schedule for the payment of ~~Wisconsin conservation corps education vouchers under~~
25 ~~s. 106.217~~ and youth employment grants under s. 106.215 (1m).

SENATE BILL 44**SECTION 504**

1 **SECTION 504.** 20.445 (3) (dc) of the statutes is repealed.

2 **SECTION 505.** 20.445 (3) (dz) of the statutes is amended to read:

3 20.445 (3) (dz) ~~Wisconsin works and other public assistance administration and~~
4 ~~benefits~~ Temporary Assistance for Needy Families programs; maintenance of effort.

5 The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for
6 administration and benefit payments under Wisconsin ~~works~~ Works under ss.
7 49.141 to 49.161, the learnfare program under s. 49.26, and the work experience and
8 job search program for noncustodial parents under s. 49.36, ~~and the food stamp~~
9 ~~employment and training program under s. 49.13;~~ for payments to counties local
10 governments, organizations, tribal governing bodies, and Wisconsin ~~works~~ Works
11 agencies; for hospital paternity incentive payments under s. 69.14 (1) (cm); for job
12 ~~training services~~ program activities under the workforce attachment and
13 advancement program under s. 49.173; for emergency assistance for families with
14 needy children under s. 49.138; and for ~~funeral expenses under s. 49.30~~ job access
15 loans under s. 49.147 (6). Payments may be made from this appropriation to counties
16 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
17 appropriated under this paragraph may be used to match federal funds received
18 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
19 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
20 20.001 (3) and 20.002 (1), the department of health and family services shall credit
21 or deposit into this appropriation account funds for the purposes of this
22 appropriation that the department transfers from the appropriation account under
23 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
24 December 31 of each year lapse to the general fund on the next January 1 unless
25 transferred to the next calendar year by the joint committee on finance.

SENATE BILL 44**SECTION 506**

1 **SECTION 506.** 20.445 (3) (dz) of the statutes, as affected by 2003 Wisconsin Act
2 ... (this act), is amended to read:

3 20.445 (3) (dz) *Temporary Assistance for Needy Families programs;*
4 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
5 under s. 49.143 (3), for administration, employer reimbursements, participant
6 stipends, education and training costs, and benefit payments under Wisconsin
7 Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work
8 experience program for custodial parents under s. 49.36; for payments to local
9 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
10 for program activities under the workforce attachment and advancement program
11 under s. 49.173; for emergency assistance for families with needy children under s.
12 49.138; and for job access loans under s. ~~49.147 (6)~~ 49.1471. Payments may be made
13 from this appropriation to counties for fraud investigation and error reduction under
14 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match
15 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
16 (1), the department may transfer funds between fiscal years under this paragraph.
17 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health and family
18 services shall credit or deposit into this appropriation account funds for the purposes
19 of this appropriation that the department transfers from the appropriation account
20 under s. 20.435 (7) (bc). All funds allocated by the department but not encumbered
21 by December 31 of each year lapse to the general fund on the next January 1 unless
22 transferred to the next calendar year by the joint committee on finance.

23 **SECTION 507.** 20.445 (3) (e) of the statutes is repealed.

24 **SECTION 508.** 20.445 (3) (fs) of the statutes is repealed.

25 **SECTION 509.** 20.445 (3) (ja) of the statutes is amended to read:

SENATE BILL 44**SECTION 509**

1 20.445 (3) (ja) *Child support state operations — fees and reimbursements*. All
2 moneys received from fees charged under s. 49.22 (8), from fees ordered or otherwise
3 owed under s. 767.29 (1) (d), from fees collected under ~~s.~~ ss. 49.854 (11) (b) and 767.29
4 (1) (dm) 1m., from reimbursements under s. 108.13 (4) (f), from fees charged and
5 incentive payments and collections retained under s. 49.22 (7m), and under s. 49.855
6 (4) from the department of revenue or the department of administration that were
7 withheld by the department of revenue or the internal revenue service for unpaid
8 fees ordered or otherwise owed under s. 767.29 (1) (d), for costs associated with
9 receiving and disbursing support and support-related payments, including any
10 contract costs, and for administering the program under s. 49.22 and all other
11 purposes specified in s. 49.22.

12 **SECTION 510.** 20.445 (3) (jL) of the statutes is amended to read:

13 20.445 (3) (jL) *Job access loan repayments*. All moneys received from
14 repayments of loans made under s. 49.147 (6), and from the department of revenue
15 under s. 71.93 for delinquent job access loan repayments certified under s. 49.85, for
16 the purpose of making loans under s. 49.147 (6).

17 **SECTION 511.** 20.445 (3) (jL) of the statutes, as affected by 2003 Wisconsin Act
18 (this act), is amended to read:

19 20.445 (3) (jL) *Job access loan repayments*. All moneys received from
20 repayments of loans made under s. 49.147 (6) 49.1471, and from the department of
21 revenue under s. 71.93 for delinquent job access loan repayments certified under s.
22 49.85, for the purpose of making loans under s. 49.147 (6) 49.1471.

23 **SECTION 512.** 20.445 (3) (kx) of the statutes is amended to read:

24 20.445 (3) (kx) *Interagency and intra-agency programs*. All moneys received
25 from other state agencies and all moneys received by the department from the

SENATE BILL 44**SECTION 512**

1 department for the administration of programs and projects relating to economic
2 support for which received, including administration of the food stamp employment
3 and training program under s. 49.13, and for local assistance and aids to individuals
4 and organizations relating to economic support.

5 **SECTION 513.** 20.445 (3) (ky) of the statutes is repealed.

6 **SECTION 514.** 20.445 (3) (kz) of the statutes is repealed.

7 **SECTION 515.** 20.445 (3) (L) of the statutes is amended to read:

8 20.445 (3) (L) *Welfare Public assistance overpayment recovery and fraud and*
9 *error reduction activities and food stamp sanctions.* All moneys received as the
10 state's share of the recovery of overpayments and incorrect payments under s. 49.191
11 (3) (c), 1997 stats., and s. 49.195, 1997 stats., ~~and all moneys transferred under 2001~~
12 ~~Wisconsin Act 16, section 9258 (2q),~~ for activities to reduce error and fraud under s.
13 49.197 relating to the ~~aid to families with dependent children~~ Aid to Families with
14 Dependent Children program and the Wisconsin ~~works~~ Works program.

15 **SECTION 516.** 20.445 (3) (m) of the statutes is repealed.

16 **SECTION 517.** 20.445 (3) (ma) of the statutes is amended to read:

17 20.445 (3) (ma) *Federal project ~~aids~~ activities.* All moneys received from the
18 federal government or any of its agencies for specific limited term projects, to be
19 expended as aids to individuals or organizations or as local assistance for the
20 purposes specified, and all moneys received from the federal government or any of
21 its agencies for the state administration of specific limited term projects, to be
22 expended for the purposes specified.

23 **SECTION 518.** 20.445 (3) (mb) of the statutes is repealed.

24 **SECTION 519.** 20.445 (3) (mc) of the statutes, as affected by 2001 Wisconsin Act
25 16, is amended to read:

SENATE BILL 44**SECTION 519**

1 20.445 (3) (mc) *Federal block grant operations*. The amounts in the schedule,
2 less the amounts withheld under s. 49.143 (3), for the purposes of operating and
3 administering the block grant programs for which the block grant moneys are
4 received and transferring moneys to the appropriation accounts under ss. s. 20.435
5 (3) (kx) and (6) (kx) and 20.525 (1) (kb) and (kf). All block grant moneys received for
6 these purposes from the federal government or any of its agencies for the state
7 administration of federal block grants shall be credited to this appropriation
8 account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may
9 transfer funds between fiscal years under this paragraph. All funds appropriated
10 for a particular fiscal year that are transferred to the next fiscal year and are not
11 spent or encumbered by September 30 of that next fiscal year shall lapse to the
12 general fund on the succeeding October 1.

13 **SECTION 520.** 20.445 (3) (md) of the statutes is amended to read:

14 20.445 (3) (md) *Federal block grant aids*. The amounts in the schedule, less
15 the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and
16 to be transferred to the appropriation accounts under ss. 20.255 (2) (kh) ~~and (kp)~~,
17 20.433 (1) (k), ~~20.434 (1) (kp) and (ky)~~, 20.435 (3) (kc), (kd), and (km), ~~and (ky)~~, (5)
18 ~~(ky) (4) (kz)~~, (6) (kx), (7) (ky), and (8) (kx), ~~20.465 (4) (k)~~, and 20.835 (2) (kf). All block
19 grant moneys received for these purposes from the federal government or any of its
20 agencies, ~~all moneys transferred under 2001 Wisconsin Act 109, section 9223 (17),~~
21 ~~from the appropriation account under s. 20.435 (7) (o)~~, and all moneys recovered
22 under s. 49.143 (3) shall be credited to this appropriation account.

23 **SECTION 521.** 20.445 (3) (n) of the statutes is amended to read:

24 20.445 (3) (n) *Federal program Child support state operations; federal funds*.
25 All Fifty percent of the amount of federal moneys received as child support incentive

SENATE BILL 44**SECTION 521**

1 payments that exceeds the maximum specified in s. 49.24 (2) (b), and all moneys
2 received from the federal government or any of its agencies for activities related to
3 child support, including federal funds for any purpose under s. 49.22 or 49.227 and
4 for the federal share of any costs associated with receiving and disbursing support
5 and support-related payments, and for the state administration of continuing
6 programs those activities, to be expended for the such purposes specified.

7 **SECTION 522.** 20.445 (3) (na) of the statutes is amended to read:

8 20.445 (3) (na) *Federal program aids Refugee assistance; federal funds.* All
9 moneys received from the federal government or any of its agencies for continuing
10 programs to be expended as aids to individuals or organizations for the purposes
11 specified for refugee assistance and the administration of refugee assistance
12 programs, to be expended for such purposes.

13 **SECTION 523.** 20.445 (3) (nL) of the statutes is amended to read:

14 20.445 (3) (nL) *Federal program Child support local assistance; federal funds.*
15 All moneys received from the federal government or any of its agencies for continuing
16 programs, except for 50% of the amount of the federal moneys received as child
17 support incentive payments that exceeds the maximum specified in s. 49.24 (2) (b),
18 to be expended as local assistance for the purposes specified, except that the
19 following amounts shall lapse from this appropriation to the general fund: in each
20 calendar year, 55% of the federal moneys made available to support prosecution of
21 welfare fraud in this state, as determined by the secretary of administration.

22 **SECTION 524.** 20.445 (3) (pm) of the statutes is repealed.

23 **SECTION 525.** 20.445 (3) (ps) of the statutes is repealed.

24 **SECTION 526.** 20.445 (4) of the statutes is repealed.

25 **SECTION 527.** 20.445 (5) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 527**

1 20.445 (5) (a) *General program operations; purchased services for clients.* The
2 amounts in the schedule for general program operations, including field services to
3 clients and administrative services, for the purchase of goods and services
4 authorized under ch. 47, and for vocational rehabilitation and other independent
5 living services to persons with disabilities. Notwithstanding ss. 20.001 (3) (a) and
6 20.002 (1), the department may transfer funds between fiscal years under this
7 paragraph. All funds appropriated for a particular fiscal year that are transferred
8 to the next fiscal year and are not spent or encumbered by September 30 of that next
9 fiscal year shall lapse to the general fund on the succeeding October 1.

10 **SECTION 528.** 20.445 (5) (bm) of the statutes is repealed.

11 **SECTION 529.** 20.445 (5) (hd) of the statutes is repealed.

12 **SECTION 530.** 20.445 (5) (he) of the statutes is amended to read:

13 20.445 (5) (he) *Supervised business enterprise.* All moneys ~~not appropriated~~
14 ~~under par. (hd)~~ received from the charges on net proceeds from the operation of
15 vending machines under s. 47.03 (7) to support the supervised business enterprise
16 program under s. 47.03 (4).

17 **SECTION 531.** 20.445 (5) (n) of the statutes is amended to read:

18 20.445 (5) (n) *Federal program aids and operations.* All moneys received from
19 the federal government, as authorized by the governor under s. 16.54, for the state
20 administration of continuing programs and all federal moneys received for the
21 purchase of goods and services under ch. 47 and for the purchase of vocational
22 rehabilitation programs for individuals and organizations, to be expended for the
23 purposes specified. The department shall, in each fiscal year, transfer to s. 20.435
24 (7) (kc) up to \$300,000.

25 **SECTION 532.** 20.445 (5) (na) of the statutes is repealed.

SENATE BILL 44

1 **SECTION 533.** 20.445 (6) (title) of the statutes is repealed.

2 **SECTION 534.** 20.445 (6) (j) of the statutes is repealed.

3 **SECTION 535.** 20.445 (6) (ja) of the statutes is repealed.

4 **SECTION 536.** 20.445 (6) (jb) of the statutes is repealed.

5 **SECTION 537.** 20.445 (6) (k) of the statutes is repealed.

6 **SECTION 538.** 20.445 (6) (kb) of the statutes is repealed.

7 **SECTION 539.** 20.445 (6) (m) of the statutes is repealed.

8 **SECTION 540.** 20.445 (6) (n) of the statutes is repealed.

9 **SECTION 541.** 20.445 (6) (u) of the statutes is renumbered 20.445 (1) (u) and
10 amended to read:

11 20.445 (1) (u) ~~General enrollee operations~~ Education vouchers and youth
12 employment grants; conservation fund. Biennially, from the conservation fund, the
13 amounts in the schedule for the payment of Wisconsin conservation corps enrollee
14 compensation and for the payment of other Wisconsin conservation corps costs for
15 activities authorized education vouchers under s. 106.217 and youth employment
16 grants under s. 106.215 (7) (a) or (c) if those costs are not paid by project sponsors.
17 Corps enrollee compensation includes the cost of salaries, benefits, incentive
18 payments and vouchers (1m).

19 **SECTION 542.** 20.445 (6) (x) of the statutes is repealed.

20 **SECTION 543.** 20.445 (6) (y) of the statutes is renumbered 20.445 (1) (y) and
21 amended to read:

22 20.445 (1) (y) ~~Administrative~~ Youth employment administrative support;
23 conservation fund. From the conservation fund, the amounts in the schedule for the
24 payment of administrative expenses related to the Wisconsin conservation corps
25 program payment of youth employment grants under s. 106.215 (1m).

SENATE BILL 44**SECTION 544**

1 **SECTION 544.** 20.445 (7) (title) of the statutes is repealed.

2 **SECTION 545.** 20.445 (7) (a) of the statutes is repealed.

3 **SECTION 546.** 20.445 (7) (b) of the statutes is renumbered 20.445 (1) (e).

4 **SECTION 547.** 20.445 (7) (ef) of the statutes is renumbered 20.445 (1) (ef).

5 **SECTION 548.** 20.445 (7) (em) of the statutes is renumbered 20.445 (1) (em).

6 **SECTION 549.** 20.445 (7) (ga) of the statutes is repealed.

7 **SECTION 550.** 20.445 (7) (kb) of the statutes is renumbered 20.445 (1) (ke).

8 **SECTION 551.** 20.445 (7) (kd) of the statutes is renumbered 20.445 (1) (kd).

9 **SECTION 552.** 20.445 (7) (kx) of the statutes is renumbered 20.445 (1) (kx).

10 **SECTION 553.** 20.445 (7) (m) of the statutes is repealed.

11 **SECTION 554.** 20.455 (1) (title) of the statutes is amended to read:

12 20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

13 **SECTION 555.** 20.455 (1) (g) of the statutes is created to read:

14 20.455 (1) (g) *Consumer protection, information, and education.* The amounts
15 in the schedule for consumer protection and consumer information and education.
16 All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation
17 account, subject to the limit under s. 100.261 (3) (e).

18 **SECTION 556.** 20.455 (1) (j) of the statutes is created to read:

19 20.455 (1) (j) *Telephone solicitation regulation.* All moneys received from
20 telephone solicitor registration and registration renewal fees paid under the rules
21 promulgated under s. 100.52 (3) (a) for establishing and maintaining the
22 nonsolicitation directory under s. 100.52 (2).

23 **SECTION 557.** 20.455 (2) (kf) of the statutes is created to read:

24 20.455 (2) (kf) *Narcotics purchase appropriation.* The amounts in the schedule
25 for the purchase of controlled substances in investigating violations of ch. 961. All

SENATE BILL 44

1 moneys transferred from s. 20.455 (5) (hm) for the purpose of this appropriation shall
2 be credited to this appropriation account.

3 **SECTION 558.** 20.455 (2) (kt) of the statutes is repealed.

4 **SECTION 559.** 20.455 (2) (ku) of the statutes is repealed.

5 **SECTION 560.** 20.455 (5) (hm) of the statutes is created to read:

6 20.455 (5) (hm) *Subrogation payments for awards for victims of crimes.* All
7 moneys received from restitution under s. 973.20 (9) (b) to pay for awards to the
8 victims of crime under ch. 949, and for transferring to the appropriation account
9 under s. 20.455 (2) (kf) the amounts in the schedule under s. 20.455 (2) (kf) or the
10 amount of restitution received under this paragraph from cases brought under ch.
11 961, whichever is less.

12 **SECTION 561.** 20.465 (1) (i) of the statutes is created to read:

13 20.465 (1) (i) *Distance learning centers.* All moneys received from renting the
14 distance learning centers, for the operation and maintenance of the centers under
15 s. 21.19 (13).

16 **SECTION 562.** 20.465 (3) (c) of the statutes is repealed.

17 **SECTION 563.** 20.475 (1) (d) of the statutes is amended to read:

18 20.475 (1) (d) *Salaries and fringe benefits.* The amounts in the schedule for
19 salaries and fringe benefits of district attorneys and state employees of the working
20 in an office of the district attorney, for payments under s. 978.045 (2) (b) and,
21 beginning in the 1999-2000 fiscal year and ending in the 2003-04 fiscal year, for a
22 payment of \$80,000 in each fiscal year toward the department of administration's
23 unfunded prior service liability under the Wisconsin retirement system that results
24 from granting the creditable service under s. 40.02 (17) (gm).

25 **SECTION 564.** 20.485 (1) (gk) of the statutes is amended to read:

SENATE BILL 44**SECTION 564**

1 20.485 (1) (gk) *Institutional operations*. The amounts in the schedule for the
2 care of the Wisconsin Veterans Home at King, the Southern Wisconsin Veterans
3 Retirement Center, and veterans facilities, and for the payment of stipends under s.
4 45.365 (7). All moneys received under par. (m) and s. 45.37 (9) (d) and (9d) shall be
5 credited to this appropriation.

6 **SECTION 565.** 20.485 (5) (gm) of the statutes is created to read:

7 20.485 (5) (gm) *Student protection*. All moneys received from the fees received
8 under s. 45.54 (10) (c) 4., for the purpose of indemnifying students, parents, or
9 sponsors under s. 45.54 (10) (a).

10 **SECTION 566.** 20.505 (1) (a) of the statutes is amended to read:

11 20.505 (1) (a) *General program operations*. The amounts in the schedule for
12 administrative supervision, policy and fiscal planning and management and
13 prosecution services and to defray the expenses incurred by the building commission
14 not otherwise appropriated and to administer the civil service system under ch. 230
15 and for paying awards under s. 230.48 and to defray the expenses of the state
16 employees suggestion board.

17 **SECTION 567.** 20.505 (1) (br) of the statutes is created to read:

18 20.505 (1) (br) *Appropriation obligations repayment*. The amounts in the
19 schedule to pay debt service costs due in the current fiscal year on appropriation
20 obligations issued under s. 16.527.

21 **SECTION 568.** 20.505 (1) (dm) of the statutes is repealed.

22 **SECTION 569.** 20.505 (1) (fe) of the statutes is repealed.

23 **SECTION 570.** 20.505 (1) (im) of the statutes is amended to read:

24 20.505 (1) (im) *Services to nonstate governmental units*. The amounts in the
25 schedule to provide services and to repurchase inventory items that are provided

SENATE BILL 44**SECTION 570**

1 primarily to purchasers other than state agencies and to transfer to the
2 appropriation account under par. (kc) the amounts received from school districts
3 under s. 16.85 (15). All moneys received from the sale of services, other than services
4 provided under par. (is), and inventory items which are provided primarily to
5 purchasers other than state agencies shall be credited to this appropriation account.

6 **SECTION 571.** 20.505 (1) (iq) of the statutes is created to read:

7 20.505 (1) (iq) *Appropriation obligation proceeds.* All moneys received as
8 proceeds from appropriation obligations that are issued under s. 16.527 to pay part
9 or all of the state's unfunded prior service liability under s. 40.05 (2) (b), as
10 determined by the department of administration, and to provide for reserves and for
11 expenses of issuance and administration of the appropriation obligations, and any
12 related obligations incurred under agreements entered into under s. 16.527 (4) (e).
13 Estimated disbursements under this paragraph shall not be included in the schedule
14 under s. 20.005.

15 **SECTION 572.** 20.505 (1) (is) of the statutes is created to read:

16 20.505 (1) (is) *Information technology and communication services; nonstate*
17 *entities.* All moneys received from state authorities, units of the federal government,
18 local governmental units, and entities in the private sector for the provision of
19 computer, telecommunications, electronic communications, and supercomputer
20 services under ss. 16.972 (2) (b) and (c), 16.974 (2) and (3), and 115.9995 (2) (d), to be
21 used for the purpose of providing those services.

22 **SECTION 573.** 20.505 (1) (kj) of the statutes is amended to read:

23 20.505 (1) (kj) *Financial services.* The amounts in the schedule to provide
24 accounting, auditing, payroll, and other financial services to state agencies, to
25 provide banking service cost analysis and cash management assistance for state

SENATE BILL 44**SECTION 573**

1 agencies and state funds under s. 25.19 (3), and to transfer the amounts appropriated
2 under s. 20.585 (1) (kb) to the appropriation account under s. 20.585 (1) (kb). All
3 moneys received from the provision of accounting, auditing, payroll, and other
4 financial services to state agencies and from assessments paid under s. 25.14 (3)
5 shall be credited to this appropriation.

6 **SECTION 574.** 20.505 (1) (kL) of the statutes is created to read:

7 20.505 (1) (kL) *Printing, mail, communication and information technology*
8 *services; agencies.* All moneys received from state agencies for the provision of
9 printing, mail processing, electronic communications, and information technology
10 development, management, and processing services under ss. 16.971, 16.972,
11 16.973, and 16.974 (3), to be used for the purpose of providing those services.

12 **SECTION 575.** 20.505 (1) (kr) of the statutes is created to read:

13 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
14 against state agencies under s. 16.004 (15) for legal services provided by the
15 department of administration.

16 **SECTION 576.** 20.505 (1) (n) of the statutes is created to read:

17 20.505 (1) (n) *Federal aid; local assistance.* All moneys received from the
18 federal government for local assistance related to s. 16.27, as authorized by the
19 governor under s. 16.54, for the purposes of providing local assistance.

20 **SECTION 577.** 20.505 (1) (sd) of the statutes is created to read:

21 20.505 (1) (sd) *Revenue obligation proceeds to pay the state's unfunded prior*
22 *service liability under the Wisconsin Retirement System.* As a continuing
23 appropriation, all proceeds from revenue obligations that are issued under subch. II
24 of ch. 18, as authorized under s. 16.526, and deposited in a fund in the state treasury,
25 or in an account maintained by a trustee, created under s. 18.57 (1), as authorized

SENATE BILL 44

1 under s. 16.526 (2), to pay part or all of the state's unfunded prior service liability
2 under s. 40.05 (2) (b), as determined by the department of administration, and to
3 provide for reserves and to make ancillary payments, as determined by the building
4 commission, and the remainder to be transferred to a prior service liability
5 redemption fund created under s. 18.562 (3). Estimated disbursements under this
6 paragraph shall not be included in the schedule under s. 20.005.

7 **SECTION 578.** 20.505 (1) (sh) of the statutes is created to read:

8 20.505 (1) (sh) *Excise tax fund -- revenue obligation repayment.* From the
9 excise tax fund, a sum sufficient to pay a prior service liability redemption fund
10 created under s. 18.562 (3) the amount needed to pay the principal of and premium,
11 if any, and interest on revenue obligations issued under subch. II of ch. 18, as
12 authorized under s. 16.526, and to make ancillary payments authorized by the
13 authorizing resolution for the revenue obligations. Estimated disbursements under
14 this paragraph shall not be included in the schedule under s. 20.005.

15 **SECTION 579.** 20.505 (1) (sm) of the statutes is created to read:

16 20.505 (1) (sm) *Excise tax fund — provision of reserves and payment of ancillary*
17 *costs relating to revenue obligations.* From the excise tax fund, a sum sufficient to
18 provide for reserves and for ancillary payments relating to revenue obligations
19 issued under subch. II of ch. 18, as authorized under s. 16.526 and the resolution
20 authorizing the revenue obligations.

21 **SECTION 580.** 20.505 (1) (sp) of the statutes is created to read:

22 20.505 (1) (sp) *Revenue obligation debt service.* From a prior service liability
23 redemption fund created under s. 18.562 (3), all moneys received by the fund for the
24 payment of principal of and premium, if any, and interest on revenue obligations
25 issued under subch. II of ch. 18, as authorized under s. 16.526, and for ancillary

SENATE BILL 44**SECTION 580**

1 payments authorized by the authorizing resolution for the revenue obligations. All
2 moneys received by the fund are irrevocably appropriated in accordance with subch.
3 II of ch. 18 and further established in resolutions authorizing the issuance of the
4 revenue obligations under s. 16.526 and setting forth the distribution of funds to be
5 received thereafter. Estimated disbursements under this paragraph shall not be
6 included in the schedule under s. 20.005.

7 **SECTION 581.** 20.505 (1) (te) of the statutes is created to read:

8 20.505 (1) (te) *Revenue obligation proceeds to purchase any bonds issued by*
9 *Badger Tobacco Asset Securitization Corporation.* As a continuing appropriation, all
10 proceeds from revenue obligations that are issued under subch. II of ch. 18, as
11 authorized under s. 16.523, and deposited into a fund in the state treasury, or in an
12 account maintained by a trustee, created under s. 18.57 (1), as authorized under s.
13 16.523 (2), to purchase any bonds issued by Badger Tobacco Asset Securitization
14 Corporation, as determined by the department, to provide for reserves, to make
15 ancillary payments, as determined by the building commission, and the remainder
16 to be transferred to the tobacco settlement bond purchase program repayment fund
17 or a tobacco settlement bond purchase program redemption fund created under s.
18 18.561 (5), or both, as provided in the authorizing resolution. Estimated
19 disbursements under this paragraph shall not be included in the schedule under s.
20 20.005.

21 **SECTION 582.** 20.505 (1) (tm) of the statutes is created to read:

22 20.505 (1) (tm) *Tobacco settlement bond purchase program repayment fund --*
23 *revenue obligation repayment and payment of certain expenses.* From the tobacco
24 settlement bond purchase program repayment fund, a sum sufficient to provide for
25 reserves and the making of ancillary payments and to pay a tobacco settlement bond

SENATE BILL 44**SECTION 582**

1 purchase program redemption fund created under s. 18.561 (5) the amount needed
2 to pay principal of and premium, if any, and interest on revenue obligations issued
3 under subch. II of ch. 18, as authorized under s. 16.523, and to make ancillary
4 payments relating to revenue obligations issued under subch. II of ch. 18, as
5 authorized under s. 16.523 and the resolution authorizing the revenue obligations,
6 and for the remainder, as determined in the authorizing resolution, to be transferred
7 in equal amounts to the tobacco control fund and to the general fund. Estimated
8 disbursements under this paragraph shall not be included in the schedule under s.
9 20.005.

10 **SECTION 583.** 20.505 (1) (tr) of the statutes is created to read:

11 20.505 (1) (tr) *Debt service on revenue obligations used to purchase bonds issued*
12 *by Badger Tobacco Asset Securitization Corporation.* From a tobacco settlement
13 bond purchase program redemption fund created under s. 18.561 (5), all moneys
14 received by the fund for the payment of principal of and premium, if any, and interest
15 on revenue obligations issued under subch. II of ch. 18, as authorized under s. 16.523,
16 and for ancillary payments authorized by the authorizing resolution for the revenue
17 obligations. All moneys received by the fund are irrevocably appropriated in
18 accordance with subch. II of ch. 18 and further established in resolutions authorizing
19 the issuance of the revenue obligations under s. 16.523 and setting forth the
20 distribution of funds to be received thereafter. Estimated disbursements under this
21 paragraph shall not be included in the schedule under s. 20.005.

22 **SECTION 584.** 20.505 (4) (dr) of the statutes is repealed.

23 **SECTION 585.** 20.505 (4) (ec) of the statutes is renumbered 20.143 (1) (et) and
24 amended to read:

SENATE BILL 44**SECTION 585**

1 20.143 (1) (et) *Volunteer fire fighter and emergency medical technician service*
2 *award program; general program operations.* The amounts in the schedule for
3 general program operations of the volunteer fire fighter and emergency medical
4 technician service award board and to reimburse the department of ~~administration~~
5 commerce for all services provided by the department to the board.

6 **SECTION 586.** 20.505 (4) (er) of the statutes is renumbered 20.143 (1) (eu) and
7 amended to read:

8 20.143 (1) (eu) *Volunteer fire fighter and emergency medical technician service*
9 *award program; state matching awards.* A sum sufficient to make the payments
10 required under s. ~~16.25~~ 560.9813 (3) (d). The amount appropriated under this
11 paragraph may not exceed \$2,000,000 in a fiscal year.

12 **SECTION 587.** 20.505 (4) (h) of the statutes is amended to read:

13 20.505 (4) (h) *Program services.* The amounts in the schedule to carry out the
14 responsibilities of divisions, commissions, and boards attached to the department of
15 administration, other than the board on aging and long-term care, ~~the adolescent~~
16 ~~pregnancy prevention and pregnancy services board,~~ and the public records board,
17 and to carry out the responsibilities of special and executive committees. All moneys
18 received from fees which are authorized by law or administrative rule to be collected
19 by any division, board or commission attached to the department, other than the
20 board on aging and long-term care, ~~the adolescent pregnancy prevention and~~
21 ~~pregnancy services board,~~ and the public records board, and all moneys received from
22 fees that are authorized by law or executive order to be collected by any special or
23 executive committee shall be credited to this appropriation account and used to carry
24 out the purposes for which collected.

25 **SECTION 588.** 20.505 (4) (mr) of the statutes is repealed.

SENATE BILL 44**SECTION 589**

1 **SECTION 589.** 20.505 (6) (j) 12. of the statutes is amended to read:

2 20.505 (6) (j) 12. The amount transferred to ~~s. 20.530 sub.~~ (1) (kq) shall be the
3 amount in the schedule under ~~s. 20.530 sub.~~ (1) (kq).

4 **SECTION 590.** 20.505 (6) (kq) of the statutes is amended to read:

5 20.505 (6) (kq) *County and tribal law enforcement services assistance.* The
6 amounts in the schedule to provide grants to counties Indian tribes for law
7 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
8 enforcement services under s. 16.964 (7). All moneys transferred from the
9 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
10 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
11 of each year shall revert to the appropriation account under ~~s. 20.505 sub.~~ (8) (hm).

12 **SECTION 591.** 20.505 (6) (ks) of the statutes is repealed.

13 **SECTION 592.** 20.505 (6) (mb) of the statutes is created to read:

14 20.505 (6) (mb) *Federal aid, homeland security.* All moneys received from the
15 federal government, as authorized by the governor under s. 16.54, for homeland
16 security programs.

17 **SECTION 593.** 20.505 (7) (title) of the statutes is renumbered 20.143 (2) (title).

18 **SECTION 594.** 20.505 (7) (a) of the statutes is renumbered 20.143 (2) (a) and
19 amended to read:

20 20.143 (2) (a) *General program operations.* The amounts in the schedule for
21 general program operations under subch. ~~II of ch. 16 X~~ of ch. 560.

22 **SECTION 595.** 20.505 (7) (b) of the statutes is renumbered 20.143 (2) (b) and
23 amended to read:

SENATE BILL 44**SECTION 595**

1 20.143 (2) (b) *Housing grants and loans; general purpose revenue.* Biennially,
2 the amounts in the schedule for grants and loans under s. ~~16.33~~ 560.9803 and for
3 grants under s. ~~16.336~~ 560.9805.

4 **SECTION 596.** 20.505 (7) (c) of the statutes is renumbered 20.143 (2) (c) and
5 amended to read:

6 20.143 (2) (c) *Payments to designated agents.* The amounts in the schedule for
7 payments for services provided by agents designated under s. ~~16.334~~ 560.9804 (2),
8 in accordance with agreements entered into under s. ~~16.334~~ 560.9804 (1).

9 **SECTION 597.** 20.505 (7) (fm) of the statutes is renumbered 20.143 (2) (fm) and
10 amended to read:

11 20.143 (2) (fm) *Shelter for homeless and transitional housing grants.* The
12 amounts in the schedule for transitional housing grants under s. ~~16.339~~ 560.9806
13 and for grants to agencies and shelter facilities for homeless individuals and families
14 as provided under s. ~~16.352~~ 560.9808. Notwithstanding ss. 20.001 (3) (a) and 20.002
15 (1), the department may transfer funds between fiscal years under this paragraph.
16 All funds allocated but not encumbered by December 31 of each year lapse to the
17 general fund on the next January 1 unless transferred to the next calendar year by
18 the joint committee on finance.

19 **SECTION 598.** 20.505 (7) (h) of the statutes is renumbered 20.143 (2) (h) and
20 amended to read:

21 20.143 (2) (h) *Funding for the homeless.* All moneys received from interest on
22 real estate trust accounts under s. 452.13 for grants under s. ~~16.351~~ 560.9807, and
23 all moneys received under s. 704.05 (5) (a) 2., for grants to agencies and shelter
24 facilities for homeless individuals and families under s. ~~16.352~~ 560.9808 (2) (a) and
25 (b).

SENATE BILL 44**SECTION 599**

1 **SECTION 599.** 20.505 (7) (k) of the statutes is renumbered 20.143 (2) (k) and
2 amended to read:

3 20.143 (2) (k) *Sale of materials or services.* All moneys received from the sale
4 of materials or services related to housing assistance under subch. II of ch. 16 ~~X~~ of
5 ch. 560 to the department or other state agencies, for the purpose of providing those
6 materials and services.

7 **SECTION 600.** 20.505 (7) (kg) of the statutes is renumbered 20.143 (2) (kg) and
8 amended to read:

9 20.143 (2) (kg) *Housing program services.* All moneys received from other state
10 agencies for housing program services, for ~~that~~ the purpose of providing housing
11 program services.

12 **SECTION 601.** 20.505 (7) (km) of the statutes is renumbered 20.505 (1) (kn) and
13 amended to read:

14 20.505 (1) (kn) *Weatherization assistance.* All moneys transferred from the
15 appropriation under par. (a) (~~mb~~) and all moneys received from other state agencies
16 or the department, for the weatherization program under s. ~~16.39~~ 16.26, for that
17 purpose.

18 **SECTION 602.** 20.505 (7) (m) of the statutes is renumbered 20.143 (2) (m) and
19 amended to read:

20 20.143 (2) (m) *Federal aid; state operations.* All moneys received from the
21 federal government for state operations related to housing assistance under subch.
22 ~~II of ch. 16 X~~ of ch. 560, as authorized by the governor under s. 16.54, for the purposes
23 of state operations.

24 **SECTION 603.** 20.505 (7) (n) of the statutes is renumbered 20.143 (2) (n) and
25 amended to read:

SENATE BILL 44**SECTION 603**

1 20.143 (2) (n) *Federal aid; local assistance.* All moneys received from the
2 federal government for local assistance related to housing assistance under subch.
3 ~~II of ch. 16~~ X of ch. 560, as authorized by the governor under s. 16.54, for the purposes
4 of providing local assistance.

5 **SECTION 604.** 20.505 (7) (o) of the statutes is renumbered 20.143 (2) (o) and
6 amended to read:

7 20.143 (2) (o) *Federal aid; individuals and organizations.* All moneys received
8 from the federal government for aids to individuals and organizations related to
9 housing assistance under subch. ~~II of ch. 16~~ X of ch. 560, as authorized by the
10 governor under s. 16.54, for the purpose of providing aids to individuals and
11 organizations.

12 **SECTION 605.** 20.505 (8) (hm) (intro.) of the statutes is amended to read:

13 20.505 (8) (hm) (intro.) *Indian gaming receipts.* All moneys ~~received as Indian~~
14 ~~gaming receipts, as defined in s. 569.01 (1m)~~ required to be credited to this
15 appropriation under s. 569.06, all moneys transferred under 2001 Wisconsin Act 16,
16 sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224 (1mk), 9225 (1mk),
17 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk), 9257 (2mk), and 9258
18 (2mk), and all moneys that revert to this appropriation account from the
19 appropriation accounts specified in subds. 1c. to 19., less the amounts appropriated
20 under par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the
21 following amounts:

22 **SECTION 606.** 20.505 (8) (hm) 1f. of the statutes is amended to read:

23 20.505 (8) (hm) 1f. The amount transferred to the conservation fund shall be
24 ~~\$2,500,000~~ \$3,000,000.

25 **SECTION 607.** 20.505 (8) (hm) 4i. of the statutes is amended to read:

SENATE BILL 44**SECTION 607**

1 20.505 (8) (hm) 4i. The amount transferred to s. ~~20.235 (1)~~ 20.285 (7) (k) shall
2 be the amount in the schedule under s. ~~20.235 (1)~~ 20.285 (7) (k).

3 **SECTION 608.** 20.505 (8) (hm) 6o. of the statutes is repealed.

4 **SECTION 609.** 20.505 (8) (hm) 8j. of the statutes is amended to read:

5 20.505 (8) (hm) 8j. The amount transferred to s. 20.370 ~~(1)~~ (4) (jk) shall be the
6 amount in the schedule under s. 20.370 ~~(1)~~ (4) (jk).

7 **SECTION 610.** 20.505 (8) (hm) 10. of the statutes is amended to read:

8 20.505 (8) (hm) 10. The amount transferred to s. ~~20.235 (1)~~ 20.285 (7) (km) shall
9 be the amount in the schedule under s. ~~20.235 (1)~~ 20.285 (7) (km).

10 **SECTION 611.** 20.505 (8) (hm) 15. of the statutes is repealed.

11 **SECTION 612.** 20.505 (8) (hm) 15g. of the statutes is repealed.

12 **SECTION 613.** 20.505 (8) (hm) 15h. of the statutes is repealed.

13 **SECTION 614.** 20.505 (8) (hm) 18dr. of the statutes is repealed.

14 **SECTION 615.** 20.505 (8) (hm) 18j. of the statutes is amended to read:

15 20.505 (8) (hm) 18j. The amount transferred to s. 20.445 ~~(7)~~ (1) (kd) shall be the
16 amount in the schedule under s. 20.445 ~~(7)~~ (1) (kd).

17 **SECTION 616.** 20.510 (1) (bm) (title) of the statutes is amended to read:

18 20.510 (1) (bm) (title) *Training of chief inspectors; general purpose revenue.*

19 **SECTION 617.** 20.510 (1) (jm) of the statutes is created to read:

20 20.510 (1) (jm) *Training of chief inspectors; program revenue.* All moneys
21 received from municipalities for the costs of training of chief inspectors under s. 7.31,
22 to be used for that purpose.

23 **SECTION 618.** 20.510 (1) (x) of the statutes is created to read:

SENATE BILL 44**SECTION 618**

1 20.510 (1) (x) *Federal aid*. From the election administration fund, all moneys
2 received from the federal government, as authorized by the governor under s. 16.54,
3 to be used for election administration costs under P.L. 107-252.

4 **SECTION 619.** 20.512 (intro.) of the statutes is repealed.

5 **SECTION 620.** 20.512 (1) (title) of the statutes is repealed.

6 **SECTION 621.** 20.512 (1) (a) of the statutes is repealed.

7 **SECTION 622.** 20.512 (1) (i) of the statutes is amended to read:

8 20.512 (1) (i) *Services to nonstate governmental units*. The amounts in the
9 schedule for the purpose of funding personnel services to nonstate governmental
10 units under s. 230.05 (8), including services provided under ss. ~~49.33~~ 49.78 (5) and
11 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
12 this appropriation account.

13 **SECTION 623.** 20.512 (1) (i) of the statutes, as affected by 2003 Wisconsin Act
14 (this act), is renumbered 20.505 (1) (ic).

15 **SECTION 624.** 20.512 (1) (j) of the statutes is repealed.

16 **SECTION 625.** 20.512 (1) (jm) of the statutes is renumbered 20.505 (1) (jc).

17 **SECTION 626.** 20.512 (1) (k) of the statutes is renumbered 20.505 (1) (k).

18 **SECTION 627.** 20.512 (1) (ka) of the statutes is renumbered 20.505 (1) (kp).

19 **SECTION 628.** 20.512 (1) (km) of the statutes is renumbered 20.505 (1) (ko).

20 **SECTION 629.** 20.512 (1) (m) of the statutes is repealed.

21 **SECTION 630.** 20.512 (1) (pz) of the statutes is repealed.

22 **SECTION 631.** 20.512 (2) of the statutes is repealed.

23 **SECTION 632.** 20.515 (2) (g) of the statutes is amended to read:

24 20.515 (2) (g) *Private employer health care coverage plan*. All moneys received
25 under subch. X of ch. 40 from employers who elect to participate in the private

SENATE BILL 44**SECTION 632**

1 employer health care coverage program under subch. X of ch. 40 and from any other
2 person under s. 40.98 (2) (h), for the costs of designing, marketing, and contracting
3 for or providing administrative services for the program and for lapsing to the
4 general fund the amounts required under s. 40.98 (6m).

5 **SECTION 633.** 20.525 (1) (kb) of the statutes is repealed.

6 **SECTION 634.** 20.525 (1) (kf) of the statutes is repealed.

7 **SECTION 635.** 20.530 (intro.) of the statutes is repealed.

8 **SECTION 636.** 20.530 (1) (title) of the statutes is repealed.

9 **SECTION 637.** 20.530 (1) (g) of the statutes is amended to read:

10 20.530 (1) (g) *Services.* All moneys received from the sources specified in ss.
11 22.05 (2) (b) and (c), 22.09 (2), and 44.73 115.9995 (2) (d), to provide computer
12 services, telecommunications services, and supercomputer services to state
13 authorities, units of the federal government, local governmental units, and entities
14 in the private sector, the source specified in s. 22.09 (3), to provide electronic
15 communications services to state authorities, units of the federal government, local
16 governmental units, and entities in the private sector, the source specified in s. 22.09
17 (3), to provide electronic communications services to state agencies, the sources
18 specified in ss. 22.05 and 22.07, to provide printing, mail processing, and information
19 technology processing services to state agencies, and the source specified in s. 22.03
20 (11), to provide information technology development and management services to
21 executive branch agencies under s. 22.03.

22 **SECTION 638.** 20.530 (1) (g) of the statutes, as affected by 2003 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 639.** 20.530 (1) (ir) of the statutes is renumbered 20.505 (1) (ir).

SENATE BILL 44**SECTION 640**

1 **SECTION 640.** 20.530 (1) (ja) of the statutes is renumbered 20.505 (1) (ja) and
2 amended to read:

3 20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for
4 the development and operation of automated justice information systems under s.
5 ~~22.03~~ 16.971 (9). Two-ninths of the moneys received under s. 814.635 (1) shall be
6 credited to this appropriation account.

7 **SECTION 641.** 20.530 (1) (ke) of the statutes is amended to read:

8 20.530 (1) (ke) *Telecommunications services; state agencies; veterans services.*
9 The amounts in the schedule to provide telecommunications services to state
10 agencies and to provide veterans services under s. 22.07 (9). All moneys received
11 from the provision of telecommunications services to state agencies under ss. 22.05
12 and 22.07 or under s. ~~44.73~~ 115.9995 (2) (d), other than moneys received and
13 disbursed under s. 20.225 (1) (kb), shall be credited to this appropriation account.

14 **SECTION 642.** 20.530 (1) (ke) of the statutes, as affected by 2003 Wisconsin Act
15 (this act), is renumbered 20.505 (1) (ke) and amended to read:

16 20.505 (1) (ke) *Telecommunications services; state agencies; veterans services.*
17 The amounts in the schedule to provide telecommunications services to state
18 agencies and to provide veterans services under s. ~~22.07~~ 16.973 (9). All moneys
19 received from the provision of telecommunications services to state agencies under
20 ss. ~~22.05~~ and ~~22.07~~ 16.972 and 16.973 or under s. 115.9995 (2) (d), other than moneys
21 received and disbursed under s. 20.225 (1) (kb), shall be credited to this
22 appropriation account.

23 **SECTION 643.** 20.530 (1) (kp) of the statutes is repealed.

24 **SECTION 644.** 20.530 (1) (kq) of the statutes is renumbered 20.505 (1) (kq) and
25 amended to read:

SENATE BILL 44**SECTION 644**

1 20.505 (1) (kq) *Justice information systems development, operation ~~and,~~*
2 *maintenance, and assistance.* The amounts in the schedule for the purpose of
3 developing, operating and maintaining automated justice information systems
4 under s. ~~22.03~~ 16.971 (9). All moneys transferred from the appropriation account
5 under s. ~~20.505 sub.~~ (6) (j) 12., (kt), and (m) shall be credited to this appropriation
6 account.

7 **SECTION 645.** 20.530 (1) (m) of the statutes is repealed.

8 **SECTION 646.** 20.536 (1) (k) of the statutes is amended to read:

9 20.536 (1) (k) *General program operations.* All moneys received from
10 assessments made under s. 25.187 (2) and from charges made under s. ss. 25.16 (8)
11 and 25.17 (9) for the purpose of conducting general program operations.

12 **SECTION 647.** 20.547 of the statutes is repealed.

13 **SECTION 648.** 20.585 (1) (jt) of the statutes is repealed.

14 **SECTION 649.** 20.585 (1) (km) of the statutes is repealed.

15 **SECTION 650.** 20.585 (2) (a) of the statutes is repealed.

16 **SECTION 651.** 20.585 (2) (am) of the statutes is repealed.

17 **SECTION 652.** 20.585 (2) (tm) of the statutes is amended to read:

18 20.585 (2) (tm) *Administrative expenses; college savings program.* From the
19 college savings program trust fund, all moneys received from the vendor of the
20 college savings program under s. 16.255 (3) (a) for the administrative expenses of the
21 college savings program under s. 14.64, including the expense of promoting the
22 program.

23 **SECTION 653.** 20.680 (2) (gc) of the statutes is created to read:

24 20.680 (2) (gc) *Court interpreter training and certification.* All moneys received
25 from fees imposed under s. 885.38 (2), for court interpreter training and certification.

SENATE BILL 44**SECTION 654**

1 **SECTION 654.** 20.765 (1) (a) of the statutes is amended to read:

2 20.765 (1) (a) *General program operations — assembly.* A sum sufficient to
3 carry out the functions of the assembly, excluding expenses for legislative
4 documents. No moneys may be expended or encumbered under this appropriation
5 before the effective date of the biennial budget act for the 2005-07 fiscal biennium
6 ... [revisor inserts date], other than moneys encumbered under this appropriation
7 before the effective date of this paragraph ... [revisor inserts date].

8 **SECTION 655.** 20.765 (1) (b) of the statutes is amended to read:

9 20.765 (1) (b) *General program operations — senate.* A sum sufficient to carry
10 out the functions of the senate, excluding expenses for legislative documents. No
11 moneys may be expended or encumbered under this appropriation before the
12 effective date of the biennial budget act for the 2005-07 fiscal biennium ... [revisor
13 inserts date], other than moneys encumbered under this appropriation before the
14 effective date of this paragraph ... [revisor inserts date].

15 **SECTION 656.** 20.765 (1) (d) of the statutes is amended to read:

16 20.765 (1) (d) *Legislative documents.* A sum sufficient to pay legislative
17 expenses for acquisition, production, retention, sales and distribution of legislative
18 documents authorized under ss. 13.17, 13.90 (1) (g), 13.92 (1) (e), 13.93 (3) and 35.78
19 (1) or the rules of the senate and assembly, except as provided in sub. (3) (em). No
20 moneys may be expended or encumbered under this appropriation before the
21 effective date of the biennial budget act for the 2005-07 fiscal biennium ... [revisor
22 inserts date], other than moneys encumbered under this appropriation before the
23 effective date of this paragraph ... [revisor inserts date].

24 **SECTION 657.** 20.765 (3) (fa) of the statutes is amended to read:

SENATE BILL 44**SECTION 657**

1 20.765 (3) (fa) *Membership in national associations.* A sum sufficient to be
2 disbursed under s. 13.90 (4) for payment of the annual fees entitling the legislature
3 to membership in national organizations including, without limitation because of
4 enumeration, the ~~national conference of state legislatures~~ National Conference of
5 State Legislatures, the National Conference of Commissioners on Uniform State
6 Laws and the National Committee on Uniform Traffic Laws and Ordinances. No
7 moneys may be expended or encumbered under this appropriation before the
8 effective date of the biennial budget act for the 2005-07 fiscal biennium [revisor
9 inserts date], other than moneys encumbered under this appropriation before the
10 effective date of this paragraph [revisor inserts date].

11 **SECTION 658.** 20.765 (5) of the statutes is created to read:

12 20.765 (5) LEGISLATIVE OPERATIONS. (a) *Legislative operations costs.* A sum
13 sufficient for the purposes specified in the appropriations under subs. (1), (2), (3) (a)
14 to (fa), and (4), as allocated by the joint committee on legislative organization under
15 2003 Wisconsin Act (this act), section 9133 (2) or authorized under 2003 Wisconsin
16 Act (this act), section 9133 (3). No moneys may be expended under this
17 appropriation on or after the effective date of the biennial budget act for the 2005-07
18 fiscal biennium [revisor inserts date], other than moneys encumbered under this
19 appropriation before the effective date of the biennial budget act for the 2005-07
20 fiscal biennium [revisor inserts date].

21 **SECTION 659.** 20.835 (1) (d) of the statutes is amended to read:

22 20.835 (1) (d) *Shared revenue account.* A sum sufficient, less any amount
23 appropriated under par. (t), to meet the requirements of the shared revenue account
24 established under s. 79.01 (2) to provide for the distributions from the shared

SENATE BILL 44**SECTION 659**

1 revenue account to counties, towns, villages and cities under ss. 79.03, 79.04 and
2 79.06.

3 **SECTION 660.** 20.835 (1) (d) of the statutes, as affected by 2003 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the
6 requirements of the shared revenue account established under s. 79.01 (2) to provide
7 for the distributions from the shared revenue account to counties, towns, villages and
8 cities under ss. 79.03, 79.04 and 79.06.

9 **SECTION 661.** 20.835 (1) (db) of the statutes is amended to read:

10 20.835 (1) (db) *County and municipal aid account.* Beginning in 2004, a sum
11 sufficient, less any amount appropriated under pars. (t) and (u), to make payments
12 to counties, towns, villages, and cities under ss. s. 79.035 and 79.036.

13 **SECTION 662.** 20.835 (1) (db) of the statutes, as affected by 2003 Wisconsin Act
14 (this act), is repealed and recreated to read:

15 20.835 (1) (db) *County and municipal aid account.* Beginning in 2004, a sum
16 sufficient to make payments to counties, towns, villages, and cities under s. 79.035.

17 **SECTION 663.** 20.835 (1) (t) of the statutes is created to read:

18 20.835 (1) (t) *Shared revenue and county and municipal aid; transportation*
19 *fund.* From the transportation fund, the amounts in the schedule to provide for the
20 distributions to counties, towns, villages, and cities under ss. 79.03, 79.035, 79.04,
21 and 79.06. No moneys may be encumbered from this appropriation account after
22 June 30, 2005.

23 **SECTION 664.** 20.835 (1) (t) of the statutes, as created by 2003 Wisconsin Act
24 (this act), is repealed.

25 **SECTION 665.** 20.835 (1) (u) of the statutes is created to read:

SENATE BILL 44**SECTION 665**

1 20.835 (1) (u) *County and municipal aid; utility public benefits fund.* From the
2 utility public benefits fund, the amounts in the schedule to provide for the
3 distributions to counties, towns, villages, and cities under s. 79.035. No moneys may
4 be encumbered from this appropriation account after June 30, 2005.

5 **SECTION 666.** 20.835 (1) (u) of the statutes, as created by 2003 Wisconsin Act
6 (this act), is repealed.

7 **SECTION 667.** 20.835 (2) (f) of the statutes is amended to read:

8 20.835 (2) (f) *Earned income tax credit.* A sum sufficient to pay the excess
9 claims approved under s. 71.07 (9e) that are not paid under ~~par.~~ pars. (kf) and (r).

10 **SECTION 668.** 20.835 (2) (r) of the statutes is created to read:

11 20.835 (2) (r) *Earned income tax credit; utility public benefits fund.* From the
12 utility public benefits fund under s. 25.96, the amounts in the schedule to be used to
13 pay the claims approved under s. 71.07 (9e).

14 **SECTION 669.** 20.855 (1) (ch) of the statutes is repealed.

15 **SECTION 670.** 20.855 (3) (a) of the statutes is repealed.

16 **SECTION 671.** 20.865 (1) (a) of the statutes is amended to read:

17 20.865 (1) (a) *Judgments ~~and~~, legal expenses, and worker's compensation*
18 *benefits.* A sum sufficient to pay for legal expenses under s. 59.32 (3), for costs under
19 ss. 227.485 and 814.245 ~~and~~, for the costs of judgments, orders, and settlements of
20 actions, appeals, and complaints under subch. II of ch. 111 or subch. II or III of ch.
21 230, and those judgments, awards, orders, and settlements under ss. 21.13, 165.25
22 (6), 775.04, and 895.46 that are not otherwise reimbursable as liability costs under
23 par. (fm), and for payments made under s. 166.03 (8) (f). Release of moneys under this
24 paragraph pursuant to any settlement agreement, whether or not incorporated into
25 an order, is subject to approval of the attorney general.

SENATE BILL 44**SECTION 672**

1 **SECTION 672.** 20.865 (2) (a) of the statutes is repealed and recreated to read:

2 20.865 (2) (a) *Private facility rental increases and state-owned office rent*
3 *supplement.* The amounts in the schedule to cover costs in excess of budgeted
4 amounts for rental increases under leases of private facilities occupied by state
5 agencies and for increased rental rates approved by the building commission in
6 state-owned buildings.

7 **SECTION 673.** 20.865 (2) (ag) of the statutes is repealed.

8 **SECTION 674.** 20.865 (2) (am) of the statutes is amended to read:

9 20.865 (2) (am) *Space management and child care.* The amounts in the
10 schedule to finance the unbudgeted costs of remodeling, moving, additional rental
11 costs, and move-related vacant space costs, ~~except costs financed under s. 20.855 (3)~~
12 ~~(a)~~, resulting from relocations of state agencies directed by the department of
13 administration, and the unbudgeted costs of assessments for child care facilities
14 under s. 16.841 (4) incurred by state agencies.

15 **SECTION 675.** 20.865 (2) (g) of the statutes is repealed and recreated to read:

16 20.865 (2) (g) *Private facility rental increases and state-owned office rent*
17 *supplement; program revenues.* From the appropriate program revenue and
18 program revenue-service accounts, a sum sufficient to supplement appropriations
19 to state agencies to cover costs in excess of budgeted amounts for rental increases
20 under leases of private facilities occupied by state agencies and for increased rental
21 rates approved by the building commission in state-owned buildings.

22 **SECTION 676.** 20.865 (2) (gg) of the statutes is repealed.

23 **SECTION 677.** 20.865 (2) (q) of the statutes is repealed and recreated to read:

24 20.865 (2) (q) *Private facility rental increases and state-owned office rent*
25 *supplement; segregated revenues.* From the appropriate segregated funds, a sum

SENATE BILL 44**SECTION 677**

1 sufficient to supplement the appropriations to state agencies to cover costs in excess
2 of budgeted amounts for rental increases under leases of private facilities occupied
3 by state agencies and for increased rental rates approved by the building commission
4 in state-owned buildings.

5 **SECTION 678.** 20.865 (2) (qg) of the statutes is repealed.

6 **SECTION 679.** 20.866 (intro.) of the statutes is amended to read:

7 **20.866 Public debt.** (intro.) There are irrevocably appropriated to the bond
8 security and redemption fund and to the capital improvement fund, as a first charge
9 upon all revenues of this state, sums sufficient for payment of principal, interest and,
10 premium due, if any, on and payment due, if any, under an agreement or ancillary
11 arrangement entered into under s. 18.06 (8) (a) with respect to any public debt
12 contracted under subchs. I and IV of ch. 18.

13 **SECTION 680.** 20.866 (1) (u) of the statutes is amended to read:

14 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
15 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
16 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
17 20.255 (1) (d), ~~20.275 (1)~~ and (4) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih),
18 (kd), and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
19 (aq), (ar), (at), (au), ~~(ba)~~, (bq), (ca), (cb), (cc), (cd), (ce), (cf), ~~(cg)~~, (ea), (eq), and (er),
20 20.395 (6) (af), (aq), (ar), and (at), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2)
21 (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5)
22 (c), (g) and (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br),
23 (bt), (g), (h), (i), and (q) for the payment of principal and, interest on, premium due,
24 if any, and payment due, if any, under an agreement or ancillary arrangement

SENATE BILL 44**SECTION 680**

1 entered into pursuant to s. 18.06 (8) (a) with respect to any public debt contracted
2 under subchs. I and IV of ch. 18.

3 **SECTION 681.** 20.866 (2) (te) of the statutes is amended to read:

4 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital
5 improvement fund, a sum sufficient for the department of natural resources to
6 provide funds for nonpoint source water pollution abatement projects under s.
7 281.65. The state may contract public debt in an amount not to exceed \$75,763,600
8 \$85,310,400 for this purpose.

9 **SECTION 682.** 20.866 (2) (tg) of the statutes is amended to read:

10 20.866 (2) (tg) *Natural resources; environmental repair.* From the capital
11 improvement fund, a sum sufficient for the department of natural resources to fund
12 investigations and remedial action under s. 292.11 (7) (a) or 292.31 and remedial
13 action under s. 281.83 and for payment of this state's share of environmental repair
14 that is funded under 42 USC 6991 to 6991i or 42 USC 9601 to 9675. The state may
15 contract public debt in an amount not to exceed \$48,000,000 \$54,000,000 for this
16 purpose. Of this amount, \$7,000,000 is allocated for remedial action under s. 281.83.

17 **SECTION 683.** 20.866 (2) (th) of the statutes is amended to read:

18 20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From
19 the capital improvement fund, a sum sufficient for the department of natural
20 resources to provide cost-sharing grants for urban nonpoint source water pollution
21 abatement and storm water management projects under s. 281.66 and to provide
22 municipal flood control and riparian restoration cost-sharing grants under s.
23 281.665. The state may contract public debt in an amount not to exceed \$17,700,000
24 \$22,400,000 for this purpose. Of this amount, \$500,000 is allocated in fiscal
25 biennium 2001-03 for dam rehabilitation grants under s. 31.387.

SENATE BILL 44**SECTION 684**

1 **SECTION 684.** 20.866 (2) (uv) of the statutes is amended to read:

2 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital
3 improvement fund, a sum sufficient for the department of transportation to provide
4 grants for harbor improvements. The state may contract public debt in an amount
5 not to exceed ~~\$25,000,000~~ \$28,000,000 for this purpose.

6 **SECTION 685.** 20.866 (2) (uw) of the statutes is amended to read:

7 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the
8 capital improvement fund, a sum sufficient for the department of transportation to
9 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
10 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).
11 The state may contract public debt in an amount not to exceed ~~\$28,000,000~~
12 \$32,500,000 for these purposes.

13 **SECTION 686.** 20.866 (2) (we) of the statutes is amended to read:

14 20.866 (2) (we) *Agriculture; soil and water.* From the capital improvement
15 fund, a sum sufficient for the department of agriculture, trade and consumer
16 protection to provide for soil and water resource management under s. 92.14. The
17 state may contract public debt in an amount not to exceed ~~\$13,575,000~~ \$20,575,000
18 for this purpose.

19 **SECTION 687.** 20.866 (2) (xe) of the statutes is amended to read:

20 20.866 (2) (xe) *Building commission; refunding tax-supported and*
21 *self-amortizing general obligation debt incurred before June 30, 2003* 2005. From
22 the capital improvement fund, a sum sufficient to refund the whole or any part of any
23 unpaid indebtedness used to finance tax-supported or self-amortizing facilities.
24 The state may contract public debt in an amount not to exceed ~~\$75,000,000~~
25 \$425,000,000 for this purpose. Such indebtedness shall be construed to include any

SENATE BILL 44**SECTION 687**

1 premium and interest payable with respect thereto. Debt incurred by this paragraph
2 shall be incurred before June 30, ~~2003~~ 2005, but only pursuant to a request by the
3 secretary of administration under s. 16.406, and shall be repaid under the
4 appropriations providing for the retirement of public debt incurred for
5 tax-supported and self-amortizing facilities in proportional amounts to the
6 purposes for which the debt was refinanced.

7 **SECTION 688.** 20.866 (2) (zc) of the statutes is amended to read:

8 20.866 (2) (zc) ~~Technology for educational achievement in Wisconsin board~~
9 ~~Public instruction; school district educational technology infrastructure financial~~
10 ~~assistance.~~ From the capital improvement fund, a sum sufficient for the ~~technology~~
11 ~~for educational achievement in Wisconsin board~~ department of public instruction to
12 provide educational technology infrastructure financial assistance to school districts
13 under s. 44.72 (4) 115.999. The state may contract public debt in an amount not to
14 exceed \$100,000,000 for this purpose.

15 **SECTION 689.** 20.866 (2) (zcm) of the statutes is amended to read:

16 20.866 (2) (zcm) ~~Technology for educational achievement in Wisconsin board~~
17 ~~Public instruction; public library educational technology infrastructure financial~~
18 ~~assistance.~~ From the capital improvement fund, a sum sufficient for the ~~technology~~
19 ~~for educational achievement in Wisconsin board~~ department of public instruction to
20 provide educational technology infrastructure financial assistance to public library
21 boards under s. 44.72 (4) 115.999. The state may contract public debt in an amount
22 not to exceed \$3,000,000 for this purpose.

23 **SECTION 690.** 20.866 (2) (zo) of the statutes is amended to read:

24 20.866 (2) (zo) ~~Veterans affairs; refunding bonds.~~ From the funds and accounts
25 under s. 18.04 (6) (b), a sum sufficient for the department of veterans affairs to fund,

SENATE BILL 44**SECTION 690**

1 refund, or acquire the whole or any part of public debt as set forth in s. 18.04 (5). The
2 building commission may contract public debt in an amount not to exceed
3 ~~\$665,000,000~~ \$840,000,000 for these purposes, exclusive of any amount issued to
4 fund public debt contracted under par. (zn).

5 **SECTION 691.** 20.901 (1) (b) of the statutes is amended to read:

6 20.901 (1) (b) Notwithstanding ss. 230.047 and 230.29, in the case of an
7 emergency which is the result of natural or human causes, state agencies may
8 cooperate to maintain required state services through the temporary interchange of
9 employees. The interchange of employees may be of 2 types: where an appointing
10 authority declares an emergency in writing to the governor; or where the governor
11 or his or her designee declares an emergency. If an appointing authority declares an
12 emergency, the interchange of employees is voluntary on the part of those employees
13 designated by the sending state agency as available for interchange. If the governor
14 or his or her designee declares an emergency, the governor may require a temporary
15 interchange of employees. An emergency which is declared by an appointing
16 authority may not exceed 72 hours unless an extension is approved by the governor
17 or his or her designee. An employee who is assigned temporary interchange duties
18 may be required to perform work which is not normally performed by the employee
19 or described in his or her position classification. An interchange employee shall be
20 paid at the rate of pay for the employee's permanent job unless otherwise authorized
21 by the secretary of ~~employment relations~~ administration. State agencies receiving
22 employees on interchanges shall keep appropriate records and reimburse the
23 sending state agencies for authorized salaries and expenses. The secretary of
24 ~~employment relations~~ administration may institute temporary pay administration
25 policies as required to facilitate the handling of such declared emergencies.

SENATE BILL 44**SECTION 692**

1 **SECTION 692.** 20.906 (1) of the statutes is amended to read:

2 20.906 (1) FREQUENCY OF DEPOSITS. Unless otherwise provided by law, all
3 moneys collected or received by any state agency for or in behalf of the state or which
4 is are required by law to be turned into the state treasury shall be deposited in or
5 transmitted to the state treasury at least once a week and also at other times as
6 required by the governor or the ~~state treasurer~~ secretary of administration and shall
7 be accompanied by a statement in such form as the ~~treasurer~~ secretary of
8 administration may prescribe showing the amount of such collection and from whom
9 and for what purpose or on what account the same was received. All moneys paid into
10 the treasury shall be credited to the general purpose revenues of the general fund
11 unless otherwise specifically provided by law.

12 **SECTION 693.** 20.906 (4) of the statutes is amended to read:

13 20.906 (4) PENALTIES. If any state agency fails to make such deposits of money,
14 or to make such reports as are required by this section, the department of
15 administration, with the approval of the governor, shall withhold all moneys due
16 such state agency until this section is complied with; and upon such failure to make
17 such deposits of money, the officer or employee so failing shall be liable to the ~~state~~
18 ~~treasurer~~ secretary of administration for an amount equal to the interest upon the
19 moneys so withheld from deposit at the same rate as that received by the state upon
20 moneys held in the state investment fund, for the period for which such deposit is
21 withheld; and such interest shall be a charge against the officer or employee and
22 shall be deducted from that person's compensation.

23 **SECTION 694.** 20.906 (5) of the statutes is amended to read:

24 20.906 (5) CONDITIONS PRECEDENT TO RELEASE OF APPROPRIATIONS. All
25 appropriations from state revenues for any state agency, are made on the express

SENATE BILL 44**SECTION 694**

1 conditions that such state agency pays all moneys received by it into the state
2 treasury within one week of receipt or as often as otherwise directed by the governor
3 or ~~state treasurer~~ secretary of administration, and conforms with ss. 16.53 (1) and
4 20.002, regardless of the type of appropriations made to the state agency. Upon
5 failure to comply with this subsection, the department of administration shall refuse
6 ~~to draw its warrant and the state treasurer shall refuse~~ to pay any moneys
7 appropriated to the state agency from state revenues until the state agency complies
8 with this subsection. Upon failure or refusal to so comply, after due notice received
9 from the department of administration, any appropriations from state revenues to
10 the state agency shall permanently revert to the fund from which appropriated.

11 **SECTION 695.** 20.906 (6) of the statutes is amended to read:

12 20.906 (6) DIRECT DEPOSITS. The governor or the ~~state treasurer~~ secretary of
13 administration may require state agencies making deposits under this section to
14 make direct deposits to any depository designated by the depository selection board,
15 if such a requirement is advantageous or beneficial to this state.

16 **SECTION 696.** 20.907 (2) of the statutes is amended to read:

17 20.907 (2) CUSTODY AND ACCOUNTING. The ~~state treasurer~~ secretary of
18 administration shall have custody of all such gifts, grants, and bequests ~~and devises~~
19 in the form of cash or securities. The department of administration shall keep a
20 separate account for each state agency receiving such gifts, grants, and bequests ~~and~~
21 ~~devises~~, including therein investments, accumulations, payments, and any other
22 transaction pertaining to such moneys. If no state agency is designated by the donor
23 to carry out the purposes of the conveyance, the joint committee on finance shall
24 appoint a state agency to act as trustee.

25 **SECTION 697.** 20.907 (5) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 697**

1 20.907 (5) (a) Except as provided in par. (b), all moneys ~~which~~ that may come
2 into the possession of any officer or employee of a state agency by virtue of his or her
3 office or employment shall be deposited with the ~~state treasurer~~ secretary of
4 administration, regardless of the ownership thereof.

5 **SECTION 698.** 20.907 (5) (b) of the statutes is amended to read:

6 20.907 (5) (b) Paragraph (a) does not apply whenever the disposition of moneys
7 is otherwise provided by law or whenever a state agency receives moneys incident
8 to an authorized activity ~~which~~ that are not appropriated and not directed to be
9 deposited with the ~~state treasurer~~ secretary of administration and the agency
10 promulgates a rule ~~which~~ that prescribes procedures in accordance with ch. 34 for
11 the deposit of the moneys.

12 **SECTION 699.** 20.907 (5) (c) of the statutes is amended to read:

13 20.907 (5) (c) The ~~state treasurer~~ secretary of administration shall establish
14 an account for moneys received under par. (a) from each source and shall make
15 payments and refunds from each account authorized under par. (e) as directed by the
16 state agency depositing the moneys, unless otherwise provided by law. Each
17 payment shall be made upon submission of a claim audited under s. 16.53 and paid
18 by voucher from the appropriation under s. 20.855 (6) (j) in accordance with
19 procedures established by the secretary of administration.

20 **SECTION 700.** 20.907 (5) (d) of the statutes is amended to read:

21 20.907 (5) (d) Each account under this subsection shall be established in the
22 appropriate fund, as determined by the ~~state treasurer~~ secretary of administration.

23 **SECTION 701.** 20.907 (5) (e) 12e. of the statutes is created to read:

24 20.907 (5) (e) 12e. Credit card interchange and association fees.

25 **SECTION 702.** 20.907 (5) (e) 12r. of the statutes is created to read:

SENATE BILL 44

1 20.907 (5) (e) 12r. Transfers from the income account of the state investment
2 fund, to pay bank service costs under s. 34.045 (1) (b).

3 **SECTION 703.** 20.912 (1) of the statutes is amended to read:

4 20.912 (1) CANCELLATION OF OUTSTANDING CHECKS AND SHARE DRAFTS. If any
5 check, share draft, or other draft drawn and issued by the ~~state treasurer~~ upon the
6 funds of the state in any state depository is not paid within the time period
7 designated by the ~~state treasurer~~ secretary of administration under s. 14.58 (12)
8 16.401 (10) as shown on the check or other draft, the ~~state treasurer~~ secretary of
9 administration shall cancel the check or other draft and credit the amount thereof
10 to the fund on which it is drawn.

11 **SECTION 704.** 20.912 (3) of the statutes is amended to read:

12 20.912 (3) REISSUE OF CANCELED CHECKS, SHARE DRAFTS, AND OTHER DRAFTS.
13 Subject to sub. (2), when the payee or person entitled to any check, share draft, or
14 other draft canceled under sub. (1) by the ~~state treasurer~~, or the payee or person
15 entitled to any warrant so canceled by the department of administration, demands
16 such check, share draft, other draft, or warrant or payment thereof, the department
17 of administration shall issue a new warrant therefor, to be paid from the appropriate
18 appropriation account under s. 20.855 (1) (bm), (gm), or (rm).

19 **SECTION 705.** 20.912 (4) of the statutes is amended to read:

20 20.912 (4) INSOLVENT DEPOSITORIES. When the bank, savings and loan
21 association, savings bank, or credit union on which any check, share draft, or other
22 draft is drawn by the state treasurer before payment of such check, share draft, or
23 other draft becomes insolvent or is taken over by the division of banking, ~~division of~~
24 ~~savings institutions~~, the federal home loan bank board, the U.S. office of thrift
25 supervision, the federal deposit insurance corporation, the resolution trust

SENATE BILL 44**SECTION 705**

1 corporation, the office of credit unions, the administrator of federal credit unions, or
2 the U.S. comptroller of the currency, the state treasurer shall on the demand of the
3 person in whose favor such check, share draft, or other draft was drawn and upon
4 the return to the treasurer of such check, share draft, or other draft issue a
5 replacement for the same amount.

6 **SECTION 706.** 20.912 (4) of the statutes, as affected by 2003 Wisconsin Act ...
7 (this act), is amended to read:

8 20.912 (4) INSOLVENT DEPOSITORIES. When the bank, savings and loan
9 association, savings bank, or credit union on which any check, share draft, or other
10 draft is drawn by the ~~state treasurer~~ secretary of administration before payment of
11 such check, share draft, or other draft becomes insolvent or is taken over by the
12 division of banking, the federal home loan bank board, the U.S. office of thrift
13 supervision, the federal deposit insurance corporation, the resolution trust
14 corporation, the office of credit unions, the administrator of federal credit unions, or
15 the U.S. comptroller of the currency, the ~~state treasurer~~ secretary of administration
16 shall on the demand of the person in whose favor such check, share draft, or other
17 draft was drawn and upon the return to the ~~treasurer~~ secretary of such check, share
18 draft, or other draft issue a replacement for the same amount.

19 **SECTION 707.** 20.912 (5) of the statutes is amended to read:

20 20.912 (5) LOST, STOLEN, OR DESTROYED CHECKS, SHARE DRAFTS, AND OTHER DRAFTS.
21 If any check, share draft, or other draft drawn and issued by the ~~state treasurer~~
22 secretary of administration is lost, stolen, or destroyed and the bank, savings and
23 loan association, savings bank, or credit union on which the check, share draft, or
24 other draft is drawn has been notified to stop payment thereon, the ~~state treasurer~~
25 secretary of administration may, after acknowledgment by the bank, savings and

SENATE BILL 44**SECTION 707**

1 loan association, savings bank, or credit union that the check, share draft, or other
2 draft has not been paid, issue a replacement check, share draft, or other draft and
3 thereafter the ~~state treasurer~~ secretary of administration shall be relieved from all
4 liability thereon.

5 **SECTION 708.** 20.916 (2) of the statutes is amended to read:

6 20.916 (2) REIMBURSEMENT OF JOB APPLICANTS. Subject to rules of the secretary
7 of the ~~department of employment relations~~ administration, reimbursement may be
8 made to applicants for all or part of actual and necessary travel expenses incurred
9 in connection with oral examination and employment interviews.

10 **SECTION 709.** 20.916 (4) (a) of the statutes is amended to read:

11 20.916 (4) (a) If any state agency determines that the duties of any employee
12 require the use of an automobile, it may authorize such employee to use a personal
13 automobile in the employee's work for the state, and reimburse the employee for such
14 at a rate which is set biennially by the department of ~~employment relations~~
15 administration under sub. (8) subject to the approval of the joint committee on
16 employment relations.

17 **SECTION 710.** 20.916 (4m) (b) of the statutes is amended to read:

18 20.916 (4m) (b) Except as otherwise provided in this paragraph, if any state
19 agency determines that an employee's duties require the use of a motor vehicle, and
20 use of a personal motor vehicle is authorized by the agency under similar
21 circumstances, the agency shall authorize the employee to use a personal motorcycle
22 for the employee's duties and shall reimburse the employee for the use of the
23 motorcycle at rates determined biennially by the secretary of ~~employment relations~~
24 administration under sub. (8), subject to the approval of the joint committee on
25 employment relations. No state agency may authorize an employee to use or

SENATE BILL 44**SECTION 710**

1 reimburse an employee for the use of a personal motorcycle under this paragraph if
2 more than one individual is transported on the motorcycle. All allowances for the use
3 of a motorcycle shall be paid upon approval and certification of the amounts payable
4 by the head of the state agency for which the employee performs duties to the
5 department of administration.

6 **SECTION 711.** 20.916 (5) (a) of the statutes is amended to read:

7 20.916 (5) (a) Whenever any state agency determines that the duties of any
8 member or employee require the use of an airplane, it may authorize him or her to
9 charter such airplane with or without a pilot; and it may authorize any member or
10 employee to use his or her personal airplane and reimburse him or her for such use
11 at a rate set biennially by the department of ~~employment relations~~ administration
12 under sub. (8), subject to the approval of the joint committee on employment
13 relations. Such reimbursement shall be made upon the certification of the amount
14 by the head of the state agency to the department of administration.

15 **SECTION 712.** 20.916 (8) (a) of the statutes is amended to read:

16 20.916 (8) (a) The secretary of ~~employment relations~~ administration shall
17 recommend to the joint committee on employment relations uniform travel schedule
18 amounts for travel by state officers and employees whose compensation is
19 established under s. 20.923 or 230.12. Such amounts shall include maximum
20 permitted amounts for meal and lodging costs, special allowance expenses under
21 sub. (9) (d), and portage tips, except as authorized under s. 16.53 (12) (c). In lieu
22 of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the
23 secretary may recommend to the committee a per diem amount and method of
24 reimbursement for any or all expenses under sub. (9) (b), (c), and (d).

25 **SECTION 713.** 20.916 (9) (f) 1. of the statutes is amended to read:

SENATE BILL 44**SECTION 713**

1 20.916 **(9)** (f) 1. Scheduled air travel. Reimbursement for air travel shall be
2 limited to the lowest appropriate airfare, as determined by the secretary of
3 ~~employment relations~~ administration. An employee may be reimbursed for air travel
4 at a rate other than the lowest appropriate airfare only if the employee submits a
5 written explanation of the reasonableness of the expense.

6 **SECTION 714.** 20.917 (1) (c) of the statutes is amended to read:

7 20.917 **(1)** (c) Reimbursement for moving expenses may be granted to a person
8 reporting to his or her first place of employment or reporting upon reemployment
9 after leaving the civil service, if reimbursement is recommended by the appointing
10 authority and approved in writing by the secretary of ~~employment relations~~
11 administration prior to the time when the move is made.

12 **SECTION 715.** 20.917 (2) (a) of the statutes is amended to read:

13 20.917 **(2)** (a) The secretary of ~~employment relations~~ administration shall
14 recommend a maximum dollar amount which may be permitted for reimbursement
15 of any employee moving costs under sub. (1) (a) to (c), subject to the limitations
16 prescribed in par. (b). This amount shall be submitted for the approval of the joint
17 committee on employment relations in the manner provided in s. 20.916 (8), and
18 upon approval shall become a part of the compensation plan under s. 230.12 (1).

19 **SECTION 716.** 20.917 (3) (a) 1. of the statutes is amended to read:

20 20.917 **(3)** (a) 1. Lodging allowances shall be in accordance with the schedule
21 established by the secretary of ~~employment relations~~ administration, but may not
22 exceed the rate established under s. 13.123 (1) (a) 1.

23 **SECTION 717.** 20.917 (3) (a) 2. of the statutes is amended to read:

24 20.917 **(3)** (a) 2. Lodging allowance payments are subject to prior approval in
25 writing by the secretary of ~~employment relations~~ administration.

SENATE BILL 44**SECTION 718**

1 **SECTION 718.** 20.917 (5) (b) of the statutes is amended to read:

2 20.917 (5) (b) Payments under this subsection are in addition to any payments
3 made under sub. (1). Payments under this subsection may be made only with the
4 prior written approval of the secretary of ~~employment relations~~ administration.

5 **SECTION 719.** 20.917 (6) of the statutes is amended to read:

6 20.917 (6) The secretary of ~~employment relations~~ administration may, in
7 writing, delegate to an appointing authority the authority to approve
8 reimbursement for moving expenses under sub. (1) (c), a temporary lodging
9 allowance under sub. (3) (a) 2. or expenses under sub. (5) (b).

10 **SECTION 720.** 20.920 (2) (a) of the statutes is amended to read:

11 20.920 (2) (a) With the approval of the secretary ~~and state treasurer~~, each state
12 agency may establish a contingent fund. The secretary shall determine the funding
13 source for each contingent fund, total amount of the fund, and maximum payment
14 from the fund.

15 **SECTION 721.** 20.923 (4) (intro.) of the statutes is amended to read:

16 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
17 administrator of the division of merit recruitment and selection in the department
18 of ~~employment relations~~ administration and commission chairpersons and members
19 shall be identified and limited in number in accordance with the standardized
20 nomenclature contained in this subsection, and shall be assigned to the executive
21 salary groups listed in pars. (a) to (i). Except for positions specified in par. (c) 3m.
22 and sub. (12), all unclassified division administrator positions enumerated under s.
23 230.08 (2) (e) shall be assigned, when approved by the joint committee on
24 employment relations, by the secretary of ~~employment relations~~ administration to
25 one of 10 executive salary groups. The joint committee on employment relations, by

SENATE BILL 44**SECTION 721**

1 majority vote of the full committee, may amend recommendations for initial position
2 assignments and changes in assignments to the executive salary groups submitted
3 by the secretary of ~~employment relations~~ administration. All division administrator
4 assignments and amendments to assignments of administrator positions approved
5 by the committee shall become part of the compensation plan. Whenever a new
6 unclassified division administrator position is created, the appointing authority may
7 set the salary for the position until the joint committee on employment relations
8 approves assignment of the position to an executive salary group. If the committee
9 approves assignment of the position to an executive salary group having a salary
10 range minimum or maximum inconsistent with the salary paid to the incumbent at
11 the time of such approval, the incumbent's salary shall be adjusted by the appointing
12 authority to conform with the committee's action, effective on the date of that action.

13 Positions are assigned as follows:

14 **SECTION 722.** 20.923 (4) (a) 6. of the statutes is repealed.

15 **SECTION 723.** 20.923 (4) (c) 3m. of the statutes is amended to read:

16 20.923 (4) (c) 3m. ~~Employment relations~~ Administration, department of;
17 division of merit recruitment and selection: administrator.

18 **SECTION 724.** 20.923 (4) (c) 4. of the statutes is repealed.

19 **SECTION 725.** 20.923 (4) (c) 5. of the statutes is amended to read:

20 20.923 (4) (c) 5. Governor's work-based learning board council: executive
21 director.

22 **SECTION 726.** 20.923 (4) (d) 1. of the statutes is amended to read:

23 20.923 (4) (d) 1. Administration, department of; office of the commissioner of
24 tax appeals ~~commission: chairperson and members. The chairperson of the~~
25 ~~commission and the governor, at the time a new member is appointed, shall jointly~~

SENATE BILL 44**SECTION 726**

1 ~~determine the salary of the new member within the range for this group;~~
2 ~~commissioner.~~

3 **SECTION 727.** 20.923 (4) (d) 7m. of the statutes is repealed.

4 **SECTION 728.** 20.923 (4) (e) 1b. of the statutes is repealed.

5 **SECTION 729.** 20.923 (4) (e) 11. of the statutes is repealed.

6 **SECTION 730.** 20.923 (4) (g) 1m. of the statutes is repealed.

7 **SECTION 731.** 20.923 (4) (h) 2. of the statutes is repealed.

8 **SECTION 732.** 20.923 (4g) (intro.) of the statutes is amended to read:

9 20.923 (4g) UNIVERSITY OF WISCONSIN SYSTEM SENIOR EXECUTIVE POSITIONS.
10 (intro.) A compensation plan consisting of 9 university senior executive salary
11 groups is established for certain administrative positions at the University of
12 Wisconsin System. The salary ranges and adjustments to the salary ranges for the
13 university senior executive salary groups 1 and 2 shall be contained in the
14 recommendations of the secretary of ~~employment relations~~ administration under s.
15 230.12 (3) (e). The salary ranges and adjustments to the salary ranges for university
16 senior executive salary groups 3 to 9 shall be determined by the board of regents of
17 the University of Wisconsin System based on an analysis of salaries paid for similar
18 positions at comparable universities in other states. The board of regents shall set
19 the salaries for these positions within the ranges to which the positions are assigned
20 to reflect the hierarchical structure of the system, to recognize merit, to permit
21 orderly salary progression and to recognize competitive factors. The salary of any
22 incumbent in the positions identified in pars. (ae) to (f) may not exceed the maximum
23 of the salary range for the group to which the position is assigned. The positions are
24 assigned as follows:

25 **SECTION 733.** 20.923 (6) (ac) of the statutes is amended to read:

SENATE BILL 44**SECTION 733**

1 20.923 (6) (ac) Administration, department of: deputy and assistant district
2 attorneys and assignable prosecutors, as defined in s. 978.001 (1c).

3 **SECTION 734.** 20.923 (6) (ae) of the statutes is created to read:

4 20.923 (6) (ae) Administration, department of: a position in the office of the
5 secretary of administration to advise and assist the secretary on matters related to
6 affirmative action, equal employment opportunity, diversity, and other state
7 employment relation matters.

8 **SECTION 735.** 20.923 (7) (intro.) of the statutes is amended to read:

9 20.923 (7) WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR EXECUTIVE POSITIONS.
10 (intro.) The salary range for the director and the executive assistant of the Wisconsin
11 Technical College System shall be contained in the recommendations of the secretary
12 of employment relations administration under s. 230.12 (3) (e). The board of the
13 Wisconsin Technical College System shall set the salaries for these positions within
14 the range to which the positions are assigned to recognize merit, to permit orderly
15 salary progression, and to recognize competitive factors. The salary of any
16 incumbent in the positions identified in pars. (a) and (b) may not exceed the
17 maximum of the salary range for the group to which the position is assigned. The
18 positions are assigned as follows:

19 **SECTION 736.** 20.9275 (1) (c) of the statutes is amended to read:

20 20.9275 (1) (c) "Organization" means a nonprofit corporation, as defined in s.
21 ~~46.93 (1m) (e)~~ 66.0129 (6) (b), or a public agency, as defined in s. ~~46.93 (1m) (e)~~ 46.856
22 (1) (b).

23 **SECTION 737.** 20.9275 (2) (intro.) of the statutes is amended to read:

24 20.9275 (2) (intro.) No state agency or local governmental unit may authorize
25 payment of funds of this state, of any local governmental unit or, subject to sub. (3m),

SENATE BILL 44**SECTION 737**

1 of federal funds passing through the state treasury as a grant, subsidy or other
2 funding that wholly or partially or directly or indirectly involves pregnancy
3 programs, projects or services, that is a grant, subsidy or other funding under s.
4 46.93, 46.99, 46.995, 253.05, 253.07, 253.08 or 253.085 or 42 USC 701 to 710, if any
5 of the following applies:

6 **SECTION 738.** 20.929 of the statutes is amended to read:

7 **20.929 Agency drafts or warrants.** The secretary of administration may
8 authorize any state agency to issue drafts or warrants drawn on the state treasury.
9 Such drafts or warrants may be issued only in connection with purchase orders
10 authorized under subch. IV of ch. 16 and may not exceed \$300 per draft or warrant.
11 ~~The state treasurer~~ secretary shall pay such drafts or warrants as presented. ~~The~~
12 ~~secretary of administration~~ and shall audit the purchase orders issued. Any
13 purchase order that is disapproved by the secretary as unlawful or unauthorized
14 shall be returned by the secretary to the state agency for reimbursement to the ~~state~~
15 ~~treasurer~~ treasury. The secretary shall make written regulations for the
16 implementation of this section. The secretary may require any state agency to utilize
17 one or more separate depository accounts to implement this section. The illegal or
18 unauthorized use of purchase orders and drafts or warrants under this section is
19 subject to the remedies specified in s. 16.77.

20 **SECTION 739.** 21.19 (13) of the statutes is created to read:

21 21.19 (13) The adjutant general shall cooperate with the federal government
22 in the operation and maintenance of distance learning centers for the use of current
23 and former members of the national guard and the U.S. armed forces. The adjutant
24 general may charge rent for the use of a center by a nonmilitary or nonfederal person.

SENATE BILL 44**SECTION 739**

1 All moneys received under this subsection shall be credited to the appropriation
2 account under s. 20.465 (1) (i).

3 **SECTION 740.** 21.33 of the statutes is amended to read:

4 **21.33 Pay department.** The quartermaster general acting as paymaster
5 under orders from the governor may draw from the state treasury the money
6 necessary for paying troops in camp or on active service, and shall furnish such
7 security for the same as the ~~state treasurer~~ secretary of administration may direct.
8 The amount due on account of the field, staff, or other officers, noncommissioned staff
9 and band, company, or enlistees, not herein enumerated, if any, shall be paid to the
10 person to whom the same shall be due, on the properly signed and certified payrolls.

11 **SECTION 741.** 21.49 (1) (b) 1g. of the statutes is created to read:

12 21.49 (1) (b) 1g. A public institution of higher education under the
13 Minnesota-Wisconsin student reciprocity agreement under s. 39.47.

14 **SECTION 742.** 21.49 (1) (b) 1m. of the statutes is created to read:

15 21.49 (1) (b) 1m. A public institution of higher education under an interstate
16 agreement under s. 39.42.

17 **SECTION 743.** 21.49 (1) (b) 2. of the statutes is amended to read:

18 21.49 (1) (b) 2. ~~Any~~ Except as provided in subds. 1g. and 1m., an accredited
19 institution of higher education located in this state, as defined in 20 USC 1002.

20 **SECTION 744.** 21.49 (3) (a) of the statutes is amended to read:

21 21.49 (3) (a) Any eligible guard member upon satisfactory completion of a
22 full-time or part-time course in a qualifying school is eligible for a tuition grant
23 equal to 100% of the actual tuition charged by the school or 100% of the ~~maximum~~
24 average resident undergraduate tuition charged by the ~~university~~—of

SENATE BILL 44**SECTION 744**

1 ~~Wisconsin-Madison~~ institutions in the University of Wisconsin System for a
2 comparable number of credits, whichever amount is less.

3 **SECTION 745.** 21.80 (7) (b) 1. of the statutes is amended to read:

4 21.80 (7) (b) 1. A person who receives notification under par. (a) that the
5 adjutant general was unable to resolve the person's complaint may request the
6 adjutant general to refer the complaint to counsel, which may include the attorney
7 general, appointed by the governor on the recommendation of the adjutant general
8 for the purpose of prosecuting complaints under this subdivision who shall file a
9 complaint for appropriate relief with the department of workforce development ~~or,~~
10 ~~if the person is an employee of a state agency, as defined in s. 111.32 (6) (a), the~~
11 ~~personnel commission.~~

12 **SECTION 746.** 21.80 (7) (b) 2. of the statutes is amended to read:

13 21.80 (7) (b) 2. Subdivision 1. does not preclude a person who has chosen not
14 to file a complaint with the adjutant general under par. (a), whose complaint the
15 adjutant general has refused to endeavor to resolve under par. (a), or who has chosen
16 not to request the adjutant general to refer his or her complaint to counsel under
17 subd. 1. from filing a complaint for appropriate relief with the department of
18 workforce development ~~or, if the person is an employee of a state agency, with the~~
19 ~~personnel commission.~~

20 **SECTION 747.** 21.80 (7) (b) 3. of the statutes is amended to read:

21 21.80 (7) (b) 3. The department of workforce development ~~or the personnel~~
22 ~~commission~~ shall process a complaint filed under subd. 1. or 2. in the same manner
23 that employment discrimination complaints are processed under s. 111.39.

24 **SECTION 748.** 21.80 (7) (d) (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 748**

1 21.80 (7) (d) *Remedies.* (intro.) If the department of workforce development
2 ~~or the personnel commission~~ finds that an employer has failed or refused, or is about
3 to fail or refuse, to provide any reemployment right or benefit to which a person is
4 entitled under this section or has discharged or otherwise discriminated against any
5 person in violation of par. (c), the department of workforce development ~~or the~~
6 ~~personnel commission~~ may order the employer to do any one or more of the following:

7 **SECTION 749.** 21.80 (7) (d) 3. of the statutes is amended to read:

8 21.80 (7) (d) 3. Pay the person, as liquidated damages, an amount that is equal
9 to the amount ordered under subd. 2. if the department of workforce development ~~or~~
10 ~~the personnel commission~~ finds that the failure or refusal to provide reemployment
11 rights or benefits under this section or the discharge or other discrimination was
12 willful.

13 **SECTION 750.** Chapter 22 (title) of the statutes is repealed.

14 **SECTION 751.** 22.01 (intro.) of the statutes is repealed.

15 **SECTION 752.** 22.01 (1) of the statutes is amended to read:

16 22.01 (1) "Agency" has the meaning given in s. 16.70 ~~(1)~~ (1e).

17 **SECTION 753.** 22.01 (1) of the statutes, as affected by 2003 Wisconsin Act ...
18 (this act), is renumbered 16.97 (1m).

19 **SECTION 754.** 22.01 (2), (2m), (3) and (4) of the statutes are renumbered 16.97
20 (2), (2m), (3) and (4).

21 **SECTION 755.** 22.01 (5) of the statutes is repealed.

22 **SECTION 756.** 22.01 (5m) to (10) of the statutes are renumbered 16.97 (5m) to
23 (10).

24 **SECTION 757.** 22.03 (title) of the statutes is renumbered 16.971 (title).

SENATE BILL 44**SECTION 758**

1 **SECTION 758.** 22.03 (2) (intro.), (a) and (ae) of the statutes are renumbered
2 16.971 (2) (intro.), (a) and (ae).

3 **SECTION 759.** 22.03 (2) (am) to (k) of the statutes are renumbered 16.971 (2)
4 (am) to (k).

5 **SECTION 760.** 22.03 (2) (L) to (m) of the statutes are renumbered 16.971 (2) (L)
6 to (m) and amended to read:

7 16.971 (2) (L) Require each executive branch agency, other than the board of
8 regents of the University of Wisconsin System, to adopt and submit to the
9 department, in a form specified by the department, no later than March 1 of each
10 year, a strategic plan for the utilization of information technology to carry out the
11 functions of the agency in the succeeding fiscal year for review and approval under
12 s. ~~22.13~~ 16.976.

13 (Lm) No later than 60 days after enactment of each biennial budget act, require
14 each executive branch agency, other than the board of regents of the University of
15 Wisconsin System, that receives funding under that act for an information
16 technology development project to file with the department an amendment to its
17 strategic plan for the utilization of information technology under par. (L). The
18 amendment shall identify each information technology development project for
19 which funding is provided under that act and shall specify, in a form prescribed by
20 the ~~chief information officer~~ department, the benefits that the agency expects to
21 realize from undertaking the project.

22 (m) Assist in coordination and integration of the plans of executive branch
23 agencies relating to information technology approved under par. (L) and, using these
24 plans and the statewide long-range telecommunications plan under s. ~~22.41~~ 16.979
25 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the

SENATE BILL 44**SECTION 760**

1 use and application of information technology. The department shall, no later than
2 September 15 of each even-numbered year, submit the statewide strategic plan to
3 the cochairpersons of the joint committee on information policy and technology and
4 the governor.

5 **SECTION 761.** 22.03 (2) (n) of the statutes is renumbered 16.971 (2) (n).

6 **SECTION 762.** 22.03 (2m) (intro.) of the statutes is renumbered 16.971 (2m)
7 (intro.).

8 **SECTION 763.** 22.03 (2m) (a) to (h) of the statutes are renumbered 16.971 (2m)
9 (a) to (h).

10 **SECTION 764.** 22.03 (3) of the statutes is renumbered 16.971 (3) and amended
11 to read:

12 16.971 (3) (a) The ~~chief information officer~~ department shall notify the joint
13 committee on finance in writing of the proposed acquisition of any information
14 technology resource that the department considers major or that is likely to result
15 in a substantive change of service, and that was not considered in the regular
16 budgeting process and is to be financed from general purpose revenues or
17 corresponding revenues in a segregated fund. If the cochairpersons of the committee
18 do not notify the ~~chief information officer~~ department that the committee has
19 scheduled a meeting for the purpose of reviewing the proposed acquisition within 14
20 working days after the date of the ~~officer's~~ department's notification, the department
21 may approve acquisition of the resource. If, within 14 working days after the date
22 of the ~~officer's~~ department's notification, the cochairpersons of the committee notify
23 the ~~officer~~ department that the committee has scheduled a meeting for the purpose
24 of reviewing the proposed acquisition, the department shall not approve acquisition
25 of the resource unless the acquisition is approved by the committee.

SENATE BILL 44**SECTION 764**

1 (b) The ~~chief information officer~~ department shall promptly notify the joint
2 committee on finance in writing of the proposed acquisition of any information
3 technology resource that the department considers major or that is likely to result
4 in a substantive change in service, and that was not considered in the regular
5 budgeting process and is to be financed from program revenues or corresponding
6 revenues from program receipts in a segregated fund.

7 **SECTION 765.** 22.03 (4) and (6) of the statutes are renumbered 16.971 (4) and
8 (6).

9 **SECTION 766.** 22.03 (9) of the statutes is renumbered 16.971 (9) and amended
10 to read:

11 16.971 (9) In conjunction with the public defender board, the director of state
12 courts, the departments of corrections and justice and district attorneys, the
13 department of ~~electronic government~~ may maintain, promote and coordinate
14 automated justice information systems that are compatible among counties and the
15 officers and agencies specified in this subsection, using the moneys appropriated
16 under s. ~~20.530~~ 20.505 (1) (ja), ~~(kp)~~ and (kq). The department of ~~electronic~~
17 ~~government~~ shall annually report to the legislature under s. 13.172 (2) concerning
18 the department's efforts to improve and increase the efficiency of integration of
19 justice information systems.

20 **SECTION 767.** 22.03 (11) of the statutes is renumbered 16.971 (11).

21 **SECTION 768.** 22.05 (title) of the statutes is renumbered 16.972 (title).

22 **SECTION 769.** 22.05 (1) of the statutes is renumbered 16.972 (1).

23 **SECTION 770.** 22.05 (2) (intro.) and (a) of the statutes are renumbered 16.972
24 (2) (intro.) and (a).

SENATE BILL 44**SECTION 771**

1 **SECTION 771.** 22.05 (2) (b) and (c) of the statutes are renumbered 16.972 (2) (b)
2 and (c) and amended to read:

3 16.972 **(2)** (b) Provide such computer services and telecommunications services
4 to local governmental units and the broadcasting corporation and provide such
5 telecommunications services to qualified private schools, postsecondary
6 institutions, museums and zoos, as the department considers to be appropriate and
7 as the department can efficiently and economically provide. The department may
8 exercise this power only if in doing so it maintains the services it provides at least
9 at the same levels that it provides prior to exercising this power and it does not
10 increase the rates chargeable to users served prior to exercise of this power as a result
11 of exercising this power. The department may charge local governmental units, the
12 broadcasting corporation, and qualified private schools, postsecondary institutions,
13 museums and zoos, for services provided to them under this paragraph in accordance
14 with a methodology determined by the ~~chief information officer~~ department. Use of
15 telecommunications services by a qualified private school or postsecondary
16 institution shall be subject to the same terms and conditions that apply to a
17 municipality using the same services. The department shall prescribe eligibility
18 requirements for qualified museums and zoos to receive telecommunications
19 services under this paragraph.

20 (c) Provide such supercomputer services to agencies, local governmental units
21 and entities in the private sector as the department considers to be appropriate and
22 as the department can efficiently and economically provide. The department may
23 exercise this power only if in doing so it maintains the services it provides at least
24 at the same levels that it provides prior to exercising this power and it does not
25 increase the rates chargeable to users served prior to exercise of this power as a result

SENATE BILL 44**SECTION 771**

1 of exercising this power. The department may charge agencies, local governmental
2 units and entities in the private sector for services provided to them under this
3 paragraph in accordance with a methodology determined by the ~~chief information~~
4 ~~officer~~ department.

5 **SECTION 772.** 22.05 (2) (d) of the statutes is renumbered 16.972 (2) (d).

6 **SECTION 773.** 22.05 (2) (e) of the statutes is renumbered 16.972 (2) (e).

7 **SECTION 774.** 22.05 (2) (f) and (g) of the statutes are renumbered 16.972 (2) (f)
8 and (g) and amended to read:

9 16.972 (2) (f) Acquire, operate, and maintain any information technology
10 equipment or systems required by the department to carry out its functions, and
11 provide information technology development and management services related to
12 those information technology systems. The department may assess executive
13 branch agencies, other than the board of regents of the University of Wisconsin
14 System, for the costs of equipment or systems acquired, operated, maintained, or
15 provided or services provided under this paragraph in accordance with a
16 methodology determined by the ~~chief information officer~~ department. The
17 department may also charge any agency for such costs as a component of any services
18 provided by the department to the agency.

19 (g) Assume direct responsibility for the planning and development of any
20 information technology system in the executive branch of state government outside
21 of the University of Wisconsin System that the ~~chief information officer~~ department
22 determines to be necessary to effectively develop or manage the system, with or
23 without the consent of any affected executive branch agency. The department may
24 charge any executive branch agency for the department's reasonable costs incurred
25 in carrying out its functions under this paragraph on behalf of that agency.

SENATE BILL 44**SECTION 775**

1 **SECTION 775.** 22.05 (2) (h) of the statutes is renumbered 16.972 (2) (h) and
2 amended to read:

3 16.972 (2) (h) Establish master contracts for the purchase of materials,
4 supplies, equipment, or contractual services relating to information technology or
5 telecommunications for use by agencies, authorities, local governmental units, or
6 entities in the private sector ~~and. The department may require any executive branch~~
7 ~~agency, other than the board of regents of the University of Wisconsin System, to~~
8 ~~make any purchases of materials, supplies, equipment, or contractual services~~
9 ~~relating to information technology that are included under the contract pursuant to~~
10 ~~the terms of the contract. The department may require any executive branch agency~~
11 ~~to make purchases of materials, supplies, equipment, or contractual services~~
12 ~~relating to telecommunications that are included under the contract pursuant to the~~
13 ~~terms of the contract.~~

14 **SECTION 776.** 22.05 (2) (i) of the statutes is renumbered 16.972 (2) (i).

15 **SECTION 777.** 22.07 (intro.) of the statutes is renumbered 16.973 (intro.).

16 **SECTION 778.** 22.07 (1) and (2) of the statutes are renumbered 16.973 (1) and
17 (2) and amended to read:

18 16.973 (1) Provide or contract with a public or private entity to provide
19 computer services to agencies. The department may charge agencies for services
20 provided to them under this subsection in accordance with a methodology
21 determined by the ~~chief information officer~~ department.

22 (2) Promulgate methodologies for establishing all fees and charges established
23 or assessed by the department ~~or the chief information officer~~ under this chapter.

24 **SECTION 779.** 22.07 (3) to (7) of the statutes are renumbered 16.973 (3) to (7).

SENATE BILL 44**SECTION 780**

1 **SECTION 780.** 22.07 (8) of the statutes is renumbered 16.973 (8) and amended
2 to read:

3 16.973 (8) Offer the opportunity to local governmental units to voluntarily
4 obtain computer or supercomputer services from the department when those
5 services are provided under s. ~~22.05~~ 16.972 (2) (b) or (c), and to voluntarily
6 participate in any master contract established by the department under s. ~~22.05~~
7 16.972 (2) (h) or in the use of any informational system or device provided by the
8 department under ~~22.09~~ 16.974 (3).

9 **SECTION 781.** 22.07 (9) of the statutes is renumbered 16.973 (9).

10 **SECTION 782.** 22.09 (intro.) of the statutes is renumbered 16.974 (intro.) and
11 amended to read:

12 **16.974 Powers of the ~~chief information officer~~ department.** (intro.) The
13 ~~chief information officer~~ department may:

14 **SECTION 783.** 22.09 (1) of the statutes is renumbered 16.974 (1).

15 **SECTION 784.** 22.09 (2) and (3) of the statutes are renumbered 16.974 (2) and
16 (3) and amended to read:

17 16.974 (2) Subject to s. ~~22.05~~ 16.972 (2) (b), enter into and enforce an agreement
18 with any agency, any authority, any unit of the federal government, any local
19 governmental unit, or any entity in the private sector to provide services authorized
20 to be provided by the department to that agency, authority, unit, or entity at a cost
21 specified in the agreement.

22 (3) Develop or operate and maintain any system or device facilitating Internet
23 or telephone access to information about programs of agencies, authorities, local
24 governmental units, or entities in the private sector, or otherwise permitting the
25 transaction of business by agencies, authorities, local governmental units, or entities

SENATE BILL 44**SECTION 784**

1 in the private sector by means of electronic communication. The chief information
2 officer department may assess executive branch agencies, other than the board of
3 regents of the University of Wisconsin System, for the costs of systems or devices
4 relating to information technology that are developed, operated, or maintained
5 under this subsection in accordance with a methodology determined by the officer
6 department. The department may assess any executive branch agency for the costs
7 of systems or devices relating to telecommunications that are developed, operated,
8 or maintained under this subsection in accordance with a methodology determined
9 by the department. The chief information officer department may also charge any
10 agency, authority, local governmental unit, or entity in the private sector for such
11 costs as a component of any services provided by the department to that agency,
12 authority, local governmental unit, or entity.

13 **SECTION 785.** 22.09 (5) of the statutes is renumbered 16.974 (5) and amended
14 to read:

15 16.974 (5) Review and approve, approve with modifications, or disapprove any
16 proposed contract for the purchase of materials, supplies, equipment, or contractual
17 services relating to information technology ~~or telecommunications~~ by an executive
18 branch agency, other than the board of regents of the University of Wisconsin
19 System, and review and approve, approve with modifications, or disapprove any
20 proposed contract for the purchase of materials, supplies, equipment, or contractual
21 services relating to telecommunications by any executive branch agency.

22 **SECTION 786.** 22.11 of the statutes is renumbered 16.975.

23 **SECTION 787.** 22.13 (title) of the statutes is renumbered 16.976 (title).

24 **SECTION 788.** 22.13 (1) of the statutes is renumbered 16.976 (1) and amended
25 to read:

SENATE BILL 44**SECTION 788**

1 16.976 (1) As a part of each proposed strategic plan submitted under s. ~~22.03~~
2 16.971 (2) (L), the department shall require each executive branch agency to address
3 the business needs of the agency and to identify all proposed information technology
4 development projects that serve those business needs, the priority for undertaking
5 such projects, and the justification for each project, including the anticipated
6 benefits of the project. Each proposed plan shall identify any changes in the
7 functioning of the agency under the plan. In each even-numbered year, the plan shall
8 include identification of any information technology development project that the
9 agency plans to include in its biennial budget request under s. 16.42 (1).

10 **SECTION 789.** 22.13 (2) of the statutes is renumbered 16.976 (2).

11 **SECTION 790.** 22.13 (3) to (5) of the statutes are renumbered 16.976 (3) to (5)
12 and amended to read:

13 16.976 (3) Following receipt of a proposed strategic plan from an executive
14 branch agency, the ~~chief information officer~~ department shall, before June 1, notify
15 the agency of any concerns that the ~~officer~~ department may have regarding the plan
16 and provide the agency with ~~his or her~~ its recommendations regarding the proposed
17 plan. The ~~chief information officer~~ department may also submit any concerns or
18 recommendations regarding any proposed plan to the board for its consideration.
19 The board shall then consider the proposed plan and provide the ~~chief information~~
20 ~~officer~~ department with its recommendations regarding the plan. The executive
21 branch agency may submit modifications to its proposed plan in response to any
22 recommendations.

23 (4) Before June 15, the ~~chief information officer~~ department shall consider any
24 recommendations provided by the board under sub. (3) and shall then approve or
25 disapprove the proposed plan in whole or in part.

SENATE BILL 44**SECTION 790**

1 **(5)** No executive branch agency, other than the board of regents of the
2 University of Wisconsin System, may implement a new or revised information
3 technology development project authorized under a strategic plan until the
4 implementation is approved by the ~~chief information officer~~ department in
5 accordance with procedures prescribed by the ~~officer~~ department.

6 **SECTION 791.** 22.13 (6) of the statutes is renumbered 16.976 (6).

7 **SECTION 792.** 22.15 (intro.) of the statutes is renumbered 16.977 (intro.).

8 **SECTION 793.** 22.15 (1) to (3) of the statutes are renumbered 16.977 (1) to (3).

9 **SECTION 794.** 22.17 (title) of the statutes is renumbered 16.978 (title).

10 **SECTION 795.** 22.17 (1) to (4) of the statutes are renumbered 16.978 (1) to (4)

11 and amended to read:

12 16.978 **(1)** The board shall provide the ~~chief information officer~~ department
13 with its recommendations concerning any elements of the strategic plan of an
14 executive branch agency that are referred to the board under s. ~~22.13~~ 16.976 (3).

15 **(2)** The board may advise the ~~chief information officer~~ department with respect
16 to management of the information technology portfolio of state government under s.
17 ~~22.15~~ 16.977.

18 **(3)** The board may, upon petition of an executive branch agency, review any
19 decision of the ~~chief information officer~~ department under this chapter affecting that
20 agency. Upon review, the board may affirm, modify, or set aside the decision. If the
21 board modifies or sets aside the decision of the ~~chief information officer~~ department,
22 the decision of the board stands as the decision of the ~~chief information officer~~
23 department and the decision is not subject to further review or appeal.

24 **(4)** The board may monitor progress in attaining goals for information
25 technology and telecommunications development set by the ~~chief information officer~~

SENATE BILL 44**SECTION 795**

1 department or executive branch agencies, other than the board of regents of the
2 University of Wisconsin System, and may monitor progress in attaining goals for
3 telecommunications development set by the department or executive branch
4 agencies. The board may also make recommendations to the officer department or
5 agencies concerning appropriate means of attaining those goals.

6 **SECTION 796.** 22.19 of the statutes is renumbered 16.9785.

7 **SECTION 797.** 22.41 (title) of the statutes is renumbered 16.979 (title).

8 **SECTION 798.** 22.41 (2) (intro.) of the statutes is renumbered 16.979 (2) (intro.).

9 **SECTION 799.** 22.41 (2) (a) to (f) of the statutes are renumbered 16.979 (2) (a)
10 to (f).

11 **SECTION 800.** 22.41 (3) of the statutes is renumbered 16.979 (3).

12 **SECTION 801.** 23.09 (17m) (j) of the statutes is repealed.

13 **SECTION 802.** 23.0917 (4m) (a) 2. of the statutes is amended to read:

14 23.0917 (4m) (a) 2. "Federal nontransportation moneys" means moneys
15 received from the federal government that are not deposited in the transportation
16 fund and that are not credited to the ~~appropriations~~ appropriation under ~~ss. s.~~ 20.115
17 (2) (m) and 20.445 (1) (ox).

18 **SECTION 803.** 23.092 (7) of the statutes is repealed.

19 **SECTION 804.** 23.15 (1) of the statutes is amended to read:

20 23.15 (1) The natural resources board may sell, at public or private sale, lands
21 and structures owned by the state under the jurisdiction of the department of natural
22 resources when the natural resources board determines that said lands are no longer
23 necessary for the state's use for conservation purposes and, if real property, the real
24 property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2).

25 **SECTION 805.** 23.49 of the statutes is amended to read:

SENATE BILL 44**SECTION 805**

1 **23.49 Credit card use charges.** The department shall certify to the state
2 ~~treasurer~~ secretary of administration the amount of charges associated with the use
3 of credit cards that is assessed to the department on deposits accepted under s. 23.66
4 (1m) by conservation wardens, and the state ~~treasurer~~ secretary of administration
5 shall pay the charges from moneys received under s. 59.25 (3) (j) and (k) that are
6 reserved for payment of the charges under s. ~~14.58 (21)~~ 20.907 (5) (e) 12e.

7 **SECTION 806.** 23.85 of the statutes is amended to read:

8 **23.85 Statement to county board; payment to state.** Every county
9 treasurer shall, on the first day of the annual meeting of the county board of
10 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,
11 jail assessments, weapons assessments, environmental assessments, wild animal
12 protection assessments, natural resources assessments, fishing shelter removal
13 assessments, snowmobile registration restitution payments, and natural resources
14 restitution payments money received during the previous year. The county clerk
15 shall deduct all expenses incurred by the county in recovering those forfeitures,
16 penalty assessments, weapons assessments, environmental assessments, wild
17 animal protection assessments, natural resources assessments, fishing shelter
18 removal assessments, snowmobile registration restitution payments, and natural
19 resources restitution payments from the aggregate amount so received, and shall
20 immediately certify the amount of clear proceeds of those forfeitures, penalty
21 assessments, weapons assessments, environmental assessments, wild animal
22 protection assessments, natural resources assessments, fishing shelter removal
23 assessments, snowmobile registration restitution payments, and natural resources
24 restitution payments to the county treasurer, who shall pay the proceeds to the state

SENATE BILL 44**SECTION 806**

1 treasurer as provided in s. 59.25 (3). Jail assessments shall be treated separately as
2 provided in s. 302.46.

3 **SECTION 807.** 24.17 (1) (intro.) of the statutes is amended to read:

4 24.17 (1) (intro.) When the purchaser of any such lands shall make payment
5 to the ~~treasurer~~ secretary of administration of the amount required to be paid on such
6 sale, and, in case of a private sale, shall also produce the memorandum mentioned
7 in s. 24.16, the ~~treasurer~~ secretary of administration shall give a receipt therefor to
8 such purchaser, and unless such sale be made wholly for cash the board shall execute
9 and deliver to such person a duplicate certificate of sale, in which it shall certify:

10 **SECTION 808.** 24.17 (2) of the statutes is amended to read:

11 24.17 (2) When the sale is wholly for cash, upon payment as above provided,
12 the ~~treasurer~~ secretary of administration shall thereupon give to such purchaser a
13 receipt stating the amount paid and giving a description of the lot or tract of land sold
14 and that such purchaser is entitled to receive a patent according to law.

15 **SECTION 809.** 24.20 of the statutes is amended to read:

16 **24.20 Payments and accounts.** All money paid on account of sales of public
17 lands shall be paid to the ~~state treasurer~~ secretary of administration who shall credit
18 the proper fund therewith, crediting the general fund with the proceeds of sales of
19 Marathon County lands, and the secretary of administration or the secretary's
20 designee, upon countersigning the receipt given therefor, shall ~~charge the treasurer~~
21 ~~therewith, and shall also~~ enter the name of the person paying the same, the number
22 of the certificate, if any, upon which the amount shall be paid, and the time of the
23 payment.

24 **SECTION 810.** 24.25 of the statutes is amended to read:

SENATE BILL 44**SECTION 810**

1 **24.25 Patent and record thereof.** Whenever full payment shall have been
2 made for any such lands as required by law, and the purchaser or the purchaser's
3 legal representatives shall produce to the board the duplicate certificate of sale, with
4 the receipt of the ~~state treasurer~~ secretary of administration endorsed thereon,
5 showing that the whole amount of the principal and interest due thereon has been
6 paid and that the holder of such certificate is entitled to a patent for the lands
7 described therein, the original and duplicate certificates shall be canceled, and the
8 board shall thereupon execute and deliver a patent to the person entitled thereto for
9 the land described in such certificate. All patents issued by the board shall be
10 recorded in its office; and the record of patents heretofore issued by it is hereby
11 declared a legal record. Purchasers may, at any time before due, pay any part or the
12 whole of such purchase money and the interest thereon. In all cases where patents
13 have been or may hereafter be issued to a person who may have died or who shall die
14 before the date thereof, the title to the land described therein shall inure to and
15 become vested in the heirs, devisees, or assignees of such person to the same extent
16 as if the patent had issued to that person during that person's lifetime.

17 **SECTION 811.** 24.29 of the statutes is amended to read:

18 **24.29 Redemption.** At any time before the 5 days next preceding the
19 reoffering of such land at public sale, the former purchaser or the former purchaser's
20 assigns or legal representatives may, by the payment of the sum due with interest,
21 and all taxes returned thereon to the ~~state treasurer~~ secretary of administration
22 which are still unpaid, and all costs occasioned by the delay, together with 3%
23 damages on the whole sum owing for such land, prevent such resale and revive the
24 original contract.

25 **SECTION 812.** 24.32 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 812**

1 24.32 (2) Every such tract may be redeemed by the former purchaser thereof,
2 the former purchaser's assigns or legal representatives at any time before the June
3 30th next following the date of such resale, upon presenting to the board satisfactory
4 proof, which shall be filed and preserved by it, that such tract was, at the time of
5 resale, in whole or in part under cultivation or adjoining a tract partly cultivated,
6 belonging to the former purchaser, the former purchaser's assigns or legal
7 representatives and used in connection therewith, and upon depositing with the
8 ~~state treasurer~~ secretary of administration, for the use of the purchaser at such
9 resale the amount paid by the purchaser for such land, together with 25% of the
10 amount of such taxes, interest, and costs in addition thereto; and every certificate
11 issued upon any such resale shall be subject to the right of redemption whether it be
12 expressed in such certificate or not. And no patent shall be issued on any such resale
13 until the expiration of such redemption period.

14 **SECTION 813.** 24.33 (1) (c) of the statutes is amended to read:

15 24.33 (1) (c) Payment is made to the ~~treasurer~~ secretary of administration in
16 the amount actually due on the first certificate at the time of the resale, with interest,
17 costs, and charges, and with interest on the amount for which the land was sold at
18 the rate of 10% per year.

19 **SECTION 814.** 24.61 (2) (a) (title) of the statutes is amended to read:

20 24.61 (2) (a) (title) *Authorized investments by board.*

21 **SECTION 815.** 24.61 (2) (a) 10. of the statutes is created to read:

22 24.61 (2) (a) 10. Land in this state, but subject to the condition established
23 under par. (c).

24 **SECTION 816.** 24.61 (2) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 816**

1 24.61 (2) (b) *Deposited with state treasurer.* All bonds, notes and other
2 securities so purchased under par. (a) shall be deposited with the state treasurer.

3 **SECTION 817.** 24.61 (2) (b) of the statutes, as affected by 2003 Wisconsin Act ...
4 (this act), is amended to read:

5 24.61 (2) (b) *Deposited with state treasurer secretary of administration.* All
6 bonds, notes, and other securities purchased under par. (a) shall be deposited with
7 the state treasurer secretary of administration.

8 **SECTION 818.** 24.61 (2) (c) of the statutes is created to read:

9 24.61 (2) (c) *Delegation of investment authority to investment board.* The board
10 may delegate to the investment board the authority to invest part or all of the moneys
11 belonging to the trust funds. If the board delegates the authority, the investment
12 board may invest the moneys belonging to the trust funds in any manner authorized
13 for the investment of any funds specified in s. 25.17 (1).

14 **SECTION 819.** 24.61 (2) (d) of the statutes is created to read:

15 24.61 (2) (d) *Investments in land in this state.* The board may not invest moneys
16 in the purchase of any land under par. (a) 10. unless the governor requests that the
17 board purchase the land and that the board determines that the purchase of the land
18 will reduce the per acre costs incurred by the board in managing the public lands and
19 all other lands managed by the board.

20 **SECTION 820.** 24.62 (1) of the statutes is amended to read:

21 24.62 (1) Except as authorized in sub. (2), the board shall deduct its expenses
22 incurred in administering investments and loans under s. 24.61 from the gross
23 receipts of the fund to which the interest and income of the investment or loan will
24 be added. If the board delegates to the investment board the authority to invest part
25 or all of the moneys belonging to the trust funds, the investment board shall deduct

SENATE BILL 44**SECTION 820**

1 its expenses incurred in administering investments under s. 24.61 as provided under
2 s. 25.187.

3 **SECTION 821.** 24.67 (3) of the statutes is amended to read:

4 24.67 (3) If a municipality has acted under subs. (1) and (2), it shall certify that
5 fact to the department of administration. Upon receiving a certification from a
6 municipality, or upon direction of the board if a loan is made to a cooperative
7 educational service agency or a federated public library system, the secretary of
8 administration shall draw a warrant ~~upon the state treasurer~~ for the amount of the
9 loan, payable to the treasurer of the municipality, cooperative educational service
10 agency, or federated public library system making the loan or as the treasurer of the
11 municipality, cooperative educational service agency, or federated public library
12 system directs. The certificate of indebtedness shall then be conclusive evidence of
13 the validity of the indebtedness and that all the requirements of law concerning the
14 application for the making and acceptance of the loan have been complied with.

15 **SECTION 822.** 24.69 (1) of the statutes is amended to read:

16 24.69 (1) The board may sell state trust fund loans or participations therein,
17 and may contract to do so at a future date, for such price, upon such other terms and
18 in such manner as the board may determine. The sale may be to any person,
19 including, without limitation, a trust or other investment vehicle created for the
20 purpose of attracting private investment capital. The board shall remit the proceeds
21 of the sale to the ~~state treasurer~~ secretary of administration for deposit in the
22 appropriate trust fund and shall invest the proceeds in accordance with s. 24.61.

23 **SECTION 823.** 24.70 (2) of the statutes is amended to read:

24 24.70 (2) CERTIFIED STATEMENT. If a borrower other than a school district has
25 a state trust fund loan, the board shall transmit to the clerk of the jurisdiction, or the

SENATE BILL 44**SECTION 823**

1 person signing the application on behalf of the borrower in the case of a cooperative
2 educational service agency, a certified statement of the amount due on or before
3 October 1 of each year until the loan is repaid. The board shall submit a copy of each
4 certified statement to the ~~state treasurer~~ secretary of administration. A cooperative
5 educational service agency shall transmit a copy of the statement to the clerk of each
6 school district on behalf of which the agency has obtained a loan.

7 **SECTION 824.** 24.70 (4) of the statutes is amended to read:

8 24.70 (4) PAYMENT TO STATE ~~TREASURER~~ SECRETARY OF ADMINISTRATION. The
9 treasurer of each municipality shall transmit to the ~~state treasurer~~ secretary of
10 administration on his or her order the full amount levied for state trust fund loans
11 within 15 days after March 15. Each cooperative educational service agency shall
12 similarly transmit the annual amount owed on any state trust fund loan made to the
13 agency by that date. The ~~state treasurer~~ secretary of administration shall notify the
14 board when he or she receives payment. Any payment not made by March 30 is
15 delinquent and is subject to a penalty of one percent per month to be paid to the state
16 ~~treasurer~~ secretary of administration with the delinquent payment.

17 **SECTION 825.** 24.70 (6) of the statutes is amended to read:

18 24.70 (6) FAILURE TO MAKE PAYMENTS. If any municipality fails to remit the
19 amount due by the date specified under sub. (4), the board may file a certified
20 statement of the amount delinquent amount with the department of administration.
21 The department secretary of administration shall collect the amount due, including
22 any penalty, by deducting that amount from any state payments due the
23 municipality, ~~shall remit that amount to the state treasurer~~ and shall notify the
24 treasurer and the board of that action.

25 **SECTION 826.** 24.71 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 826**

1 24.71 (2) CERTIFIED STATEMENT. If a school district has a state trust fund loan,
2 the board shall transmit to the school district clerk a certified statement of the
3 amount due on or before October 1 of each year until the loan is paid. The board shall
4 furnish a copy of each certified statement to the ~~state treasurer~~ secretary of
5 administration and the department of public instruction.

6 **SECTION 827.** 24.71 (4) of the statutes is amended to read:

7 24.71 (4) ~~PAYMENT TO STATE TREASURER~~ SECRETARY OF ADMINISTRATION. The school
8 district treasurer shall transmit to the ~~state treasurer on his or her own order~~
9 secretary of administration the full amount levied for state trust fund loans within
10 15 days after March 15. The ~~state treasurer~~ secretary of administration shall notify
11 the board when he or she receives payment. Any payment not made by March 30 is
12 delinquent and is subject to a penalty of one percent per month or fraction thereof,
13 to be paid to the ~~state treasurer~~ secretary of administration with the delinquent
14 payment.

15 **SECTION 828.** 24.71 (5) of the statutes is amended to read:

16 24.71 (5) FAILURE TO MAKE PAYMENT. If the school district treasurer fails to remit
17 the amounts due under sub. (4), the state superintendent, upon certification of
18 delinquency by the board, shall deduct the amount due including any penalty from
19 any school aid payments due the school district, shall remit such amount to the ~~state~~
20 ~~treasurer~~ secretary of administration and, no later than June 15, shall notify the
21 school district treasurer and the board to that effect.

22 **SECTION 829.** 25.14 (1) (a) 9m. of the statutes is created to read:

23 25.14 (1) (a) 9m. The health care provider availability and cost control fund.

24 **SECTION 830.** 25.14 (3) of the statutes is amended to read:

SENATE BILL 44**SECTION 830**

1 25.14 (3) The department of administration, upon consultation with the board,
2 shall distribute all earnings, profits, or losses of the state investment fund to each
3 participating fund in the same ratio as each participating fund's average daily
4 balance within the state investment fund bears to the total average daily balance of
5 all participating funds, except as provided in s. ~~14.58 (19)~~ 16.401 (14) and except that
6 the department of administration shall credit to the appropriation account under s.
7 ~~20.585 (1) (jt)~~ 20.505 (1) (kj) an amount equal to the amount assessed under s. 25.19
8 (3) from the earnings or profits of the funds against which an assessment is made.
9 Distributions under this section shall be made at such times as the department of
10 administration may determine, but must be made at least semiannually in each
11 complete fiscal year of operation.

12 **SECTION 831.** 25.16 (8) of the statutes is created to read:

13 25.16 (8) The executive director shall assign an employe of the investment
14 board to assist the board of commissioners of public lands in establishing and
15 maintaining investment objects with respect to the investment of the assets of the
16 agricultural college fund, the common school fund, the normal school fund, and the
17 university fund. An amount equal to the cost of any services rendered to the board
18 of commissioners of public lands under this subsection shall be deducted from the
19 gross receipts of the fund to which the moneys invested belong and shall be credited
20 to the appropriation account under s. 20.536 (1) (k).

21 **SECTION 832.** 25.17 (1) (afp) of the statutes is created to read:

22 25.17 (1) (afp) Agricultural college fund (s. 24.82), but subject to the terms of
23 delegation under s. 24.61 (2) (c);

24 **SECTION 833.** 25.17 (1) (ayp) of the statutes is created to read:

SENATE BILL 44**SECTION 833**

1 25.17 (1) (ayp) Common school fund (s. 24.76), but subject to the terms of
2 delegation under s. 24.61 (2) (c);

3 **SECTION 834.** 25.17 (1) (e) of the statutes is created to read:

4 25.17 (1) (e) Election administration fund (s. 25.425);

5 **SECTION 835.** 25.17 (1) (es) of the statutes is created to read:

6 25.17 (1) (es) Excise tax fund (s. 25.59);

7 **SECTION 836.** 25.17 (1) (kd) of the statutes is created to read:

8 25.17 (1) (kd) Normal school fund (s. 24.80), but subject to the terms of
9 delegation under s. 24.61 (2) (c);

10 **SECTION 837.** 25.17 (1) (ky) of the statutes is created to read:

11 25.17 (1) (ky) Health care provider availability and cost control fund (s. 655.75);

12 **SECTION 838.** 25.17 (1) (th) of the statutes is created to read:

13 25.17 (1) (th) Tobacco settlement bond purchase program repayment fund (s.
14 25.575);

15 **SECTION 839.** 25.17 (1) (xLc) of the statutes is created to read:

16 25.17 (1) (xLc) University fund (s. 24.81), but subject to the terms of delegation
17 under s. 24.61 (2) (c);

18 **SECTION 840.** 25.17 (1) (zm) of the statutes is amended to read:

19 25.17 (1) (zm) All other funds of the state or of any state department or
20 institution, except funds ~~which under article X of the constitution are controlled and~~
21 ~~invested by the board of commissioners of public lands, funds which are required by~~
22 specific provision of law to be controlled and invested by any other authority, and
23 moneys in the University of Wisconsin trust funds, and in the trust funds of the state
24 universities.

25 **SECTION 841.** 25.17 (3) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 841**

1 25.17 (3) (a) Invest the fixed retirement investment trust, state life fund,
2 veterans trust fund and, patients compensation fund, and health care provider
3 availability and cost control fund in loans, securities and any other investments
4 authorized by s. 620.22, and in bonds or other evidences of indebtedness or preferred
5 stock of companies engaged in the finance business whether as direct lenders or as
6 holding companies owning subsidiaries engaged in the finance business.
7 Investments permitted by sub. (4) are permitted investments under this subsection.

8 **SECTION 842.** 25.17 (3) (dr) of the statutes is amended to read:

9 25.17 (3) (dr) Invest the funds of the bond security and redemption fund only
10 in ~~direct obligations of~~ securities issued by the United States or one of its agencies,
11 and securities fully guaranteed by the United States, maturing in amounts and at
12 times sufficient to pay the principal and interest payable from such fund during the
13 calendar year.

14 **SECTION 843.** 25.17 (61) of the statutes is amended to read:

15 25.17 (61) Designate special depositories in which the secretary of
16 administration or the state treasurer may make special deposits of funds, not
17 exceeding the amount limited by the board, which shall be deposited subject to the
18 depository's rules and regulations relative to either savings accounts, time
19 certificates of deposit, or open time accounts, as the case may be.

20 **SECTION 844.** 25.19 (3) of the statutes is amended to read:

21 25.19 (3) The ~~state treasurer~~ secretary of administration shall, at the direction
22 of the depository selection board under s. 34.045 (1) (b), allocate bank service costs
23 to the funds incurring those costs.

24 **SECTION 845.** 25.19 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 845**

1 25.19 (4) The ~~state treasurer~~ secretary of administration shall provide advice
2 to state agencies concerning efficient cash management practices.

3 **SECTION 846.** 25.31 (1) of the statutes is amended to read:

4 25.31 (1) First: The principal of said trust fund shall be held by the state
5 ~~treasurer~~ secretary of administration, and be invested and reinvested as provided
6 in this chapter.

7 **SECTION 847.** 25.40 (1) (a) 3. of the statutes is amended to read:

8 25.40 (1) (a) 3. Revenues collected under ~~s. 341.25 ss. 341.09 (2) (d), (2m) (a)~~
9 1., (4), and (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3),
10 341.16 (1) (a) and (b), (2), and (2m), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5),
11 341.26 (1), (2), (2m) (am), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266
12 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3), and 342.14,
13 except s. 342.14 (1r), that are pledged to the any fund created under s. 84.59 (2).

14 **SECTION 848.** 25.40 (1) (a) 6. of the statutes is amended to read:

15 25.40 (1) (a) 6. Amounts payable to the ~~state treasurer~~ secretary of
16 administration under s. 85.14 (1) (b) in conjunction with the collection of fees paid
17 by credit card.

18 **SECTION 849.** 25.40 (1) (a) 12m. of the statutes is created to read:

19 25.40 (1) (a) 12m. Moneys collected under s. 195.60 that are deposited in the
20 general fund, 90% of which are credited to the appropriation under s. 20.395 (2) (gg).

21 **SECTION 850.** 25.40 (1) (f) 1. of the statutes is repealed.

22 **SECTION 851.** 25.40 (1) (f) 2. of the statutes is amended to read:

23 25.40 (1) (f) 2. Moneys received under s. 106.26 that are deposited in the
24 general fund ~~and credited to the appropriation under s. 20.445 (1) (ox).~~

25 **SECTION 852.** 25.40 (2) (b) 19r. of the statutes is created to read:

SENATE BILL 44

1 25.40 (2) (b) 19r. Section 20.255 (2) (r).

2 **SECTION 853.** 25.40 (2) (b) 22m. of the statutes is created to read:

3 25.40 (2) (b) 22m. Section 20.835 (1) (t).

4 **SECTION 854.** 25.40 (2) (b) 22m. of the statutes, as created by 2003 Wisconsin
5 Act (this act), is repealed.

6 **SECTION 855.** 25.425 of the statutes is created to read:

7 **25.425 Election administration fund.** There is established a separate
8 nonlapsible trust fund designated the election administration fund consisting of all
9 moneys received from the federal government under P.L. 107-252.

10 **SECTION 856.** 25.465 (8) of the statutes is amended to read:

11 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) ~~1. and 2.~~ and 2m.
12 and (i).

13 **SECTION 857.** 25.55 (1) of the statutes is repealed.

14 **SECTION 858.** 25.55 (2) of the statutes is repealed.

15 **SECTION 859.** 25.575 of the statutes is created to read:

16 **25.575 Tobacco settlement bond purchase program repayment fund.**
17 There is created a separate nonlapsible trust fund, known as the tobacco settlement
18 bond purchase program repayment fund, consisting of all moneys received as
19 revenues from bonds purchased under s. 16.523, any other revenues of the tobacco
20 settlement bond purchase program dedicated to it by the resolution authorizing the
21 issuance of the revenue obligations under s. 16.523, and all moneys transferred to
22 the fund under s. 20.505 (1) (te).

23 **SECTION 860.** 25.59 of the statutes is created to read:

24 **25.59 Excise tax fund.** There is created a separate nonlapsible trust fund,
25 known as the excise tax fund, that, for the purposes of subch. II of ch. 18, shall be a

SENATE BILL 44**SECTION 860**

1 special fund. If any revenue obligations are issued under s. 16.526, the excise tax
2 fund shall consist of all taxes that are thereafter paid under ch. 139, other than
3 subch. IV of ch. 139.

4 **SECTION 861.** 25.60 of the statutes is amended to read:

5 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
6 trust fund designated as the budget stabilization fund, consisting of moneys
7 transferred to the fund from the general fund under ~~s. ss. 13.48 (14) (c), 16.518 (3)~~
8 , 16.72 (4) (b), and 51.06 (6).

9 **SECTION 862.** 25.66 (1) (e) of the statutes is amended to read:

10 25.66 (1) (e) Beginning in fiscal year 2003-04, all moneys transferred from the
11 general fund under s. ~~20.436 (1)~~ 20.435 (1) (b).

12 **SECTION 863.** 25.66 (1) (f) of the statutes is created to read:

13 25.66 (1) (f) All moneys transferred under s. 20.505 (1) (tm).

14 **SECTION 864.** 25.77 (1) of the statutes is amended to read:

15 25.77 (1) All federal moneys received, including moneys that the department
16 of health and family services may transfer from the appropriation under s. 20.435
17 (4) (o), that are related to payments under s. 49.45 (~~6m~~) and are based on public funds
18 that are transferred or certified under 42 CFR 433.51 (b) and used as the ~~non-federal~~
19 nonfederal share of ~~medical assistance~~ Medical Assistance funding.

20 **SECTION 865.** 25.77 (2) of the statutes is amended to read:

21 25.77 (2) All public funds that are related to payments under s. 49.45 (~~6m~~) and
22 that are transferred or certified under 42 CFR 433.51 (b) and used as the ~~non-federal~~
23 nonfederal and federal share of ~~medical assistance~~ Medical Assistance funding.

24 **SECTION 866.** 25.77 (3) of the statutes is created to read:

SENATE BILL 44**SECTION 866**

1 25.77 (3) All moneys received under s. 50.14 (2) from assessments on licensed
2 beds of facilities except \$14,300,000 in fiscal year 2003-04 and \$13,800,000 in fiscal
3 year 2004-05 and, beginning July 1, 2005, 45% in each fiscal year.

4 **SECTION 867.** 25.77 (4) of the statutes is created to read:

5 25.77 (4) All moneys received under s. 49.45 (2) (a) 25. from assessments on
6 health maintenance organizations.

7 **SECTION 868.** 25.77 (5) of the statutes is created to read:

8 25.77 (5) All moneys transferred under s. 20.435 (4) (hm).

9 **SECTION 869.** 26.11 (6) of the statutes is amended to read:

10 26.11 (6) The department, as the director of the effort, may suppress a forest
11 fire on lands located outside the boundaries of intensive or extensive forest fire
12 protection districts but not within the limits of any city or village if the town
13 responsible for suppressing fires within its boundaries spends more than \$3,000, as
14 determined by rates established by the department, on suppressing the forest fire
15 and if the town chairperson makes a request to the department for assistance.
16 Persons participating in the suppression efforts shall act at the direction of the
17 department after the department begins suppression efforts under this subsection.
18 Funds expended by the state under this subsection shall be ~~drawn~~ expended from the
19 appropriation under s. 20.370 (1) ~~(mu)~~ (mv).

20 **SECTION 870.** 26.14 (4) of the statutes is amended to read:

21 26.14 (4) Emergency fire wardens or those assisting them in the fighting of
22 forest fires shall prepare itemized accounts of their services and the services of those
23 employed by them, as well as other expenses incurred, on blanks to be furnished by
24 the department and in a manner prescribed by the department, and make oaths or
25 affirmation that said account is just and correct, which account shall be forwarded

SENATE BILL 44**SECTION 870**

1 and approved for payment by the department. As soon as any such account has been
2 paid by the state treasurer ~~secretary of administration~~ the department of natural
3 resources shall send to the proper county treasurer a bill for the county's share of
4 such expenses and ~~a copy of the bill shall be filed with the department of~~
5 ~~administration~~. The county shall have 60 days within which to pay such bill, but if
6 not paid within that time the county shall be liable for interest at the rate of 6% per
7 year. If payment is not made within 60 days the department of administration shall
8 include such amount as a part of the next levy against the county for state taxes, but
9 no county shall be required to pay more than \$5,000 in any one year. Any unpaid levy
10 under this section shall remain a charge against the county and the department of
11 administration shall include such unpaid sums in the state tax levy of the respective
12 counties in subsequent years.

13 **SECTION 871.** 26.20 (3) of the statutes is amended to read:

14 26.20 (3) LOCOMOTIVE INSPECTOR; POWERS. Any locomotive inspector designated
15 by the department shall have the power to reject from service immediately any
16 locomotive, donkey, traction, or portable engine which, in the opinion of the inspector,
17 is deficient in adequate design, construction, or maintenance of the fire protective
18 devices designated in sub. (2), and any such locomotive, donkey, traction, or portable
19 engine so rejected from service shall not be returned to service until such defects have
20 been remedied to the satisfaction of the locomotive inspector. In case of disagreement
21 between the inspector and the owner of the locomotive, donkey, traction, or portable
22 engine so rejected from service as to the efficiency or proper maintenance of said
23 protective devices, then the owner of the locomotive, donkey, traction, or portable
24 engine may appeal to the ~~office of the commissioner of railroads~~ division of hearings
25 and appeals in the department of administration for a decision of said matter, but

SENATE BILL 44**SECTION 871**

1 pending such decision the locomotive, donkey, traction, or portable engine shall not
2 be returned to service.

3 **SECTION 872.** 26.20 (10) of the statutes is amended to read:

4 26.20 (10) ~~APPEAL TO OFFICE OF THE COMMISSIONER OF RAILROADS~~ DIVISION OF
5 HEARINGS AND APPEALS. In case the department and any person operating any
6 locomotive, donkey, or threshing engine, or any engine, boiler, or locomotive cannot
7 agree as to the most practicable device or devices for preventing the escape of sparks,
8 cinders, or fire from smokestacks, ash pans or fire boxes, then the same shall be
9 determined by the ~~office of the commissioner of railroads~~ division of hearings and
10 appeals in the department of administration.

11 **SECTION 873.** 26.30 (9) (b) (intro.) of the statutes is amended to read:

12 26.30 (9) (b) (intro.) As soon as the expenses incurred by the state in forest pest
13 control work have been paid by the ~~state treasurer~~ secretary of administration, the
14 department shall send to each landowner a bill covering an equitable share of such
15 expenses as herein provided.

16 **SECTION 874.** 29.038 (1) (a) of the statutes is amended to read:

17 29.038 (1) (a) "Local governmental unit" has the meaning given in s. ~~22.01~~
18 16.97 (7).

19 **SECTION 875.** 29.319 (2) of the statutes is amended to read:

20 29.319 (2) Any fees collected by the department under this section shall be
21 deposited in the conservation fund ~~to be used for department activities relating to~~
22 ~~fish and wildlife~~ and credited to the appropriation for the endangered resources
23 program under s. 20.370 (1) (fs).

24 **SECTION 876.** 29.563 (2) (a) 1. of the statutes is amended to read:

25 29.563 (2) (a) 1. Small game: ~~\$12.25~~ \$18.25.

SENATE BILL 44**SECTION 877**

1 **SECTION 877.** 29.563 (2) (a) 2. of the statutes is amended to read:

2 29.563 (2) (a) 2. Small game issued to a resident senior citizen: ~~\$5.25~~ \$8.25.

3 **SECTION 878.** 29.563 (2) (a) 4. of the statutes is amended to read:

4 29.563 (2) (a) 4. Small game issued to 12-year-olds to 17-year-olds: ~~\$6.25~~
5 \$8.25.

6 **SECTION 879.** 29.563 (2) (a) 5. of the statutes is amended to read:

7 29.563 (2) (a) 5. Deer: ~~\$18.25~~ \$30.25.

8 **SECTION 880.** 29.563 (2) (a) 6. of the statutes is amended to read:

9 29.563 (2) (a) 6. Class A bear: ~~\$39.25~~ \$47.25.

10 **SECTION 881.** 29.563 (2) (a) 7. of the statutes is amended to read:

11 29.563 (2) (a) 7. Class B bear: ~~\$6.25~~ \$12.25.

12 **SECTION 882.** 29.563 (2) (a) 8. of the statutes is amended to read:

13 29.563 (2) (a) 8. Archer: ~~\$18.25~~ \$30.25.

14 **SECTION 883.** 29.563 (2) (a) 9. of the statutes is amended to read:

15 29.563 (2) (a) 9. Wild turkey: ~~\$9.25~~ \$12.25.

16 **SECTION 884.** 29.563 (2) (b) 1. of the statutes is amended to read:

17 29.563 (2) (b) 1. Annual small game: ~~\$73.25~~ \$78.25.

18 **SECTION 885.** 29.563 (2) (b) 2. of the statutes is amended to read:

19 29.563 (2) (b) 2. Five-day small game: ~~\$41.25~~ \$48.25.

20 **SECTION 886.** 29.563 (2) (b) 3. of the statutes is amended to read:

21 29.563 (2) (b) 3. Deer: ~~\$133.25~~ \$158.25.

22 **SECTION 887.** 29.563 (2) (b) 4. of the statutes is amended to read:

23 29.563 (2) (b) 4. Class A bear: ~~\$199.25~~ \$249.25.

24 **SECTION 888.** 29.563 (2) (b) 5. of the statutes is amended to read:

25 29.563 (2) (b) 5. Class B bear: ~~\$98.25~~ \$108.25.

SENATE BILL 44

1 **SECTION 889.** 29.563 (2) (b) 6. of the statutes is amended to read:

2 29.563 (2) (b) 6. Archer: ~~\$133.25~~ \$158.25.

3 **SECTION 890.** 29.563 (2) (b) 7. of the statutes is amended to read:

4 29.563 (2) (b) 7. Fur-bearing animal: ~~\$148.25~~ \$158.25.

5 **SECTION 891.** 29.563 (2) (b) 8. of the statutes is amended to read:

6 29.563 (2) (b) 8. Wild turkey: ~~\$53.25~~ \$58.25.

7 **SECTION 892.** 29.563 (3) (a) 1. of the statutes is amended to read:

8 29.563 (3) (a) 1. Annual: ~~\$13.25~~ \$19.25.

9 **SECTION 893.** 29.563 (3) (a) 2. of the statutes is amended to read:

10 29.563 (3) (a) 2. Annual fishing issued to a resident senior citizen: ~~\$6.25~~ \$9.25.

11 **SECTION 894.** 29.563 (3) (a) 3. of the statutes is amended to read:

12 29.563 (3) (a) 3. Husband and wife: ~~\$23.25~~ \$34.25.

13 **SECTION 895.** 29.563 (3) (a) 5. of the statutes is amended to read:

14 29.563 (3) (a) 5. Two-day sports fishing: ~~\$9.25~~ \$13.25.

15 **SECTION 896.** 29.563 (3) (a) 7. of the statutes is amended to read:

16 29.563 (3) (a) 7. Annual or temporary fishing issued to a disabled person under
17 s. 29.193 (3) (a) or (b) or (3m): ~~\$6.25~~ \$9.25.

18 **SECTION 897.** 29.563 (3) (b) 1. to 5. of the statutes are amended to read:

19 29.563 (3) (b) 1. Annual: ~~\$33.25~~ \$39.25.

20 2. Annual family: ~~\$51.25~~ \$64.25.

21 3. Fifteen-day: ~~\$19.25~~ \$23.25.

22 4. Fifteen-day family: ~~\$29.25~~ \$39.25.

23 5. Four-day: ~~\$14.25~~ \$17.25.

24 **SECTION 898.** 29.563 (3) (c) 2. of the statutes is amended to read:

25 29.563 (3) (c) 2. Great Lakes trout and salmon: ~~\$7~~ \$9.75.

SENATE BILL 44**SECTION 899**

1 **SECTION 899.** 29.563 (4) (a) 1. of the statutes is amended to read:

2 29.563 (4) (a) 1. Sports: ~~\$41.25~~ \$51.25 or a greater amount at the applicant's
3 option.

4 **SECTION 900.** 29.563 (4) (a) 2. of the statutes is amended to read:

5 29.563 (4) (a) 2. Conservation patron: ~~\$107.25~~ \$137.25 or a greater amount at
6 the applicant's option.

7 **SECTION 901.** 29.563 (4) (b) 1. of the statutes is amended to read:

8 29.563 (4) (b) 1. Sports: ~~\$238.25~~ \$273.25 or a greater amount at the applicant's
9 option.

10 **SECTION 902.** 29.563 (4) (b) 2. of the statutes is amended to read:

11 29.563 (4) (b) 2. Conservation patron: ~~\$572.25~~ \$597.25 or a greater amount at
12 the applicant's option.

13 **SECTION 903.** 29.563 (6) (a) 1. of the statutes is amended to read:

14 29.563 (6) (a) 1. Trapping: ~~\$17.25~~ \$19.25.

15 **SECTION 904.** 29.563 (12) (a) 1. to 3. of the statutes are amended to read:

16 29.563 (12) (a) 1. Deer: ~~\$10.25~~ \$12.25.

17 2. Archer, sports or conservation patron: ~~\$10.25~~ \$12.25 if deer tags are
18 included; ~~\$7.25~~ \$9.25 after open season and deer tags are not included.

19 3. Other hunting: ~~\$6.25~~ \$7.25.

20 **SECTION 905.** 29.563 (12) (b) of the statutes is amended to read:

21 29.563 (12) (b) *Fishing*. Fishing: ~~\$6.25~~ \$8.25.

22 **SECTION 906.** 29.983 (1) (e) of the statutes is amended to read:

23 29.983 (1) (e) If any deposit is made for an offense to which this section applies,
24 the person making the deposit shall also deposit a sufficient amount to include the
25 wild animal protection assessment required under this section. If the deposit is

SENATE BILL 44**SECTION 906**

1 forfeited, the amount of the wild animal protection assessment shall be transmitted
2 to the ~~state treasurer~~ secretary of administration under par. (f). If the deposit is
3 returned, the wild animal protection assessment shall also be returned.

4 **SECTION 907.** 29.983 (1) (f) of the statutes is amended to read:

5 29.983 (1) (f) The clerk of the court shall collect and transmit to the county
6 treasurer the wild animal protection assessment and other amounts required under
7 s. 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
8 secretary of administration as provided in s. 59.25 (3) (f) 2.

9 **SECTION 908.** 29.983 (2) of the statutes is amended to read:

10 29.983 (2) DEPOSIT OF WILD ANIMAL PROTECTION ASSESSMENT FUNDS. The ~~state~~
11 ~~treasurer~~ secretary of administration shall deposit the moneys collected under this
12 section into the conservation fund.

13 **SECTION 909.** 29.985 (1) (c) of the statutes is amended to read:

14 29.985 (1) (c) If any deposit is made for an offense to which this section applies,
15 the person making the deposit shall also deposit a sufficient amount to include the
16 fishing shelter removal assessment prescribed in this section. If the deposit is
17 forfeited, the amount of the fishing shelter removal assessment shall be transmitted
18 to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is
19 returned, the fishing shelter removal assessment shall also be returned.

20 **SECTION 910.** 29.985 (1) (d) of the statutes is amended to read:

21 29.985 (1) (d) The clerk of the court shall collect and transmit to the county
22 treasurer the fishing shelter removal assessment and other amounts required under
23 s. 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
24 secretary of administration as provided in s. 59.25 (3) (f) 2.

25 **SECTION 911.** 29.987 (1) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 911**

1 29.987 (1) (c) If any deposit is made for an offense to which this section applies,
2 the person making the deposit shall also deposit a sufficient amount to include the
3 natural resources assessment prescribed in this section. If the deposit is forfeited,
4 the amount of the natural resources assessment shall be transmitted to the state
5 ~~treasurer~~ secretary of administration under par. (d). If the deposit is returned, the
6 natural resources assessment shall also be returned.

7 **SECTION 912.** 29.987 (1) (d) of the statutes is amended to read:

8 29.987 (1) (d) The clerk of the court shall collect and transmit to the county
9 treasurer the natural resources assessment and other amounts required under s.
10 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer
11 as provided in s. 59.25 (3) (f) 2. ~~The state treasurer~~ secretary of administration shall
12 deposit the amount of the natural resources assessment in the conservation fund.

13 **SECTION 913.** 29.989 (1) (c) of the statutes is amended to read:

14 29.989 (1) (c) If any deposit is made for an offense to which this section applies,
15 the person making the deposit shall also deposit a sufficient amount to include the
16 natural resources restitution payment prescribed in this section. If the deposit is
17 forfeited, the amount of the natural resources restitution payment shall be
18 transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the
19 deposit is returned, the natural resources restitution payment shall also be returned.

20 **SECTION 914.** 29.989 (1) (d) of the statutes is amended to read:

21 29.989 (1) (d) The clerk of the court shall collect and transmit to the county
22 treasurer the natural resources restitution payment and other amounts required
23 under s. 59.40 (2) (m). The county treasurer shall then make payment to the state
24 ~~treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The state

SENATE BILL 44**SECTION 914**

1 ~~treasurer~~ secretary of administration shall deposit the amount of the natural
2 resources restitution payment in the conservation fund.

3 **SECTION 915.** 30.275 (5) of the statutes is repealed.

4 **SECTION 916.** 30.277 (7) of the statutes is repealed.

5 **SECTION 917.** 30.33 (1) of the statutes is amended to read:

6 30.33 (1) BOARD TO HAVE POWERS OF RAILROAD CORPORATION. Any municipality
7 operating a public harbor through a board of harbor commissioners may, through
8 such board, construct, maintain or operate railway facilities or a harbor belt line
9 connecting various harbor facilities with one another or with other railroads within
10 the municipality or its vicinity. The board of harbor commissioners is granted all of
11 the rights, powers and privileges conferred upon railroad corporations by ss. 190.02
12 and 190.025 (3), except such rights, powers and privileges as are conferred upon
13 railroad corporations by s. 190.02 (9). Such facilities or belt line may be constructed,
14 maintained or operated partly outside the corporate limits of the municipality. In
15 constructing, maintaining or operating such facilities or belt line, the board of harbor
16 commissioners has the powers and privileges of railroad corporations and shall be
17 subject to the same restrictions as railroad corporations and to the supervision of the
18 ~~office of the commissioner of railroads~~ department of transportation, except as to the
19 system of accounting and the payment of wages to employees.

20 **SECTION 918.** 30.33 (2) of the statutes is amended to read:

21 30.33 (2) MUNICIPALITY MAY ORGANIZE HARBOR RAILWAY CORPORATION. Any
22 municipality mentioned in sub. (1) may, with the consent of its board of harbor
23 commissioners, organize a railroad corporation for the purpose of constructing,
24 maintaining or operating a harbor belt line or may subscribe for stock in an existing
25 railroad corporation organized for such purpose. If the municipality decides to

SENATE BILL 44**SECTION 918**

1 organize a railroad corporation for such purpose, the governing body thereof may, by
2 resolution, authorize the chief executive officer or presiding officer of such
3 municipality to act, together with 4 citizens to be designated by the officer, as
4 incorporators of such company. Such incorporators shall proceed to incorporate the
5 railroad corporation in accordance with chs. 190 to 192, so far as applicable. Such
6 harbor railroad corporation is subject to the supervisory and regulatory powers of the
7 ~~office of the commissioner of railroads~~ department of transportation to the same
8 extent as other railroad corporations. The municipality may subscribe to the stock
9 of such harbor railroad corporation and may pay for such stock out of any funds it
10 may lawfully have available for that purpose, including the proceeds of harbor
11 improvement bonds.

12 **SECTION 919.** 30.92 (7) of the statutes is repealed.

13 **SECTION 920.** 30.93 (3) (b) of the statutes is amended to read:

14 30.93 (3) (b) *Authority to contract; ~~Wisconsin conservation corps~~*. The
15 commission may contract with public agencies, public or private organizations,
16 businesses, or individuals to carry out management or operation responsibilities for
17 the Fox River navigational system. The commission may contract with the
18 department of health and family services or other state agency to carry out
19 management or operation responsibilities for the Fox River navigational system.
20 ~~The commission may act as a Wisconsin conservation corps project sponsor and may~~
21 ~~enter into agreements with the Wisconsin conservation corps board to carry out~~
22 ~~management or operation responsibilities for the Fox River navigational system.~~

23 **SECTION 921.** 33.445 (4) of the statutes is repealed.

24 **SECTION 922.** 33.56 (4) of the statutes is repealed.

25 **SECTION 923.** 34.01 (2) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 923**

1 34.01 (2) (a) Any loss of public moneys, which have been deposited in a
2 designated public depository in accordance with this chapter, resulting from the
3 failure of any public depository to repay to any public depositor the full amount of
4 its deposit because the office of credit unions, administrator of federal credit unions,
5 U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift
6 supervision, federal deposit insurance corporation, resolution trust corporation, or
7 division of banking ~~or division of savings institutions~~ has taken possession of the
8 public depository or because the public depository has, with the consent and approval
9 of the office of credit unions, administrator of federal credit unions, U.S. office of
10 thrift supervision, federal deposit insurance corporation, resolution trust
11 corporation, or division of banking ~~or division of savings institutions~~, adopted a
12 stabilization and readjustment plan or has sold a part or all of its assets to another
13 credit union, bank, savings bank, or savings and loan association which has agreed
14 to pay a part or all of the deposit liability on a deferred payment basis or because the
15 depository is prevented from paying out old deposits because of rules of the office of
16 credit unions, administrator of federal credit unions, U.S. comptroller of the
17 currency, federal home loan bank board, U.S. office of thrift supervision, federal
18 deposit insurance corporation, resolution trust corporation, or division of banking ~~or~~
19 ~~division of savings institutions~~.

20 **SECTION 924.** 34.045 (1) (b) of the statutes is amended to read:

21 34.045 (1) (b) Establish procedures by which state agencies and departments
22 pay for services through compensating balances or fees, or a combination of both
23 methods. ~~In the case of the state treasurer's accounts, direct the state treasurer~~
24 Direct the secretary of administration to maintain compensating balances, or direct
25 the investment board to pay bank service costs as allocated by the ~~state treasurer~~

SENATE BILL 44**SECTION 924**

1 secretary of administration under s. 25.19 (3) directly from the income account of the
2 state investment fund, or by a combination of such methods.

3 **SECTION 925.** 34.08 (2) of the statutes is amended to read:

4 34.08 (2) Payments under sub. (1) shall be made in the order in which
5 satisfactory proofs of loss are received by the division of banking. The payment made
6 to any public depositor for all losses of the public depositor in any individual public
7 depository may not exceed \$400,000 above the amount of deposit insurance provided
8 by an agency of the United States or by the Wisconsin Credit Union Savings
9 Insurance Corporation at the public depository which experienced the loss. Upon a
10 satisfactory proof of loss, the division of banking shall direct the department of
11 administration to draw its warrant payable from the appropriation under s. 20.144
12 (1) (a) and the ~~state treasurer~~ secretary of administration shall pay the warrant
13 under s. ~~14.58~~ 16.401 (4) in favor of the public depositor that has submitted the proof
14 of loss.

15 **SECTION 926.** 34.10 of the statutes is amended to read:

16 **34.10 Reorganization and stabilization of financial institutions.**
17 Whenever the office of credit unions, administrator of federal credit unions, U.S.
18 comptroller of the currency, federal home loan bank board, U.S. office of thrift
19 supervision, federal deposit insurance corporation, resolution trust corporation, or
20 division of banking ~~or division of savings institutions~~ has taken charge of a credit
21 union, bank, savings bank, or savings and loan association with a view of restoring
22 its solvency, pursuant to law, or with a view of stabilizing and readjusting the
23 structure of any national or state credit union, bank, savings bank, or savings and
24 loan association located in this state, and has approved a reorganization plan or a
25 stabilization and readjustment agreement entered into between the credit union,

SENATE BILL 44**SECTION 926**

1 bank, savings bank, or savings and loan association and depositors and unsecured
2 creditors, or when a credit union, bank, savings bank, or savings and loan
3 association, with the approval of the office of credit unions, administrator of federal
4 credit unions, U.S. comptroller of the currency, federal home loan bank board, U.S.
5 office of thrift supervision, federal deposit insurance corporation, resolution trust
6 corporation, or division of banking ~~or division of savings institutions~~ proposes to sell
7 its assets to another credit union, bank, savings bank, or savings and loan
8 association which agrees to assume a part or all of the deposit liability of such selling
9 credit union, bank, savings bank, or savings and loan association and to pay the same
10 on a deferred payment basis, the governing board of the public depositor may, on the
11 approval of the division of banking, join in the execution of any reorganization plan,
12 or any stabilization and readjustment agreement, or any depositor's agreement
13 relative to a proposed sale of assets if, in its judgment and that of the division of
14 banking, the reorganization plan or stabilization and readjustment agreement or
15 proposed sale of assets is in the best interest of all persons concerned. The joining
16 in any reorganization plan, or any stabilization and readjustment agreement, or any
17 proposed sale of assets which meets the approval of the division of banking does not
18 waive any rights under this chapter.

19 **SECTION 927.** 35.24 (3) of the statutes is amended to read:

20 35.24 (3) Reprints of the feature article shall be bound in paper covers and shall
21 be in such quantity as is authorized for each specific reprint by the joint committee
22 on legislative organization. The cost of reprints shall be paid from the appropriation
23 under s. 20.765 (1) (d) or (5).

24 **SECTION 928.** 35.91 (1) of the statutes is amended to read:

SENATE BILL 44**SECTION 928**

1 35.91 (1) The latest edition of the Wisconsin statutes shall be sold at a price,
2 calculated to the nearest dollar, to be fixed by the department, based on cost plus 75%
3 of the revisor's expenditures under s. 20.765 (3) (a) or (5) during the preceding
4 biennium. The department may sell noncurrent editions of the Wisconsin statutes
5 and Wisconsin annotations at reduced prices to be fixed by it.

6 **SECTION 929.** 35.93 (9) of the statutes is amended to read:

7 35.93 (9) The department shall charge the legislature under s. 20.765 (1) (d)
8 or (5) for the cost of distribution of the code and the register, including the costs
9 specified in s. 35.80, and shall deposit all revenues received from their sale into the
10 general fund.

11 **SECTION 930.** 36.09 (1) (i) of the statutes is amended to read:

12 36.09 (1) (i) Upon recommendation of the president and the administrator of
13 the division of merit recruitment and selection in the department of ~~employment~~
14 ~~relations~~ administration, the board and the secretary of ~~employment relations~~
15 administration shall jointly adopt general policies governing the designation of
16 positions to be exempt from the classified service as academic staff as defined in s.
17 36.15 (1) (a) and (b). No position in the classified service may be designated as an
18 academic staff position under the general policies unless the secretary of
19 ~~employment relations~~ administration approves the designation.

20 **SECTION 931.** 36.09 (1) (j) of the statutes is amended to read:

21 36.09 (1) (j) Except where such matters are a subject of bargaining with a
22 certified representative of a collective bargaining unit under s. 111.91, the board
23 shall establish salaries for persons not in the classified staff prior to July 1 of each
24 year for the next fiscal year, and shall designate the effective dates for payment of
25 the new salaries. In the first year of the biennium, payments of the salaries

SENATE BILL 44**SECTION 931**

1 established for the preceding year shall be continued until the biennial budget bill
2 is enacted. If the budget is enacted after July 1, payments shall be made following
3 enactment of the budget to satisfy the obligations incurred on the effective dates, as
4 designated by the board, for the new salaries, subject only to the appropriation of
5 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
6 authority of the board to establish salaries for new appointments. The board may
7 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
8 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
9 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
10 increase to correct salary inequities under par. (h), to fund job reclassifications or
11 promotions, or to recognize competitive factors. The board may not increase the
12 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
13 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
14 board authorizes the salary increase to correct a salary inequity or to recognize
15 competitive factors. The board may not increase the salary of any position identified
16 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
17 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
18 the increase is approved by the department of employment relations administration.
19 The granting of salary increases to recognize competitive factors does not obligate
20 inclusion of the annualized amount of the increases in the appropriations under s.
21 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the
22 board shall report to the joint committee on finance and the ~~departments~~ department
23 of administration ~~and employment relations~~ concerning the amounts of any salary
24 increases granted to recognize competitive factors, and the institutions at which they
25 are granted, for the 12-month period ending on the preceding June 30.

SENATE BILL 44**SECTION 932**

1 **SECTION 932.** 36.11 (6) (c) of the statutes is amended to read:

2 36.11 (6) (c) ~~By April 10, 1998, and annually thereafter~~ Annually, by April 10,
3 the board shall develop and submit to the higher educational aids board for its review
4 ~~under s. 39.285 (1)~~ a proposed formula for the awarding of grants under s. 39.435,
5 except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year
6 to students enrolled in the system.

7 **SECTION 933.** 36.25 (14) of the statutes is amended to read:

8 36.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant
9 program for minority and disadvantaged graduate students enrolled in the system.
10 The grants shall be awarded from the ~~appropriation~~ appropriations under s. 20.285
11 (4) (b) and (gm). The board shall give preference in awarding grants under this
12 subsection to residents of this state. The board may not make a grant under this
13 subsection to a person whose name appears on the statewide support lien docket
14 under s. 49.854 (2) (b), unless the person provides to the board a payment agreement
15 that has been approved by the county child support agency under s. 59.53 (5) and that
16 is consistent with rules promulgated under s. 49.858 (2) (a).

17 **SECTION 934.** 36.25 (38) (a) of the statutes is amended to read:

18 36.25 (38) (a) In this subsection, “educational technology” has the meaning
19 given in s. ~~44.70~~ 115.997 (3).

20 **SECTION 935.** 36.25 (38) (b) 6. of the statutes is amended to read:

21 36.25 (38) (b) 6. To pay the department of ~~electronic government~~
22 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1).

23 **SECTION 936.** 36.27 (1) (am) 2. of the statutes is amended to read:

24 36.27 (1) (am) 2. The approved recommendations of the secretary of
25 ~~employment relations~~ administration for compensation and fringe benefits for

SENATE BILL 44**SECTION 936**

1 classified staff, for unclassified employees specified in s. 230.12 (1) (a) 1. b., and for
2 unclassified employees specified in s. 230.12 (3) (e). If these recommendations have
3 not been approved by the joint committee on employment relations by the time the
4 board sets academic fees, the board may raise academic fees for resident
5 undergraduate students by an amount sufficient to fund the recommendations of the
6 secretary of ~~employment relations~~ administration for compensation and fringe
7 benefits for classified staff and for unclassified employees specified in s. 230.12 (1)
8 (a) 1. b. and the board's recommendations for unclassified employees specified in s.
9 230.12 (3) (e). If the secretary of ~~employment relations~~ administration has not made
10 recommendations by the time the board sets academic fees, the board may raise
11 academic fees for resident undergraduate students by an amount sufficient to fund
12 the board's estimate of compensation and fringe benefits for classified staff and for
13 unclassified employees specified in s. 230.12 (1) (a) 1. b. and the board's
14 recommendations for unclassified employees specified in s. 230.12 (3) (e). If the
15 board sets academic fees based upon the board's estimate and the board's
16 unapproved recommendations, and the recommendations of the board and the
17 secretary of ~~employment relations~~ administration as finally approved by the joint
18 committee on employment relations call for a lower rate of compensation and fringe
19 benefits than the board's estimate and unapproved recommendations, the board
20 shall lower academic student fees for resident undergraduate students for the next
21 academic year by an amount equal to the difference between the academic fees
22 charged and an amount sufficient to fund the approved recommendations. If the
23 board sets academic fees based upon the board's estimate and unapproved
24 recommendations, and the recommendations of the board and the secretary of
25 ~~employment relations~~ administration as finally approved by the joint committee on

SENATE BILL 44**SECTION 936**

1 employment relations call for a higher rate of compensation and fringe benefits than
2 the board's estimate and unapproved recommendations, the board may raise
3 academic student fees for resident undergraduate students for the next academic
4 year by an amount equal to the difference between the academic fees charged and
5 an amount sufficient to fund the approved recommendations.

6 **SECTION 937.** 36.27 (2) (cr) of the statutes is created to read:

7 36.27 (2) (cr) A person who is a citizen of a country other than the United States
8 is entitled to the exemption under par. (a) if that person meets all of the following
9 requirements:

10 1. The person graduated from a high school in this state or received a high
11 school graduation equivalency from this state.

12 2. The person was continuously present in this state for at least one year
13 following the first day of attending a high school in this state.

14 3. The person enrolls in an institution and provides that institution with an
15 affidavit stating that the person has filed or will file an application for a permanent
16 resident visa with the Immigration and Naturalization Service as soon as the person
17 is eligible to do so.

18 **SECTION 938.** 36.31 (3) of the statutes is repealed.

19 **SECTION 939.** 36.34 (1) (b) of the statutes is amended to read:

20 36.34 (1) (b) The board shall establish a grant program for minority
21 undergraduates enrolled in the system. The board shall designate all grants under
22 this subsection as Lawton grants. Grants shall be awarded from the ~~appropriation~~
23 appropriations under s. 20.285 (4) (dd) and (g). The board may not make a grant
24 under this subsection to a person whose name appears on the statewide support lien
25 docket under s. 49.854 (2) (b), unless the person provides to the board a payment

SENATE BILL 44**SECTION 939**

1 agreement that has been approved by the county child support agency under s. 59.53
2 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

3 **SECTION 940.** 36.51 (6) of the statutes is amended to read:

4 36.51 (6) The college campus or institution may file a claim with the
5 department of public instruction for reimbursement for reasonable expenses
6 incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the
7 meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount
8 may be charged to participants. If the department of public instruction approves the
9 claim, it shall certify that payment is due and the ~~state treasurer~~ secretary of
10 administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

11 **SECTION 941.** 38.04 (7m) of the statutes is amended to read:

12 38.04 (7m) FINANCIAL AIDS. ~~By April 10, 1998, and annually thereafter~~
13 Annually, by April 10, the board shall develop and submit to the ~~higher educational~~
14 ~~aids board~~ Board of Regents of the University of Wisconsin System for its review
15 under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435,
16 except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year
17 to students enrolled in the technical colleges.

18 **SECTION 942.** 38.04 (19) of the statutes is repealed.

19 **SECTION 943.** 38.04 (28) of the statutes is created to read:

20 38.04 (28) HEALTH CARE EDUCATION PROGRAMS. From the appropriation under
21 s. 20.292 (1) (ch), the board shall award grants to district boards to expand health
22 care education programs.

23 **SECTION 944.** 38.28 (1m) (a) 1. of the statutes is amended to read:

24 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
25 technical college district, including debt service charges for district bonds and

SENATE BILL 44**SECTION 944**

1 promissory notes for building programs or capital equipment, but excluding all
2 expenditures relating to auxiliary enterprises and community service programs, all
3 expenditures funded by or reimbursed with federal revenues, all receipts under sub.
4 (6) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r), and 146.55 (5), all
5 receipts from grants awarded under ss. 38.04 (8), ~~(19)~~, (20), ~~(28)~~, and (31), 38.14 (11),
6 38.26, 38.27, ~~38.31~~, 38.33, and 38.38, all fees collected under s. 38.24, and driver
7 education and chauffeur training aids.

8 **SECTION 945.** 38.31 of the statutes is repealed.

9 **SECTION 946.** 38.36 (6) of the statutes is amended to read:

10 38.36 (6) The district board may file a claim with the department of public
11 instruction for reimbursement for reasonable expenses incurred, excluding capital
12 equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal,
13 whichever is less. Any cost in excess of the lesser amount may be charged to
14 participants. If the department of public instruction approves the claim, it shall
15 certify that payment is due and the state treasurer secretary of administration shall
16 pay the claim from the appropriation under s. 20.255 (2) (cn).

17 **SECTION 947.** 39.11 (16g) of the statutes is amended to read:

18 39.11 (16g) Expend at least \$140,200 in each fiscal year 1994-95 and every
19 ~~fiscal year thereafter~~ for the development and periodic update of instructional
20 television programs that are specific to this state for use in schools. Funds may be
21 expended for the programs from the appropriation under s. 20.225 (1) (f), (g), ~~(h)~~ or
22 (m).

23 **SECTION 948.** 39.155 (1) of the statutes is amended to read:

24 39.155 (1) ~~Subject to sub. (3), all~~ All funds appropriated to the Medical College
25 of Wisconsin, Inc., under s. 20.250 (1) (a) shall be based on a per capita formula for

SENATE BILL 44**SECTION 948**

1 an amount for each Wisconsin resident enrolled at the college who is paying full
2 tuition. A student's qualification as a resident of this state shall be determined by
3 the higher educational aids board in accordance with s. 36.27, so far as applicable.

4 **SECTION 949.** 39.155 (1) of the statutes, as affected by 2003 Wisconsin Act ...
5 (this act), is amended to read:

6 39.155 (1) All funds appropriated to the Medical College of Wisconsin, Inc.,
7 under s. 20.250 (1) (a) shall be based on a per capita formula for an amount for each
8 Wisconsin resident enrolled at the college who is paying full tuition. A student's
9 qualification as a resident of this state shall be determined by the ~~higher educational~~
10 ~~aids board~~ Board of Regents of the University of Wisconsin System in accordance
11 with s. 36.27, so far as applicable.

12 **SECTION 950.** 39.155 (2) of the statutes is amended to read:

13 39.155 (2) On or before January 15 and September 15 of each year, the Medical
14 College of Wisconsin, Inc., shall submit to the higher educational aids board for its
15 approval a list of the Wisconsin residents enrolled at the college who are paying full
16 tuition. The state shall make semiannual payments to the Medical College of
17 Wisconsin, Inc., from the appropriation under s. 20.250 (1) (a), upon approval of the
18 list. ~~If the appropriation under s. 20.250 (1) (a) is insufficient to pay the amount~~
19 ~~specified to be disbursed under s. 20.250 (1) (a), the payments shall be disbursed on~~
20 ~~a prorated basis for each student entitled to such aid.~~ No more than 8 such payments
21 may be made to the Medical College of Wisconsin, Inc., from the appropriation under
22 s. 20.250 (1) (a), for any individual student.

23 **SECTION 951.** 39.155 (2) of the statutes, as affected by 2003 Wisconsin Act ...
24 (this act), is amended to read:

SENATE BILL 44**SECTION 951**

1 39.155 (2) On or before January 15 and September 15 of each year, the Medical
2 College of Wisconsin, Inc., shall submit to the ~~higher educational aids board~~ Board
3 of Regents of the University of Wisconsin System for its approval a list of the
4 Wisconsin residents enrolled at the college who are paying full tuition. The state
5 shall make semiannual payments to the Medical College of Wisconsin, Inc., from the
6 appropriation under s. 20.250 (1) (a), upon approval of the list. No more than 8 such
7 payments may be made to the Medical College of Wisconsin, Inc., from the
8 appropriation under s. 20.250 (1) (a), for any individual student.

9 **SECTION 952.** 39.155 (3) of the statutes is repealed.

10 **SECTION 953.** Subchapter III (title) of chapter 39 [precedes 39.26] of the
11 statutes is amended to read:

CHAPTER 39**SUBCHAPTER III****HIGHER EDUCATIONAL AIDS BOARD**

14 **SECTION 954.** 39.26 of the statutes is amended to read:

15 **39.26 Definition.** In this subchapter, "board" means the ~~higher educational~~
16 ~~aids board~~ Board of Regents of the University of Wisconsin System.
17

18 **SECTION 955.** 39.28 (1) of the statutes is amended to read:

19 39.28 (1) The board shall administer the programs under this subchapter and
20 may ~~promulgate such rules~~ establish such policies as are necessary to carry out its
21 functions. The board may accept and use any funds ~~which it~~ that the board receives
22 from participating institutions, lenders, or agencies. The board may enter into such
23 contracts as are necessary to carry out its functions under this subchapter.

24 **SECTION 956.** 39.285 (1) of the statutes is amended to read:

SENATE BILL 44**SECTION 956**

1 39.285 (1) ~~By May 1, 1998, and annually thereafter~~ Annually, by May 1, the
2 board shall approve, modify, or disapprove any proposed formula for the awarding
3 of grants for the upcoming academic year submitted under sub. (2) or (3) or s. ~~36.11~~
4 ~~(6)(e) or 38.04 (7m)~~.

5 **SECTION 957.** 39.29 of the statutes is repealed.

6 **SECTION 958.** 39.30 (3m) (b) of the statutes is amended to read:

7 39.30 (3m) (b) The board may not make initial awards of grants under this
8 section for an academic year in an amount that exceeds 122% of the amount
9 appropriated under s. ~~20.235 (1)~~ 20.285 (7) (b) for the fiscal year in which the grant
10 may be paid.

11 **SECTION 959.** 39.325 (3) of the statutes is amended to read:

12 39.325 (3) The board shall ~~promulgate rules and establish~~ enact policies
13 establishing standards and methods of determining the amounts of loans, rates of
14 interest, and other administrative procedures consistent with P.L. 94-484, on July
15 29, 1979. The rates of interest shall be set as low as possible, but shall remain
16 sufficient to cover all costs of the program under this section.

17 **SECTION 960.** 39.38 (2) of the statutes is amended to read:

18 39.38 (2) Grants under this section shall be based on financial need, as
19 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
20 which not more than \$1,100 may be from the appropriation under s. ~~20.235 (1)~~ 20.285
21 (7) (k). State aid from this appropriation may be matched by a contribution from a
22 federally recognized American Indian tribe or band that is deposited in the general
23 fund and credited to the appropriation account under s. ~~20.235 (1)~~ 20.285 (7) (gm).
24 Grants shall be awarded to students for full-time or part-time attendance at any
25 accredited institution of higher education in this state. The board may not make a

SENATE BILL 44**SECTION 960**

1 grant under this section to a student whose name appears on the statewide support
2 lien docket under s. 49.854 (2) (b), unless the student provides to the board a payment
3 agreement that has been approved by the county child support agency under s. 59.53
4 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a). Grants shall
5 be renewable for up to 5 years if a recipient remains in good academic standing at
6 the institution that he or she is attending.

7 **SECTION 961.** 39.39 (2) (a) of the statutes is amended to read:

8 39.39 (2) (a) Make stipend loans from the appropriations under s. ~~20.235 (1)~~
9 20.285 (7) (cg) and (gg).

10 **SECTION 962.** 39.39 (2) (b) of the statutes is amended to read:

11 39.39 (2) (b) ~~Promulgate rules~~ Establish policies to administer this section,
12 including rules policies establishing loan amounts and the criteria and procedures
13 for loan forgiveness and for selecting loan recipients. Loan recipients shall be
14 selected on the basis of financial need, as determined by the board, using the needs
15 analysis methodology used under s. 39.435.

16 **SECTION 963.** 39.393 (2) of the statutes is amended to read:

17 39.393 (2) ~~Beginning in the 2002-03 fiscal year, the~~ The board shall make loans
18 under this section from the appropriation under s. ~~20.235 (1)~~ 20.285 (7) (cm). The
19 maximum amount of loan for a person during any fiscal year is \$3,000. The
20 maximum that a person may receive under this section is \$15,000. The board shall
21 ensure that the terms of the loan do not require a loan recipient to repay the loan
22 while the recipient is enrolled in a program under sub. (1).

23 **SECTION 964.** 39.393 (4) of the statutes is amended to read:

24 39.393 (4) The board shall ~~promulgate rules~~ establish policies to implement
25 and administer this section.

SENATE BILL 44**SECTION 965**

1 **SECTION 965.** 39.395 (1) of the statutes is amended to read:

2 39.395 (1) The board shall establish a loan program to defray the cost of tuition
3 for persons enrolled in a teacher education program offered by the Milwaukee
4 Teacher Education Center, a nonstock, nonprofit corporation organized under ch.
5 181. Loans shall be made from the appropriation under s. ~~20.235 (1)~~ 20.285 (7) (cu).

6 **SECTION 966.** 39.395 (2) (b) of the statutes is amended to read:

7 39.395 (2) (b) The board shall ~~promulgate rules~~ establish policies to administer
8 this section.

9 **SECTION 967.** 39.398 (1) (a) of the statutes is amended to read:

10 39.398 (1) (a) The board shall establish a loan program to defray the cost of
11 tuition, fees, and expenses for residents of this state enrolled in a program that
12 prepares persons to be licensed as teachers of visually impaired pupils or as
13 orientation and mobility instructors, as defined by the board ~~by rule~~, at an accredited
14 institution of higher education in this state or in a physically adjacent state, as
15 defined in s. 175.46 (1) (d). To the extent possible, the board shall give preference,
16 to persons who are likely to return to this state to work with visually impaired
17 persons.

18 **SECTION 968.** 39.398 (1) (b) of the statutes is amended to read:

19 39.398 (1) (b) The board shall make loans under this section from the
20 appropriation under s. ~~20.235 (1)~~ 20.285 (7) (cx). The maximum amount of a loan for
21 a person during any fiscal year is \$10,000. The maximum amount that a person may
22 receive under this section is \$40,000. The terms of the loan shall provide that a loan
23 recipient is not required to repay the loan while the loan recipient is enrolled in the
24 preparatory program described in par. (a).

25 **SECTION 969.** 39.398 (2) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 969**

1 39.398 (2) (b) The board shall ~~promulgate rules~~ establish policies to administer
2 this section.

3 **SECTION 970.** 39.40 (3) of the statutes is amended to read:

4 39.40 (3) Loans under sub. (2) shall be made from the appropriation under s.
5 ~~20.235 (1)~~ 20.285 (7) (cr). The board shall forgive 25% of the loan and 25% of the
6 interest on the loan for each school year the recipient teaches in a school district
7 described under sub. (2) (d).

8 **SECTION 971.** 39.41 (1) (ae) of the statutes is repealed.

9 **SECTION 972.** 39.41 (1m) (b) of the statutes is amended to read:

10 39.41 (1m) (b) By February 15 of each school year, the school board of each
11 school district operating one or more high schools and the governing body of each
12 private high school may, for each high school with an enrollment of less than 80
13 pupils, nominate the senior with the highest grade point average in all subjects who
14 may be designated as a scholar by the ~~executive secretary~~ board under par. (c) 3.

15 **SECTION 973.** 39.41 (1m) (c) (intro.) of the statutes is amended to read:

16 39.41 (1m) (c) (intro.) The ~~executive secretary~~ board shall:

17 **SECTION 974.** 39.41 (1m) (c) 5. of the statutes is amended to read:

18 39.41 (1m) (c) 5. For each public or private high school with an enrollment of
19 less than 80 pupils, notify the school board of the school district operating the public
20 high school or the governing body of the private high school that the school board or
21 governing body may nominate a senior under par. (b) who may be designated as a
22 scholar by the ~~executive secretary~~ board.

23 **SECTION 975.** 39.41 (1m) (cm) of the statutes is amended to read:

24 39.41 (1m) (cm) The ~~executive secretary~~ board may grant waivers under par.
25 (m).

SENATE BILL 44**SECTION 976**

1 **SECTION 976.** 39.41 (1m) (e) of the statutes is amended to read:

2 39.41 **(1m)** (e) Except as provided under par. (em), if 2 or more seniors from the
3 same high school of less than 80 pupils have the same grade point average and,
4 except for the limitation of one nominated senior, are otherwise eligible for
5 nomination under par. (b), the faculty of the high school shall select the senior who
6 may be nominated by the school board of the school district operating the public high
7 school or the governing body of the private high school for designation under par. (b)
8 as a scholar by the ~~executive secretary~~ board. If that senior is designated as a scholar
9 by the ~~executive secretary~~ board and does not qualify for a higher education
10 scholarship under sub. (2) (a) or (3) (a), faculty of the high school shall select one or
11 more of the remaining seniors with the same grade point average for certification as
12 a scholar and the school board of the school district operating the high school or the
13 governing body of the private high school shall certify to the board one or more of
14 these seniors as eligible for a higher education scholarship as a scholar under sub.
15 (2) (a) or (3) (a) until the scholarship may be awarded by the board.

16 **SECTION 977.** 39.41 (1m) (em) of the statutes is amended to read:

17 39.41 **(1m)** (em) If the high school weights different courses differently to
18 determine a pupil's grade point average, and the senior designated as a scholar by
19 the ~~executive secretary~~ board under par. (e) does not qualify for a higher education
20 scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select one
21 senior with the same grade point average for certification as a scholar, or, if there is
22 no senior with the same grade point average, one senior with the next highest grade
23 point average for certification as a scholar, and the school board of the school district
24 operating the high school or the governing body of the private high school shall
25 certify to the board the selected senior as eligible for a higher education scholarship

SENATE BILL 44**SECTION 977**

1 as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the
2 board.

3 **SECTION 978.** 39.41 (1m) (f) of the statutes is amended to read:

4 39.41 **(1m)** (f) If 2 or more seniors from the school operated by the Wisconsin
5 Center for the Blind and Visually Impaired have the same grade point average and,
6 except for the limitation of one designated senior, are otherwise eligible for
7 designation under par. (c) 1., the ~~executive secretary~~ board shall make the
8 designation under par. (c) 1. of the senior who may be eligible for a higher education
9 scholarship as a scholar and, if that senior does not qualify for a higher education
10 scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining
11 seniors with the same grade point average as eligible for a higher education
12 scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be
13 awarded by the board.

14 **SECTION 979.** 39.41 (1m) (fm) of the statutes is amended to read:

15 39.41 **(1m)** (fm) If 2 or more seniors from the school operated by the Wisconsin
16 Educational Services Program for the Deaf and Hard of Hearing have the same grade
17 point average and, except for the limitation of one designated senior, are otherwise
18 eligible for designation under par. (c) 2., the ~~executive secretary~~ board shall make the
19 designation under par. (c) 2. of the senior who may be eligible for a higher education
20 scholarship as a scholar and, if that senior does not qualify for a higher education
21 scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining
22 seniors with the same grade point average as eligible for a higher education
23 scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be
24 awarded by the board.

25 **SECTION 980.** 39.41 (1m) (m) of the statutes is amended to read:

SENATE BILL 44**SECTION 980**

1 39.41 **(1m)** (m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its
2 seniors on the basis of grades in academic subjects, the school board of the school
3 district operating the high school or the governing body of the private high school or,
4 for purposes of par. (d), the faculty of the high school may request a waiver from the
5 ~~executive secretary~~ board in order to fulfill its the requirements under par. (a), (b)
6 or (d) on the basis of grade point averages in academic subjects.

7 **SECTION 981.** 39.41 (4) (b) of the statutes is amended to read:

8 39.41 **(4)** (b) The board shall make the payments under subs. (2) (c) and (3) from
9 the appropriation under s. ~~20.235 (1)~~ 20.285 (7) (fy).

10 **SECTION 982.** 39.41 (8) of the statutes is amended to read:

11 39.41 **(8)** The ~~executive secretary~~ board shall ~~promulgate rules~~ enact policies
12 establishing criteria for the designation of scholars under sub. (1m) (c) 3.

13 **SECTION 983.** 39.435 (2) of the statutes is amended to read:

14 39.435 **(2)** The board shall award talent incentive grants to uniquely needy
15 students enrolled at least half-time as first-time freshmen at public and private
16 nonprofit institutions located in this state and to sophomores, juniors, and seniors
17 who received such grants as freshmen. No grant under this subsection may exceed
18 \$1,800 for any academic year. The board may not award a grant to the same student
19 for more than 10 consecutive semesters or their equivalent. The board shall
20 ~~promulgate rules~~ enact policies establishing eligibility criteria for grants under this
21 subsection.

22 **SECTION 984.** 39.435 (3) of the statutes is amended to read:

23 39.435 **(3)** Grants under sub. (1) shall not be less than \$250 during any one
24 academic year, unless the joint committee on finance approves an adjustment in the
25 amount of the minimum grant. ~~Grants under sub. (1) shall not exceed \$1,800 during~~

SENATE BILL 44**SECTION 984**

1 ~~any one academic year.~~ The board shall, by rule, establish a reporting system to
2 periodically provide student economic data and shall promulgate other rules the
3 board deems necessary to assure uniform administration of the program.

4 **SECTION 985.** 39.435 (3) of the statutes, as affected by 2003 Wisconsin Act ...
5 (this act), is amended to read:

6 39.435 (3) Grants under sub. (1) shall not be less than \$250 during any one
7 academic year, unless the joint committee on finance approves an adjustment in the
8 amount of the minimum grant. The board shall, ~~by rule, establish~~ enact policies
9 establishing a reporting system to periodically provide student economic data and
10 shall ~~promulgate other rules~~ enact other policies that the board deems considers
11 necessary to assure uniform administration of the program.

12 **SECTION 986.** 39.435 (7) (a) 1. of the statutes is amended to read:

13 39.435 (7) (a) 1. For purposes of determining the appropriation under s. ~~20.235~~
14 ~~(1) 20.285 (7) (fe)~~ for fiscal year 2003-04, "base amount" means the amount shown
15 in the schedule under s. 20.005 for that the appropriation under s. 20.235 (1) (fe),
16 2001 stats., for fiscal year 2002-03.

17 **SECTION 987.** 39.435 (7) (a) 2. of the statutes is amended to read:

18 39.435 (7) (a) 2. For purposes of determining the appropriation under s. ~~20.235~~
19 ~~(1) 20.285 (7) (fe)~~ for each fiscal year after fiscal year 2003-04, "base amount" means
20 the maximum appropriation amount determined under par. (b) for the previous fiscal
21 year.

22 **SECTION 988.** 39.435 (7) (b) (intro.) of the statutes is amended to read:

23 39.435 (7) (b) (intro.) Annually, by February 1, the board shall determine the
24 appropriation under s. ~~20.235 (1) 20.285 (7) (fe)~~ for the next fiscal year as follows:

25 **SECTION 989.** 39.435 (8) of the statutes is created to read:

SENATE BILL 44**SECTION 989**

1 39.435 (8) The board shall award grants under this section to University of
2 Wisconsin System students from the appropriations under s. 20.235 (1) (fe) and (ke).

3 **SECTION 990.** 39.435 (8) of the statutes, as created by 2003 Wisconsin Act ...
4 (this act), is amended to read:

5 39.435 (8) The board shall award grants under this section to University of
6 Wisconsin System students from the appropriations under s. ~~20.235 (1)~~ 20.285 (7) (fe)
7 and (ke).

8 **SECTION 991.** 39.44 (2) of the statutes is amended to read:

9 39.44 (2) Funds for the grants under this section shall be distributed from the
10 appropriation under s. ~~20.235 (1)~~ 20.285 (7) (fg), with 50% distributed to the eligible
11 private institutions and 50% distributed to the eligible technical colleges. The board
12 shall audit the enrollment statistics annually.

13 **SECTION 992.** 39.45 (6) of the statutes is amended to read:

14 39.45 (6) From the appropriation under s. ~~20.235 (1)~~ 20.285 (7) (fc), the board
15 shall use available funds to make grant awards under this section, but no award may
16 be made before March 1 for the fall semester or session of the upcoming academic
17 year.

18 **SECTION 993.** 39.45 (7) of the statutes is amended to read:

19 39.45 (7) The board shall ~~promulgate rules~~ establish policies to administer this
20 section, including policies establishing criteria and procedures for repayment of
21 grants awarded under this section, including interest, by certain grant recipients
22 who no longer reside in this state or do not successfully complete requirements for
23 a degree. The board shall deposit in the general fund as general purpose
24 revenue-earned all repayments of grants awarded under this section and the
25 interest on the grants.

SENATE BILL 44**SECTION 994**

1 **SECTION 994.** 39.46 (2) (f) of the statutes is repealed.

2 **SECTION 995.** 40.02 (17) (intro.) of the statutes is amended to read:

3 40.02 **(17)** (intro.) "Creditable service" means the creditable current and prior
4 service, expressed in years and fractions of a year to the nearest one-hundredth, for
5 which a participating employee receives or is considered to receive earnings under
6 sub. (22) (e) or (em) and for which contributions have been made as required by s.
7 40.05 (1) and (2) and creditable military service, service credited under s. ~~40.25 (7)~~
8 40.285 (2) (b) and service credited under s. 40.29, expressed in years and fractions
9 of years to the nearest one-hundredth. How much service in any annual earnings
10 period is the full-time equivalent of one year of creditable service shall be
11 determined by rule by the department and the rules may provide for differing
12 equivalents for different types of employment. Except as provided under ~~pars. (i) and~~
13 ~~(k)~~ s. 40.285 (2) (e) and (f), the amount of creditable service for periods prior to
14 January 1, 1982, shall be the amount for which the participant was eligible under
15 the applicable laws and rules in effect prior to January 1, 1982. No more than one
16 year of creditable service shall be granted for any annual earnings period. Creditable
17 service is determined in the following manner for the following persons:

18 **SECTION 996.** 40.02 (17) (b) of the statutes is renumbered 40.285 (2) (d) and
19 amended to read:

20 40.285 **(2)** (d) Qualifying service. Each participating employee in the Wisconsin
21 retirement system whose creditable service terminates on or after January 1, 1982,
22 who was previously a participant in the Wisconsin retirement fund and who has not
23 received a separation benefit may receive creditable service equal to the period of
24 service during any qualifying period under s. 41.02 (6) (c), 1969 stats., s. 66.901 (4)
25 (d), 1967 stats., or under any predecessor statute, but not to exceed 6 months. The

SENATE BILL 44**SECTION 996**

1 additional creditable service shall be granted upon application by the employee if the
2 applicant pays to the department a lump sum payment equal to 5% of one-twelfth
3 of the employee's highest earnings in a single annual earnings period multiplied by
4 the number of months of creditable service granted under this paragraph. ~~That~~
5 ~~amount shall be credited and treated as an employee required contribution for all~~
6 ~~purposes of the Wisconsin retirement system.~~

7 **SECTION 997.** 40.02 (17) (e) of the statutes is renumbered 40.285 (2) (c) and
8 amended to read:

9 40.285 (2) (c) *Uncredited elected official and executive participating employee*
10 *service.* Each executive participating employee whose creditable service terminates
11 on or after May 3, 1988, and each participating employee who is a present or former
12 elected official or an appointee of a present or former elected official and who did not
13 receive creditable service under s. 40.02 (17) (e), 1987 stats., or s. 40.02 (17) (e), 1989
14 stats., and whose creditable service terminates on or after August 15, 1991, who was
15 previously in the position of the president of the University of Wisconsin System or
16 in a position designated under s. 20.923 (4), (8), or (9), but did not receive creditable
17 service because of age restrictions, may receive creditable service equal to the period
18 of executive service not credited if the participant pays to the department a lump sum
19 payment equal to 5.5% of one-twelfth of the employee's highest earnings in a single
20 annual earnings period multiplied by the number of months of creditable service
21 granted under this paragraph. ~~That amount shall be credited and treated as an~~
22 ~~employee required contribution for all purposes of the Wisconsin retirement system.~~

23 **SECTION 998.** 40.02 (17) (i) of the statutes is renumbered 40.285 (2) (e), and
24 40.285 (2) (e) (intro.) and 3., as renumbered, are amended to read:

SENATE BILL 44**SECTION 998**

1 40.285 (2) (e) Teacher improvement leave. (intro.) Each participating employee
2 in the Wisconsin retirement system whose creditable service terminates on or after
3 April 25, 1990, and whose earnings include compensation for teacher improvement
4 leave granted by the board of regents of ~~the~~ Wisconsin state colleges State Colleges
5 during the period beginning on January 1, 1964, and ending on August 31, 1967, in
6 a written and satisfied contract, may receive creditable service for the period for
7 which those earnings were received in an amount not to exceed one year if all of the
8 following apply:

9 3. The participant pays to the department a lump sum equal to 5% of
10 one-twelfth of the employee's highest earnings in a single annual earnings period
11 multiplied by the number of months of creditable service that is granted under this
12 paragraph. ~~That amount shall be credited and treated as employee required~~
13 ~~contributions for all purposes of the Wisconsin retirement system. No~~

14 4. ~~The employer may~~ does not pay any amount payable under this subdivision
15 paragraph on behalf of any participating employee.

16 **SECTION 999.** 40.02 (17) (k) of the statutes is renumbered 40.285 (2) (f) and
17 amended to read:

18 40.285 (2) (f) Uncredited junior teaching service. Each participating employee
19 whose creditable service terminates on or after May 11, 1990, and who submits to the
20 department proof that the participant performed service in this state as a junior
21 teacher, as defined in s. 42.20 (6), 1955 stats., that was not credited under s. 42.40,
22 1955 stats., shall receive creditable service for the period for which that service was
23 performed, even if the participant did not become a member of the state teachers
24 retirement system after performing that service, if all of the following occur:

SENATE BILL 44**SECTION 999**

1 1. The participant pays to the department a lump sum equal to 5% of
2 one-twelfth of the employee's highest earnings in a single annual earnings period
3 multiplied by the number of months of creditable service that is granted under this
4 paragraph. ~~That amount shall be credited and treated as employee required~~
5 ~~contributions for all purposes of the Wisconsin retirement system. No~~

6 2. The employer ~~may~~ does not pay any amount payable under this paragraph
7 on behalf of any participating employee.

8 **SECTION 1000.** 40.02 (25) (b) 2m. of the statutes is repealed.

9 **SECTION 1001.** 40.02 (25) (b) 6e. of the statutes is created to read:

10 40.02 **(25)** (b) 6e. A state employee who terminates creditable service after
11 attaining 20 years of creditable service, remains a participant, and is not eligible for
12 an immediate annuity.

13 **SECTION 1002.** 40.03 (6) (c) of the statutes is amended to read:

14 40.03 **(6)** (c) Shall not enter into any agreements to modify or expand group
15 insurance coverage in a manner which conflicts with this chapter or rules of the
16 department or materially affects the level of premiums required to be paid by the
17 state or its employees, or the level of benefits to be provided, under any group
18 insurance coverage. This restriction shall not be construed to prevent modifications
19 required by law, prohibit the group insurance board from modifying the standard
20 plan to establish a more cost effective benefit plan design or providing optional
21 insurance coverages as alternatives to the standard insurance coverage when any
22 excess of required premium over the premium for the standard coverage is paid by
23 the employee or prohibit the group insurance board from providing other plans as
24 authorized under par. (b).

25 **SECTION 1003.** 40.04 (3) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 1003**

1 40.04 (3) (c) The department shall advise the investment board and the state
2 ~~treasurer~~ secretary of administration as to the limitations on the amounts of cash to
3 be invested from investment trusts under this subsection in order to maintain the
4 cash balances deemed advisable to meet current annuity, benefit and expense
5 requirements.

6 **SECTION 1004.** 40.05 (1) (a) 7. of the statutes is repealed.

7 **SECTION 1005.** 40.05 (1) (b) of the statutes is amended to read:

8 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
9 the contributions required by par. (a), but all the payments shall be available for
10 benefit purposes to the same extent as required contributions deducted from
11 earnings of the participating employees. Action to assume employee contributions
12 as provided under this paragraph shall be taken at the time and in the form
13 determined by the governing body of the participating employer. The state shall pay
14 under this paragraph for employees who are covered by a collective bargaining
15 agreement under subch. V of ch. 111 and for employees whose fringe benefits are
16 determined under s. 230.12 an amount equal to 4% of the earnings paid by the state
17 unless otherwise provided in a collective bargaining agreement under subch. V of ch.
18 111 or unless otherwise determined under s. 230.12. The University of Wisconsin
19 Hospitals and Clinics Authority shall pay under this paragraph for employees who
20 are covered by a collective bargaining agreement under subch. I of ch. 111 and for
21 employees whose fringe benefits are determined under s. 233.10 an amount equal to
22 4% of the earnings paid by the authority unless otherwise provided in a collective
23 bargaining agreement under subch. I of ch. 111 or unless otherwise determined
24 under s. 233.10. The state shall pay under this paragraph for employees who are not
25 covered by a collective bargaining agreement under subch. V of ch. 111 and for

SENATE BILL 44**SECTION 1005**

1 employees whose fringe benefits are not determined under s. 230.12 an amount equal
2 to 4% of the earnings paid by the state unless a different amount is recommended by
3 the secretary of ~~employment relations~~ administration and approved by the joint
4 committee on employment relations in the manner provided for approval of changes
5 in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals
6 and Clinics Authority shall pay under this paragraph for its employees who are not
7 covered by a collective bargaining agreement under subch. I of ch. 111 an amount
8 equal to 4% of the earnings paid by the authority unless a different amount is
9 established by the board of directors of the authority under s. 233.10.

10 **SECTION 1006.** 40.05 (2) (bw) of the statutes is amended to read:

11 40.05 (2) (bw) The employer contribution rate determined under par. (b) for the
12 University of Wisconsin System shall be adjusted to reflect the cost of granting
13 creditable service under s. ~~40.02 (17) (i)~~ 40.285 (2) (e) and that rate shall be sufficient
14 to amortize the unfunded prior service liability of the employers over the remainder
15 of the 40-year amortization period under par. (b).

16 **SECTION 1007.** 40.05 (2) (g) 1. of the statutes is amended to read:

17 40.05 (2) (g) 1. A participating employer may make contributions as provided
18 in its compensation agreements for any participating employee in addition to the
19 employer contributions required by this subsection. The additional employer
20 contributions made under this paragraph shall be available for all benefit purposes
21 and shall be administered and invested on the same basis as employee additional
22 contributions made under sub. (1) (a) 5., except that ss. 40.24 (1) (f) ~~and~~, 40.25 (4),
23 ~~and (6) (a) 3.~~ 40.285 (2) (a) 1. c. do not apply to additional employer contributions
24 made under this paragraph.

25 **SECTION 1008.** 40.05 (4) (a) 2. of the statutes is amended to read:

SENATE BILL 44**SECTION 1008**

1 40.05 (4) (a) 2. For an insured employee who is an eligible employee under s.
2 40.02 (25) (a) 2. or (b) 1m. ~~or 2m.~~, the employer shall pay required employer
3 contributions toward the health insurance premium of the insured employee
4 beginning on the date on which the employee becomes insured. For an insured
5 employee who is currently employed but who is not an eligible employee under s.
6 40.02 (25) (a) 2. or (b) 1m. ~~or 2m.~~, the employer shall pay required employer
7 contributions toward the health insurance premium of the insured employee
8 beginning on the first day of the 7th month beginning after the date on which the
9 employee begins employment with the state, not including any leave of absence.

10 **SECTION 1009.** 40.05 (4) (ag) of the statutes is repealed and recreated to read:

11 40.05 (4) (ag) Except as otherwise provided in accordance with a collective
12 bargaining agreement under subch. I or V of ch. 111 or s. 230.12 or 233.10, the
13 employer shall pay for its currently employed insured employees:

14 1. For insured part-time employees, including those in project positions as
15 defined in s. 230.27 (1), who are appointed to work less than 1,044 hours per year,
16 an amount equal to 50% of the employer contribution under subd. 2.

17 2. For eligible employees not specified in subd. 1., regardless of the plan
18 selected by the employee, not less than 80% of the average premium cost of plans
19 offered in the tier with the lowest employee premium cost under s. 40.51 (6).

20 **SECTION 1010.** 40.05 (4) (ar) of the statutes is amended to read:

21 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not
22 covered by a collective bargaining agreement under subch. I or V of ch. 111 and for
23 employees whose health insurance premium contribution rates are not determined
24 under s. 230.12 or 233.10 an amount equal to the amount specified in par. (ag) unless
25 a different amount is recommended by the secretary of ~~employment relations~~

SENATE BILL 44**SECTION 1010**

1 administration and approved by the joint committee on employment relations in the
2 manner provided for approval of changes in the compensation plan under s. 230.12
3 (3).

4 **SECTION 1011.** 40.05 (4) (b) of the statutes is amended to read:

5 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
6 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
7 I or V of ch. 111 of any eligible employee shall, at the time of death, upon qualifying
8 for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon
9 termination of creditable service and qualifying as an eligible employee under s.
10 40.02 (25) (b) 6. or 10., be converted, at the employee's current highest basic pay rate
11 he or she received while employed by the state, to credits for payment of health
12 insurance premiums on behalf of the employee or the employee's surviving insured
13 dependents. Any supplemental compensation that is paid to a state employee who
14 is classified under the state classified civil service as a teacher, teacher supervisor,
15 or education director for the employee's completion of educational courses that have
16 been approved by the employee's employer is considered as part of the employee's
17 basic pay for purposes of this paragraph. The full premium for any eligible employee
18 who is insured at the time of retirement, or for the surviving insured dependents of
19 an eligible employee who is deceased, shall be deducted from the credits until the
20 credits are exhausted and paid from the account under s. 40.04 (10), and then
21 deducted from annuity payments, if the annuity is sufficient. The department shall
22 provide for the direct payment of premiums by the insured to the insurer if the
23 premium to be withheld exceeds the annuity payment. Upon conversion of an
24 employee's unused sick leave to credits under this paragraph or par. (bf), the
25 employee or, if the employee is deceased, the employee's surviving insured

SENATE BILL 44**SECTION 1011**

1 dependents may initiate deductions from those credits or may elect to delay
2 initiation of deductions from those credits, but only if the employee or surviving
3 insured dependents are covered by a comparable health insurance plan or policy
4 during the period beginning on the date of the conversion and ending on the date on
5 which the employee or surviving insured dependents later elect to initiate
6 deductions from those credits. If an employee or an employee's surviving insured
7 dependents elect to delay initiation of deductions from those credits, an employee or
8 the employee's surviving insured dependents may only later elect to initiate
9 deductions from those credits during the annual enrollment period under par. (be).
10 A health insurance plan or policy is considered comparable if it provides hospital and
11 medical benefits that are substantially equivalent to the standard health insurance
12 plan established under s. 40.52 (1).

13 **SECTION 1012.** 40.05 (4) (bc) of the statutes is amended to read:

14 40.05 (4) (bc) The accumulated unused sick leave of an eligible employee under
15 s. 40.02 (25) (b) 6e. or 6g. shall be converted to credits for the payment of health
16 insurance premiums on behalf of the employee on the date on which the department
17 receives the employee's application for a retirement annuity or for lump sum
18 payment under s. 40.25 (1). The employee's unused sick leave shall be converted at
19 the eligible employee's highest basic pay rate ~~immediately prior to termination of all~~
20 ~~creditable service~~ he or she received while employed by the state. The full premium
21 for the employee, or for the surviving insured dependents of the employee if the
22 employee later becomes deceased, shall be deducted from the credits until the credits
23 are exhausted and paid from the account under s. 40.04 (10), and then deducted from
24 annuity payments, if the annuity is sufficient. The department shall provide for the

SENATE BILL 44**SECTION 1012**

1 direct payment of premiums by the insured to the insurer if the premium to be
2 withheld exceeds the annuity payment.

3 **SECTION 1013.** 40.05 (4) (bf) of the statutes is amended to read:

4 40.05 (4) (bf) Any eligible employee who was granted credit under s. 230.35 (1)
5 (gm) for service as a national guard technician, who, on December 31, 1965, had
6 accumulated unused sick leave that was based on service performed in this state as
7 a national guard technician before January 1, 1966, and who is a participating
8 employee or terminated all creditable service after June 30, 1972, or, if the eligible
9 employee is deceased, the surviving insured dependents of the eligible employee,
10 may have that accumulated unused sick leave converted to credits for the payment
11 of health insurance premiums on behalf of the eligible employee or the surviving
12 insured dependents if, not later than November 30, 1996, the eligible employee or the
13 surviving insured dependents submit to the department, on a form provided by the
14 department, an application for the conversion. The application shall include
15 evidence satisfactory to the department to establish the applicant's rights under this
16 paragraph and the amount of the accumulated unused sick leave that is eligible for
17 the conversion. The accumulated unused sick leave shall be converted under this
18 paragraph, at the eligible employee's highest basic pay rate ~~immediately prior to~~
19 ~~termination of all creditable service~~ he or she received while employed by the state,
20 on the date of conversion specified in par. (b) or on the last day of the 2nd month
21 beginning after the date on which the department receives the application under this
22 paragraph, whichever is later. Deductions from those credits, elections to delay
23 initiation of those deductions and premium payments shall be made as provided in
24 par. (b).

25 **SECTION 1014.** 40.05 (4) (bm) of the statutes is amended to read:

SENATE BILL 44**SECTION 1014**

1 40.05 (4) (bm) Except as provided under par. (bp), accumulated unused sick
2 leave under ss. 36.30 and 230.35 (2) or 233.10 of any eligible employee shall, upon
3 request of the employee at the time the employee is subject to layoff under s. 40.02
4 (40), be converted at the employee's ~~current~~ highest basic pay rate he or she received
5 while employed by the state to credits for payment of health insurance premiums on
6 behalf of the employee. Any supplemental compensation that is paid to a state
7 employee who is classified under the state classified civil service as a teacher, teacher
8 supervisor or education director for the employee's completion of educational courses
9 that have been approved by the employee's employer is considered as part of the
10 employee's basic pay for purposes of this paragraph. The full amount of the required
11 employee contribution for any eligible employee who is insured at the time of the
12 layoff shall be deducted from the credits until the credits are exhausted, the
13 employee is reemployed, or 5 years have elapsed from the date of layoff, whichever
14 occurs first.

15 **SECTION 1015.** 40.05 (4g) (a) 4. of the statutes is amended to read:

16 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
17 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or
18 under rules promulgated by the secretary of employment relations administration
19 or is eligible for reemployment with the state under s. 45.50 after completion of his
20 or her service in the U.S. armed forces.

21 **SECTION 1016.** 40.06 (1) (dm) of the statutes is amended to read:

22 40.06 (1) (dm) Each determination by a department head regarding the
23 classification of a state employee as a protective occupation participant shall be
24 reviewed by the department of ~~employment relations~~ administration. A state
25 employee's name may not be certified to the fund as a protective occupation

SENATE BILL 44**SECTION 1016**

1 participant under par. (d) until the department of employment relations
2 administration approves the determination.

3 **SECTION 1017.** 40.23 (1) (a) of the statutes is amended to read:

4 40.23 (1) (a) Except as provided in par. (am), any participant who has attained
5 age 55, and any protective occupation participant who has attained age 50, on or
6 before the annuity effective date shall be entitled to a retirement annuity in
7 accordance with the actuarial tables in effect on the effective date of the annuity if
8 the participant submits an application for a retirement annuity on a form furnished
9 by the department and ~~all~~ any of the following ~~apply~~ applies:

10 1. The participant is not on a leave of absence from any participating employer
11 and is separated, regardless of cause, and continues to be separated until the annuity
12 effective date, the date 30 days after the application is received by the department
13 or the date 30 days after separation, whichever is later, from all employment meeting
14 the qualifications for inclusion specified in s. 40.22 for any participating employer.

15 2. The participant is ~~not on authorized leave of absence from any participating~~
16 employer separated from all covered employment but terminates all employment
17 with a participating employer and is employed by a different participating employer,
18 as determined under any applicable provision of the Internal Revenue Code. A
19 participant whose annuity is based on such a termination shall be treated under s.
20 40.26 with respect to all employment subsequent to that termination.

21 **SECTION 1018.** 40.23 (1) (a) 3. of the statutes is created to read:

22 40.23 (1) (a) 3. The participant has attained normal retirement age or a
23 combination of age and creditable service as of the annuity effective date such that
24 the annuity reduction calculated in the manner specified under sub. (2m) (f) is zero

SENATE BILL 44**SECTION 1018**

1 or less, regardless of whether the participant's annuity benefit is actually paid under
2 sub. (3).

3 **SECTION 1019.** 40.23 (2m) (em) 1. a. of the statutes is amended to read:

4 40.23 **(2m)** (em) 1. a. Any creditable service forfeited by a participating
5 employee before January 1, 2000, and which is subsequently reestablished by the
6 participating employee under s. ~~40.25 (6)~~ 40.285 (2) (a), shall be considered to have
7 been performed before January 1, 2000.

8 **SECTION 1020.** 40.23 (2m) (em) 1. b. of the statutes is amended to read:

9 40.23 **(2m)** (em) 1. b. Any creditable service received under s. ~~40.25 (7)~~ 40.285
10 (2) (b), which is based on service performed before January 1, 2000, shall be
11 considered to have been performed before January 1, 2000.

12 **SECTION 1021.** 40.25 (2) of the statutes is amended to read:

13 40.25 **(2)** Subject to sub. (2t), if s. 40.23 (1) (a) 1. applies and all requirements
14 for payment of a retirement annuity are met except attainment of age 55 or age 50
15 for protective occupation participants, a separation benefit may be paid, if the
16 participant's written application for a separation benefit is received by the
17 department prior to the participant's 55th birthday or 50th birthday for protective
18 occupation participants, in an amount equal to the additional and employee required
19 contribution accumulations of the participant on the date the application for a
20 separation benefit is approved.

21 **SECTION 1022.** 40.25 (3) of the statutes is amended to read:

22 40.25 **(3)** Upon administrative approval of payment of an amount under either
23 sub. (1) or (2), the participant's account shall be closed and there shall be no further
24 right, interest or claim on the part of the former participant to any benefit from the
25 Wisconsin retirement system except as provided by subs. ~~sub.~~ sub. (5) and ~~(6)~~ s. 40.285

SENATE BILL 44**SECTION 1022**

1 (2) (a). Any former participant who is subsequently employed by any participating
2 employer shall be treated as a new participating employee for all purposes of this
3 chapter. New accumulations of contributions and credits and the computation of any
4 future benefits shall bear no relationship to any accumulations and credits paid as
5 single sums under sub. (1) or (2).

6 **SECTION 1023.** 40.25 (6) of the statutes is repealed.

7 **SECTION 1024.** 40.25 (7) of the statutes is repealed.

8 **SECTION 1025.** 40.285 of the statutes is created to read:

9 **40.285 Purchase of creditable service. (1) GENERAL REQUIREMENTS. (a)**
10 *Deadline for purchase of creditable service.* An application to purchase creditable
11 service must be received by the department, on a form provided by the department,
12 from an applicant who is a participating employee on the day that the department
13 receives the application.

14 (b) *Calculation of creditable service.* Creditable service purchased under this
15 section shall be calculated in an amount equal to the year and fractions of a year to
16 the nearest one-hundredth of a year.

17 (c) *Use of creditable service.* Credit for service purchased under this section is
18 added to a participant's total creditable service, but may not be treated as service for
19 a particular annual earnings period and does not confer any other rights or benefits.

20 (d) *Applicability of Internal Revenue Code.* The crediting of service under this
21 section is subject to any applicable limit or requirement under the Internal Revenue
22 Code.

23 **(2) CONDITIONS FOR THE PURCHASE OF DIFFERENT TYPES OF CREDITABLE SERVICE. (a)**
24 *Forfeited service.* 1. A participating employee may purchase creditable service
25 forfeited in the manner specified in subd. 2., subject to all of the following:

SENATE BILL 44**SECTION 1025**

1 a. The participating employee must have at least 3 continuous years of
2 creditable service at the time of application to purchase the creditable service.

3 b. The number of years that may be purchased may not be greater than the
4 accumulated current creditable service of the participating employee at the date of
5 application, excluding all creditable service purchased under this section or s. 40.02
6 (17) (b), 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats.,
7 s. 40.02 (17) (e), 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.02
8 (17) (i), 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.02 (17) (k), 1989,
9 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.25 (6), 1981, 1983, 1985, 1987,
10 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. or 40.25 (7), 1991, 1993, 1995,
11 1997, 1999, and 2001 stats., less the number of years of creditable service previously
12 purchased under this paragraph or s. 40.25 (6), 1981, 1983, 1985, 1987, 1989, 1991,
13 1993, 1995, 1997, 1999, and 2001 stats.

14 c. The participating employee pays to the fund an amount equal to the
15 employee's statutory contribution on earnings under s. 40.05 (1) (a) for each year of
16 forfeited service to be purchased, based upon the participating employee's final
17 average earnings, determined as if the employee had retired on the first day of the
18 annual earnings period during which the department receives the application. The
19 amount payable shall be paid in a lump sum payment, except as provided in sub. (4)
20 (b), and no employer may pay any amount payable on behalf of a participating
21 employee.

22 d. Upon receipt by the fund of the total payment required under this
23 subdivision, the creditable service meeting the conditions and requirements of this
24 paragraph shall be credited to the account of the participating employee making the
25 payment.

SENATE BILL 44**SECTION 1025**

1 2. Creditable service may be purchased under this paragraph if it was forfeited
2 as a result of any of the following:

3 a. Payment of an amount under s. 40.25 (2).

4 b. The receipt of a separation or withdrawal benefit under the applicable laws
5 and rules in effect prior to January 1, 1982.

6 c. Payment of an amount under s. 40.25 (2m), 1991, 1993, 1995, and 1997 stats.

7 3. Unless otherwise provided by the department by rule, a participating
8 employee may not purchase creditable service under this paragraph more than 2
9 times in any calendar year.

10 (b) *Other governmental service.* 1. Each participating employee whose
11 creditable service terminates on or after May 1, 1992, and who has performed
12 service, other than military service, as an employee of the federal government or a
13 state or local governmental entity in the United States, other than a participating
14 employer, that is located within or outside of this state, or each participating
15 employee whose creditable service terminates on or after May 4, 1994, and who has
16 performed service as an employee for an employer who was not at the time a
17 participating employer but who subsequently became a participating employer, may
18 receive creditable service for such service if all of the following occur:

19 a. The participant has at least 3 continuous years of creditable service at the
20 time of application.

21 b. The number of years of creditable service applied for under this paragraph
22 does not exceed the number of years of creditable service that the participant has at
23 the date of application, excluding all creditable service purchased under this section
24 or s. 40.02 (17) (b), 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, and
25 2001 stats., s. 40.02 (17) (e), 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001

SENATE BILL 44**SECTION 1025**

1 stats., s. 40.02 (17) (i), 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.02
2 (17) (k), 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., s. 40.25 (6), 1981, 1983,
3 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, and 2001 stats., or s. 40.25 (7), 1991,
4 1993, 1995, 1997, 1999, and 2001 stats., less the number of years of creditable service
5 previously purchased under this paragraph or s. 40.25 (7), 1991, 1993, 1995, 1997,
6 1999, and 2001 stats.

7 c. At the time of application, the participant furnishes evidence of such service
8 that is acceptable to the department.

9 d. Except as provided in sub. (4) (b), at the time of application, the participant
10 pays to the department a lump sum equal to the present value of the creditable
11 service applied for under this paragraph, in accordance with rates actuarially
12 determined to be sufficient to fund the cost of the increased benefits that will result
13 from granting the creditable service under this paragraph. The department shall by
14 rule establish different rates for different categories of participants, based on factors
15 recommended by the actuary.

16 2. The creditable service granted under this paragraph shall be the same type
17 of creditable service as the type that is granted to participants who are not executive
18 participating employees, elected officials, or protective occupation participants.

19 3. A participating employee may apply to receive part or all of the creditable
20 service that he or she is eligible to receive under this paragraph.

21 4. A participant may not receive creditable service under this paragraph for
22 service that is used for the purpose of establishing entitlement to, or the amount of,
23 any other benefit to be paid by any federal, state, or local government entity, except
24 a disability or OASDHI benefit or a benefit paid for service in the national guard.

SENATE BILL 44**SECTION 1025**

1 5. Unless otherwise provided by the department by rule, a participating
2 employee may not purchase creditable service under this paragraph more than 2
3 times in any calendar year.

4 **(3) APPLICATION PROCESS.** (a) *Provision of application forms and estimates.*

5 Upon request, the department shall provide a participating employee an application
6 form for the purchase of creditable service under sub. (2) and shall also provide to the
7 participating employee an estimate of the cost of purchasing the creditable service.

8 (b) *Certification of plan-to-plan transfers.* Upon request, the department shall
9 provide a participating employee a transfer certification form for payments made by
10 a plan-to-plan transfer under sub. (5) (b). If the participating employee intends to
11 make payments from more than one plan, the participating employee must submit
12 to the department a separate transfer certification form for each plan from which
13 moneys will be transferred.

14 **(4) PAYMENT.** (a) *Required with application.* Except as provided in par. (b), the
15 department may not accept an application for the purchase of creditable service
16 without payment in full of the department's estimated cost of creditable service
17 accompanying the application. A participating employee may also do any of the
18 following:

19 1. Use his or her accumulated after-tax additional contributions that are made
20 under s. 40.05 (1) (a) 5., including interest, to make payment.

21 2. Use his or her accumulated contributions, including interest, to a tax
22 sheltered annuity under section 403 (b) of the Internal Revenue Code, to make
23 payment, but only if the participating employee's plan under section 403 (b) of the
24 Internal Revenue Code authorizes the transfer.

SENATE BILL 44**SECTION 1025**

1 (b) *Alternate payment options.* Notwithstanding par. (a), the department may
2 accept an application under this section without full payment if payment of at least
3 10% of the department's estimate of the cost of the creditable service is included with
4 the application, in the manner required under par. (a), and the remaining balance
5 is received by the department no later than 90 days after receipt of the application,
6 in the form of a plan-to-plan transfer under sub. (5) (b).

7 (c) *Final cost calculation for purchase of creditable service.* The department
8 may audit any transaction to purchase creditable service under this subsection and
9 make any necessary correction to the estimated cost of purchasing the creditable
10 service to reflect the amount due under sub. (2). Except as otherwise provided in sub.
11 (7), if the department determines that the final amount that is due is more than the
12 amount paid to the department, the department shall notify the participant of the
13 amount of the shortfall. If payment of the amount of the shortfall is not received by
14 the department within 30 calendar days after the date on which the department
15 sends notice to the participant, the department shall complete the creditable service
16 purchase transaction by prorating the amount of creditable service that is purchased
17 based on the payment amount actually received and shall notify the participant of
18 the amount and category of service that is credited. The department, by rule, shall
19 specify how a forfeited service purchase is prorated when the participant forfeited
20 service under more than one category of employment under s. 40.23 (2m) (e).

21 (d) *Treatment of amounts to purchase creditable service.* All amounts retained
22 by the department for the purchase of creditable service under sub. (2) shall be
23 credited and treated as employee required contributions for all purposes of the
24 Wisconsin retirement system, except that amounts received for the purchase of

SENATE BILL 44**SECTION 1025**

1 creditable service under sub. (2) (b) may not be used for the purpose of making
2 calculations under s. 40.23 (3) or 40.73 (1) (am).

3 **(5) TRANSFER OF FUNDS; PLAN-TO-PLAN TRANSFERS.** (a) *Transfer from certain*
4 *benefit plans.* Subject to any applicable limitations under the Internal Revenue
5 Code, a participating employee may elect to use part or all of any of the following to
6 purchase creditable service under this section:

7 1. Accumulated after-tax additional contributions, including interest, made
8 under s. 40.05 (1) (a) 5.

9 2. Accumulated contributions treated by the department as contributions to a
10 tax sheltered annuity under section 403 (b) of the Internal Revenue Code, but only
11 if the employer sponsoring the annuity plan authorizes the transfer.

12 (b) *Other plan-to-plan transfers.* The department may also accept a plan to
13 plan transfer from any of the following:

14 1. Accumulated contributions under a state deferred compensation plan under
15 subch. VII.

16 2. The trustee of any plan qualified under sections 401 (a) or (k), 403 (b), or 457
17 of the Internal Revenue Code, but only if the purpose of the transfer is to purchase
18 creditable service under this section.

19 (c) *Payment shortfall.* Except as otherwise provided in sub. (7), if the
20 department determines that the amount paid to the department to purchase
21 creditable service under this subsection, together with the amount transferred
22 under a plan-to-plan transfer, is less than the amount that is required to purchase
23 the creditable service, the department shall notify the participant of the amount of
24 the shortfall. If payment of the amount of the shortfall is not received by the
25 department within 30 calendar days after the date on which the department sends

SENATE BILL 44**SECTION 1025**

1 notice to the participant, the department shall complete the creditable service
2 purchase transaction by prorating the amount of creditable service that is purchased
3 based on the payment amount actually received and shall notify the participant of
4 the amount and category of service that is credited. The department, by rule, shall
5 specify how a forfeited service purchase is prorated when the participant forfeited
6 service under more than one category of employment under s. 40.23 (2m) (e).

7 **(6) REFUNDS.** Except as provided in sub. (7), if the department determines that
8 the amount paid to the department to purchase creditable service, including any
9 amount in a plan-to-plan transfer, is greater than the amount that is required to
10 purchase the creditable service, as determined by the department, the department
11 shall refund the difference. The department shall pay any refund to the participant,
12 up to the amount received from the participant. Any remaining amount shall be
13 returned to the applicable account in the trust fund for transfers under sub. (5) (a)
14 or to the trustee of a plan which was the source of a plan-to-plan transfer under sub.
15 (5) (b). When more than one plan-to-plan transfer occurs, the department may
16 determine which transfer is to be refunded, in whole or part. No funds transferred
17 to the department by a plan-to-plan transfer may be refunded to a participant.

18 **(7) LIMIT ON PAYMENT OF CORRECTIONS.** The department may not require a
19 participant to pay any shortfall under sub. (4) (c) or (5) (c) that is \$25 or less. The
20 department may not pay any refund under sub. (6) if the amount of the refund is \$25
21 or less.

22 **SECTION 1026.** 40.51 (6) of the statutes is amended to read:

23 40.51 **(6)** This state shall offer to all of its employees at least 2 insured or
24 uninsured health care coverage plans providing substantially equivalent hospital
25 and medical benefits, including a health maintenance organization or a preferred

SENATE BILL 44**SECTION 1026**

1 provider plan, if those health care plans are determined by the group insurance
2 board to be available in the area of the place of employment and are approved by the
3 group insurance board. The group insurance board shall place each of the plans into
4 one of 3 tiers established in accordance with standards adopted by the group
5 insurance board. The tiers shall be separated according to the employee's share of
6 premium costs.

7 **SECTION 1027.** 40.98 (2) (h) of the statutes is amended to read:

8 40.98 (2) (h) The department may seek funding from any person for the
9 payment of costs of designing, marketing, and contracting for or providing
10 administrative services under the health care coverage program ~~and for lapsing to~~
11 ~~the general fund any amount required under sub. (6m).~~ Any moneys received by the
12 department under this paragraph shall be credited to the appropriation account
13 under s. 20.515 (2) (g).

14 **SECTION 1028.** 40.98 (6m) of the statutes is repealed.

15 **SECTION 1029.** 42.035 of the statutes is amended to read:

16 **42.035 Treatment of certain state fair park board employees.**

17 Notwithstanding s. 230.08 (2) (pm), those employees holding positions in the
18 classified service at the state fair park board on October 29, 1999, who have achieved
19 permanent status in class before that date, shall retain, while serving in the
20 unclassified service at the state fair park board, those protections afforded
21 employees in the classified service under ss. 230.34 (1) (a) (ah) and 230.44 (1) (c)
22 relating to demotion, suspension, discharge, layoff or reduction in base pay. Such
23 employees shall also be eligible for transfer under s. 230.29 and shall have
24 reinstatement privileges to the classified service under s. 230.33 (1m). Those
25 employees of the state fair park board on October 29, 1999, who have not achieved

SENATE BILL 44**SECTION 1029**

1 permanent status in class in any position at the state fair park board on that date
2 are eligible to receive the protections, privileges and rights preserved under this
3 section if they successfully complete service equivalent to the probationary period
4 required in the classified service for the position that they hold on that date.

5 **SECTION 1030.** 43.24 (1) (c) of the statutes is amended to read:

6 43.24 (1) (c) Beginning in the fiscal year in which the total amount of state aid
7 appropriated for public library systems under s. 20.255 (3) (e) and (qm), as
8 determined by the department, equals at least 11.25% of the total operating
9 expenditures for public library services from local and county sources in the calendar
10 year ending in that fiscal year, the amount paid to each system shall be determined
11 by adding the result of each of the following calculations:

12 1. Multiply the system's percentage of the state's population by the product of
13 the amount appropriated under s. 20.255 (3) (e) and (qm) and 0.85.

14 2. Multiply the system's percentage of the state's geographical area by the
15 product of the amount appropriated under s. 20.255 (3) (e) and (qm) and 0.075.

16 3. Divide the sum of the payments to the municipalities and counties in the
17 system under subch. I of ch. 79 for the current fiscal year, as reflected in the
18 statement of estimated payments under s. 79.015, by the total of all payments under
19 subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated
20 payments under s. 79.015, and multiply the result by the product of the amount
21 appropriated under s. 20.255 (3) (e) and (qm) and 0.075.

22 **SECTION 1031.** 43.24 (3) of the statutes is amended to read:

23 43.24 (3) Annually, the division shall review the reports and proposed service
24 plans submitted by the public library systems under s. 43.17 (5) for conformity with
25 this chapter and such rules and standards as are applicable. Upon approval, the

SENATE BILL 44**SECTION 1031**

1 division shall certify to the department of administration an estimated amount to
2 which each system is entitled under this section. Annually on or before December
3 1 of the year immediately preceding the year for which aids are to be paid, the
4 department of administration shall pay each system 75% of the certified estimated
5 amount from the ~~appropriation~~ appropriations under s. 20.255 (3) (e) and (qm). The
6 division shall, on or before the following April 30, certify to the department of
7 administration the actual amount to which the system is entitled under this section.
8 On or before July 1, the department of administration shall pay each system the
9 difference between the amount paid on December 1 of the prior year and the certified
10 actual amount of aid to which the system is entitled from the ~~appropriation~~
11 appropriations under s. 20.255 (3) (e) and (qm). The division may reduce state aid
12 payments when any system or any participant thereof fails to meet the requirements
13 of sub. (2). Beginning September 1, 1991, the division may reduce state aid payments
14 to any system if the system or any participant in the system fails to meet the
15 requirements of s. 43.15 (4).

16 **SECTION 1032.** 43.24 (3m) of the statutes is amended to read:

17 43.24 (3m) If the ~~appropriation~~ appropriations under s. 20.255 (3) (e) and (qm)
18 in any one year is are insufficient to pay the full amount under sub. (1), state aid
19 payments shall be prorated among the library systems entitled to such aid.

20 **SECTION 1033.** 43.70 (3) of the statutes is amended to read:

21 43.70 (3) Immediately upon making such apportionment, the state
22 superintendent shall certify to the department of administration the estimated
23 amount that each school district is entitled to receive under this section and shall
24 notify each school district administrator of the estimated amount so certified for his
25 or her school district. The department of administration shall issue ~~its warrants~~

SENATE BILL 44**SECTION 1033**

1 ~~upon which the state treasurer shall~~ distribute each school district's aid entitlement
2 in one payment on or before May 1. The amount paid to each school district shall be
3 based upon the amount in the appropriation account under s. 20.255 (2) (s) on April
4 15. All moneys distributed under this section shall be expended for the purchase of
5 instructional materials from the state historical society for use in teaching Wisconsin
6 history and for the purchase of library books and other instructional materials for
7 school libraries, but not for public library facilities operated by school districts under
8 s. 43.52, in accordance with rules promulgated by the state superintendent.
9 Appropriate records of such purchases shall be kept and necessary reports thereon
10 shall be made to the state superintendent.

11 **SECTION 1034.** Chapter 44 (title) of the statutes is amended to read:

CHAPTER 44**HISTORICAL SOCIETIES, AND ARTS****~~BOARD AND TECHNOLOGY FOR~~****~~EDUCATIONAL ACHIEVEMENT IN~~****~~WISCONSIN BOARD~~**

17 **SECTION 1035.** Subchapter IV (title) of chapter 44 [precedes 44.70] of the
18 statutes is repealed.

19 **SECTION 1036.** 44.70 (intro.) of the statutes is renumbered 115.997 (intro.).

20 **SECTION 1037.** 44.70 (1) of the statutes is repealed.

21 **SECTION 1038.** 44.70 (1d) of the statutes is renumbered 115.997 (1d).

22 **SECTION 1039.** 44.70 (1m) of the statutes is renumbered 115.997 (1m).

23 **SECTION 1040.** 44.70 (2) of the statutes is repealed.

24 **SECTION 1041.** 44.70 (2g) of the statutes is renumbered 115.997 (2g) and
25 amended to read:

SENATE BILL 44**SECTION 1041**

1 115.997 (2g) "Educational agency" means a school district, charter school
2 sponsor, secured correctional facility, private school, cooperative educational service
3 agency, technical college district, private college, public library system, public library
4 board, public museum, the Wisconsin Center for the Blind and Visually Impaired,
5 or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing.

6 **SECTION 1042.** 44.70 (3) of the statutes is renumbered 115.997 (3).

7 **SECTION 1043.** 44.70 (3d) of the statutes is renumbered 115.997 (3d).

8 **SECTION 1044.** 44.70 (3g) of the statutes is renumbered 115.997 (3g).

9 **SECTION 1045.** 44.70 (3j) of the statutes is renumbered 115.997 (3j).

10 **SECTION 1046.** 44.70 (3m) of the statutes is renumbered 115.997 (3m).

11 **SECTION 1047.** 44.70 (3r) of the statutes is renumbered 115.997 (3r).

12 **SECTION 1048.** 44.70 (4) of the statutes is renumbered 115.997 (4).

13 **SECTION 1049.** 44.70 (5) of the statutes is renumbered 115.997 (5).

14 **SECTION 1050.** 44.70 (6) of the statutes is renumbered 115.997 (6).

15 **SECTION 1051.** 44.71 (title) of the statutes is repealed.

16 **SECTION 1052.** 44.71 (1) of the statutes is repealed.

17 **SECTION 1053.** 44.71 (2) (intro.) of the statutes is renumbered 115.998 (intro.)

18 and amended to read:

19 **115.998 Duties Technology for educational achievement in Wisconsin;**
20 **departmental duties.** (intro.) The board department shall do all of the following:

21 **SECTION 1054.** 44.71 (2) (a) of the statutes is renumbered 115.998 (1) and
22 amended to read:

23 115.998 (1) In cooperation with school districts, cooperative educational
24 service agencies, the technical college system board, the board of regents of the
25 University of Wisconsin System, and the department of administration, promote the

SENATE BILL 44**SECTION 1054**

1 efficient, cost-effective procurement, installation, and maintenance of educational
2 technology by school districts, cooperative educational service agencies, technical
3 college districts, and the University of Wisconsin System.

4 **SECTION 1055.** 44.71 (2) (b) of the statutes is renumbered 115.998 (2).

5 **SECTION 1056.** 44.71 (2) (c) of the statutes is renumbered 115.998 (3) and
6 amended to read:

7 115.998 (3) With the consent of the department of administration, enter into
8 cooperative purchasing agreements under s. 16.73 (1) under which participating
9 school districts and cooperative educational service agencies may contract for their
10 professional employees to receive training concerning the effective use of educational
11 technology.

12 **SECTION 1057.** 44.71 (2) (d) of the statutes is renumbered 115.998 (4) and
13 amended to read:

14 115.998 (4) In cooperation with the board of regents of the University of
15 Wisconsin System, the technical college system board, ~~the department of public~~
16 ~~instruction~~ and other entities, support the development of courses for the instruction
17 of professional employees who are licensed by the state superintendent ~~of public~~
18 ~~instruction~~ concerning the effective use of educational technology.

19 **SECTION 1058.** 44.71 (2) (e) of the statutes is renumbered 115.998 (5) and
20 amended to read:

21 115.998 (5) ~~Subject to s. 44.73 (5), in~~ In cooperation with the department of
22 administration, provide telecommunications access to educational agencies under
23 the program established under s. 44.73 115.9995.

24 **SECTION 1059.** 44.71 (2) (f) of the statutes is renumbered 115.998 (6) and
25 amended to read:

SENATE BILL 44**SECTION 1059**

1 115.998 (6) No later than October 1 of each even-numbered year, submit a
2 biennial report concerning the ~~board's~~ department's activities under this subchapter
3 to the governor, and to the appropriate standing committees of the legislature under
4 s. 13.172 (3).

5 **SECTION 1060.** 44.71 (2) (g) of the statutes is renumbered 115.998 (7) and
6 amended to read:

7 115.998 (7) Coordinate the purchasing of educational technology materials,
8 supplies, equipment, and contractual services for school districts, cooperative
9 educational service agencies, technical college districts, and the board of regents of
10 the University of Wisconsin System by the department of administration under s.
11 16.72 (8), and, ~~in cooperation with the department and subject to the approval of the~~
12 ~~department of electronic government,~~ establish standards and specifications for
13 purchases of educational technology hardware and software by school districts,
14 cooperative educational service agencies, technical college districts, and the board
15 of regents of the University of Wisconsin System.

16 **SECTION 1061.** 44.71 (2) (h) of the statutes is renumbered 115.998 (8) and
17 amended to read:

18 115.998 (8) ~~With the approval of the department of electronic government,~~
19 ~~purchase~~ Purchase educational technology equipment for use by school districts,
20 cooperative educational service agencies, and public educational institutions in this
21 state and permit the districts, agencies, and institutions to purchase or lease the
22 equipment, with an option to purchase the equipment at a later date. ~~This paragraph~~
23 subsection does not require the purchase or lease of any educational technology
24 equipment from the ~~board~~ department.

25 **SECTION 1062.** 44.71 (2) (i) of the statutes is renumbered 115.998 (9).

SENATE BILL 44**SECTION 1063**

1 **SECTION 1063.** 44.71 (3) of the statutes is repealed.

2 **SECTION 1064.** 44.72 (title) of the statutes is repealed.

3 **SECTION 1065.** 44.72 (1) of the statutes is repealed.

4 **SECTION 1066.** 44.72 (2) of the statutes is repealed.

5 **SECTION 1067.** 44.72 (3) of the statutes is repealed.

6 **SECTION 1068.** 44.72 (4) (title) of the statutes is renumbered 115.999 (title).

7 **SECTION 1069.** 44.72 (4) (a) of the statutes is renumbered 115.999 (1) and
8 amended to read:

9 115.999 (1) FINANCIAL ASSISTANCE AUTHORIZED. The board department may
10 provide financial assistance under this ~~subsection~~ section to school districts and
11 ~~charter school sponsors~~ from the proceeds of public debt contracted under s. 20.866
12 (2) (zc) and to public library boards from the proceeds of public debt contracted under
13 s. 20.866 (2) (zcm). Financial assistance under this ~~subsection~~ section may be used
14 only for the purpose of upgrading the electrical wiring of school and library buildings
15 in existence on October 14, 1997, and installing and upgrading computer network
16 wiring. Except as provided in sub. (3m), the department may not provide any
17 financial assistance under this section after the effective date of this subsection
18 [revisor inserts date].

19 **SECTION 1070.** 44.72 (4) (b) of the statutes is renumbered 115.999 (2) and
20 amended to read:

21 115.999 (2) FINANCIAL ASSISTANCE APPLICATIONS, TERMS, AND CONDITIONS. The
22 board department shall establish application procedures for, and the terms and
23 conditions of, financial assistance under this ~~subsection~~, ~~including a condition~~
24 ~~requiring a charter school sponsor to use financial assistance under this subsection~~
25 ~~for wiring upgrading and installation that benefits pupils attending the charter~~

SENATE BILL 44**SECTION 1070**

1 ~~school~~ section. The ~~board~~ department shall make a loan to a school district, ~~charter~~
2 ~~school sponsor~~, or public library board, or to a municipality on behalf of a public
3 library board, in an amount equal to 50% of the total amount of financial assistance
4 for which the ~~board~~ department determines the school district or public library board
5 is eligible and provide a grant to the school district or public library board for the
6 remainder of the total. The terms and conditions of any financial assistance under
7 this ~~subsection~~ section may include the provision of professional building
8 construction services under s. 16.85 (15). The ~~board~~ department shall determine the
9 interest rate on loans under this ~~subsection~~ section. The interest rate shall be as low
10 as possible but shall be sufficient to fully pay all interest expenses incurred by the
11 state in making the loans and to provide reserves that are reasonably expected to be
12 required in the judgment of the ~~board~~ department to ensure against losses arising
13 from delinquency and default in the repayment of the loans. The term of a loan under
14 this ~~subsection~~ section may not exceed 10 years.

15 **SECTION 1071.** 44.72 (4) (c) of the statutes is renumbered 115.999 (3) and
16 amended to read:

17 115.999 (3) REPAYMENT OF LOANS. The ~~board~~ department shall credit all moneys
18 received from school districts ~~and charter school sponsors~~ for repayment of loans
19 under this ~~subsection~~ section to the appropriation account under s. ~~20.275 (1)~~ 20.255
20 (4) (h). The ~~board~~ department shall credit all moneys received from public library
21 boards or from municipalities on behalf of public library boards for repayment of
22 loans under this ~~subsection~~ section to the appropriation account under s. ~~20.275 (1)~~
23 20.255 (4) (hb).

24 **SECTION 1072.** 44.72 (4) (d) of the statutes is renumbered 115.999 (4) and
25 amended to read:

SENATE BILL 44**SECTION 1072**

1 115.999 (4) FUNDING FOR FINANCIAL ASSISTANCE. The board, with the approval
2 of the governor and department, subject to the limits of s. 20.866 (2) (zc) and (zcm),
3 may request that the building commission contract public debt in accordance with
4 ch. 18 to fund financial assistance under this ~~subsection~~ section.

5 **SECTION 1073.** 44.73 (title) of the statutes is renumbered 115.9995 (title).

6 **SECTION 1074.** 44.73 (1) of the statutes is renumbered 115.9995 (1) and
7 amended to read:

8 115.9995 (1) Except as provided in s. 196.218 (4t), the board department of
9 public instruction, in consultation with the department and subject to the approval
10 of the ~~department of electronic government~~ of administration, shall promulgate
11 rules establishing an educational telecommunications access program to provide
12 educational agencies with access to data lines and video links.

13 **SECTION 1075.** 44.73 (2) (intro.) of the statutes is renumbered 115.9995 (2)
14 (intro.).

15 **SECTION 1076.** 44.73 (2) (a) of the statutes is renumbered 115.9995 (2) (a) and
16 amended to read:

17 115.9995 (2) (a) Allow an educational agency to make a request to the board
18 department for access to either one data line or one video link, except that any
19 educational agency may request access to additional data lines if the agency shows
20 to the satisfaction of the board department that the additional data lines are more
21 cost-effective than a single data line and except that a school district that operates
22 more than one high school or a public library board that operates more than one
23 library facility may request access to both a data line and a video link and access to
24 more than one data line or video link.

25 **SECTION 1077.** 44.73 (2) (b) of the statutes is renumbered 115.9995 (2) (b).

SENATE BILL 44**SECTION 1078**

1 **SECTION 1078.** 44.73 (2) (c) of the statutes is renumbered 115.9995 (2) (c).

2 **SECTION 1079.** 44.73 (2) (d) of the statutes is renumbered 115.9995 (2) (d) and
3 amended to read:

4 115.9995 (2) (d) Require an educational agency to pay the department of administration
5 not more than \$250 per month for each data line or video link that
6 is provided to the educational agency under the program established under sub. (1),
7 except that the charge may not exceed \$100 per month for each data line or video link
8 that relies on a transport medium that operates at a speed of 1.544 megabits per
9 second.

10 **SECTION 1080.** 44.73 (2) (e) of the statutes is renumbered 115.9995 (2) (e).

11 **SECTION 1081.** 44.73 (2) (f) of the statutes is renumbered 115.9995 (2) (f).

12 **SECTION 1082.** 44.73 (2g) of the statutes is renumbered 115.9995 (2g).

13 **SECTION 1083.** 44.73 (2r) of the statutes is renumbered 115.9995 (2r), and
14 115.9995 (2r) (c), as renumbered, is amended to read:

15 115.9995 (2r) (c) A public library board shall provide the ~~technology for~~
16 ~~educational achievement in Wisconsin board~~ department with written notice within
17 30 days after entering into or modifying a shared service agreement under par. (a).

18 **SECTION 1084.** 44.73 (3) of the statutes is renumbered 115.9995 (3) and
19 amended to read:

20 115.9995 (3) The board department of public instruction shall submit an
21 annual report to the department of administration on the status of providing data
22 lines and video links that are requested under sub. (2) (a) and the impact on the
23 universal service fund of any payment under contracts under s. 16.974.

24 **SECTION 1085.** 44.73 (4) of the statutes is renumbered 115.9995 (4).

25 **SECTION 1086.** 44.73 (5) of the statutes is repealed.

SENATE BILL 44**SECTION 1087**

1 **SECTION 1087.** 44.73 (6) (a) of the statutes is renumbered 115.9995 (6) (a) and
2 amended to read:

3 115.9995 (6) (a) From the appropriation under s. ~~20.275 (1)~~ 20.255 (4) (s) or
4 (tm), the board department may award an annual grant to a school district or private
5 school that had in effect on October 14, 1997, a contract for access to a data line or
6 video link, as documented by the board department. The board department shall
7 determine the amount of the grant, which shall be equal to the cost incurred by the
8 state to provide telecommunications access to a school district or private school
9 under a contract entered into under s. 16.974 (1) or (3) less the amount that the school
10 district or private school would be paying under sub. (2) (d) if the school district or
11 private school were participating in the program established under sub. (1), except
12 that the amount may not be greater than the cost that a school district or private
13 school incurs under the contract in effect on October 14, 1997. A school district or
14 private school receiving a grant under this subsection is not eligible to participate in
15 the program under sub. (1). No grant may be awarded under this subsection after
16 December 31, 2005.

17 **SECTION 1088.** 44.73 (6) (b) of the statutes is renumbered 115.9995 (6) (b) and
18 amended to read:

19 115.9995 (6) (b) Notwithstanding par. (a), the board department may award a
20 school district that operates more than one high school and that had in effect on
21 October 14, 1997, a contract for access to more than one data line or video link an
22 annual grant for each data line or video link serving each high school covered by that
23 contract.

24 **SECTION 1089.** 45.25 (2) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 1089**

1 45.25 (2) (c) The individual applies for the tuition and fee reimbursement
2 program for courses ~~completed~~ begun within 10 years after separation from the
3 service.

4 **SECTION 1090.** 45.365 (7) of the statutes is created to read:

5 45.365 (7) The department may develop a program to provide stipends to
6 individuals to attend school and receive the necessary credentials to become
7 employed at the home or the southeastern facility. If the department does develop
8 a stipend program under this subsection, the department shall promulgate
9 administrative rules related to the program, including the application process,
10 eligibility criteria, stipend amount, repayment provisions, and other provisions that
11 the department determines are necessary to administer the program.

12 **SECTION 1091.** 45.37 (11) of the statutes is amended to read:

13 45.37 (11) DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies
14 without a relative that is entitled to an interest in the property of the member under
15 the rules of intestate succession and without leaving a will the existence of which is
16 made known to the commandant of the home within 60 days of the member's death,
17 the member's property shall be converted to cash and turned over by the
18 commandant of the home to the ~~state treasurer~~ secretary of administration to be paid
19 into the appropriation under s. 20.485 (1) (h), without administration. The amount
20 is subject to refund within 6 years to the estate of a veteran if it is subsequently
21 discovered that the veteran left a will or a relative that is entitled to an interest in
22 the property of the member under the rules of intestate succession or to any creditor
23 of the veteran who establishes right to the fund or property or any portion thereof.
24 The department, upon being satisfied that a claim out of such funds or property is
25 legal and valid, shall pay the same out of such funds or property, except that payment

SENATE BILL 44**SECTION 1091**

1 of claims for a member's funeral and burial expenses may not exceed a total of \$1,500
2 including any amount allowed by the United States for the member's funeral and
3 burial and the right for burial and interment provided in sub. (15) (a).

4 **SECTION 1092.** 45.37 (15) (c) of the statutes is amended to read:

5 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
6 be paid from the estate of the decedent, except that if there is no estate or the estate
7 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
8 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
9 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
10 (1) (b).

11 **SECTION 1093.** 45.43 (7) (b) of the statutes is amended to read:

12 45.43 (7) (b) The department shall award a grant annually to a county that
13 meets the standards developed under this subsection and employs a county veterans'
14 service officer who, if chosen after August 9, 1989, is chosen from a list of candidates
15 who have taken a civil service examination for the position of county veterans' service
16 officer developed and administered by the ~~division of merit recruitment and selection~~
17 ~~in the department of employment relations~~ administration, or is appointed under a
18 civil service competitive examination procedure under ch. 63 or s. 59.52 (8). The
19 grant shall be \$8,500 for a county with a population of less than 20,000, \$10,000 for
20 a county with a population of 20,000 to 45,499, \$11,500 for a county with a population
21 of 45,500 to 74,999, and \$13,000 for a county with a population of 75,000 or more.
22 The department shall use the most recent Wisconsin official population estimates
23 prepared by the demographic services center when making grants under this
24 paragraph.

25 **SECTION 1094.** 45.54 (10) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 1094**

1 45.54 (10) (a) *Authority.* All proprietary schools shall be examined and
2 approved by the board before operating in this state. Approval shall be granted to
3 schools meeting the criteria established by the board for a period not to exceed one
4 year. No school may advertise in this state unless approved by the board. All
5 approved schools shall submit quarterly reports, including information on
6 enrollment, number of teachers and their qualifications, course offerings, number of
7 graduates, number of graduates successfully employed, and such other information
8 as the board deems necessary. If a school closure results in losses to students,
9 parents, or sponsors, the board may authorize the full or partial payment of those
10 losses from the appropriation under s. 20.485 (5) (gm).

11 **SECTION 1095.** 45.54 (10) (c) 4. of the statutes is created to read:

12 45.54 (10) (c) 4. Specify a student protection fee.

13 **SECTION 1096.** 46.03 (7) (h) of the statutes is created to read:

14 46.03 (7) (h) Contract for the provision of a centralized unit for determining
15 whether the cost of providing care for a child is eligible for reimbursement under 42
16 USC 670 to 679a.

17 **SECTION 1097.** 46.03 (18) (d) of the statutes is amended to read:

18 46.03 (18) (d) The department may compromise or waive all or part of the
19 liability for services received. The sworn statement of ~~the~~ any collection and
20 deportation counsel appointed under s. 46.10 (7), the department's legal counsel, or
21 the department secretary, shall be evidence of the services provided and the fees
22 charged for such services.

23 **SECTION 1098.** 46.057 (2) of the statutes is amended to read:

24 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
25 department of corrections shall transfer to the appropriation account under s. 20.435

SENATE BILL 44**SECTION 1098**

1 (2) (kx) \$1,379,300 in fiscal year ~~2001-02~~ 2003-04 and \$1,379,300 in fiscal year
2 ~~2002-03~~ 2004-05 and, from the appropriation account under s. 20.410 (3) (hm), the
3 department of corrections shall transfer to the appropriation account under s. 20.435
4 (2) (kx) ~~\$2,489,300 in fiscal year 1999-2000 and \$2,489,900 in fiscal year 2000-01~~
5 \$1,940,200 in fiscal year 2003-04 and \$2,001,700 in fiscal year 2004-05 for services
6 for juveniles placed at the Mendota juvenile treatment center. The department of
7 health and family services may charge the department of corrections not more than
8 the actual cost of providing those services.

9 **SECTION 1099.** 46.10 (6) of the statutes is amended to read:

10 46.10 (6) The sworn statement of the any collection and deportation counsel
11 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall
12 be evidence of the fee and of the care and services received by the patient.

13 **SECTION 1100.** 46.10 (7) of the statutes is amended to read:

14 46.10 (7) The department of health and family services shall administer and
15 enforce this section. It On behalf of the department of health and family services,
16 the department of administration shall appoint an attorney to be designated
17 "collection and deportation counsel" and." The department of health and family
18 services may appoint other necessary assistants. The department of health and
19 family services may delegate to the collection and deportation counsel such other
20 powers and duties as it considers advisable. The collection and deportation counsel
21 or any of the assistants may administer oaths, take affidavits and testimony,
22 examine public records, subpoena witnesses and the production of books, papers,
23 records, and documents material to any matter of proceeding relating to payments
24 for the cost of maintenance. The department of health and family services shall

SENATE BILL 44**SECTION 1100**

1 encourage agreements or settlements with the liable person, having due regard to
2 ability to pay and the present needs of lawful dependents.

3 **SECTION 1101.** 46.215 (1) (n) of the statutes is amended to read:

4 46.215 (1) (n) To collect and transmit information to the department of
5 administration so that a federal energy assistance payment may be made to an
6 eligible household; to collect and transmit information to the department of
7 administration so that weatherization services may be made available to an eligible
8 household; to receive applications from individuals seeking low-income energy
9 assistance under s. ~~16.385~~ 16.27 (4) or weatherization services under s. ~~16.39~~ 16.26;
10 to provide information on the income eligibility for weatherization of a recipient of
11 low-income energy assistance to an entity with which the department of
12 administration contracts for provision of weatherization under s. ~~16.39~~ 16.26; and
13 to receive a request, determine a correct payment amount, if any, and provide
14 payment, if any, for emergency assistance under s. ~~16.385~~ 16.27 (8).

15 **SECTION 1102.** 46.22 (1) (b) 4m. c. of the statutes is amended to read:

16 46.22 (1) (b) 4m. c. To receive applications from individuals seeking low-income
17 energy assistance under s. ~~16.385~~ 16.27 (4) or weatherization services under s. ~~16.39~~
18 16.26.

19 **SECTION 1103.** 46.22 (1) (b) 4m. d. of the statutes is amended to read:

20 46.22 (1) (b) 4m. d. To provide information on the income eligibility for
21 weatherization of a recipient of low-income energy assistance to an entity with
22 which the department of administration contracts for provision of weatherization
23 under s. ~~16.39~~ 16.26.

24 **SECTION 1104.** 46.22 (1) (b) 4m. e. of the statutes is amended to read:

SENATE BILL 44**SECTION 1104**

1 46.22 (1) (b) 4m. e. To receive a request, determine a correct payment amount,
2 if any, and provide payment, if any, for emergency assistance under s. ~~16.385~~ 16.27
3 (8).

4 **SECTION 1105.** 46.22 (1) (d) of the statutes is amended to read:

5 46.22 (1) (d) *Merit system; records.* The county department of social services
6 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
7 all county officers and employees performing any duties in connection with the
8 administration of aid to families with dependent children shall observe all rules
9 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
10 and shall keep records and furnish reports as the department of workforce
11 development requires in relation to their performance of such duties.

12 **SECTION 1106.** 46.22 (2) (b) of the statutes is amended to read:

13 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
14 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
15 approval of the county board of supervisors in a county with a single-county
16 department of social services or the county boards of supervisors in counties with a
17 multicounty department of social services.

18 **SECTION 1107.** 46.22 (3m) (a) of the statutes is amended to read:

19 46.22 (3m) (a) In any county with a county executive or a county administrator
20 ~~which~~ that has established a single-county department of social services, the county
21 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
22 promulgated thereunder, shall appoint and supervise the county social services
23 director. The appointment is subject to the confirmation of the county board of
24 supervisors unless the county board of supervisors, by ordinance, elects to waive

SENATE BILL 44**SECTION 1107**

1 confirmation or unless the appointment is made under a civil service system
2 competitive examination procedure established under s. 59.52 (8) or ch. 63.

3 **SECTION 1108.** 46.27 (7) (am) of the statutes is amended to read:

4 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
5 shall allocate funds to each county or private nonprofit agency with which the
6 department contracts to pay assessment and case plan costs under sub. (6) not
7 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
8 reimburse counties for the cost of assessing persons eligible for medical assistance
9 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
10 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
11 under this paragraph to pay the cost of long-term community support services and
12 for a risk reserve under par. (fr).

13 **SECTION 1109.** 46.27 (7) (fm) of the statutes is amended to read:

14 46.27 (7) (fm) The department shall, at the request of a county, carry forward
15 up to ~~10%~~ 5% of the amount allocated under this subsection to the county for a
16 calendar year if up to ~~10%~~ 5% of the amount so allocated has not been spent or
17 encumbered by the county by December 31 of that year, for use by the county in the
18 following calendar year, except that the amount carried forward shall be reduced by
19 the amount of funds that the county has notified the department that the county
20 wishes to place in a risk reserve under par. (fr). The department may transfer funds
21 within s. 20.435 (7) (bd) to accomplish this purpose. An allocation under this
22 paragraph does not affect a county's base allocation under this subsection and shall
23 lapse to the general fund unless expended within the calendar year to which the
24 funds are carried forward. A county may not expend funds carried forward under
25 this paragraph for administrative or staff costs, except administrative or staff costs

SENATE BILL 44**SECTION 1109**

1 that are associated with implementation of the waiver under sub. (11) and approved
2 by the department.

3 **SECTION 1110.** 46.27 (7g) (h) of the statutes is amended to read:

4 46.27 (7g) (h) The department may ~~contract with or employ~~ retain an attorney
5 to probate estates to recover under this subsection the costs of care.

6 **SECTION 1111.** 46.27 (9) (a) of the statutes is amended to read:

7 46.27 (9) (a) The department may select up to 5 counties that volunteer to
8 participate in a pilot project under which they will receive certain funds allocated for
9 long-term care. The department shall allocate a level of funds to these counties
10 equal to the amount that would otherwise be paid under s. 20.435 (4) (b), (gp), (r), or
11 (w) to nursing homes for providing care because of increased utilization of nursing
12 home services, as estimated by the department. In estimating these levels, the
13 department shall exclude any increased utilization of services provided by state
14 centers for the developmentally disabled. The department shall calculate these
15 amounts on a calendar year basis under sub. (10).

16 **SECTION 1112.** 46.27 (10) (a) 1. of the statutes is amended to read:

17 46.27 (10) (a) 1. The department shall determine for each county participating
18 in the pilot project under sub. (9) a funding level of state medical assistance
19 expenditures to be received by the county. This level shall equal the amount that the
20 department determines would otherwise be paid under s. 20.435 (4) (b), (gp), (r), or
21 (w) because of increased utilization of nursing home services, as estimated by the
22 department.

23 **SECTION 1113.** 46.275 (5) (a) of the statutes is amended to read:

24 46.275 (5) (a) Medical assistance Assistance reimbursement for services a
25 county, or the department under sub. (3r), provides under this program is available

SENATE BILL 44**SECTION 1113**

1 from the ~~appropriations~~ appropriation accounts under s. 20.435 (4) (b), (gp), (hm), (o),
2 (r), and (w). If 2 or more counties jointly contract to provide services under this
3 program and the department approves the contract, ~~medical assistance~~ Medical
4 Assistance reimbursement is also available for services provided jointly by these
5 counties.

6 **SECTION 1114.** 46.275 (5) (c) of the statutes is amended to read:

7 46.275 (5) (c) The total allocation under s. 20.435 (4) (b), (gp), (hm), (o), (r), and
8 (w) to counties and to the department under sub. (3r) for services provided under this
9 section may not exceed the amount approved by the federal department of health and
10 human services. A county may use funds received under this section only to provide
11 services to persons who meet the requirements under sub. (4) and may not use
12 unexpended funds received under this section to serve other developmentally
13 disabled persons residing in the county.

14 **SECTION 1115.** 46.275 (5) (e) of the statutes is created to read:

15 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
16 may provide moneys to a county to pay for one-time costs associated with the
17 relocation under this section of an individual from a state center for the
18 developmentally disabled.

19 **SECTION 1116.** 46.277 (1m) (ak) of the statutes is created to read:

20 46.277 (1m) (ak) "Nursing home" means a nursing home, as defined in s. 50.01
21 (3), that is certified as a provider of medical assistance, other than an intermediate
22 care facility for the mentally retarded, as defined in s. 46.278 (1m) (am).

23 **SECTION 1117.** 46.277 (2) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 1117**

1 46.277 (2) (b) ~~Fund~~ Except as provided in subs. (3r) and (5) (bm), fund home
2 or community-based services provided by any county that meet the requirements of
3 this section.

4 **SECTION 1118.** 46.277 (3) (c) of the statutes is amended to read:

5 46.277 (3) (c) Beginning on January 1, 1996, from the annual allocation to the
6 county for the provision of long-term community support services under sub. (5),
7 except as provided in subs. (3r) and (5) (bm), a county department participating in
8 the program shall annually establish a maximum total amount that may be
9 encumbered in a calendar year for services for eligible individuals in
10 community-based residential facilities.

11 **SECTION 1119.** 46.277 (3r) of the statutes is created to read:

12 46.277 (3r) RELOCATION OF NURSING HOME RESIDENTS. (a) In a county that is
13 participating in the program, for each nursing home resident who has applied for
14 participation and has been found eligible under sub. (4), but is not participating in
15 the program and who indicates that he or she prefers to receive services in the
16 community, rather than in the nursing home, the participating county department
17 shall initiate a needs and costs-based assessment before the resident has resided in
18 the nursing home for 90 continuous days or before the cost of the resident's nursing
19 home care has been paid under Medical Assistance for 30 days, whichever is longer.
20 The county department shall complete the needs and costs-based assessment within
21 90 days after initiating it.

22 (b) After completion of the needs and costs-based assessment, the county
23 department shall contact the department regarding available funding.

24 (c) If the department determines that costs for home or community-based
25 services for the nursing home resident, as determined under the needs and

SENATE BILL 44**SECTION 1119**

1 costs-based assessment, are equal to or less than the amount specified under sub.
2 (5) (bm) 1., the county department shall offer and, if accepted, provide home or
3 community-based services under this section to the nursing home resident, if the
4 cost of the resident's nursing home care has been paid under Medical Assistance for
5 at least 30 days.

6 (d) If the department determines that costs for home or community-based
7 services for the nursing home resident, as determined under the needs and
8 costs-based assessment, exceed the amount specified under sub. (5) (bm) 1., the
9 department may ascertain whether additional funding, as specified under sub. (5)
10 (bm) 2., is available. If additional funding is available and if the cost of the resident's
11 nursing home care has been paid under Medical Assistance for at least 30 days, the
12 county department shall offer and, if accepted, provide home or community-based
13 services under this section to the nursing home resident.

14 **SECTION 1120.** 46.277 (5) (am) of the statutes is created to read:

15 46.277 (5) (am) From the appropriation under s. 20.435 (4) (w), the department
16 may provide reimbursement to a county for administrative activities by the county
17 to relocate a nursing home resident under sub. (3r).

18 **SECTION 1121.** 46.277 (5) (b) of the statutes is amended to read:

19 46.277 (5) (b) ~~Total~~ Except as provided in subs. (3r) and (5) (bm), funding to
20 counties under the program may not exceed the amount approved in the waiver
21 received under sub. (2).

22 **SECTION 1122.** 46.277 (5) (bm) of the statutes is created to read:

23 46.277 (5) (bm) 1. Funding to a county for an individual who is relocated from
24 a nursing home under sub. (3r) shall be no more than the per-person, per-day
25 payment rate at the individual's level-of-care requirement for the nursing home

SENATE BILL 44**SECTION 1122**

1 under s. 49.45 (6m), indexed annually by the percentage of any annual nursing home
2 average rate increase under s. 49.45 (6m), minus the amount that is obtained by
3 subtracting the average annual costs for allowable charges under s. 49.46 (2) (a) and
4 (b) payable on behalf of individuals in nursing homes from the average annual costs
5 per medical assistance recipient for the allowable charges payable on behalf of
6 individuals who are relocated into communities from nursing homes.

7 2. Notwithstanding the limitation on payment to a county under subd. 1.,
8 funding to a county for an individual who is relocated from a nursing home under
9 sub. (3r) may include, in addition to the amount specified in subd. 1., an amount not
10 to exceed the sum obtained by subtracting the total of all payments made for home
11 or community-based services for nursing home residents relocated under sub. (3r)
12 (c) from the amount available under subd. 1.

13 3. If a county department fails to complete a needs and costs-based assessment
14 and offer home or community-based services under this section to a nursing home
15 resident within the time period specified in sub. (3r) (a), the county shall pay the
16 nonfederal share of Medical Assistance for his or her nursing home care unless the
17 nursing home resident refused participation or the needs and costs-based
18 assessment determined that participation was not feasible.

19 4. Funding to a county is available under subd. 1. or 2. only during the period
20 in which a relocated individual continues to receive home or community-based care.

21 **SECTION 1123.** 46.277 (5) (g) of the statutes is created to read:

22 46.277 (5) (g) The department may provide enhanced reimbursement for
23 services provided under this section to an individual who is relocated to the
24 community from a nursing home by a county department on or after the effective date
25 of this paragraph [revisor inserts date], if the nursing home bed that was used by

SENATE BILL 44**SECTION 1123**

1 the individual is delicensed upon relocation of the individual. The department shall
2 develop and utilize a formula to determine the enhanced reimbursement rate.

3 **SECTION 1124.** 46.278 (1m) (bg) of the statutes is created to read:

4 46.278 (1m) (bg) "Nursing home" means a nursing home, as defined in s. 50.01
5 (3), that is certified as a provider of medical assistance, other than an intermediate
6 care facility for the mentally retarded.

7 **SECTION 1125.** 46.278 (3) (b) of the statutes is amended to read:

8 46.278 (3) (b) ~~Fund~~ Except as provided in subs. (4g) and (6) (bm), fund home
9 or community-based services provided by any county that meet the requirements of
10 this section.

11 **SECTION 1126.** 46.278 (4g) of the statutes is created to read:

12 46.278 (4g) **RELOCATION OF NURSING HOME RESIDENTS.** (a) In a county that is
13 participating in the program, for each nursing home resident who has applied for
14 participation and has been found eligible under sub. (5), but is not participating in
15 the program and who indicates that he or she prefers to receive services in the
16 community, rather than in the nursing home, the participating county department
17 shall initiate a needs and costs-based assessment before the resident has resided in
18 the nursing home for 90 continuous days or before the cost of the resident's nursing
19 home care has been paid under Medical Assistance for 30 days, whichever is longer.
20 The county department shall complete the needs and costs-based assessment within
21 90 days after initiating the assessment.

22 (b) After completion of the needs and costs-based assessment, the county
23 department shall contact the department regarding available funding.

24 (c) If the department determines that costs for home or community-based
25 services for the nursing home resident, as determined under the needs and

SENATE BILL 44**SECTION 1126**

1 costs-based assessment, are equal to or less than the amount specified under sub.
2 (6) (bm) 1., the county department shall offer and, if accepted, provide home or
3 community-based services under this section to the nursing home resident, if the
4 cost of the resident's nursing home care has been paid under Medical Assistance for
5 at least 30 days.

6 (d) If the department determines that costs for home or community-based
7 services for the nursing home resident, as determined under the needs and
8 costs-based assessment, exceed the amount specified under sub. (6) (bm) 1., the
9 department may ascertain whether additional funding, as specified under sub. (6)
10 (bm) 2., is available. If additional funding is available and if the cost of the resident's
11 nursing home care has been paid under Medical Assistance for at least 30 days, the
12 county department shall offer and, if accepted, provide home or community-based
13 services under this section to the nursing home resident.

14 **SECTION 1127.** 46.278 (6) (am) of the statutes is created to read:

15 46.278 (6) (am) From the appropriation under s. 20.435 (4) (w), the department
16 may provide reimbursement to a county for administrative activities by the county
17 to relocate a nursing home resident under sub. (4g).

18 **SECTION 1128.** 46.278 (6) (b) of the statutes is amended to read:

19 46.278 (6) (b) ~~Total~~ Except as provided in subs. (4g) and (6) (bm), total funding
20 to counties for relocating each person under a program may not exceed the amount
21 approved in the waiver received under sub. (3).

22 **SECTION 1129.** 46.278 (6) (bm) of the statutes is created to read:

23 46.278 (6) (bm) 1. Funding to a county for an individual who is relocated from
24 a nursing home under sub. (4g) shall be no more than the per-person, per-day
25 payment rate at the individual's level-of-care requirement for the nursing home

SENATE BILL 44**SECTION 1129**

1 under s. 49.45 (6m), indexed annually by the percentage of any annual nursing home
2 average rate increase under s. 49.45 (6m), minus the amount that is obtained by
3 subtracting the average annual costs for allowable charges under s. 49.46 (2) (a) and
4 (b) payable on behalf of individuals in nursing homes from the average annual costs
5 for the allowable charges payable on behalf of individuals who are relocated into
6 communities from nursing homes.

7 2. Notwithstanding the limitation on payment to a county under subd. 1.,
8 funding to a county for an individual who is relocated from a nursing home under
9 sub. (4g) may include, in addition to the amount specified in subd. 1., an amount not
10 to exceed the sum obtained by subtracting the total of all payments made for home
11 or community-based services for nursing home residents relocated under sub. (4g)
12 (c) from the amount available under subd. 1.

13 3. If a county department fails to complete a needs and costs-based assessment
14 and offer home or community-based services under this section to a nursing home
15 resident within the time period specified in sub. (4g) (a), the county shall pay the
16 nonfederal share of Medical Assistance for his or her nursing home care unless the
17 nursing home resident refused participation or the needs and costs-based
18 assessment determined that participation was not feasible.

19 4. Funding to a county is available under subd. 1. or 2. only during the period
20 in which a relocated individual continues to receive home or community-based care.

21 **SECTION 1130.** 46.278 (6) (d) of the statutes is amended to read:

22 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
23 share of service costs under a waiver received under sub. (3), the department may,
24 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services
25 that the county provides under this section to persons who are in addition to those

SENATE BILL 44**SECTION 1130**

1 who may be served under this section with funds from the appropriation under s.
2 20.435 (4) (b), (r), or (w).

3 **SECTION 1131.** 46.278 (6) (f) of the statutes is repealed.

4 **SECTION 1132.** 46.279 of the statutes is created to read:

5 **46.279 Restrictions on placements and admissions to intermediate**
6 **and nursing facilities. (1) DEFINITIONS.** In this section:

7 (a) "Developmental disability" has the meaning given in s. 51.01 (5) (a).

8 (b) "Intermediate facility" means an intermediate care facility for the mentally
9 retarded, as defined in 42 USC 1396d (d), other than a center for the developmentally
10 disabled, as defined in s. 51.01 (3).

11 (c) "Nursing facility" has the meaning given under 42 USC 1369r (a).

12 **(2) PLACEMENTS AND ADMISSIONS TO INTERMEDIATE FACILITIES.** Except as provided
13 in sub. (5), no person may place an individual with a developmental disability in an
14 intermediate facility and no intermediate facility may admit such an individual
15 unless, before the placement or admission, a court under s. 55.06 (9) (a) or (10) (a)
16 2. finds that placement under a plan that was developed under sub. (4) is not in the
17 individual's best interests. An intermediate facility to which an individual who has
18 a developmental disability applies for admission shall, within 5 days after receiving
19 the application, notify the county department that is participating in the program
20 under s. 46.278 of the county of residence of the individual who is seeking admission
21 concerning the application.

22 **(3) PLACEMENTS AND ADMISSIONS TO NURSING FACILITIES.** Except as provided in
23 sub. (5), if the department or an entity determines from a screening under s. 49.45
24 (6c) (b) that an individual requires active treatment for developmental disability, no
25 individual may be placed in a nursing facility, and no nursing facility may admit the

SENATE BILL 44**SECTION 1132**

1 individual, unless it is determined from the screening that the individual's need for
2 care cannot fully be met in an intermediate facility or under a plan under sub. (4).

3 **(4) PLAN FOR HOME OR COMMUNITY-BASED CARE.** A county department that
4 participates in the program under s. 46.278 shall develop a plan for providing home
5 or community-based care to an individual in a noninstitutional community setting
6 under any of the following circumstances:

7 (a) Within 90 days after any determination made under s. 49.45 (6c) (c) 3. that
8 the level of care required by a resident that is provided by a facility could be provided
9 in an intermediate facility or under a plan under this subsection.

10 (b) Within 90 days after receiving written notice under sub. (2) of an
11 application.

12 (c) Within 90 days after a proposal is made under s. 55.06 (9) (a) to place the
13 individual in an intermediate facility or a nursing facility.

14 (d) Within 90 days after receiving written notice under s. 55.06 (10) (a) 2. of the
15 placement of the individual in a nursing facility or an intermediate facility.

16 (e) Within 60 days after extension of a temporary placement order by the court
17 under s. 55.06 (11) (c).

18 **(5) EXCEPTIONS.** Subsections (2) and (3) do not apply to an emergency placement
19 under s. 55.06 (11) (a) or to a temporary placement under s. 55.06 (11) (c) or (12).

20 **SECTION 1133.** 46.2805 (2) of the statutes is amended to read:

21 46.2805 (2) "Eligible person" means a person who meets all eligibility criteria
22 under s. 46.286 (1) ~~or (1m)~~.

23 **SECTION 1134.** 46.283 (5) of the statutes is amended to read:

24 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
25 (bm), ~~(gp)~~, (pa), ~~(r)~~, and (w) and (7) (b), (bd), and (md), the department may contract

SENATE BILL 44**SECTION 1134**

1 with organizations that meet standards under sub. (3) for performance of the duties
2 under sub. (4) and shall distribute funds for services provided by resource centers.

3 **SECTION 1135.** 46.284 (5) (a) of the statutes is amended to read:

4 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gp),
5 (im), (o), (r), and (w) and (7) (b) and (bd), the department shall provide funding on a
6 capitated payment basis for the provision of services under this section.
7 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
8 under contract with the department may expend the funds, consistent with this
9 section, including providing payment, on a capitated basis, to providers of services
10 under the family care benefit.

11 **SECTION 1136.** 46.286 (1) (intro.) of the statutes is amended to read:

12 46.286 (1) ELIGIBILITY. (intro.) ~~Except as provided in sub. (1m), a~~ A person is
13 eligible for, but not necessarily entitled to, the family care benefit if the person is at
14 least 18 years of age; has a physical disability, as defined in s. 15.197 (4) (a) 2., a
15 developmental disability, as defined in s. 51.01 (5) (a), or infirmities of aging, as
16 defined in s. 55.01 (3); and meets all of the following criteria:

17 **SECTION 1137.** 46.286 (1m) of the statutes is repealed.

18 **SECTION 1138.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

19 46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may
20 receive the family care benefit through enrollment in a care management
21 organization if, ~~except as provided in subd. 5,~~ he or she is at least 18 years of age,
22 has a physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability,
23 as defined in s. 51.01 (5) (a), or infirmities of aging, as defined in s. 55.01 (3), is
24 financially eligible, fulfills any applicable cost-sharing requirements and meets any
25 of the following criteria:

SENATE BILL 44**SECTION 1139**

1 **SECTION 1139.** 46.286 (3) (a) 5. of the statutes is repealed.

2 **SECTION 1140.** 46.286 (3) (d) of the statutes is amended to read:

3 46.286 (3) (d) The department shall determine the date, which shall not be later
4 than January 1, 2004 2006, on which par. (a) shall first apply to persons who are not
5 eligible for medical assistance under ch. 49. Before the date determined by the
6 department, persons who are not eligible for medical assistance may receive the
7 family care benefit within the limits of state funds appropriated for this purpose and
8 available federal funds.

9 **SECTION 1141.** 46.287 (2) (a) 1. a. of the statutes is amended to read:

10 46.287 (2) (a) 1. a. Denial of eligibility under s. 46.286 (1) ~~or (1m)~~.

11 **SECTION 1142.** 46.29 (3) (d) of the statutes is amended to read:

12 46.29 (3) (d) The secretary of ~~employment relations~~ administration.

13 **SECTION 1143.** 46.295 (1) of the statutes is amended to read:

14 46.295 (1) The department may, on the request of any hearing-impaired
15 person, city, village, town, or county or private agency, provide funds from the
16 appropriation under s. 20.435 (6) ~~(a) and (hs)~~ and (7) (d) to reimburse interpreters
17 for hearing-impaired persons for the provision of interpreter services.

18 **SECTION 1144.** 46.40 (1) (d) of the statutes is created to read:

19 46.40 (1) (d) If the department receives any federal moneys under 42 USC 1396
20 to 1396v in reimbursement of the cost of preventing out-of-home placements of
21 children, the department shall use those moneys as the first source of moneys used
22 to meet the amount of the allocation under sub. (2) that is budgeted from federal
23 funds.

24 **SECTION 1145.** 46.40 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 1145**

1 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
2 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
3 more than ~~\$244,745,200 for fiscal year 2001-02 and \$244,703,400 for fiscal year~~
4 ~~2002-03~~ \$242,078,700 in each fiscal year.

5 **SECTION 1146.** 46.40 (7) of the statutes is amended to read:

6 46.40 (7) FAMILY SUPPORT ALLOCATION. For family support programs for the
7 families of disabled children under s. 46.985, the department shall distribute ~~not~~
8 ~~more than \$4,589,800 in fiscal year 2001-02 and not more than \$5,089,800 in fiscal~~
9 ~~year 2002-03 and in each fiscal year thereafter.~~

10 **SECTION 1147.** 46.45 (2) (a) of the statutes is amended to read:

11 46.45 (2) (a) If Subject to par. (am), if on December 31 of any year there remains
12 unspent or unencumbered in the allocation under s. 46.40 (2) an amount that exceeds
13 the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in
14 that year, the department shall carry forward the excess moneys and distribute not
15 less than 50% of the excess moneys to counties having a population of less than
16 500,000 that are making a good faith effort, as determined by the department, to
17 comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and
18 families, notwithstanding the percentage limit specified in sub. (3) (a). A county
19 shall use not less than 50% of the moneys distributed to the county under this
20 subsection for services for children who are at risk of abuse or neglect to prevent the
21 need for child abuse and neglect intervention services, except that in the calendar
22 year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2
23 calendar years after that calendar year the county may use 100% of the moneys
24 distributed under this paragraph to reimburse the department for the costs of
25 achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before

SENATE BILL 44**SECTION 1147**

1 July 1, 2005, the department may recover any amounts distributed to that county
2 under this paragraph after June 30, 2001, by billing the county or deducting from
3 that county's allocation under s. 46.40 (2). All moneys received by the department
4 under this paragraph shall be credited to the appropriation account under s. 20.435
5 (3) (j).

6 **SECTION 1148.** 46.45 (2) (am) of the statutes is created to read:

7 46.45 (2) (am) If on December 31 of any year a county is not using the
8 centralized unit contracted for under s. 46.03 (7) (h) for determining whether the cost
9 of providing care for a child is eligible for reimbursement under 42 USC 670 to 679a,
10 the department shall reduce that county's distribution under par. (a) by 50%.

11 **SECTION 1149.** 46.45 (3) (a) of the statutes is amended to read:

12 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal
13 governing body, or private nonprofit organization, the department shall carry
14 forward up to 3% of the total amount allocated to the county, tribal governing body,
15 or nonprofit organization for a calendar year, not including the amount allocated to
16 the county under s. 46.40 (7), which amount may be carried forward as provided in
17 par. (c). All funds carried forward for a tribal governing body or nonprofit
18 organization, all federal child welfare funds under 42 USC 620 to 626, and all funds
19 allocated under s. 46.40 (2m) carried forward for a county shall be used for the
20 purpose for which the funds were originally allocated. ~~Except as provided under par.~~
21 ~~(am), other~~ Other funds carried forward under this paragraph may be used for any
22 purpose under s. 20.435 (7) (b), except that a county may not use any funds carried
23 forward under this paragraph for administrative or staff costs. An allocation of
24 carried-forward funding under this paragraph does not affect a county's base
25 allocations under s. 46.40 (2), (2m), (8), and (9).

SENATE BILL 44**SECTION 1150**

1 **SECTION 1150.** 46.45 (3) (am) of the statutes is repealed.

2 **SECTION 1151.** 46.45 (3) (c) of the statutes is created to read:

3 46.45 **(3)** (c) At the request of a county, the department shall carry forward up
4 to 5% of the amount allocated to the county under s. 46.40 (7) for a calendar year.
5 All funds carried forward under this paragraph shall be used for the purpose for
6 which the funds were originally allocated, except that a county may not use any of
7 those funds for administrative or staff costs. All funds carried forward under this
8 paragraph that are not spent or encumbered by a county December 31 of the calendar
9 year to which those funds were carried forward shall lapse to the general fund on the
10 succeeding January 1. An allocation of carried-forward funding under this
11 paragraph does not affect a county's base allocation under s. 46.40 (7).

12 **SECTION 1152.** 46.45 (6) of the statutes is renumbered 46.45 (6) (a) and
13 amended to read:

14 46.45 **(6)** (a) The department may carry forward 10% of any funds specified in
15 sub. (3) (a) that are not carried forward under sub. (3) (a) for emergencies, for
16 justifiable unit services costs above planned levels, ~~and to provide compensation for~~
17 increased costs due to population shifts. An allocation of carried-forward funding
18 under this paragraph does not affect a county's base allocations under s. 46.40 (2),
19 (2m), (8), and (9).

20 **SECTION 1153.** 46.45 (6) (b) of the statutes is created to read:

21 46.45 **(6)** (b) The department may carry forward any funds specified in sub. (3)
22 (c) that are not carried forward under sub. (3) (c) for emergencies, for justifiable unit
23 services costs above planned levels, and for increased costs due to population shifts.
24 An allocation of carried-forward funding under this paragraph does not affect a
25 county's base allocation under s. 46.40 (7).

SENATE BILL 44**SECTION 1154**

1 **SECTION 1154.** 46.46 (1) of the statutes is amended to read:

2 46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the
3 department shall support costs that are exclusively related to the operational costs
4 of augmenting the amount of moneys received under 42 USC 670 to 679a, 42 USC
5 1395 to 1395ddd, and 42 USC 1396 to 1396v and shall distribute moneys to counties
6 as provided in sub. (1g). In addition, the department may expend moneys from the
7 appropriation account under s. 20.435 (8) (mb) as provided in ~~sub.~~ subs. (1m) and (2).

8 **SECTION 1155.** 46.46 (1g) of the statutes is created to read:

9 46.46 (1g) The department shall distribute not less than 50% of the moneys
10 received under 42 USC 1396 to 1396v as a result of the augmentation activities
11 specified in sub. (1) and credited to the appropriation account under s. 20.435 (8) (mb)
12 to counties that are participating in those activities for community social, mental
13 health, developmental disabilities, and alcohol and other drug abuse services under
14 s. 46.40. The department may distribute any moneys received under 42 USC 1396
15 to 1396v as a result of the augmentation activities specified in sub. (1) and credited
16 to the appropriation account under s. 20.435 (8) (mb) that are not distributed under
17 this subsection to counties that are participating in those activities as provided in
18 sub. (2).

19 **SECTION 1156.** 46.46 (1m) of the statutes is amended to read:

20 46.46 (1m) ~~In addition to expending moneys from the appropriation account~~
21 ~~under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1) the~~ The
22 department may expend moneys received under 42 USC 1396 to 1396v in
23 reimbursement of the cost of providing targeted case management services to
24 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and
25 credited to the appropriation account under s. 20.435 (8) (mb) to support the counties'

SENATE BILL 44**SECTION 1156**

1 share of implementing the statewide automated child welfare information system
2 under s. 46.22 (1) (c) 8. f.

3 **SECTION 1157.** 46.46 (2) of the statutes is amended to read:

4 46.46 (2) If the department proposes to use any moneys from the appropriation
5 account under s. 20.435 (8) (mb) for any purpose other than the ~~purpose~~ purposes
6 specified in ~~sub. subs. (1), (1g), and (1m)~~, the department shall submit a plan for the
7 proposed use of those moneys to the secretary of administration by September 1 of
8 the fiscal year after the fiscal year in which those moneys were received. If the
9 secretary of administration approves the plan, he or she shall submit the plan to the
10 joint committee on finance by October 1 of the fiscal year after the fiscal year in which
11 those moneys were received. If the cochairpersons of the committee do not notify the
12 secretary of administration within 14 working days after the date of submittal of the
13 plan that the committee has scheduled a meeting for the purpose of reviewing the
14 plan, the department may implement the plan. If within 14 working days after the
15 date of the submittal by the secretary of administration the cochairpersons of the
16 committee notify him or her that the committee has scheduled a meeting for the
17 purpose of reviewing the plan, the department may implement the plan only with the
18 approval of the committee.

19 **SECTION 1158.** 46.48 (6) (title) of the statutes is repealed.

20 **SECTION 1159.** 46.48 (6) of the statutes is renumbered 16.964 (9) (a) and
21 amended to read:

22 16.964 (9) (a) ~~The department shall distribute~~ A grant in the amount of \$80,000
23 in each fiscal year to the ~~career youth development center~~ Career Youth
24 Development Center in the city of Milwaukee for the operation of a minority youth
25 substance abuse treatment program.

SENATE BILL 44**SECTION 1160**

1 **SECTION 1160.** 46.481 (2) (title) of the statutes is repealed.

2 **SECTION 1161.** 46.481 (2) of the statutes is renumbered 16.964 (9) (b) and
3 amended to read:

4 16.964 (9) (b) ~~The department shall award~~ A grant in the amount of \$5,000 in
5 each fiscal year ~~as a grant to the Milwaukee police athletic league~~ Police Athletic
6 League to purchase sports and recreational equipment for a gymnasium facility
7 located at 2449 N. 36th Street in the city of Milwaukee and for a gymnasium facility
8 located at 2544 N. 30th Street in the city of Milwaukee, and to contribute to the
9 operating expenses of those gymnasium facilities.

10 **SECTION 1162.** 46.481 (4) (title) of the statutes is repealed.

11 **SECTION 1163.** 46.481 (4) of the statutes is renumbered 16.964 (9) (c) and
12 amended to read:

13 16.964 (9) (c) ~~The department shall distribute~~ A grant in the amount of \$50,000
14 in each fiscal year ~~as grants to court-appointed special advocate programs that are~~
15 recognized by a chief judge of a judicial administrative district under s. 48.07 (5) to
16 perform advocacy services in proceedings under s. 48.13.

17 **SECTION 1164.** 46.481 (6) (title) of the statutes is repealed.

18 **SECTION 1165.** 46.481 (6) of the statutes is renumbered 16.964 (9) (d) and
19 amended to read:

20 16.964 (9) (d) ~~The department shall distribute~~ A grant in the amount of \$50,000
21 in each fiscal year to the ~~children's safe house child care program~~ Children's Safe
22 House Child Care Program in Kenosha County for the operation of that program.

23 **SECTION 1166.** 46.485 (2g) (intro.) of the statutes is amended to read:

24 46.485 (2g) (intro.) From the appropriation accounts under s. 20.435 (4) (b) and
25 (gp), the department may in each fiscal year transfer funds to the appropriation

SENATE BILL 44**SECTION 1166**

1 under s. 20.435 (7) (kb) for distribution under this section and from the appropriation
2 under s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in
3 each fiscal year to applying counties in this state that meet all of the following
4 requirements, as determined by the department:

5 **SECTION 1167.** 46.485 (2g) (b) of the statutes is renumbered 46.485 (2g) (b) 1.

6 **SECTION 1168.** 46.485 (2g) (b) (intro.) of the statutes is created to read:

7 46.485 (2g) (b) (intro.) Any of the following applies to the county:

8 **SECTION 1169.** 46.485 (2g) (b) 2. of the statutes is created to read:

9 46.485 (2g) (b) 2. The county provides service coordination, as defined in s.
10 46.56 (1) (L), on behalf of a child with a serious emotional disturbance and the child's
11 family in the county.

12 **SECTION 1170.** 46.485 (3g) of the statutes is amended to read:

13 46.485 (3g) The amount that the department may transfer under sub. (2g) for
14 a ~~county~~ counties may not exceed the estimated state share of payments under s.
15 49.45, 49.46 or 49.47 for mental health care and treatment that is provided in
16 inpatient facilities for children with a ~~severe emotional disturbance who reside in the~~
17 county severe emotional disturbances.

18 **SECTION 1171.** 46.485 (3r) of the statutes is amended to read:

19 46.485 (3r) Funds ~~that a county does not encumber from the appropriation~~
20 under s. 20.435 (7) (kb) that the department does not distribute to a county before
21 24 months after June 30 of the fiscal year in which the department allocated the
22 funds were distributed to the county under sub. (2g) lapse to the appropriation under
23 s. 20.435 (4) (b). A county may at any time expend funds that the department
24 distributes to the county, consistent with the requirements under sub. (3m).

25 **SECTION 1172.** 46.85 (1) of the statutes is amended to read:

SENATE BILL 44**SECTION 1172**

1 46.85 (1) The department may establish and operate a ~~senior companion~~
2 ~~program~~ Senior Companion Program modeled after the federal ~~senior companion~~
3 ~~program~~ Senior Companion Program under 42 USC 5011 (b), in effect on April 30,
4 1980. If operated, the program shall engage the services of low-income persons aged
5 60 or over to provide supportive person-to-person assistance in health, education,
6 recreation, welfare and related fields to persons aged 60 or over with special needs
7 who reside in their own homes, and it may engage other persons aged 60 or older,
8 regardless of income, as volunteers in similar activities. ~~The department may also~~
9 ~~establish and operate a retired senior volunteers program modeled after the federal~~
10 ~~retired senior volunteers program under 42 USC 5001, in effect on April 30, 1980 to~~
11 ~~provide voluntary services in a community. If operated, the program shall engage~~
12 ~~persons aged 60 or over as volunteers.~~

13 **SECTION 1173.** 46.85 (3) of the statutes is repealed.

14 **SECTION 1174.** 46.85 (3m) (a) of the statutes is amended to read:

15 46.85 (3m) (a) From the appropriation under s. 20.435 (7) (dh), the department
16 shall provide a state supplement to federally funded ~~senior companion and retired~~
17 ~~senior volunteer program~~ Senior Companion Program units that were in operation
18 on December 1, 1988, and administered by qualified public and non-profit private
19 agencies.

20 **SECTION 1175.** 46.85 (3m) (b) 1. of the statutes is amended to read:

21 46.85 (3m) (b) 1. Federally and nonfederally funded ~~senior companion and~~
22 ~~retired senior volunteer programs~~ senior companion programs.

23 **SECTION 1176.** 46.90 (4) (b) 2. a. of the statutes is repealed.

24 **SECTION 1177.** 46.90 (4) (b) 2. b. of the statutes is amended to read:

SENATE BILL 44**SECTION 1177**

1 46.90 (4) (b) 2. b. Any employee of an employer not described in subd. 2. a. who
2 is discharged or otherwise discriminated against may file a complaint with the
3 department of workforce development under s. 106.54 (5).

4 **SECTION 1178.** 46.90 (4) (b) 2. c. of the statutes is amended to read:

5 46.90 (4) (b) 2. c. Any person not described in this subd. 2. a. or b. who is
6 retaliated or discriminated against in violation of subd. 1. may commence an action
7 in circuit court for damages incurred as a result of the violation.

8 **SECTION 1179.** 46.93 of the statutes is repealed.

9 **SECTION 1180.** 46.973 (3) of the statutes is amended to read:

10 46.973 (3) The department may accept, receive, administer, and expend any
11 money, material, or other gifts or grants of any description for purposes related to
12 those set forth in this section. Moneys and grants received under this section shall
13 be deposited with the ~~state treasurer~~ secretary of administration and shall be
14 credited to the department under s. 20.435 (2) (i) and expended by the department
15 or the state council on alcohol and other drug abuse for the purposes specified.

16 **SECTION 1181.** 46.99 (2) (a) (intro.) of the statutes is amended to read:

17 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and
18 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying
19 nonprofit corporations and public agencies operating in a county having a population
20 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments
21 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county
22 having a population of 500,000 or more to provide programs to accomplish all of the
23 following:

24 **SECTION 1182.** 46.995 (1m) of the statutes is amended to read:

SENATE BILL 44**SECTION 1182**

1 46.995 **(1m)** TRIBAL ADOLESCENT SERVICES ALLOCATIONS. From the appropriation
2 account under s. 20.435 (3) ~~(km)~~, the department may allocate \$195,000 in each fiscal
3 year and, from the appropriation account under s. 20.435 (3) (eg), the department
4 may allocate \$15,000 \$210,000 in each fiscal year to provide the grants specified in
5 subs. (2), (3) (b), and (4m) (b).

6 **SECTION 1183.** 46.997 (2) (b) of the statutes is amended to read:

7 46.997 **(2)** (b) The department of health and family services shall award the
8 grants under par. (a) on a competitive basis and according to request-for-proposal
9 procedures that the department of health and family services shall prescribe in
10 consultation with the department of workforce development, ~~the adolescent~~
11 ~~pregnancy prevention and pregnancy services board~~, local health departments, as
12 defined in s. 250.01 (4), and other providers of services to eligible persons. Those
13 request-for-proposal procedures shall include a requirement that a private agency
14 that applies for a grant under par. (a) include in its grant application proof that the
15 private agency has the cultural competency to provide services under the grant to
16 persons and families in the various cultures in the private agency's target population
17 and that cultural competency is incorporated in the private agency's policies,
18 administration, and practices. In awarding the grants under par. (a), the
19 department of health and family services shall consider the need for those grants to
20 be distributed both on a statewide basis and in the areas of the state with the greatest
21 need for 2nd-chance homes and the need to provide placements for children who are
22 voluntarily placed in a 2nd-chance home as well as for children who are placed in
23 a 2nd-chance home by court order.

24 **SECTION 1184.** 47.02 (6) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 1184**

1 47.02 **(6)** (a) From the appropriation under s. 20.445 (5) ~~(bm)~~ (a), provide
2 financial aid to any person with a disability who is receiving vocational
3 rehabilitation training and who has no other source of aid.

4 **SECTION 1185.** 47.03 (4) (b) of the statutes is amended to read:

5 47.03 **(4)** (b) The department may charge a portion of the expenses of its
6 supervised business enterprise program to the net proceeds of each business
7 operating under the program. The department shall establish the procedure for
8 setting these charges by rule, with the participation of a committee of blind vendors
9 established under 20 USC 107b-1. The department shall deposit the moneys from
10 the charges made under this paragraph in the ~~appropriations~~ appropriation
11 accounts under ~~ss. 20.435 (7) (kd) and s. 20.445 (5) (h) and (he)~~.

12 **SECTION 1186.** 47.03 (7) of the statutes is amended to read:

13 47.03 **(7)** If the department decides that a business under sub. (4) would not
14 be feasible and profitable in any state building, the department may contract with
15 vending machine operators to install vending machines in the building, giving
16 preference to blind operators of vending machines. The department may, under the
17 procedures established as required under sub. (4) (b), charge the net proceeds of each
18 business operating under this subsection. The department shall deposit the moneys
19 from the charges made under this subsection in the ~~appropriations~~ appropriation
20 account under s. 20.445 (5) (h) ~~and (hd)~~ and shall disburse the proceeds to provide
21 services to blind persons under sub. (4) in accordance with 20 USC 107 to 107f.

22 **SECTION 1187.** 47.03 (11) (e) of the statutes is amended to read:

23 47.03 **(11)** (e) The department shall distribute at least \$218,600 from the
24 appropriations in s. 20.445 (5) ~~(bm)~~ (a) and ~~(na)~~ (n) in each fiscal year for homecraft

SENATE BILL 44**SECTION 1187**

1 services relating to the marketing and distribution of homecraft products for each
2 client who participates in the homecraft program.

3 **SECTION 1188.** 48.275 (2) (d) of the statutes is amended to read:

4 48.275 (2) (d) 1. In a county having a population of less than 500,000,
5 reimbursement payments shall be made to the clerk of courts of the county where the
6 proceedings took place. Each payment shall be transmitted to the county treasurer,
7 who shall deposit 25% of the amount paid for state-provided counsel in the county
8 treasury and transmit the remainder to the ~~state treasurer~~ secretary of
9 administration. Payments transmitted to the ~~state treasurer~~ secretary of
10 administration shall be deposited in the general fund and credited to the
11 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
12 100% of the amount paid for county-provided counsel in the county treasury.

13 2. In a county having a population of 500,000 or more, reimbursement
14 payments shall be made to the clerk of courts of the county where the proceedings
15 took place. Each payment shall be transmitted to the ~~state treasurer~~ secretary of
16 administration, who shall deposit the amount paid in the general fund and credit
17 25% of the amount paid to the appropriation account under s. 20.435 (3) (gx) and the
18 remainder to the appropriation account under s. 20.550 (1) (L).

19 **SECTION 1189.** 48.715 (3) (a) 3. of the statutes is amended to read:

20 48.715 (3) (a) 3. A person against whom the department has assessed a
21 forfeiture shall pay that forfeiture to the department within 10 days after receipt of
22 notice of the assessment or, if that person contests that assessment under s. 48.72,
23 within 10 days after receipt of the final decision after exhaustion of administrative
24 review or, if that person petitions for judicial review under ch. 227, within 10 days
25 after receipt of the final decision after exhaustion of judicial review. The department

SENATE BILL 44**SECTION 1189**

1 shall remit all forfeitures paid under this subdivision to the ~~state treasurer~~ secretary
2 of administration for deposit in the school fund.

3 **SECTION 1190.** 48.985 (2) of the statutes is amended to read:

4 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
5 appropriation under s. 20.435 (7) (o), the department shall distribute not more than
6 ~~\$3,964,400~~ \$3,809,600 in each fiscal year of the moneys received under 42 USC 620
7 to 626 to county departments under ss. 46.215, 46.22, and 46.23 for the provision or
8 purchase of child welfare projects and services, for services to children and families,
9 for services to the expectant mothers of unborn children, and for family-based child
10 welfare services.

11 **SECTION 1191.** 49.015 (2) of the statutes is amended to read:

12 49.015 (2) RECIPIENTS OF OTHER AID. Except as provided in sub. (3), an
13 individual is not eligible for relief for a month in which the individual has received
14 aid to families with dependent children under s. 49.19 or supplemental security
15 income under 42 USC 1381 to 1383c or has participated in a Wisconsin works Works
16 employment position ~~under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r),~~ or in
17 which aid to families with dependent children, supplemental security income
18 benefits, or a Wisconsin works Works employment position is immediately available
19 to the individual.

20 **SECTION 1192.** 49.13 (2) (cm) of the statutes is amended to read:

21 49.13 (2) (cm) The amount of food stamp benefits paid to a recipient who is a
22 participant in a Wisconsin works Works employment position under s. 49.147 (4) or
23 (5) shall be calculated based on the pre-sanction benefit amount received under s.
24 49.148. The amount of food stamp benefits paid to a recipient who is a participant
25 in a Wisconsin Works employment position under s. 49.147 (3m) shall be calculated

SENATE BILL 44**SECTION 1192**

1 based on the participant's gross wages under s. 49.148 (1) (am) and stipend, if any,
2 under s. 49.147 (3m) (g), as reduced under s. 49.148 (4), if relevant.

3 **SECTION 1193.** 49.136 (2) (b) of the statutes is amended to read:

4 49.136 (2) (b) The department shall attempt to award grants under this section
5 to head start agencies designated under 42 USC 9836, employers that provide or
6 wish to provide child care services for their employees, family day care centers, group
7 day care centers and day care programs for the children of student parents,
8 organizations that provide child care for sick children, and child care providers that
9 employ participants or former participants in a Wisconsin ~~works~~ Works employment
10 position under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r).

11 **SECTION 1194.** 49.138 (1m) (intro.) of the statutes is amended to read:

12 49.138 (1m) (intro.) The department shall implement a program of emergency
13 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
14 impending homelessness, or energy crisis. The department shall establish the
15 maximum amount of aid to be granted, except for cases of energy crisis, per family
16 member based on the funding available under s. 20.445 (3) ~~(de)~~ (dz) and (md). The
17 department need not establish the maximum amount by rule under ch. 227. The
18 department shall publish the maximum amount and annual changes to it in the
19 Wisconsin administrative register. Emergency assistance provided to needy persons
20 under this section in cases of fire, flood, natural disaster, or energy crisis may only
21 be provided to a needy person once in a 12-month period. Emergency assistance
22 provided to needy persons under this section in cases of homelessness or impending
23 homelessness may be used only to obtain or retain a permanent living
24 accommodation and, except as provided in sub. (2), may only be provided to a needy
25 person once in a 36-month period. For the purposes of this section, a family is

SENATE BILL 44**SECTION 1194**

1 considered to be homeless, or to be facing impending homelessness, if any of the
2 following applies:

3 **SECTION 1195.** 49.141 (1) (e) of the statutes is amended to read:

4 49.141 (1) (e) "Job access loan" means a loan administered under s. ~~49.147 (6)~~
5 49.1471.

6 **SECTION 1196.** 49.141 (1) (mc) of the statutes is created to read:

7 49.141 (1) (mc) "Transitional subsidized private sector job" means a work
8 component of Wisconsin Works administered under s. 49.147 (3m).

9 **SECTION 1197.** 49.141 (1) (o) of the statutes is created to read:

10 49.141 (1) (o) "Unsubsidized employment" means employment for which the
11 department or a Wisconsin Works agency provides no wage subsidy or
12 reimbursement to the employer, including self-employment and entrepreneurial
13 activities.

14 **SECTION 1198.** 49.141 (1) (om) of the statutes is created to read:

15 49.141 (1) (om) "Wages" has the meaning given in s. 109.01 (3).

16 **SECTION 1199.** 49.141 (4) of the statutes is amended to read:

17 49.141 (4) NONENTITLEMENT. Notwithstanding fulfillment of the eligibility
18 requirements for any component of Wisconsin ~~works~~ Works, an individual is not
19 entitled to services, employment, or benefits under Wisconsin ~~works~~ Works.

20 **SECTION 1200.** 49.141 (5) (a) of the statutes is amended to read:

21 49.141 (5) (a) Have the effect of filling a vacancy created by an employer
22 terminating a regular employee or otherwise reducing its work force for the purpose
23 of hiring an individual under s. 49.147 (3), ~~(4)~~ or ~~(5)~~.

24 **SECTION 1201.** 49.143 (2) (a) 4. of the statutes is amended to read:

SENATE BILL 44**SECTION 1201**

1 49.143 (2) (a) 4. Create, and encourage others to create, on-the-job training
2 sites for persons who are eligible for trial jobs, transitional subsidized private sector
3 jobs, or community service jobs.

4 **SECTION 1202.** 49.143 (2) (a) 5. of the statutes is amended to read:

5 49.143 (2) (a) 5. Foster and guide the entrepreneurial efforts of participants
6 who are eligible for trial jobs, transitional subsidized private sector jobs, or
7 community service jobs.

8 **SECTION 1203.** 49.143 (2) (a) 6. of the statutes is amended to read:

9 49.143 (2) (a) 6. Provide mentors, both from its membership and from
10 recruitment of members of the community, to provide job-related guidance,
11 including assistance in resolving job-related issues and the provision of job leads or
12 references, to persons who are eligible for trial jobs, transitional subsidized private
13 sector jobs, or community service jobs.

14 **SECTION 1204.** 49.143 (2) (f) of the statutes is renumbered 49.143 (2) (g) and
15 amended to read:

16 49.143 (2) (g) Perform any other tasks specified by the department in the
17 contract that the department determines are necessary for the administration of
18 Wisconsin works Works.

19 **SECTION 1205.** 49.143 (2) (fm) of the statutes is created to read:

20 49.143 (2) (fm) Provide to every participant in a transitional subsidized private
21 sector job information about and assistance in obtaining any work supports for which
22 the participant is eligible, such as child care, health insurance, and income tax
23 credits and refunds.

24 **SECTION 1206.** 49.143 (3g) (a) 4. of the statutes is amended to read:

SENATE BILL 44**SECTION 1206**

1 49.143 (3g) (a) 4. Wages and benefits earned in unsubsidized employment by
2 former participants in Wisconsin ~~works~~ Works employment positions.

3 **SECTION 1207.** 49.145 (1) of the statutes is amended to read:

4 49.145 (1) GENERAL ELIGIBILITY. In order to be eligible for a Wisconsin ~~works~~
5 Works employment ~~positions and~~ position or job access ~~loans~~ loan for any month, an
6 individual shall meet the eligibility requirements under subs. (2) and (3). The
7 department may promulgate rules establishing additional eligibility criteria and
8 specifying how eligibility criteria are to be administered. The department may
9 promulgate rules establishing payment and reporting periods as needed to
10 administer this subsection.

11 **SECTION 1208.** 49.145 (2) (i) of the statutes is amended to read:

12 49.145 (2) (i) The individual is not receiving supplemental security income
13 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if
14 the individual is a dependent child, the custodial parent of the individual does not
15 receive a payment on behalf of the individual under s. 49.775. The department may
16 require an individual who receives a stipend under s. 49.147 (3m) (g) or benefits
17 under s. 49.148 and who has applied for supplemental security income under 42 USC
18 1381 to 1383c to authorize the federal social security administration to reimburse the
19 department for the stipend paid to the individual under s. 49.147 (3m) (g) or the
20 benefits paid to the individual under s. 49.148 during the period that the individual
21 was entitled to supplemental security income benefits to the extent that retroactive
22 supplemental security income benefits are made available to the individual.

23 **SECTION 1209.** 49.145 (2) (s) of the statutes is amended to read:

24 49.145 (2) (s) The individual assigns to the state any right of the individual or
25 of any dependent child of the individual to support or maintenance from any other

SENATE BILL 44**SECTION 1209**

1 person, including any right to amounts accruing during the time that any Wisconsin
2 ~~works~~ Works stipend or benefit is paid to the individual. If a minor who is a
3 beneficiary of any Wisconsin ~~works~~ Works stipend or benefit is also the beneficiary
4 of support under a judgment or order that includes support for one or more children
5 ~~not receiving a benefit who are not beneficiaries~~ under Wisconsin ~~works~~ Works, any
6 support payment made under the judgment or order is assigned to the state during
7 the period that the minor is a beneficiary of the Wisconsin ~~works~~ Works stipend or
8 benefit in the amount that is the proportionate share of the minor ~~receiving the~~
9 ~~benefit~~ who is the beneficiary under Wisconsin ~~works~~ Works, except as otherwise
10 ordered by the court on the motion of a party. Amounts assigned to the state under
11 this paragraph remain assigned to the state until the amount due to the federal
12 government has been recovered. No amount of support that begins to accrue after
13 the individual ceases to receive the stipend or benefits under Wisconsin ~~works~~ Works
14 may be considered assigned to this state. Except as provided in s. 49.1455, any money
15 received by the department in a month under an assignment to the state under this
16 paragraph for an individual applying for or participating in Wisconsin ~~works~~ Works
17 shall be paid to the individual applying for or participating in Wisconsin ~~works~~
18 Works. The department shall pay the federal share of support assigned under this
19 paragraph as required under federal law or waiver.

20 **SECTION 1210.** 49.145 (3) (b) 1. of the statutes is amended to read:

21 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
22 amount received under section 32 of the Internal Revenue Code, as defined in s. 71.01
23 (6), any amount received under s. 71.07 (9e), any payment made by an employer
24 under section 3507 of the Internal Revenue Code, as defined in s. 71.01 (6), any
25 student financial aid received under any federal or state program, any scholarship

SENATE BILL 44**SECTION 1210**

1 used for tuition and books, any wages received under s. 49.148 (1) (am) or stipend
2 received under s. 49.147 (3m) (g), and any assistance received under s. 49.148. In
3 determining the earned and unearned income of the individual, the Wisconsin works
4 agency may not include income earned by a dependent child of the individual.

5 **SECTION 1211.** 49.146 (title) of the statutes is amended to read:

6 **49.146 (title) Employer criteria and selection.**

7 **SECTION 1212.** 49.146 of the statutes is renumbered 49.146 (1) and amended
8 to read:

9 49.146 (1) ELIGIBILITY CRITERIA. The Subject to sub. (2), the department shall
10 establish by rule criteria that an employer providing a Wisconsin ~~works~~ Works
11 employment position must meet in order to employ a participant under s. 49.147 (3)
12 to (5). An employer that does not meet the criteria established under this ~~section~~
13 subsection is ineligible to receive any subsidy or reimbursement of costs for any
14 position provided to a participant.

15 **SECTION 1213.** 49.146 (2) of the statutes is created to read:

16 49.146 (2) **SELECTION OF EMPLOYERS FOR TRANSITIONAL SUBSIDIZED JOBS.** To be
17 eligible to employ a participant under s. 49.147 (3m), an employer must be selected
18 by the department under this subsection. The department shall request from
19 employers proposals for employing participants under s. 49.147 (3m). The
20 department shall select, and enter into contracts with, employers that meet the
21 criteria established under sub. (1) and that demonstrate the ability to do all of the
22 following:

23 (a) Create useful transitional subsidized private sector jobs.

24 (b) Provide effective supervision for participants.

25 (c) Manage payroll, taxes, and other financial matters in a responsible manner.

SENATE BILL 44**SECTION 1213**

1 (d) Coordinate closely and cooperatively with a Wisconsin Works agency in
2 moving participants employed by the employer under s. 49.147 (3m) into stable
3 unsubsidized employment as quickly as possible.

4 (e) Comply in all respects with the Wisconsin Works program.

5 **SECTION 1214.** 49.1465 of the statutes is created to read:

6 **49.1465 Education and training. (1) EDUCATIONAL NEEDS ASSESSMENT.** A
7 Wisconsin Works agency shall conduct an educational needs assessment of each
8 individual who applies for a Wisconsin Works employment position. If the individual
9 and the Wisconsin Works agency determine that the individual needs, or would
10 benefit from, education or training activities, including a course of study meeting the
11 standards established under s. 115.29 (4) for the granting of a declaration of
12 equivalency of high school graduation, the Wisconsin Works agency shall include
13 education or training activities in any employability plan developed for the
14 individual. The Wisconsin Works agency shall pay, or arrange for payment, for the
15 education or training services identified in the employability plan to the extent that
16 funds are available.

17 **(2) PROGRAM AND EMPLOYER COORDINATION.** A Wisconsin Works agency shall do
18 all of the following:

19 **SECTION 1215.** 49.147 (title) of the statutes is amended to read:

20 **49.147 (title) Wisconsin works Works; work programs and job access**
21 **loans.**

22 **SECTION 1216.** 49.147 (1) of the statutes is repealed.

23 **SECTION 1217.** 49.147 (1m) of the statutes is repealed.

24 **SECTION 1218.** 49.147 (2) (a) 1. of the statutes is amended to read:

SENATE BILL 44**SECTION 1218**

1 49.147 (2) (a) 1. An individual who applies for a Wisconsin ~~works~~ Works
2 employment position may be required by the Wisconsin ~~works~~ Works agency to
3 search for unsubsidized employment during the period that his or her application is
4 being processed as a condition of eligibility. ~~A Subject to sub. (3m) (f) 2., a participant~~
5 in a Wisconsin ~~works~~ Works employment position shall search for unsubsidized
6 employment throughout his or her participation. The department shall define by
7 rule satisfactory search efforts for unsubsidized employment.

8 **SECTION 1219.** 49.147 (3) (a) of the statutes is amended to read:

9 49.147 (3) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
10 administer a trial job program as part of its administration of the Wisconsin ~~works~~
11 Works program to improve the employability of individuals who are not otherwise
12 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~
13 Works agency, by providing work experience and training to assist them to move
14 promptly into unsubsidized employment. In determining an appropriate placement
15 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement
16 under this subsection over placements under subs. (3m), (4), and (5). The Wisconsin
17 ~~works~~ Works agency shall pay a wage subsidy to an employer that employs a
18 participant under this subsection and agrees to make a good faith effort to retain the
19 participant as a permanent unsubsidized employee after the wage subsidy is
20 terminated. The wage subsidy may not exceed \$300 per month for full-time
21 employment of a participant. For less than full-time employment of a participant
22 during a month, the wage subsidy may not exceed a dollar amount determined by
23 multiplying \$300 by a fraction, the numerator of which is the number of hours
24 worked by the participant in the month and the denominator of which is the number
25 of hours which would be required for full-time employment in that month.

SENATE BILL 44**SECTION 1220**

1 **SECTION 1220.** 49.147 (3m) of the statutes is created to read:

2 49.147 (3m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS. (a) *Administration.*

3 1. A Wisconsin Works agency shall administer a transitional subsidized private
4 sector job program as part of its administration of the Wisconsin Works program to
5 improve the employability of individuals who are not otherwise able to obtain
6 unsubsidized employment, as determined by the Wisconsin Works agency. If a
7 Wisconsin Works agency determines for a participant that a placement under sub.
8 (3) is inappropriate, or that an appropriate trial job is unavailable, and that a
9 placement under either this subsection or sub. (4) is appropriate, the participant
10 shall be allowed to choose between a placement under this subsection and a
11 placement under sub. (4), to the extent of the availability of appropriate transitional
12 subsidized private sector jobs and community service jobs. A placement under this
13 subsection shall be given priority over placements under sub. (5).

14 2. If a participant chooses a placement under this subsection, a Wisconsin
15 Works agency shall arrange for a transitional subsidized private sector job, if
16 available, to be offered to the participant at a reasonably accessible location with one
17 or more employers selected under s. 49.146 (2). Job offers under this subsection shall
18 be limited by the number of employers selected under s. 49.146 (2) and the number
19 and types of employment positions available with each employer, as provided in the
20 employer's contract with the department.

21 3. An employer that employs a participant under this subsection shall be
22 reimbursed by the department for up to 100% of the employer's costs that are
23 attributable to employment of the participant, as determined by the department,
24 including any of the following:

25 a. Wages.

SENATE BILL 44**SECTION 1220**

- 1 b. Federal social security taxes.
- 2 c. State and federal unemployment contributions or taxes, if any.
- 3 d. Worker’s compensation insurance premiums, if any.
- 4 e. Liability insurance premiums, if any.
- 5 f. Supervisory costs and other overhead as specified in the employer’s contract
- 6 with the department.

7 (b) *Jobs description.* 1. To the extent possible, each transitional subsidized

8 private sector job shall be designed by the employer, in consultation with the

9 Wisconsin Works agency and the department, to meet the needs and fit the abilities

10 of the participant to whom the job is offered. Each transitional subsidized private

11 sector job shall involve the performance of useful work. Employers offering

12 transitional subsidized private sector jobs and the department shall consult with

13 labor unions representing public sector employees on the design of transitional

14 subsidized private sector jobs to ensure compliance with s. 49.141 (5).

15 2. The department may design transitional subsidized private sector jobs that

16 do any of the following:

17 a. Allow a participant to work in supported employment, if the Wisconsin

18 Works agency determines that the participant is highly unlikely to be able to obtain

19 or retain unsubsidized employment at a minimum wage.

20 b. Allow a participant to care for a severely disabled child or other relative of

21 the participant, if the Wisconsin Works agency determines that such an

22 arrangement would be cost-effective for taxpayers.

23 (c) *Required hours.* Unless a different number of hours is recommended on a

24 case-by-case basis by the Wisconsin Works agency in accordance with guidelines

25 established by the department, each transitional subsidized private sector job shall

SENATE BILL 44**SECTION 1220**

1 provide at least 25 hours, but not more than 30 hours, of work per week to allow a
2 participant time to continue to search for unsubsidized employment, as required
3 under par. (f).

4 (d) *Employer-employee relationship.* 1. Except as otherwise provided in this
5 subsection or in a contract between the department and the employer, a participant
6 who accepts a transitional subsidized private sector job with an employer selected
7 under s. 49.146 (2) is an employee of that employer for all purposes and in all
8 respects. The participant shall be supervised in the same manner as the employer's
9 other employees, shall be covered under the employer's worker's compensation
10 coverage, and shall receive his or her paycheck in the same manner as the employer's
11 other employees, with appropriate payroll deductions. The department may require
12 an employer to provide a sick leave benefit to a participant in a transitional
13 subsidized private sector job.

14 2. A participant working in a transitional subsidized private sector job may be
15 terminated from employment by the employer, in accordance with guidelines
16 established by the department, for misconduct, failure to perform work
17 satisfactorily, or repeated unexcused absences from work. A participant who
18 believes that he or she has been wrongfully terminated under this subdivision from
19 a transitional subsidized private sector job may appeal the termination to the
20 department.

21 (e) *Time-limited participation.* A participant under this subsection may be
22 employed in any one transitional subsidized private sector job for a maximum of 6
23 months, unless granted an extension by the Wisconsin Works agency. A participant
24 may be employed in more than one transitional subsidized private sector job, and at
25 the conclusion of each assignment under this subsection, the Wisconsin Works

SENATE BILL 44**SECTION 1220**

1 agency shall reassess the individual's employability. A participant's employment
2 under this subsection may not exceed 24 months, which need not be consecutive. The
3 department or, with the approval of the department, the Wisconsin Works agency
4 may grant an extension of the 24-month limit on a case-by-case basis if any of the
5 following applies:

6 1. The participant is employed under par. (b) 2. a. or b.

7 2. The participant has made all appropriate job search efforts but has been
8 unable to find unsubsidized employment because local labor market conditions
9 preclude a reasonable job opportunity for that participant, as determined by a
10 Wisconsin Works agency and approved by the department.

11 (f) *Unsubsidized employment search.* 1. Except as provided in subd. 2., a
12 participant in a transitional subsidized private sector job shall search for
13 unsubsidized employment throughout his or her participation, including any time
14 during which the participant is pursuing education or training under par. (g). The
15 Wisconsin Works agency shall determine, in accordance with guidelines established
16 by the department, the number of hours that a participant in a transitional
17 subsidized private sector job should reasonably spend searching for unsubsidized
18 employment.

19 2. A Wisconsin Works agency may grant a participant in a transitional
20 subsidized private sector job an exception to the requirement under subd. 1. if any
21 of the following applies:

22 a. The participant is employed under par. (b) 2. a. or b.

23 b. The Wisconsin Works agency determines, in accordance with guidelines
24 established by the department, that the participant has made all appropriate job

SENATE BILL 44**SECTION 1220**

1 search efforts but has been unable to find unsubsidized employment because local
2 labor market conditions preclude a reasonable job opportunity for that participant.

3 3. If the Wisconsin Works agency determines that a participant working in a
4 transitional subsidized private sector job is not making satisfactory or good faith
5 efforts to seek unsubsidized employment after having been given appropriate notice
6 by the Wisconsin Works agency, as defined by the department, the participant shall
7 be terminated from his or her employment in the transitional subsidized private
8 sector job. A participant who believes that he or she has been wrongfully terminated
9 under this subdivision may appeal the termination to the department.

10 (g) *Education or training substitution.* 1. If a participant has been employed
11 in a transitional subsidized private sector job for at least 2 weeks and the employer
12 determines that the participant's work performance has been satisfactory, the
13 participant and the Wisconsin Works agency, in consultation with the employer, may
14 enter into an agreement under which all of the following occur:

15 a. The participant enrolls in an education or training program that the
16 participant and Wisconsin Works agency agree has a high probability of enabling the
17 participant to acquire skills leading to unsubsidized employment.

18 b. The participant's work hours in the transitional subsidized private sector job
19 are reduced to between 15 and 20 hours per week.

20 c. The Wisconsin Works agency pays the participant a stipend equal to 90% of
21 the wages that the participant would have earned in the transitional subsidized
22 private sector job if his or her hours had not been reduced.

23 2. A stipend under subd. 1. c. may not be paid for longer than 3 months, unless
24 the Wisconsin Works agency recommends a longer period in accordance with
25 guidelines established by the department. In no case, however, may the stipend be

SENATE BILL 44**SECTION 1220**

1 paid after the participant's employment in the transitional subsidized private sector
2 job terminates.

3 **SECTION 1221.** 49.147 (4) (a) of the statutes is amended to read:

4 49.147 (4) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
5 administer a community service job program as part of its administration of
6 Wisconsin ~~works~~ Works to improve the employability of an individual who is not
7 otherwise able to obtain employment, as determined by the Wisconsin ~~works~~ Works
8 agency, by providing work experience and training, if necessary, to assist the
9 individual to move promptly into unsubsidized public or private employment or a
10 trial job. In determining an appropriate placement for a participant, a Wisconsin
11 ~~works~~ Works agency shall give placement under this subsection priority over
12 placements under sub. (5). If a Wisconsin Works agency determines that placement
13 is appropriate for a participant under either this subsection or sub. (3m), the
14 participant shall be allowed to choose between a placement under this subsection
15 and a placement under sub. (3m), to the extent of the availability of appropriate
16 transitional subsidized private sector jobs and community service jobs. Community
17 service jobs shall be limited to projects that the department determines would serve
18 a useful public purpose or projects the cost of which is partially or wholly offset by
19 revenue generated from such projects. After each 6 months of an individual's
20 participation under this subsection and at the conclusion of each assignment under
21 this subsection, a Wisconsin ~~works~~ Works agency shall reassess the individual's
22 employability.

23 **SECTION 1222.** 49.147 (5) (a) 3. of the statutes is amended to read:

SENATE BILL 44**SECTION 1222**

1 49.147 (5) (a) 3. The Wisconsin ~~works~~ Works agency determines that the
2 individual is incapable of performing a trial job, transitional subsidized private
3 sector job, or community service job.

4 **SECTION 1223.** 49.147 (6) of the statutes, as affected by 2003 Wisconsin Act ...
5 (this act), is renumbered 49.1471, and 49.1471 (title), (1) (c), (2) (c), (3m) (b) and (4)
6 (intro.), as renumbered, are amended to read:

7 **49.1471** (title) **Job Wisconsin Works; job access loan loans.**

8 **(1)** (c) The individual is not in default with respect to the repayment of any
9 previous job access loan or repayment of any grant ~~or~~, wage, or stipend overpayments
10 under ~~this section~~ Wisconsin Works.

11 **(2)** (c) The terms and conditions of repayment. The rules promulgated under
12 this ~~subdivision~~ paragraph shall provide for repayment by performance of in-kind
13 services. The rules shall establish criteria that the Wisconsin ~~works~~ Works agency
14 shall use to approve in-kind repayment of loans.

15 **(3m)** (b) ~~Subdivision 1. Paragraph (a)~~ Paragraph (a) applies to delinquent repayments
16 existing on or after the effective date of this ~~subdivision~~ paragraph ... [revisor inserts
17 date], regardless of when the loan was made or when the delinquency accrued.

18 **(4)** MINOR CUSTODIAL PARENTS. (intro.) An individual who would be eligible for
19 a job access loan under ~~par. (a) sub. (1)~~, except that the individual has not attained
20 the age of 18, is eligible under this ~~paragraph~~ subsection if the individual meets the
21 following requirements:

22 **SECTION 1224.** 49.147 (6) (c) of the statutes is amended to read:

23 49.147 (6) (c) *Distribution and administration.* From the appropriations under
24 s. 20.445 (3) ~~(e)~~ (dz), (jL), and (md), the department shall distribute funds for job

SENATE BILL 44**SECTION 1224**

1 access loans to a Wisconsin ~~works~~ Works agency, which shall administer the loans
2 in accordance with rules promulgated by the department.

3 **SECTION 1225.** 49.147 (6) (cm) of the statutes is created to read:

4 49.147 (6) (cm) *Collection of delinquent repayments.* 1. The department of
5 workforce development may, in the manner provided in s. 49.85, collect job access
6 loan repayments that are delinquent under the terms of a repayment agreement.
7 The department of workforce development shall credit all delinquent repayments
8 collected by the department of revenue as a setoff under s. 71.93 to the appropriation
9 account under s. 20.445 (3) (jL). Use of the process under s. 49.85 does not preclude
10 the department of workforce development from collecting delinquent repayments
11 through other legal means.

12 2. Subdivision 1. applies to delinquent repayments existing on or after the
13 effective date of this subdivision [revisor inserts date], regardless of when the loan
14 was made or when the delinquency accrued.

15 **SECTION 1226.** 49.148 (1) (intro.) of the statutes is amended to read:

16 49.148 (1) **BENEFIT LEVELS AND WAGES FOR PARTICIPANTS IN EMPLOYMENT**
17 **POSITIONS.** (intro.) A participant in a Wisconsin ~~works~~ Works employment position
18 shall receive the following benefits or wages:

19 **SECTION 1227.** 49.148 (1) (am) of the statutes is created to read:

20 49.148 (1) (am) *Transitional subsidized private sector jobs.* For a participant
21 in a transitional subsidized private sector job, the prevailing federal minimum wage
22 for hours actually worked, paid by the participant's employer.

23 **SECTION 1228.** 49.148 (1) (b) 1. of the statutes is amended to read:

24 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
25 community service job under s. 49.147 (4), a monthly grant of \$673, paid by the

SENATE BILL 44**SECTION 1228**

1 Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or
2 education or training activities without good cause, the grant amount shall be
3 reduced by \$5.15. Good cause shall be determined by the financial and employment
4 planner in accordance with rules promulgated by the department. Good cause shall
5 include required court appearances for a victim of domestic abuse. If a participant
6 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
7 per week because the participant has unsubsidized employment, ~~as defined in s.~~
8 ~~49.147 (1) (e)~~, the grant amount under this paragraph shall equal the amount
9 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work
10 or education or training activities without good cause.

11 **SECTION 1229.** 49.148 (1m) (a) of the statutes is amended to read:

12 49.148 **(1m)** (a) A person who meets the eligibility requirements under s.
13 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks 6 months
14 ~~old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may~~
15 receive a monthly grant of \$673 unless another adult member of the custodial
16 parent's Wisconsin ~~works~~ Works group is participating in, or is eligible to participate
17 in, a Wisconsin ~~works~~ Works employment position or is employed in unsubsidized
18 employment, ~~as defined in s. 49.147 (1) (e)~~. A Wisconsin ~~works~~ Works agency may
19 not require a participant under this subsection to participate in any Wisconsin Works
20 employment positions. ~~Receipt of a grant under this subsection does not constitute~~
21 ~~participation in a Wisconsin works employment position for purposes of the time~~
22 ~~limits under s. 49.145 (2) (n) or 49.147 (3) (e), (4) (b) or (5) (b) 2. if the child is born~~
23 ~~to the participant not more than 10 months after the date that the participant was~~
24 ~~first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works~~
25 ~~employment position.~~

SENATE BILL 44**SECTION 1230**

1 **SECTION 1230.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (b)
2 2. and amended to read:

3 49.148 **(1m)** (b) 2. Receipt of a grant under this subsection constitutes
4 participation in a Wisconsin ~~works~~ Works employment position for purposes of the
5 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if
6 the child is born to the participant more than 10 months after the date that the
7 participant was first determined to be eligible for assistance under s. 49.19 or for a
8 Wisconsin ~~works~~ Works employment position unless the child was conceived as a
9 result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother
10 did not indicate a freely given agreement to have sexual intercourse or of incest in
11 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
12 to a physician and to law enforcement authorities.

13 **SECTION 1231.** 49.148 (1m) (b) 1. of the statutes is created to read:

14 49.148 **(1m)** (b) 1. Receipt of a grant under this subsection does not constitute
15 participation in a Wisconsin Works employment position for purposes of the time
16 limits under s. 49.145 (2) (n) or 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if the child
17 is born to the participant not more than 10 months after the date that the participant
18 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
19 Works employment position.

20 **SECTION 1232.** 49.148 (4) (a) of the statutes is amended to read:

21 49.148 **(4)** (a) A Wisconsin ~~works~~ Works agency shall require a participant in
22 a transitional subsidized private sector job, community service job, or transitional
23 placement who, after August 22, 1996, was convicted in any state or federal court of
24 a felony that had as an element possession, use, or distribution of a controlled
25 substance to submit to a test for use of a controlled substance as a condition of

SENATE BILL 44**SECTION 1232**

1 continued eligibility. If the test results are positive, the Wisconsin ~~works~~ Works
2 agency shall decrease the presanction benefit amount for ~~that a participant in a~~
3 community service job or a transitional placement not more than 15%, ~~and shall~~
4 decrease the number of hours that a participant in a transitional subsidized private
5 sector job may work by up to 15%, for not fewer than 12 months, or for the remainder
6 of the participant's period of participation in a transitional subsidized private sector
7 job, community service job, or transitional placement, if less than 12 months. If, at
8 the end of 12 months, the individual is still a participant in a transitional subsidized
9 private sector job, community service job, or transitional placement and submits to
10 another test for use of a controlled substance and if the results of the test are
11 negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction in
12 benefits or work hours under this paragraph.

13 **SECTION 1233.** 49.148 (4) (b) of the statutes is amended to read:

14 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
15 who tests positive for use of a controlled substance under par. (a) to participate in a
16 drug abuse evaluation, assessment, and treatment program as part of the
17 participation requirement under s. 49.147 (4) (as) or (5) (bs) or as a condition of
18 employment in the transitional subsidized private sector job.

19 **SECTION 1234.** 49.149 (intro.) of the statutes is repealed.

20 **SECTION 1235.** 49.149 (1) of the statutes is renumbered 49.1465 (2) (a).

21 **SECTION 1236.** 49.149 (3) of the statutes is renumbered 49.1465 (2) (b).

22 **SECTION 1237.** 49.149 (4) of the statutes is renumbered 49.1465 (2) (c).

23 **SECTION 1238.** 49.15 (3) (a) of the statutes is amended to read:

24 49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (e).

25 **SECTION 1239.** 49.152 (1) of the statutes is amended to read:

SENATE BILL 44**SECTION 1239**

1 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
2 component of Wisconsin works Works is not acted upon by the Wisconsin works
3 Works agency with reasonable promptness after the filing of the application, as
4 defined by the department by rule, or is denied in whole or in part, whose benefit,
5 wage, or stipend is modified or canceled, or who believes that the benefit, wage, or
6 stipend was calculated incorrectly or that the Wisconsin Works employment position
7 in which the individual was placed or the transitional subsidized private sector job
8 that the individual was offered is inappropriate, may petition the Wisconsin works
9 Works agency for a review of such action. Review is unavailable if the action by the
10 Wisconsin works Works agency occurred more than 45 days prior to submission of
11 the petition for review.

12 **SECTION 1240.** 49.152 (3) (a) of the statutes is amended to read:

13 49.152 (3) (a) If, following review under sub. (2), the Wisconsin works Works
14 agency or the department determines that an individual, whose application for a
15 Wisconsin works Works employment position was denied based on eligibility, was in
16 fact eligible, or that the individual was placed in an inappropriate Wisconsin works
17 Works employment position or offered an inappropriate transitional subsidized
18 private sector job, the Wisconsin works Works agency shall place the individual in
19 the first available Wisconsin works Works employment position, or offer the
20 individual the first available transitional subsidized private sector job, that is
21 appropriate for that individual, as determined by the Wisconsin works Works agency
22 or the department. An individual who is placed in a Wisconsin works employment
23 position under this paragraph is eligible for the benefit for that position under s.
24 49.148 beginning on the date on which the individual begins participation under s.
25 49.147.

SENATE BILL 44**SECTION 1241**

1 **SECTION 1241.** 49.152 (3) (b) of the statutes is amended to read:

2 49.152 (3) (b) If, following review under sub. (2), the Wisconsin works Works
3 agency or the department determines that a participant's benefit, wage, or stipend
4 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin
5 works Works agency shall restore the benefit, wage, or stipend to the level
6 determined to be appropriate by the Wisconsin works Works agency or by the
7 department retroactive to the date on which the benefit, wage, or stipend was first
8 improperly modified or canceled or incorrectly calculated.

9 **SECTION 1242.** 49.155 (1g) (b) of the statutes is amended to read:

10 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
11 \$44,955,200 in fiscal year 2001-02 and \$27,977,500 \$6,679,100 in each fiscal year
12 2002-03 for the purposes of providing technical assistance for child care providers,
13 for administering the child care program under this section and for grants under s.
14 49.136 (2) for the start-up and expansion of child day care services, for child day care
15 start-up and expansion planning, for grants under s. 49.134 (2) for child day care
16 resource and referral services, for grants under s. 49.137 (3) to assist child care
17 providers in meeting the quality of care standards established under sub. (1d), for
18 a system of rates or a program of grants, as provided under sub. (1d), for
19 reimbursement of child care providers that meet those quality of care standards, for
20 grants under s. 49.137 (2) and (4m), for a child care scholarship and bonus program,
21 for safe child care activities, and for administration of the department's office of child
22 care, and for contracts under s. 49.137 (4) to improve the quality of child day care
23 services in this state.

24 **SECTION 1243.** 49.155 (1g) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 1243**

1 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
2 transfer \$4,549,500 ~~\$4,440,600~~ in fiscal year 2001-02 ~~2003-04~~ and \$4,733,700
3 ~~\$4,507,900~~ in fiscal year 2002-03 ~~2004-05~~ to the appropriation account under s.
4 20.435 (3) (kx).

5 **SECTION 1244.** 49.155 (1g) (d) of the statutes is repealed.

6 **SECTION 1245.** 49.155 (1m) (a) 3. of the statutes is amended to read:

7 49.155 (1m) (a) 3. Work in a Wisconsin ~~works~~ Works employment position,
8 including participation in job search, orientation and training activities under s.
9 49.147 (2) (a) ~~or (3m) (f)~~ and in education or training activities under s. ~~49.1465 or~~
10 49.147 (3) (am), ~~(3m) (g)~~, (4) (am), or (5) (bm).

11 **SECTION 1246.** 49.161 (4) of the statutes is created to read:

12 49.161 (4) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS. The
13 department shall by rule specify a process for recovering an overpayment of wages
14 paid under s. 49.148 (1) (am) or an overpayment of a stipend paid under s. 49.147
15 (3m) (g), including an overpayment caused by an intentional violation of ss. 49.141
16 to 49.161 or of rules promulgated under those sections, that permits an employer to
17 recover a wage overpayment from the individual to whom the wage was paid and that
18 requires the department to recover from an employer any overpayment of a
19 reimbursement paid by the department to the employer.

20 **SECTION 1247.** 49.1635 (1) of the statutes is amended to read:

21 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
22 from the appropriation under s. 20.445 (3) (md) the department ~~shall~~ may distribute
23 funds to the Wisconsin Trust Account Foundation in an amount ~~equal~~ up to the
24 amount received by the foundation from private donations, but not to exceed
25 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under

SENATE BILL 44**SECTION 1247**

1 this subsection may be used only for the provision of legal services to individuals who
2 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
3 whose incomes are at or below 200% of the poverty line.

4 **SECTION 1248.** 49.167 (1) (intro.) of the statutes is amended to read:

5 49.167 (1) (intro.) The department shall may award grants to counties, tribal
6 governing bodies, and private entities to provide community-based alcohol and
7 other drug abuse treatment programs that are targeted at individuals who have a
8 family income of not more than 200% of the poverty line and who are eligible for
9 temporary assistance for needy families under 42 USC 601 et seq. and that do all of
10 the following:

11 **SECTION 1249.** 49.167 (2) (intro.) of the statutes is amended to read:

12 49.167 (2) (intro.) The department shall do all of the following with respect to
13 ~~the~~ any grants awarded under par. (a):

14 **SECTION 1250.** 49.169 (2) of the statutes is amended to read:

15 49.169 (2) The department shall may award ~~not more than \$1,404,100 in~~
16 grants to qualified applicants for the provision of literacy training to individuals who
17 are eligible for temporary assistance for needy families under 42 USC 601 ~~et.~~ et seq.

18 **SECTION 1251.** 49.169 (4) of the statutes is amended to read:

19 49.169 (4) The department, in consultation with the technical college system
20 board, the department of public instruction, and the governor's office, shall develop
21 written criteria to be used to evaluate ~~the~~ any grant proposals and to allocate ~~the~~ any
22 grants under this section among ~~the~~ successful grant applicants.

23 **SECTION 1252.** 49.175 (1) (intro.) of the statutes is amended to read:

24 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
25 the limits of the appropriations under s. 20.445 (3) (a), (cm), ~~(de)~~, (dz), ~~(e)~~, (jL), (k),

SENATE BILL 44**SECTION 1252**

1 ~~(kx)~~, (L), (mc), (md), and (nL), ~~(pm)~~, ~~and~~ ~~(ps)~~, the department shall allocate the
2 following amounts for the following purposes:

3 **SECTION 1253.** 49.175 (1) (a) of the statutes is amended to read:

4 49.175 (1) (a) *Wisconsin works Works benefits, wages, and stipends.* For
5 Wisconsin ~~works~~ Works benefits provided under contracts having a term that begins
6 on January 1, 2000 2002, and ends on December 31, 2001 2003, \$24,654,800
7 \$35,713,700 in fiscal year 2001-02 2003-04; and for Wisconsin ~~works~~ Works
8 benefits, wages, and stipends provided under contracts having a term that begins on
9 January 1, 2002 2004, and ends on December 31, 2003 2005, \$24,654,800
10 \$35,713,800 in fiscal year 2001-02 2003-04 and \$49,309,600 \$78,410,800 in fiscal
11 year 2002-03 2004-05.

12 **SECTION 1254.** 49.175 (1) (b) of the statutes is amended to read:

13 49.175 (1) (b) *Wisconsin works Works administration and ancillary services.*
14 For administration of Wisconsin ~~works~~ and ~~program services~~ under Wisconsin ~~works~~
15 Works performed under contracts under s. 49.143 having a term that begins on
16 January 1, 2000 2002, and ends on December 31, 2001, ~~\$63,269,900~~ 2003,
17 \$11,139,800 in fiscal year 2001-02 2003-04; and for administration of Wisconsin
18 ~~works and program services~~ under Wisconsin ~~works~~ Works performed under
19 contracts under s. 49.143 having a term that begins on January 1, 2002 2004, and
20 ends on December 31, 2003, ~~\$49,610,800~~ 2005, \$11,139,900 in fiscal year 2001-02
21 2003-04 and ~~\$99,221,600~~ \$22,279,700 in fiscal year 2002-03 2004-05.

22 **SECTION 1255.** 49.175 (1) (c) of the statutes is amended to read:

23 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
24 to Wisconsin ~~works~~ Works agencies that have entered into contracts under s. 49.143

SENATE BILL 44**SECTION 1255**

1 having a term that begins on January 1, ~~2000~~ 2002, and that ends on
2 December 31, ~~2001, \$12,820,800~~ 2003, \$0 in fiscal year ~~2001-02~~ 2003-04.

3 **SECTION 1256.** 49.175 (1) (d) of the statutes is repealed.

4 **SECTION 1257.** 49.175 (1) (e) of the statutes is repealed.

5 **SECTION 1258.** 49.175 (1) (f) of the statutes is created to read:

6 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
7 Wisconsin Works, including transportation assistance for individuals who are
8 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,
9 provided under contracts under s. 49.143 having a term that begins on January 1,
10 2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for
11 program services under Wisconsin Works, including transportation assistance for
12 individuals who are eligible to receive temporary assistance for needy families under
13 42 USC 601 et seq., education and training, mentoring, and other services provided
14 under contracts under s. 49.143 having a term that begins on January 1, 2004, and
15 ends on December 31, 2005, \$27,803,300 in fiscal year 2003-04 and \$55,606,600 in
16 fiscal year 2004-05.

17 **SECTION 1259.** 49.175 (1) (g) of the statutes is amended to read:

18 49.175 (1) (g) *State administration of public assistance programs.* For state
19 administration of public assistance programs, ~~\$24,680,700 in fiscal year 2001-02~~
20 ~~and \$24,693,200~~ \$18,552,100 in each fiscal year ~~2002-03~~.

21 **SECTION 1260.** 49.175 (1) (h) of the statutes is repealed.

22 **SECTION 1261.** 49.175 (1) (i) of the statutes is amended to read:

23 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
24 \$3,300,000 \$4,500,000 in each fiscal year.

25 **SECTION 1262.** 49.175 (1) (j) of the statutes is repealed.

SENATE BILL 44**SECTION 1263**

1 **SECTION 1263.** 49.175 (1) (n) of the statutes is amended to read:

2 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),
3 ~~\$600,000~~ \$200,000 in each fiscal year.

4 **SECTION 1264.** 49.175 (1) (n) of the statutes, as affected by 2003 Wisconsin Act
5 ... (this act), is amended to read:

6 49.175 (1) (n) *Job access loans.* For job access loans under s. ~~49.147 (6)~~ 49.1471,
7 \$200,000 in each fiscal year.

8 **SECTION 1265.** 49.175 (1) (p) of the statutes is amended to read:

9 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
10 49.155, ~~\$274,500,000~~ \$293,634,300 in fiscal year ~~2001-02~~ 2003-04 and
11 ~~\$305,550,000~~ \$291,385,000 in fiscal year ~~2002-03~~ 2004-05.

12 **SECTION 1266.** 49.175 (1) (q) of the statutes is amended to read:

13 49.175 (1) (q) *Indirect child care services.* For indirect child care services under
14 s. 49.155 (1g), ~~\$24,293,900~~ \$6,859,400 in fiscal year ~~2001-02~~ 2003-04 and
15 ~~\$15,458,000~~ \$6,926,700 in fiscal year ~~2002-03~~ 2004-05.

16 **SECTION 1267.** 49.175 (1) (qm) of the statutes is amended to read:

17 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
18 grant program under s. 49.137 (4m), ~~\$25,210,800~~ in fiscal year ~~2001-02~~ and
19 ~~\$17,253,200~~ \$4,395,500 in each fiscal year ~~2002-03~~.

20 **SECTION 1268.** 49.175 (1) (r) of the statutes is amended to read:

21 49.175 (1) (r) *Early childhood excellence initiative.* For grants under s. 49.1375,
22 ~~\$11,395,900~~ in fiscal year ~~2001-02~~ and ~~\$2,750,000~~ \$2,500,000 in each fiscal year
23 ~~2002-03~~.

24 **SECTION 1269.** 49.175 (1) (u) of the statutes is amended to read:

SENATE BILL 44**SECTION 1269**

1 49.175 (1) (u) *Workforce attachment and advancement program*. For services
2 specified under s. 49.173, ~~\$9,641,000 in fiscal year 2001-02 and \$7,842,200~~
3 ~~\$2,000,000 in each~~ fiscal year ~~2002-03~~.

4 **SECTION 1270.** 49.175 (1) (v) of the statutes is repealed.

5 **SECTION 1271.** 49.175 (1) (y) of the statutes is repealed.

6 **SECTION 1272.** 49.175 (1) (z) of the statutes is amended to read:

7 49.175 (1) (z) ~~Community youth grant~~ Grants to the Boys and Girls Clubs of
8 America. For a ~~competitive grant program administered by the department grants~~
9 ~~to the Wisconsin Chapter of the Boys and Girls Clubs of America~~ to fund programs
10 that improve social, academic, and employment skills of youth who are eligible to
11 receive temporary assistance for needy families under 42 USC 601 et seq.,
12 ~~\$7,829,700 in fiscal year 2001-02 and \$300,000 in each~~ fiscal year ~~2002-03~~.

13 **SECTION 1273.** 49.175 (1) (zd) of the statutes is repealed.

14 **SECTION 1274.** 49.175 (1) (ze) 1. of the statutes is amended to read:

15 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
16 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
17 (3p), ~~\$24,852,600~~ \$24,155,700 in each fiscal year.

18 **SECTION 1275.** 49.175 (1) (ze) 2. of the statutes is amended to read:

19 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
20 payments made under s. 49.775 for the support of the dependent children of
21 recipients of supplemental security income, ~~\$20,145,000~~ \$20,883,700 in fiscal year
22 ~~2001-02~~ 2003-04 and ~~\$19,796,000~~ \$19,969,800 in fiscal year ~~2002-03~~ 2004-05.

23 **SECTION 1276.** 49.175 (1) (ze) 6. of the statutes is repealed.

24 **SECTION 1277.** 49.175 (1) (ze) 7. of the statutes is repealed.

25 **SECTION 1278.** 49.175 (1) (ze) 8. of the statutes is amended to read:

SENATE BILL 44**SECTION 1278**

1 49.175 (1) (ze) 8. 'Domestic abuse services grants.' For the domestic abuse
2 services grants under s. 46.95 (2), \$1,000,000 \$750,000 in each fiscal year.

3 **SECTION 1279.** 49.175 (1) (ze) 9. of the statutes is repealed.

4 **SECTION 1280.** 49.175 (1) (ze) 12. of the statutes is created to read:

5 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
6 the costs associated with the Milwaukee child welfare information system and the
7 Wisconsin statewide automated child welfare information system, \$1,695,700 in
8 fiscal year 2003-04 and \$1,741,300 in fiscal year 2004-05.

9 **SECTION 1281.** 49.175 (1) (zf) of the statutes is repealed.

10 **SECTION 1282.** 49.175 (1) (zg) of the statutes is repealed.

11 **SECTION 1283.** 49.175 (1) (zh) of the statutes is amended to read:

12 49.175 (1) (zh) *Taxable years 1999 and thereafter.* For the transfer of moneys
13 from the appropriation account under s. 20.445 (3) (md) to the appropriation account
14 under s. 20.835 (2) (kf) for the earned income tax credit, \$51,244,500 \$57,892,000 in
15 fiscal year 2001-02 2003-04 and \$55,160,000 \$50,300,000 in fiscal year 2002-03
16 2004-05.

17 **SECTION 1284.** 49.175 (1) (zj) of the statutes is amended to read:

18 49.175 (1) (zj) *Head start Start.* For the transfer of moneys to the department
19 of public instruction for ~~head start~~ Head Start agencies, \$3,712,500 \$3,500,000 in
20 each fiscal year.

21 **SECTION 1285.** 49.175 (1) (zk) of the statutes is repealed.

22 **SECTION 1286.** 49.179 of the statutes is repealed.

23 **SECTION 1287.** 49.19 (3) (b) of the statutes is amended to read:

24 49.19 (3) (b) If the county department under s. 46.215 or 46.22 finds a person
25 eligible for aid under this section, that county department shall, on a form to be

SENATE BILL 44**SECTION 1287**

1 prescribed by the department, direct the payment of such aid by order upon the state
2 treasurer secretary of administration. Payment of aid shall be made monthly, based
3 on a calendar month or fiscal month as defined by the department; except that the
4 director of the county department may, in his or her discretion for the purpose of
5 protecting the public, direct that the monthly allowance be paid in accordance with
6 sub. (5) (c).

7 **SECTION 1288.** 49.19 (5) (d) of the statutes is amended to read:

8 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
9 and cemetery expenses of a dependent child or the child's parents as provided in s.
10 ~~49.30~~ 49.785.

11 **SECTION 1289.** 49.19 (14) (b) of the statutes is amended to read:

12 49.19 (14) (b) If the state treasurer secretary of administration is unable to
13 issue a replacement check or draft requested under par. (a) because the original has
14 been paid, the department shall promptly authorize the issuance of a replacement
15 check or draft. If the state treasurer secretary of administration recovers the amount
16 of the original check or draft that amount shall be returned to the department. If the
17 state treasurer secretary of administration is unable to obtain recovery, the
18 department may pursue recovery.

19 **SECTION 1290.** 49.195 (title) of the statutes is amended to read:

20 **49.195 (title) Recovery of aid to families with dependent children and**
21 **Wisconsin works benefits Works payments.**

22 **SECTION 1291.** 49.195 (1) of the statutes is amended to read:

23 49.195 (1) If any parent at the time of receiving aid under s. 49.19, a stipend
24 under s. 49.147 (3m) (g), or a benefit under s. 49.148, 49.155, or 49.157, or at any time
25 thereafter, acquires property by gift, inheritance, sale of assets, court judgment, or

SENATE BILL 44**SECTION 1291**

1 settlement of any damage claim, or by winning a lottery or prize, the county granting
2 such aid, or the Wisconsin works Works agency granting such a stipend or benefit,
3 may sue the parent on behalf of the department to recover the value of that portion
4 of the aid ~~or of the, stipend, or~~ benefit ~~which that~~ does not exceed the amount of the
5 property so acquired. The value of the aid, stipend, or benefit liable for recovery
6 under this section may not include the value of work performed by a member of the
7 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
8 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
9 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
10 the 10-year statute of limitations may be pleaded in defense against any suit for
11 recovery under this section; and if such property is his or her homestead it shall be
12 exempt from execution on the judgment of recovery until his or her death or sale of
13 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
14 limitations, ~~where~~ if the aid, stipend, or benefit recipient is deceased, a claim may
15 be filed against any property in his or her estate and the statute of limitations
16 specified in s. 859.02 shall be exclusively applicable. The court may refuse to render
17 judgment or allow the claim in any case where a parent, spouse, or child is dependent
18 on the property for support, and the court in rendering judgment shall take into
19 account the current family budget requirement as fixed by the U.S. department of
20 labor for the community or as fixed by the authorities of the community in charge of
21 public assistance. The records of aid, stipend, or benefits paid kept by the county, by
22 the department, or by the Wisconsin works Works agency are prima facie evidence
23 of the value of the aid, stipend, or benefits ~~furnished~~ paid. Liability under this
24 section shall extend to any parent or stepparent whose family receives aid under s.
25 49.19, a stipend under s. 49.147 (3m) (g), or benefits under s. 49.148, 49.155, or

SENATE BILL 44**SECTION 1291**

1 49.157 during the period that he or she is a member of the same household, but his
2 or her liability is limited to such period. This section does not apply to medical and
3 health assistance payments for which recovery is prohibited or restricted by federal
4 law or regulation.

5 **SECTION 1292.** 49.195 (3) of the statutes is amended to read:

6 49.195 (3) A county, tribal governing body, or Wisconsin works Works agency
7 or the department shall determine whether an overpayment has been made under
8 s. ~~49.19~~ 49.147 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 and, if so, the amount of
9 the overpayment. The county, tribal governing body, or Wisconsin works Works
10 agency or the department shall provide notice of the overpayment to the liable
11 person. The department shall give that person an opportunity for a review following
12 the procedure specified under s. 49.152, if the person received the overpayment
13 under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96,
14 the department shall promptly recover all overpayments made under s. ~~49.19~~ 49.147
15 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under
16 s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and
17 procedures to administer this subsection. The rules shall include notification
18 procedures similar to those established for child support collections.

19 **SECTION 1293.** 49.22 (6) of the statutes is amended to read:

20 49.22 (6) The department shall establish, pursuant to federal and state laws,
21 rules, and regulations, a uniform system of fees for services provided under this
22 section to individuals not receiving aid under s. 46.261, 49.19, ~~or 49.47~~; stipends
23 under s. 49.147 (3m) (g); benefits or wages under s. 49.148, 49.155, or 49.79; foster
24 care maintenance payments under 42 USC 670 to 679a; or kinship care payments
25 under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The

SENATE BILL 44**SECTION 1293**

1 system of fees may take into account an individual's ability to pay. Any fee paid and
2 collected under this subsection may be retained by the county providing the service
3 except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

4 **SECTION 1294.** 49.22 (7m) of the statutes is amended to read:

5 49.22 (7m) The department may contract with or employ a collection agency
6 or other person to enforce a support obligation of a parent who is delinquent in
7 making support payments and may contract with or employ an attorney to appear
8 in an action in state or federal court to enforce such an obligation. To pay for the
9 department's administrative costs of implementing this subsection, the department
10 may charge a fee to counties, ~~retain up to 50% of any incentive payment made to this~~
11 ~~state under 42 USC 658 for a collection under this subsection, and retain use federal~~
12 ~~matching funds or funds retained by the department under s. 49.24 (2) (c), or use up~~
13 ~~to 30%~~ of this state's share of a collection made under this subsection on behalf of a
14 recipient of aid to families with dependent children or a recipient of kinship care
15 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57
16 (3n).

17 **SECTION 1295.** 49.22 (7m) of the statutes, as affected by 2003 Wisconsin Act
18 (this act), is amended to read:

19 49.22 (7m) The department may contract with or employ a collection agency
20 or other person to enforce a support obligation of a parent who is delinquent in
21 making support payments and may ~~contract with or employ~~ retain an attorney to
22 appear in an action in state or federal court to enforce such an obligation. To pay for
23 the department's administrative costs of implementing this subsection, the
24 department may charge a fee to counties, use federal matching funds or funds
25 retained by the department under s. 49.24 (2) (c), or use up to 30% of this state's share

SENATE BILL 44**SECTION 1295**

1 of a collection made under this subsection on behalf of a recipient of aid to families
2 with dependent children or a recipient of kinship care payments under s. 48.57 (3m)
3 or long-term kinship care payments under s. 48.57 (3n).

4 **SECTION 1296.** 49.24 (2) (b) of the statutes is amended to read:

5 49.24 (2) (b) The Except as provided in par. (c), the total of payments made to
6 counties under sub. (1) and in federal child support incentive payments may not
7 exceed \$12,340,000 per year.

8 **SECTION 1297.** 49.24 (2) (c) of the statutes is created to read:

9 49.24 (2) (c) If federal child support incentive payments that are received for
10 a year exceed the maximum specified in par. (b), 50% of the amount that exceeds the
11 maximum specified in par. (b) shall be distributed to counties according to the
12 formula under par. (a), subject to the incentive payments limit specified in par. (a),
13 and the remainder shall be retained by the department to pay the costs of the
14 department's activities under ss. 49.22 and 49.227 and costs related to receiving and
15 disbursing support and support-related payments.

16 **SECTION 1298.** 49.24 (3) of the statutes is amended to read:

17 49.24 (3) A county that receives any state child support incentive payment
18 under sub. (1) or any federal child support incentive payment under sub. (2) (a) or
19 (c) may use the funds only to pay costs under its child support program under s. 49.22.

20 **SECTION 1299.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

21 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
22 ~~works~~ Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5)
23 or who is a recipient of aid under s. 49.19 is subject to the school attendance
24 requirement under par. (ge) if all of the following apply:

25 **SECTION 1300.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

SENATE BILL 44**SECTION 1300**

1 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin ~~works~~
2 Works group that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5) and who
3 fails to meet the school attendance requirement under par. (ge) is subject to a
4 monthly sanction.

5 **SECTION 1301.** 49.26 (1) (hm) of the statutes is amended to read:

6 49.26 (1) (hm) The department may require consent to the release of school
7 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for ~~benefits~~
8 participation under s. 49.147 (3) to (5) or aid under s. 49.19.

9 **SECTION 1302.** 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as
10 renumbered, is amended to read:

11 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
12 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
13 applicable tribal governing body or organization for any amount that the county or
14 applicable tribal governing body or organization is required to pay under sub. (1).
15 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
16 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
17 governing body or organization for cemetery expenses or for funeral and burial
18 expenses for persons described under sub. (1) that the county or applicable tribal
19 governing body or organization is not required to pay under subs. (1) and (1m) only
20 if the department approves the reimbursement due to unusual circumstances.

21 **SECTION 1303.** 49.32 (2) (d) of the statutes is repealed.

22 **SECTION 1304.** 49.32 (4) of the statutes is repealed.

23 **SECTION 1305.** 49.32 (9) (a) of the statutes is amended to read:

24 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
25 administering aid to families with dependent children shall maintain a monthly

SENATE BILL 44**SECTION 1305**

1 report at its office showing the names of all persons receiving aid to families with
2 dependent children together with the amount paid during the preceding month.
3 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under
4 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
5 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under
6 s. 49.148 together with the amount paid during the preceding month. Nothing in this
7 paragraph shall be construed to authorize or require the disclosure in the report of
8 any information (~~including names, amounts of aid, or otherwise~~) other information,
9 pertaining to adoptions, or aid furnished for the care of children in foster homes or
10 treatment foster homes under s. 46.261 or 49.19 (10).

11 **SECTION 1306.** 49.32 (10) (b) of the statutes is amended to read:

12 49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that
13 a warrant has been issued and is outstanding for the arrest of a Wisconsin ~~works~~
14 Works participant, the law enforcement officer may request that a law enforcement
15 officer be notified when the participant appears to obtain his or her stipend or
16 benefits under the Wisconsin ~~works~~ Works program. At the request of a law
17 enforcement officer under this paragraph, an employee of a Wisconsin ~~works~~ Works
18 agency who disburses stipends or benefits may notify a law enforcement officer when
19 the participant appears to obtain Wisconsin ~~works~~ his or her stipend or benefits.

20 **SECTION 1307.** 49.32 (10m) (a) of the statutes is amended to read:

21 49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or
22 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice
23 to the recipient required by this paragraph, release the current address of a recipient
24 of relief under s. 49.01 (3), aid to families with dependent children, a stipend under
25 s. 49.147 (3m) (g), or benefits or wages under s. 49.148 to a person, the person's

SENATE BILL 44**SECTION 1307**

1 attorney, or an employee or agent of that attorney, if the person is a party to a legal
2 action or proceeding in which the recipient is a party or a witness, unless the person
3 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,
4 813.123, 813.125, or 813.127. If the person is a respondent in an action commenced
5 by the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county
6 department, relief agency, or Wisconsin ~~works~~ Works agency may not release the
7 current address of the recipient. No county department, relief agency, or Wisconsin
8 ~~works~~ Works agency may release an address under this paragraph until 21 days after
9 the address has been requested. A person requesting an address under this
10 paragraph shall be required to prove his or her identity and his or her participation
11 as a party in a legal action or proceeding in which the recipient is a party or a witness
12 by presenting a copy of the pleading or a copy of the subpoena for the witness. The
13 person shall also be required to sign a statement setting forth his or her name,
14 address, and the reasons for making the request and indicating that he or she
15 understands the provisions of par. (b) with respect to the use of the information
16 obtained. The statement shall be made on a form prescribed by the department and
17 shall be sworn and notarized. Within 7 days after an address has been requested
18 under this paragraph, the county department, relief agency, or Wisconsin ~~works~~
19 Works agency shall mail to each recipient whose address has been requested a
20 notification of that fact on a form prescribed by the department. The form shall also
21 include the date on which the address was requested, the name and address of the
22 person who requested the disclosure of the address, the reason that the address was
23 requested, and a statement that the address will be released to the person who
24 requested the address no sooner than 21 days after the date on which the request for
25 the address was made. County departments, relief agencies, and Wisconsin ~~works~~

SENATE BILL 44**SECTION 1307**

1 Works agencies shall keep a record of each request for an address under this
2 paragraph.

3 **SECTION 1308.** 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),
4 (4), (7), (8) (a) and (10), as renumbered, are amended to read:

5 49.78 (1) (b) "Income maintenance program" means the ~~medical assistance~~
6 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
7 health care program under s. 49.665, ~~or the food stamp program under 7 USC 2011~~
8 ~~to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.~~

9 (2) CONTRACTS. Annually, the department of ~~health and family services~~ shall
10 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
11 contract with tribal governing bodies, to reimburse the county departments and
12 tribal governing bodies for the reasonable cost of administering income maintenance
13 programs.

14 (4) RULES; MERIT SYSTEM. The department of workforce development shall
15 promulgate rules for the efficient administration of aid to families with dependent
16 children in agreement with the requirement for federal aid, including the
17 establishment and maintenance of personnel standards on a merit basis. The
18 provisions of this section relating to personnel standards on a merit basis supersede
19 any inconsistent provisions of any law relating to county personnel. This subsection
20 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

21 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. (4),
22 the department of workforce development where requested by the county shall
23 delegate to that county, without restriction because of enumeration, any or all of the
24 department's department of workforce development's authority under sub. (4) to
25 establish and maintain personnel standards including salary levels.

SENATE BILL 44**SECTION 1308**

1 **(8)** (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
2 subject to par. (b), the department of ~~health and family services~~ shall reimburse each
3 county and tribal governing body that contracts with the department under sub. (2)
4 for reasonable costs of administering the income maintenance programs. The
5 amount of each reimbursement paid under this paragraph shall be calculated using
6 a formula based on workload within the limits of available state and federal funds
7 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
8 reimbursement calculated under this paragraph and par. (b) is in addition to any
9 reimbursement provided to a county or tribal governing body for fraud and error
10 reduction under s. 49.197 (1m) and (4).

11 **(10) COUNTY CERTIFICATION.** (a) Each county treasurer and director of a county
12 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
13 certify monthly under oath to the department of ~~health and family services~~ in such
14 manner as the department of ~~health and family services~~ prescribes the claim of the
15 county for state reimbursement under sub. (8) (a). The department of ~~health and~~
16 ~~family services~~ shall review each claim of reimbursement and, if the department of
17 ~~health and family services~~ approves the claim, the department of ~~health and family~~
18 ~~services~~ shall certify to the department of administration for reimbursement to the
19 county for amounts due under sub. (8) (a) and payment claimed to be made to the
20 counties monthly. The department of ~~health and family services~~ may make advance
21 payments prior to the beginning of each month equal to one-twelfth of the contracted
22 amount.

23 (b) To facilitate prompt reimbursement the certificate of the department of
24 ~~health and family services~~ may be based on the certified statements of the county
25 officers or tribal governing body executives filed under par. (a). Funds recovered

SENATE BILL 44**SECTION 1308**

1 from audit adjustments from a prior fiscal year may be included in subsequent
2 certifications only to pay counties owed funds as a result of any audit adjustment.
3 By September 30 annually, the department of ~~health and family services~~ shall
4 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
5 recovered and paid out during the previous calendar year as a result of audit
6 adjustments.

7 **SECTION 1309.** 49.36 (2) of the statutes is amended to read:

8 49.36 (2) The department may contract with any county, tribal governing body,
9 or Wisconsin works Works agency to administer a work experience and job training
10 program for parents who are not custodial parents and who fail to pay child support
11 or to meet their children's needs for support as a result of unemployment or
12 underemployment. The program may provide the kinds of work experience and job
13 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
14 (3), (3m), or (4). The program may also include job search and job orientation
15 activities. The department shall fund the program from the appropriation under s.
16 20.445 (3) (dz).

17 **SECTION 1310.** 49.45 (2) (a) 3. of the statutes is amended to read:

18 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
19 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
20 policies adopted by the department and shall may, under a contract under s. 49.33
21 49.78 (2), designate delegate all, or any portion, of this function to the county
22 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

23 **SECTION 1311.** 49.45 (2) (a) 17. of the statutes is amended to read:

24 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
25 organization, the joint committee on finance and appropriate standing committees,

SENATE BILL 44**SECTION 1311**

1 as determined by the presiding officer of each house, if the appropriation accounts
2 under s. 20.435 (4) (b) is , (gp), and (r) are insufficient to provide the state share of
3 medical assistance.

4 **SECTION 1312.** 49.45 (2) (a) 25. of the statutes is created to read:

5 49.45 (2) (a) 25. a. For the privilege of doing business in this state, there is
6 imposed on each health maintenance organization, as defined in s. 609.01 (2), an
7 annual assessment of 1% of the health maintenance organization's gross revenues
8 for the immediately preceding calendar year. The assessment shall be deposited into
9 the Medical Assistance trust fund. The department shall determine the amount of
10 each health maintenance organization's assessment, based on a statement that the
11 health maintenance organization shall file annually, by March 1, with the office of
12 the commissioner of insurance. Each health maintenance organization shall pay
13 one-fourth of the total assessment quarterly, by March 31, June 30, September 30,
14 and December 31 of each year.

15 b. Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
16 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
17 subch. III of ch. 77, apply to the assessment under this section, except that the
18 amount of any assessment collected under subd. 25. a. shall be deposited into the
19 Medical Assistance trust fund.

20 c. The department shall levy, enforce, and collect the assessment under this
21 subdivision and shall develop and distribute forms necessary for levying and
22 collection.

23 d. The department shall promulgate rules that establish procedures and
24 requirements for levying the assessment under this subdivision.

SENATE BILL 44**SECTION 1312**

1 e. An affected health maintenance organization may contest an action by the
2 department under this subdivision by submitting a written request for a hearing to
3 the department within 3 days after the date of the department's action.

4 f. Any order or determination made by the department under a hearing as
5 specified in subd. 25. e. is subject to judicial review as prescribed under ch. 227.

6 **SECTION 1313.** 49.45 (3) (a) of the statutes is amended to read:

7 49.45 (3) (a) Reimbursement shall be made to each county department under
8 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the
9 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
10 purposes of reimbursement under this paragraph, assessments completed under s.
11 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
12 Assistance program.

13 **SECTION 1314.** 49.45 (3) (am) of the statutes is repealed.

14 **SECTION 1315.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

15 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
16 department shall give the applicant or recipient reasonable notice and opportunity
17 for a fair hearing. The department may make such additional investigation as it
18 considers necessary. Notice of the hearing shall be given to the applicant or recipient
19 ~~and to the county clerk or, if a Wisconsin works agency, if a county department under~~
20 s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance
21 determination, ~~the Wisconsin works agency~~ to the county clerk of the county. The
22 county ~~or the Wisconsin works agency~~ may be represented at such hearing. The
23 department shall render its decision as soon as possible after the hearing and shall
24 send a certified copy of its decision to the applicant or recipient, to the county clerk,
25 and to the any county officer ~~or the Wisconsin works agency~~ charged with

SENATE BILL 44**SECTION 1315**

1 administration of the ~~medical assistance~~ Medical Assistance program. The decision
2 of the department shall have the same effect as an order of the a county officer ~~or the~~
3 ~~Wisconsin works agency~~ charged with the administration of the ~~medical assistance~~
4 Medical Assistance program. The decision shall be final, but may be revoked or
5 modified as altered conditions may require. The department shall deny a petition
6 for a hearing or shall refuse to grant relief if:

7 **SECTION 1316.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

8 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
9 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
10 suspended, reduced, or discontinued until a decision is rendered after the hearing
11 but medical assistance payments made pending the hearing decision may be
12 recovered by the department if the contested decision or failure to act is upheld. ~~The~~
13 ~~department shall promptly notify the county department or, if a Wisconsin works~~
14 ~~agency~~ If a county department is responsible for making the medical assistance
15 determination, the ~~Wisconsin works agency~~ department shall notify the county
16 department of the county in which the recipient resides that the recipient has
17 requested a hearing. Medical assistance coverage shall be suspended, reduced, or
18 discontinued if:

19 **SECTION 1317.** 49.45 (5m) (title) of the statutes is amended to read:

20 49.45 (5m) (title) SUPPLEMENTAL FUNDING FOR RURAL CRITICAL ACCESS HOSPITALS.

21 **SECTION 1318.** 49.45 (5m) (am) of the statutes is amended to read:

22 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations
23 appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), and (w), the department
24 shall ~~distribute not more than \$2,256,000 in each fiscal year, to provide~~
25 ~~supplemental funds to rural hospitals that, as determined by the department, have~~

SENATE BILL 44**SECTION 1318**

1 ~~high utilization of inpatient services by patients whose care is provided from~~
2 ~~governmental sources, and to provide supplemental funds to critical access~~
3 ~~hospitals, except that the department may not distribute funds to a rural hospital~~
4 ~~or to a critical access hospital to the extent that the distribution would exceed any~~
5 ~~limitation under 42 USC 1396b (i) (3).~~

6 **SECTION 1319.** 49.45 (5m) (b) of the statutes is repealed.

7 **SECTION 1320.** 49.45 (6b) of the statutes is amended to read:

8 49.45 **(6b)** CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
9 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
10 services provided by the centers for the developmentally disabled. Reimbursement
11 to the centers for the developmentally disabled shall be reduced following each
12 placement made under s. 46.275 that involves a relocation from a center for the
13 developmentally disabled, by ~~\$200 per day, beginning in fiscal year 2001-02, and by~~
14 ~~\$225 per day, beginning in fiscal year 2002-03, and by \$325 per day, beginning in~~
15 fiscal year 2004-05.

16 **SECTION 1321.** 49.45 (6c) (a) 6m. of the statutes is created to read:

17 49.45 **(6c)** (a) 6m. "Intermediate facility" has the meaning given in s. 46.279
18 (1) (a).

19 **SECTION 1322.** 49.45 (6c) (b) of the statutes is amended to read:

20 49.45 **(6c)** (b) *Preadmission screening.* Except as provided in par. (e), ~~beginning~~
21 ~~on August 9, 1989,~~ every individual who applies for admission to a facility or to an
22 institution for mental diseases shall be screened to determine if the individual has
23 developmental disability or mental illness. ~~Beginning on August 9, 1989, the~~ The
24 department or an entity to which the department has delegated authority shall
25 screen every individual who has been identified as having a developmental disability

SENATE BILL 44**SECTION 1322**

1 or mental illness to determine if the individual needs facility care. If the individual
2 is determined to need facility care, the department or an entity to which the
3 department has delegated authority shall also assess the individual to determine if
4 he or she requires active treatment for developmental disability or active treatment
5 for mental illness. If the department or entity determines that the individual
6 requires active treatment for developmental disability, the department or entity
7 shall determine whether the level of care required by the individual that is provided
8 by a facility could be provided safely in an intermediate facility or under a plan that
9 is developed under s. 46.279 (4).

10 **SECTION 1323.** 49.45 (6c) (c) (intro.) of the statutes is amended to read:

11 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), the
12 department or an entity to which the department has delegated authority shall
13 review every resident of a facility or institution for mental diseases who has a
14 developmental disability or mental illness and who has experienced a significant
15 change in his or her physical or mental condition to determine if ~~any~~ all of the
16 following applies:

17 **SECTION 1324.** 49.45 (6c) (c) 1. of the statutes is amended to read:

18 49.45 (6c) (c) 1. The Whether the resident needs facility care.

19 **SECTION 1325.** 49.45 (6c) (c) 2. of the statutes is amended to read:

20 49.45 (6c) (c) 2. The Whether the resident requires active treatment for
21 developmental disability or active treatment for mental illness.

22 **SECTION 1326.** 49.45 (6c) (c) 3. of the statutes is created to read:

23 49.45 (6c) (c) 3. If the department or entity determines under subd. 1. that the
24 resident needs facility care and under subd. 2. that the resident requires active
25 treatment for developmental disability, whether the level of care required by the

SENATE BILL 44**SECTION 1326**

1 resident that is provided by a facility could be provided safely in an intermediate
2 facility or under a plan that is developed under s. 46.279 (4).

3 **SECTION 1327.** 49.45 (6m) (a) 4. of the statutes is repealed.

4 **SECTION 1328.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

5 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
6 subsection made under s. 20.435 (4) (b), (~~gp~~), (pa), (o), (~~r~~), (w), or (wm) shall, except
7 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
8 payment system updated annually by the department. The payment system shall
9 implement standards that are necessary and proper for providing patient care and
10 that meet quality and safety standards established under subch. II of ch. 50 and ch.
11 150. The payment system shall reflect all of the following:

12 **SECTION 1329.** 49.45 (6m) (ag) 2. of the statutes is amended to read:

13 49.45 (6m) (ag) 2. Standards Except as provided in subd. 3r., standards
14 established by the department that shall be based upon allowable costs incurred by
15 facilities in the state as available from information submitted under par. (c) 3. and
16 compiled by the department.

17 **SECTION 1330.** 49.45 (6m) (ag) 3m. of the statutes is amended to read:

18 49.45 (6m) (ag) 3m. For each state fiscal year 1999-2000, rates that shall be
19 set by the department based on information from cost reports for the 1998 most
20 recently completed fiscal year of the facility and for state fiscal year 2000-01, rates
21 that shall be set by the department based on information from cost reports for the
22 1999 fiscal year of the facility.

23 **SECTION 1331.** 49.45 (6m) (ag) 3m. of the statutes, as affected by 2003
24 Wisconsin Act (this act), is amended to read:

SENATE BILL 44**SECTION 1331**

1 49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the
2 department based on information from cost reports for costs specified under par. (am)
3 1. bm., 4., 5m., and 6. for the most recently completed fiscal year of the facility.

4 **SECTION 1332.** 49.45 (6m) (ag) 3r. of the statutes is created to read:

5 49.45 (6m) (ag) 3r. Flat-rate payment, as determined by the department, for
6 costs specified under par. (am) 1. a. and 2.

7 **SECTION 1333.** 49.45 (6m) (ag) 3r. of the statutes, as created by 2003 Wisconsin
8 Act (this act), is amended to read:

9 49.45 (6m) (ag) 3r. Flat-rate payment, ~~as determined by the department,~~ for
10 all costs specified under par. (am) 1. a. and 2.

11 **SECTION 1334.** 49.45 (6m) (am) 1. a. of the statutes is amended to read:

12 49.45 (6m) (am) 1. a. Personal comfort supplies; medical supplies;
13 over-the-counter drugs; and nonbillable services of a ward clerk, activity person,
14 recreation person, social worker, volunteer coordinator, teacher for residents aged 22
15 and older, vocational counselor for residents aged 22 and older, religious person,
16 therapy aide, therapy assistant, and counselor on resident living.

17 **SECTION 1335.** 49.45 (6m) (am) 1. b. of the statutes is repealed.

18 **SECTION 1336.** 49.45 (6m) (am) 1. bm. of the statutes is created to read:

19 49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed
20 practical nurse and nurse's assistant.

21 **SECTION 1337.** 49.45 (6m) (am) 1. d. of the statutes is repealed.

22 **SECTION 1338.** 49.45 (6m) (am) 1. e. of the statutes is repealed.

23 **SECTION 1339.** 49.45 (6m) (am) 3. (intro.) of the statutes is renumbered 49.45
24 (6m) (am) 2. c. and amended to read:

SENATE BILL 44**SECTION 1339**

1 49.45 (6m) (am) 2. c. Allowable fuel and utility costs, including the facility
2 expenses that the department determines are allowable for the provision of:
3 electrical service, water and sewer services, and heat.

4 **SECTION 1340.** 49.45 (6m) (am) 3. a. of the statutes is repealed.

5 **SECTION 1341.** 49.45 (6m) (am) 3. b. of the statutes is repealed.

6 **SECTION 1342.** 49.45 (6m) (am) 3. c. of the statutes is repealed.

7 **SECTION 1343.** 49.45 (6m) (am) 4. of the statutes is amended to read:

8 49.45 (6m) (am) 4. ~~Net property~~ Property tax or allowable municipal service
9 costs ~~incurred~~ paid by the owner of the facility for the facility.

10 **SECTION 1344.** 49.45 (6m) (am) 5. of the statutes is renumbered 49.45 (6m) (am)
11 2. d.

12 **SECTION 1345.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

13 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
14 allowable direct care costs, for facilities that do not primarily serve the
15 developmentally disabled, that take into account direct care costs for a sample of all
16 of those facilities in this state and separate standards for payment of allowable direct
17 care costs, for facilities that primarily serve the developmentally disabled, that take
18 into account direct care costs for a sample of all of those facilities in this state. The
19 standards shall be adjusted by the department for regional labor cost variations. ~~For~~
20 ~~facilities in Douglas, Pierce, and St. Croix counties, the department shall perform the~~
21 ~~adjustment by use of the wage index that is used by the federal department of health~~
22 ~~and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.~~

23 **SECTION 1346.** 49.45 (6m) (ar) 1. a. of the statutes, as affected by 2003
24 Wisconsin Act (this act), is amended to read:

SENATE BILL 44**SECTION 1346**

1 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
2 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
3 serve the developmentally disabled, that take into account direct care costs for a
4 sample of all of those facilities in this state and separate standards for payment of
5 allowable direct care costs, for facilities that primarily serve the developmentally
6 disabled, that take into account direct care costs for a sample of all of those facilities
7 in this state. The standards shall be adjusted by the department for regional labor
8 cost variations.

9 **SECTION 1347.** 49.45 (6m) (ar) 2. (intro.) and 2. a. of the statutes are
10 consolidated, renumbered 49.45 (6m) (ar) 2. and amended to read:

11 49.45 (6m) (ar) 2. For support service costs: ~~2. a.~~ The , the department shall
12 establish one or more standards for the payment of support service costs that take
13 into account support service costs for a sample of all facilities within the state.

14 **SECTION 1348.** 49.45 (6m) (ar) 2. b. of the statutes is repealed.

15 **SECTION 1349.** 49.45 (6m) (ar) 2. d. of the statutes is repealed.

16 **SECTION 1350.** 49.45 (6m) (ar) 3. of the statutes is repealed.

17 **SECTION 1351.** 49.45 (6m) (ar) 5. of the statutes is repealed.

18 **SECTION 1352.** 49.45 (6m) (av) 1. of the statutes is renumbered 49.45 (6m) (av)
19 and amended to read:

20 49.45 (6m) (av) The department shall calculate a payment rate for a facility by
21 applying the criteria set forth under pars. (ag) 1. to 5. and 7., (am) 1. ~~to 5. bm., 4., 5m.~~
22 and 6., and (ar) 1. ~~to 5. , 4., and 6.~~ to information from cost reports submitted by the
23 facility, as affected by any adjustment for ancillary services and materials under par.
24 (b).

25 **SECTION 1353.** 49.45 (6m) (av) 2. of the statutes is repealed.

SENATE BILL 44**SECTION 1354**

1 **SECTION 1354.** 49.45 (6m) (av) 3. of the statutes is repealed.

2 **SECTION 1355.** 49.45 (6m) (av) 4. of the statutes is repealed.

3 **SECTION 1356.** 49.45 (6m) (av) 5. of the statutes is repealed.

4 **SECTION 1357.** 49.45 (6m) (av) 5m. of the statutes is repealed.

5 **SECTION 1358.** 49.45 (6m) (av) 6. of the statutes is repealed.

6 **SECTION 1359.** 49.45 (6m) (bc) of the statutes is repealed.

7 **SECTION 1360.** 49.45 (6t) of the statutes, as affected by 2001 Wisconsin Act 16,
8 is renumbered 49.45 (6t) (a), and 49.45 (6t) (a) (intro.), 1., 2. (intro.), 3. and 4., as
9 renumbered, are amended to read:

10 49.45 **(6t)** (a) (intro.) From the appropriation under s. 20.435 (4) (o), for
11 reduction of operating deficits, as defined under criteria developed by the
12 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
13 or by a local health department, as defined in s. 250.01 (4), for services provided
14 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., ~~and Lm.~~, 9., and 15., for case
15 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
16 services for minors provided under the authorization under 42 USC 1396d (r) (5), the
17 department shall allocate moneys in each fiscal year to these county departments,
18 or local health departments as determined by the department, and shall perform all
19 of the following:

20 1. For the reduction of operating deficits incurred by the county departments
21 or local health departments, estimate the availability of federal medicaid funds that
22 may be matched to county, city, town, or village funds that are expended for costs in
23 excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6.
24 f., fm., j., k., and L., ~~and Lm.~~, 9., and 15., for case management services under s. 49.46

SENATE BILL 44**SECTION 1360**

1 (2) (b) 12. and for mental health day treatment services for minors provided under
2 the authorization under 42 USC 1396d (r) (5).

3 2. (intro.) Based on the amount estimated to be available under ~~par. (a)~~ subd.
4 1., develop a method, which need not be promulgated as rules under ch. 227, to
5 distribute this allocation to the individual county departments under s. 46.215,
6 46.22, 46.23 or 51.42 or to local health departments that have incurred operating
7 deficits that shall include all of the following:

8 3. Except as provided in ~~par. (d)~~ subd. 4., distribute the allocation under the
9 distribution method that is developed.

10 4. If the federal department of health and human services approves for state
11 expenditure in a fiscal year amounts under s. 20.435 (4) (o) that result in a lesser
12 allocation amount than that allocated under this subsection or disallows use of the
13 allocation of federal medicaid funds under ~~par. (e)~~ subd. 3., reduce allocations under
14 this subsection and distribute on a prorated basis, as determined by the department.

15 **SECTION 1361.** 49.45 (6t) (b) of the statutes is created to read:

16 49.45 (6t) (b) If 2003 Wisconsin Act ... (this act), section 9124 (8) (a) applies,
17 this subsection does not apply.

18 **SECTION 1362.** 49.45 (6tt) of the statutes is created to read:

19 49.45 (6tt) DISTRIBUTIONS TO COUNTY DEPARTMENTS AND LOCAL HEALTH
20 DEPARTMENTS. From the appropriation under s. 20.435 (4) (w), the department may
21 in each fiscal year distribute moneys to county departments under s. 46.215, 46.22,
22 46.23, or 51.42 or to local health departments, as defined in s. 250.01 (4), in amounts
23 that are equal to the moneys received by these county departments or local health
24 departments in calendar year 2002 under s. 49.45 (6t), 2001 stats.

25 **SECTION 1363.** 49.45 (6u) (am) (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 1363**

1 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), ~~in state fiscal years in~~
2 ~~which less than \$1 in federal financial participation relating to facilities is received~~
3 ~~under 42 CFR 433.51~~, from the appropriations under s. 20.435 (4) (o), (w), and (wm),
4 for reduction of operating deficits, as defined under the methodology used by the
5 department in December, 2000, incurred by a facility that is established under s.
6 49.70 (1) or that is owned and operated by a city, village, or town, and as payment
7 to care management organizations, the department may not distribute to these
8 facilities and to care management organizations more than \$37,100,000 in each
9 fiscal year, as determined by the department. The total amount that a county
10 certifies under this subsection may not exceed 100% of otherwise-unreimbursed
11 care. In distributing funds under this subsection, the department shall perform all
12 of the following:

13 **SECTION 1364.** 49.45 (6u) (bm) of the statutes is repealed.

14 **SECTION 1365.** 49.45 (6v) (b) of the statutes is amended to read:

15 49.45 (6v) (b) The department shall, each year, submit to the joint committee
16 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that
17 provides information on the utilization of beds by recipients of medical assistance in
18 facilities and a discussion and detailed projection of the likely balances,
19 expenditures, encumbrances and carry over of currently appropriated amounts in
20 the appropriation accounts under s. 20.435 (4) (b) ~~and, (gp), (o), and (r).~~

21 **SECTION 1366.** 49.45 (6x) (a) of the statutes is amended to read:

22 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the ~~appropriations~~
23 appropriation accounts under s. 20.435 (4) (b), ~~(gp), (o), (r), and (w)~~, the department
24 shall distribute not more than \$4,748,000 in each fiscal year, to provide funds to an
25 essential access city hospital, except that the department may not allocate funds to

SENATE BILL 44**SECTION 1366**

1 an essential access city hospital to the extent that the allocation would exceed any
2 limitation under 42 USC 1396b (i) (3).

3 **SECTION 1367.** 49.45 (6y) (a) of the statutes is amended to read:

4 49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the ~~appropriations~~
5 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), ~~(r)~~, and (w), the department
6 shall distribute funding in each fiscal year to provide supplemental payment to
7 hospitals that enter into a contract under s. 49.02 (2) to provide health care services
8 funded by a relief block grant, as determined by the department, for hospital services
9 that are not in excess of the hospitals' customary charges for the services, as limited
10 under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter
11 or if the allocation of funds to such hospitals would exceed any limitation under 42
12 USC 1396b (i) (3), the department may distribute funds to hospitals that have not
13 entered into a contract under s. 49.02 (2).

14 **SECTION 1368.** 49.45 (6y) (am) of the statutes is amended to read:

15 49.45 **(6y)** (am) Notwithstanding sub. (3) (e), from the ~~appropriations~~
16 appropriation accounts under s. 20.435 (4) (b), (h), ~~(gp)~~, (o), ~~(r)~~, and (w), the
17 department shall distribute funding in each fiscal year to provide supplemental
18 payments to hospitals that enter into contracts under s. 49.02 (2) with a county
19 having a population of 500,000 or more to provide health care services funded by a
20 relief block grant, as determined by the department, for hospital services that are not
21 in excess of the hospitals' customary charges for the services, as limited under 42
22 USC 1396b (i) (3).

23 **SECTION 1369.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

24 49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the ~~appropriations~~
25 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), ~~(r)~~, and (w), the department

SENATE BILL 44**SECTION 1369**

1 shall distribute funding in each fiscal year to supplement payment for services to
2 hospitals that enter into a contract under s. 49.02 (2) to provide health care services
3 funded by a relief block grant under this chapter, if the department determines that
4 the hospitals serve a disproportionate number of low-income patients with special
5 needs. If no medical relief block grant under this chapter is awarded or if the
6 allocation of funds to such hospitals would exceed any limitation under 42 USC
7 1396b (i) (3), the department may distribute funds to hospitals that have not entered
8 into a contract under s. 49.02 (2). The department may not distribute funds under
9 this subsection to the extent that the distribution would do any of the following:

10 **SECTION 1370.** 49.45 (6zb) of the statutes is created to read:

11 49.45 (6zb) SUPPLEMENTAL PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS.
12 From the appropriation under s. 20.435 (4) (wr), the department shall distribute
13 funding in each fiscal year to a health maintenance organization, as defined under
14 s. 609.01 (2), to supplement payment to the health maintenance organization under
15 this section. The funding shall be to assist in meeting increasing costs, more intense
16 use of services by Medical Assistance recipients, and other reimbursement needs
17 that the department identifies.

18 **SECTION 1371.** 49.45 (7) (a) of the statutes is amended to read:

19 49.45 (7) (a) A recipient who is a patient in a public medical institution or an
20 accommodated person and has a monthly income exceeding the payment rates
21 established under 42 USC 1382 (e) may retain \$45 \$30 unearned income or the
22 amount of any pension paid under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is
23 greater, per month for personal needs. Except as provided in s. 49.455 (4) (a), the
24 recipient shall apply income in excess of \$45 \$30 or the amount of any pension paid
25 under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is greater, less any amount

SENATE BILL 44**SECTION 1371**

1 deducted under rules promulgated by the department, toward the cost of care in the
2 facility.

3 **SECTION 1372.** 49.45 (8) (b) of the statutes is amended to read:

4 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), ~~(gp)~~, (o), ~~(r)~~, and (w) for
5 home health services provided by a certified home health agency or independent
6 nurse shall be made at the home health agency's or nurse's usual and customary fee
7 per patient care visit, subject to a maximum allowable fee per patient care visit that
8 is established under par. (c).

9 **SECTION 1373.** 49.45 (18) (intro.) of the statutes is renumbered 49.45 (18) (ac)
10 and amended to read:

11 49.45 (18) (ac) Except as provided in pars. ~~(a)~~ (am) to (d), and subject to par.
12 (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47 shall
13 pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for
14 purchases of services provided under s. 49.46 (2). The service provider shall collect
15 the specified or allowable copayment, coinsurance, or deductible, unless the service
16 provider determines that the cost of collecting the copayment, coinsurance, or
17 deductible exceeds the amount to be collected. The department shall reduce
18 payments to each provider by the amount of the specified or allowable copayment,
19 coinsurance, or deductible. No provider may deny care or services because the
20 recipient is unable to share costs, but an inability to share costs specified in this
21 subsection does not relieve the recipient of liability for these costs. ~~Liability under~~
22 ~~this subsection is limited by the following provisions:~~

23 **SECTION 1374.** 49.45 (18) (a) of the statutes is renumbered 49.45 (18) (am).

24 **SECTION 1375.** 49.45 (18) (ag) of the statutes is created to read:

SENATE BILL 44**SECTION 1375**

1 49.45 (18) (ag) Except as provided in pars. (am), (b), and (c), and subject to par.
2 (d), a recipient specified in par. (ac) shall pay all of the following:

3 1. A copayment of \$1 for each prescription of a drug that bears only a generic
4 name, as defined in s. 450.12 (1) (b).

5 2. A copayment of \$3 for each prescription of a drug that bears a brand name,
6 as defined in s. 450.12 (1) (a).

7 **SECTION 1376.** 49.45 (18) (d) of the statutes is amended to read:

8 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
9 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
10 is liable under this subsection for more than \$5 \$12 per month for prescription drugs
11 received.

12 **SECTION 1377.** 49.45 (19) (bm) of the statutes is amended to read:

13 49.45 (19) (bm) The department or the county department under s. 46.215 or
14 46.22 shall notify applicants of the requirements of this subsection at the time of
15 application.

16 **SECTION 1378.** 49.45 (24m) (intro.) of the statutes is amended to read:

17 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
18 From the appropriations appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r),
19 and (w), in order to test the feasibility of instituting a system of reimbursement for
20 providers of home health care and personal care services for medical assistance
21 recipients that is based on competitive bidding, the department shall:

22 **SECTION 1379.** 49.45 (25) (am) (intro.) of the statutes is amended to read:

23 49.45 (25) (am) (intro.) Except as provided under pars. (be) ~~and~~, (bg), and (bj)
24 and sub. (24), case management services under s. 49.46 (2) (b) 9. and (bm) are
25 reimbursable under ~~medical assistance~~ Medical Assistance only if provided to a

SENATE BILL 44**SECTION 1379**

1 ~~medical assistance~~ Medical Assistance beneficiary who receives case management
2 services from or through a certified case management provider in a county, city,
3 village, or town that elects, under par. (b), to make the services available and who
4 meets at least one of the following conditions:

5 **SECTION 1380.** 49.45 (25) (bj) of the statutes is created to read:

6 49.45 (25) (bj) The department of corrections may elect to provide case
7 management services under this subsection to persons who are under the
8 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
9 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
10 the conditions specified in par. (am). The amount of the allowable charges for those
11 services under the Medical Assistance program that is not provided by the federal
12 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
13 (ho), or (hr).

14 **SECTION 1381.** 49.45 (25) (c) of the statutes is amended to read:

15 49.45 (25) (c) Except as provided in pars. (b), (be) ~~and~~, (bg), and (bj), the
16 department shall reimburse a provider of case management services under this
17 subsection only for the amount of the allowable charges for those services under the
18 ~~medical assistance~~ Medical Assistance program that is provided by the federal
19 government.

20 **SECTION 1382.** 49.45 (30e) of the statutes is repealed.

21 **SECTION 1383.** 49.45 (30m) of the statutes is renumbered 49.45 (30m) (a)
22 (intro.) and amended to read:

23 49.45 (30m) (a) (intro.) A county shall provide the portion of the payment that
24 is not provided by the federal government for all of the following services under s.

SENATE BILL 44**SECTION 1383**

1 ~~51.06 (1m) (d)~~ to individuals with developmental disability who are eligible for
2 medical assistance ~~that is not provided by the federal government.;~~

3 **SECTION 1384.** 49.45 (30m) (a) 1. of the statutes is created to read:

4 49.45 **(30m)** (a) 1. Services under s. 51.06 (1m) (d).

5 **SECTION 1385.** 49.45 (30m) (a) 2. of the statutes is created to read:

6 49.45 **(30m)** (a) 2. Services in an intermediate care facility for the mentally
7 retarded, as defined in s. 46.278 (1m) (am), other than a state center for the
8 developmentally disabled.

9 **SECTION 1386.** 49.45 (30m) (a) 3. of the statutes is created to read:

10 49.45 **(30m)** (a) 3. Services for which payment is permitted under sub. (6c) (d)
11 2. that are provided in a nursing facility, as defined in s. 46.279 (1) (c).

12 **SECTION 1387.** 49.45 (30m) (b) of the statutes is created to read:

13 49.45 **(30m)** (b) No payment under this section may be made for services
14 specified under par. (a) unless the individual who receives the services is protectively
15 placed under s. 55.06 (9) (a) or is placed under an emergency placement under s.
16 55.06 (11) (a) or a temporary placement under s. 55.06 (11) (c).

17 **SECTION 1388.** 49.45 (30m) (c) of the statutes is created to read:

18 49.45 **(30m)** (c) No payment under this section may be made for services
19 specified under par. (a) 2. or 3. that are provided to an individual who was placed in
20 or admitted to an intermediate facility, as defined in s. 46.279 (1) (b), or nursing
21 facility, as defined in s. 46.279 (1) (c), unless one of the following applies:

22 1. Any placement or admission that is made after March 31, 2004, complied
23 with the requirements of s. 46.279.

SENATE BILL 44**SECTION 1388**

1 2. For an individual who was protectively placed under ch. 55 at any time, any
2 annual review that is conducted under s. 55.06 (10) (a) 1. after March 31, 2004,
3 complies with the requirements of s. 55.06 (10) (a) 2.

4 **SECTION 1389.** 49.45 (36) of the statutes is amended to read:

5 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
6 under s. 46.215, 46.22, or 46.23 may not place the word “homeless” on the medical
7 assistance identification card of any person who is determined to be eligible for
8 medical assistance benefits and who is homeless.

9 **SECTION 1390.** 49.45 (39) (b) 1. of the statutes is amended to read:

10 49.45 (39) (b) 1. ‘Payment for school medical services.’ If a school district or a
11 cooperative educational service agency elects to provide school medical services and
12 meets all requirements under par. (c), the department shall reimburse the school
13 district or the cooperative educational service agency for 60% of the federal share of
14 allowable charges for the school medical services that it provides and, as specified
15 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
16 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
17 and Hard of Hearing elects to provide school medical services and meets all
18 requirements under par. (c), the department shall reimburse the department of
19 public instruction for 60% of the federal share of allowable charges for the school
20 medical services that the Wisconsin Center for the Blind and Visually Impaired or
21 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
22 provides and, as specified in subd. 2., for allowable administrative costs. A school
23 district, cooperative educational service agency, the Wisconsin Center for the Blind
24 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
25 and Hard of Hearing may submit, and the department shall allow, claims for common

SENATE BILL 44**SECTION 1390**

1 carrier transportation costs as a school medical service unless the department
2 receives notice from the federal health care financing administration that, under a
3 change in federal policy, the claims are not allowed. If the department receives the
4 notice, a school district, cooperative educational service agency, the Wisconsin
5 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
6 Program for the Deaf and Hard of Hearing may submit, and the department shall
7 allow, unreimbursed claims for common carrier transportation costs incurred before
8 the date of the change in federal policy. The department shall promulgate rules
9 establishing a methodology for making reimbursements under this paragraph. All
10 Except as provided in subd. 1m., all other expenses for the school medical services
11 provided by a school district or a cooperative educational service agency shall be paid
12 for by the school district or the cooperative educational service agency with funds
13 received from state or local taxes. The school district, the Wisconsin Center for the
14 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
15 Deaf and Hard of Hearing, or the cooperative educational service agency shall
16 comply with all requirements of the federal department of health and human
17 services for receiving federal financial participation.

18 **SECTION 1391.** 49.45 (39) (b) 1m. of the statutes is created to read:

19 49.45 (39) (b) 1m. 'Supplementary payment for school medical services.' In
20 addition to the reimbursement the department provides under subd. 1. to a school
21 district or cooperative educational service agency for school medical services, the
22 department may make supplementary payments from the appropriation accounts
23 under s. 20.435 (4) (b) and (o). The total of the supplementary payments and
24 allowable charges paid under subd. 1. may not exceed applicable limitations on
25 payments under 42 USC 1396a (a) (30) (A).

SENATE BILL 44**SECTION 1392**

1 **SECTION 1392.** 49.45 (39) (b) 2. of the statutes is amended to read:

2 49.45 **(39)** (b) 2. ‘Payment for school medical services administrative costs.’ The
3 department shall reimburse a school district or a cooperative educational service
4 agency specified under ~~subd. 1.~~ subds. 1. and 1m. and shall reimburse the
5 department of public instruction on behalf of the Wisconsin Center for the Blind and
6 Visually Impaired or the Wisconsin Educational Services Program for the Deaf and
7 Hard of Hearing for 90% of the federal share of allowable administrative costs, using
8 time studies, beginning in fiscal year 1999–2000. A school district or a cooperative
9 educational service agency may submit, and the department of health and family
10 services shall allow, claims for administrative costs incurred during the period that
11 is up to 24 months before the date of the claim, if allowable under federal law.

12 **SECTION 1393.** 49.45 (49m) of the statutes is created to read:

13 49.45 **(49m)** PRESCRIPTION DRUG COST CONTROLS; PURCHASING AGREEMENTS. (a)

14 In this section:

- 15 1. “Brand name” has the meaning given in s. 450.12 (1) (a).
16 2. “Generic name” has the meaning given in s. 450.12 (1) (b).
17 3. “Prescription drug” has the meaning given in s. 450.01 (20).

18 (b) The department may enter into a multi-state purchasing agreement with
19 another state or a purchasing agreement with a purchaser of prescription drugs if
20 the other state or purchaser agrees to participate in one or more of the activities
21 specified in par. (c) 1. to 5.

22 (c) The department may design and implement a program to reduce the cost
23 of prescription drugs and to maintain high quality in prescription drug therapies,
24 which shall include all of the following:

SENATE BILL 44**SECTION 1393**

1 1. A list of the prescription drugs that are included as a benefit under s. 49.46
2 (2) (b) 6. h. that identifies preferred choices within therapeutic classes and includes
3 prescription drugs that bear only generic names.

4 2. Establishing supplemental rebates under agreements with prescription
5 drug manufacturers for prescription drugs provided to recipients under Medical
6 Assistance and Badger Care and to eligible persons under s. 49.688 and, if it is
7 possible to implement the program without adversely affecting supplemental
8 rebates for Medical Assistance, Badger Care, and prescription drug assistance under
9 s. 49.688, to beneficiaries of participants under par. (b).

10 3. Utilization management and fraud and abuse controls.

11 4. Any other activity to reduce the cost of or expenditures for prescription drugs
12 and maintain high quality in prescription drug therapies.

13 (d) The department may enter into a contract with an entity to perform any of
14 the duties and exercise any of the powers of the department under this subsection.

15 **SECTION 1394.** 49.453 (1) (ak) of the statutes is created to read:

16 49.453 (1) (ak) "Consumer price index" has the meaning given in s. 49.455 (1)
17 (b).

18 **SECTION 1395.** 49.453 (5) of the statutes is amended to read:

19 49.453 (5) CARE OR PERSONAL SERVICES. For the purposes of sub. (2), whenever
20 a covered individual or his or her spouse, or another person acting on behalf of the
21 covered individual or his or her spouse, transfers assets to a relative as payment for
22 care or personal services that the relative provides to the covered individual, the
23 covered individual or his or her spouse transfers assets for less than fair market
24 value unless the care or services directly benefit the covered individual, the amount
25 of the payment does not exceed reasonable compensation for the care or services that

SENATE BILL 44**SECTION 1395**

1 the relative performs and, if the amount of the payment in any year exceeds 10% of
2 ~~the community spouse resource allowance limit specified in s. 49.455 (6) (b) 1.~~
3 \$12,000 increased by the same percentage increase as the percentage increase in the
4 consumer price index between September 1988 and September of the year before the
5 calendar year in which the care or services for which the payment was made were
6 performed, the agreement to pay the relative is specified in a notarized written
7 agreement that exists at the time that the relative performs the care or services.

8 **SECTION 1396.** 49.455 (5) (b) of the statutes is amended to read:

9 49.455 (5) (b) Notwithstanding ch. 766, in determining the resources of an
10 institutionalized spouse at the time of application for medical assistance, the amount
11 of resources considered to be available to the institutionalized spouse equals the
12 value of all of the resources held by either or both spouses minus the greatest of the
13 amounts determined under sub. (6) (b) ~~1.~~ 1m. to 4.

14 **SECTION 1397.** 49.455 (6) (a) of the statutes is amended to read:

15 49.455 (6) (a) Notwithstanding s. 49.453 (2), an institutionalized spouse may
16 transfer an amount of resources ~~equal to~~ not exceeding the community spouse
17 resource allowance determined under par. (b) to, or for the sole benefit of, the
18 community spouse without becoming ineligible for medical assistance for the period
19 of ineligibility under s. 49.453 (3) as a result of the transfer. The institutionalized
20 spouse shall make the transfer as soon as practicable after the initial determination
21 of eligibility for medical assistance, taking into account the amount of time that is
22 necessary to obtain a court order under par. (c).

23 **SECTION 1398.** 49.455 (6) (b) (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 1398**

1 49.455 (6) (b) (intro.) The community spouse resource allowance equals the
2 amount by which the amount of resources otherwise available to the community
3 spouse is exceeded by the greatest of the following:

4 **SECTION 1399.** 49.455 (6) (b) 1. of the statutes is repealed.

5 **SECTION 1400.** 49.455 (6) (b) 2. of the statutes is repealed.

6 **SECTION 1401.** 49.46 (2) (a) 4. c. of the statutes is amended to read:

7 49.46 (2) (a) 4. c. Skilled nursing home services other than in an institution for
8 mental diseases, except as limited under s. 49.45 (6c) and (30m) (b) and (c).

9 **SECTION 1402.** 49.46 (2) (b) 6. a. of the statutes is amended to read:

10 49.46 (2) (b) 6. a. Intermediate care facility services other than in an institution
11 for mental diseases, except as limited under s. 49.45 (30m) (b) and (c).

12 **SECTION 1403.** 49.46 (2) (b) 6. Lm. of the statutes is repealed.

13 **SECTION 1404.** 49.472 (6) (a) of the statutes is amended to read:

14 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
15 under s. 20.435 (4) (b), (gp), (r), or (w), the department shall, on the part of an
16 individual who is eligible for medical assistance under sub. (3), pay premiums for or
17 purchase individual coverage offered by the individual's employer if the department
18 determines that paying the premiums for or purchasing the coverage will not be more
19 costly than providing medical assistance.

20 **SECTION 1405.** 49.472 (6) (b) of the statutes is amended to read:

21 49.472 (6) (b) If federal financial participation is available, from the
22 appropriation account under s. 20.435 (4) (b), (gp), (r), or (w), the department may
23 pay medicare Part A and Part B premiums for individuals who are eligible for
24 medicare and for medical assistance under sub. (3).

25 **SECTION 1406.** 49.473 (title) of the statutes is amended to read:

SENATE BILL 44**SECTION 1406**

1 **49.473** (title) **Medical assistance; women diagnosed with breast or**
2 **cervical cancer or precancerous conditions.**

3 **SECTION 1407.** 49.473 (2) (c) of the statutes is amended to read:

4 49.473 (2) (c) The woman is not eligible for health care coverage that qualifies
5 as creditable coverage in 42 USC 300gg (c), excluding the coverage specified in 42
6 USC 300gg (c) (1) (F).

7 **SECTION 1408.** 49.473 (2) (e) of the statutes is amended to read:

8 49.473 (2) (e) The woman requires treatment for breast or cervical cancer or
9 for a precancerous condition of the breast or cervix.

10 **SECTION 1409.** 49.473 (5) of the statutes is amended to read:

11 49.473 (5) The department shall audit and pay, from the appropriation
12 accounts under s. 20.435 (4) (b), (gp), and (o), and (r), allowable charges to a provider
13 who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman
14 who meets the requirements under sub. (2) for all benefits and services specified
15 under s. 49.46 (2).

16 **SECTION 1410.** 49.473 (6) (b) of the statutes is amended to read:

17 49.473 (6) (b) Inform the woman at the of time of the determination that she
18 is required to apply to the department or a county department for medical assistance
19 no later than the last day of the month following the month in which the qualified
20 entity determines that the woman is eligible for medical assistance.

21 **SECTION 1411.** 49.496 (3) (f) of the statutes is amended to read:

22 49.496 (3) (f) The department may ~~contract with or employ~~ retain an attorney
23 to probate estates to recover under this subsection the costs of care.

24 **SECTION 1412.** 49.496 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 1412**

1 49.496 (4) ADMINISTRATION. The department may require a county department
2 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
3 American Indian tribe administering medical assistance to gather and provide the
4 department with information needed to recover medical assistance under this
5 section. The department shall pay to a county department or tribal governing body
6 an amount equal to 5% of the recovery collected by the department relating to a
7 beneficiary for whom the county department or tribal governing body made the last
8 determination of medical assistance eligibility. A county department or tribal
9 governing body may use funds received under this subsection only to pay costs
10 incurred under this subsection and, if any amount remains, to pay for improvements
11 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold
12 payments under this subsection for failure to comply with the department's
13 requirements under this subsection. The department shall treat payments made
14 under this subsection as costs of administration of the ~~medical assistance~~ Medical
15 Assistance program.

16 **SECTION 1413.** 49.498 (16) (g) of the statutes is amended to read:

17 49.498 (16) (g) All forfeitures, penalty assessments, and interest, if any, shall
18 be paid to the department within 10 days of receipt of notice of assessment or, if the
19 forfeiture, penalty assessment, and interest, if any, are contested under par. (f),
20 within 10 days of receipt of the final decision after exhaustion of administrative
21 review, unless the final decision is appealed and the order is stayed by court order
22 under sub. (19) (b). The department shall remit all forfeitures paid to the ~~state~~
23 ~~treasurer~~ secretary of administration for deposit in the school fund. The department
24 shall deposit all penalty assessments and interest in the appropriation under s.
25 20.435 (6) (g).

SENATE BILL 44**SECTION 1414**

1 **SECTION 1414.** 49.665 (2) (title) of the statutes is amended to read:

2 49.665 (2) (title) ~~WAIVER~~ WAIVERS.

3 **SECTION 1415.** 49.665 (2) of the statutes is renumbered 49.665 (2) (a) and
4 amended to read:

5 49.665 (2) (a) The department of health and family services shall request a
6 waiver from the secretary of the federal department of health and human services
7 to permit the department of health and family services to implement, beginning not
8 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health
9 care program under this section. If a waiver that is consistent with all of the
10 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect, the
11 department of health and family services shall implement the program under this
12 section. The department of health and family services may not implement the
13 program under this section unless a waiver that is consistent with all of the
14 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect.

15 **SECTION 1416.** 49.665 (2) (b) of the statutes is created to read:

16 49.665 (2) (b) If the department of health and family services determines that
17 it needs a waiver to require the verification specified in sub. (4) (a) 3m., the
18 department shall request a waiver from the secretary of the federal department of
19 health and human services and may not implement the verification requirement
20 under sub. (4) (a) 3m. unless the waiver is granted. If a waiver is required and is
21 granted, the department of health and family services may implement the
22 verification requirement under sub. (4) (a) 3m. as appropriate. If a waiver is not
23 required, the department of health and family services may require the verification
24 specified in sub. (4) (a) 3m. for eligibility determinations and annual review
25 eligibility determinations made by the department, beginning on January 1, 2004.

SENATE BILL 44**SECTION 1417**

1 **SECTION 1417.** 49.665 (4) (am) 3m. of the statutes is created to read:

2 49.665 (4) (am) 3m. Each member of the child's household who is employed
3 provides verification from his or her employer, in the manner specified by the
4 department, of his or her earnings, of whether the employer provides health care
5 coverage for which the child is eligible, and of the amount that the employer pays,
6 if any, towards the cost of the health care coverage, excluding any deductibles or
7 copayments required under the coverage.

8 **SECTION 1418.** 49.665 (4m) of the statutes is created to read:

9 49.665 (4m) SUPPLEMENTAL PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS.
10 From the appropriation under s. 20.435 (4) (wr), the department shall distribute
11 funding in each fiscal year to a health maintenance organization, as defined under
12 s. 609.01 (2), to supplement payment to the health maintenance organization under
13 this section. The funding shall be to assist in meeting increasing costs, more intense
14 use of services by Badger Care recipients, and other reimbursement needs that the
15 department identifies.

16 **SECTION 1419.** 49.665 (5) (a) of the statutes is renumbered 49.665 (5) (ag) and
17 amended to read:

18 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
19 who does not reside with his or her parent, who receives health care coverage under
20 this section shall pay a percentage of the cost of that coverage in accordance with a
21 schedule established by the department by rule. If the schedule established by the
22 department requires a family, or child who does not reside with his or her parent, to
23 contribute more than 3% of the family's or child's income towards the cost of the
24 health care coverage provided under this section, the department shall submit the
25 schedule to the joint committee on finance for review and approval of the schedule.

SENATE BILL 44**SECTION 1419**

1 If the cochairpersons of the joint committee on finance do not notify the department
2 within 14 working days after the date of the department's submittal of the schedule
3 that the committee has scheduled a meeting to review the schedule, the department
4 may implement the schedule. If, within 14 days after the date of the department's
5 submittal of the schedule, the cochairpersons of the committee notify the department
6 that the committee has scheduled a meeting to review the schedule, the department
7 may not require a family, or child who does not reside with his or her parent, to
8 contribute more than 3% of the family's or child's income unless the joint committee
9 on finance approves the schedule. The joint committee on finance may not approve
10 and the department may not implement a schedule that requires a family or child
11 to contribute, including the amounts required under par. (am), more than 3.5% of the
12 family's or child's income towards the cost of the health care coverage provided under
13 this section.

14 **SECTION 1420.** 49.665 (5) (ac) of the statutes is created to read:

15 49.665 (5) (ac) In this subsection, "cost" means total cost-sharing charges,
16 including premiums, copayments, coinsurance, deductibles, enrollment fees, and
17 any other cost-sharing charges.

18 **SECTION 1421.** 49.665 (5) (ag) of the statutes, as affected by 2003 Wisconsin Act
19 (this act), is amended to read:

20 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
21 who does not reside with his or her parent, who receives health care coverage under
22 this section shall pay a percentage of the cost of that coverage in accordance with a
23 schedule established by the department by rule. ~~If the schedule established by the~~
24 ~~department requires a family, or child who does not reside with his or her parent, to~~
25 ~~contribute more than 3% of the family's or child's income towards the cost of the~~

SENATE BILL 44**SECTION 1421**

1 ~~health care coverage provided under this section, the department shall submit the~~
2 ~~schedule to the joint committee on finance for review and approval of the schedule.~~
3 ~~If the cochairpersons of the joint committee on finance do not notify the department~~
4 ~~within 14 working days after the date of the department's submittal of the schedule~~
5 ~~that the committee has scheduled a meeting to review the schedule, the department~~
6 ~~may implement the schedule. If, within 14 days after the date of the department's~~
7 ~~submittal of the schedule, the cochairpersons of the committee notify the department~~
8 ~~that the committee has scheduled a meeting to review the schedule, the department~~
9 ~~may not require a family, or child who does not reside with his or her parent, to~~
10 ~~contribute more than 3% of the family's or child's income unless the joint committee~~
11 ~~on finance approves the schedule. The joint committee on finance may not approve~~
12 ~~and the~~ The department may not establish or implement a schedule that requires a
13 family or child to contribute, including the amounts required under par. (am), more
14 than 3.5% 5% of the family's or child's income towards the cost of the health care
15 coverage provided under this section.

16 **SECTION 1422.** 49.665 (5) (am) of the statutes is created to read:

17 49.665 (5) (am) Except as provided in pars. (b) and (bm), a child or family
18 member who receives health care coverage under this section shall pay the following
19 cost-sharing amounts:

20 1. A copayment of \$1 for each prescription of a drug that bears only a generic
21 name, as defined in s. 450.12 (1) (b).

22 2. A copayment of \$3 for each prescription of a drug that bears a brand name,
23 as defined in s. 450.12 (1) (a).

24 **SECTION 1423.** 49.68 (3) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 1423**

1 49.68 (3) (a) ~~Any~~ Subject to s. 49.687 (1m), any permanent resident of this state
2 who suffers from chronic renal disease may be accepted into the dialysis treatment
3 phase of the renal disease control program if the resident meets standards set by rule
4 under sub. (2) and s. 49.687.

5 **SECTION 1424.** 49.68 (3) (d) 1. of the statutes is amended to read:

6 49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient
7 has no other form of aid available from the federal medicare program ~~or~~, from private
8 health, accident, sickness, medical, and hospital insurance coverage, or from other
9 health care coverage specified by rule under s. 49.687 (1m) (b). If insufficient aid is
10 available from other sources and if the recipient has paid an amount equal to the
11 annual medicare deductible amount specified in subd. 2., the state shall pay the
12 difference in cost to a qualified recipient. If at any time sufficient federal or private
13 insurance aid or other health care coverage becomes available during the treatment
14 period, state aid under this subsection shall be terminated or appropriately reduced.
15 Any patient who is eligible for the federal medicare program shall register and pay
16 the premium for medicare medical insurance coverage where permitted, and shall
17 pay an amount equal to the annual medicare deductible amounts required under 42
18 USC 1395e and 1395L (b), prior to becoming eligible for state aid under this
19 subsection.

20 **SECTION 1425.** 49.68 (3) (d) 3. of the statutes is created to read:

21 49.68 (3) (d) 3. No payment shall be made under this subsection for any portion
22 of medical treatment costs or other expenses that are payable under any state,
23 federal, or other health care coverage program, including a health care coverage
24 program specified by rule under s. 49.687 (1m) (b), or under any grant, contract, or
25 other contractual arrangement.

SENATE BILL 44**SECTION 1426**

1 **SECTION 1426.** 49.68 (3) (e) of the statutes is amended to read:

2 49.68 (3) (e) State aids for services provided under this section shall be equal
3 to may not exceed the allowable charges under the federal medicare program. In no
4 case shall state rates for individual service elements exceed the federally defined
5 allowable costs. The rate of charges for services not covered by public and private
6 insurance shall not exceed the reasonable charges as established by medicare fee
7 determination procedures. A person that provides to a patient a service for which
8 aid is provided under this section shall accept the amount paid under this section for
9 the service as payment in full and may not bill the patient for any amount by which
10 the charge for the service exceeds the amount paid for the service under this section.
11 The state may not pay for the cost of travel, lodging, or meals for persons who must
12 travel to receive inpatient and outpatient dialysis treatment for kidney disease. This
13 paragraph shall not apply to donor related costs as defined in par. (b).

14 **SECTION 1427.** 49.682 (6) of the statutes is amended to read:

15 49.682 (6) The department may ~~contract with or employ~~ retain an attorney to
16 probate estates to recover under this section the costs of care.

17 **SECTION 1428.** 49.683 (1) of the statutes is amended to read:

18 49.683 (1) ~~The~~ Subject to s. 49.687 (1m), the department may provide financial
19 assistance for costs of medical care of persons over the age of 18 years with the
20 diagnosis of cystic fibrosis who meet financial requirements established by the
21 department by rule under s. 49.687 (1).

22 **SECTION 1429.** 49.683 (3) of the statutes is created to read:

23 49.683 (3) No payment shall be made under this section for any portion of
24 medical care costs that are payable under any state, federal, or other health care

SENATE BILL 44**SECTION 1429**

1 coverage program, including a health care coverage program specified by rule under
2 s. 49.687 (1m) (b), or under any grant, contract, or other contractual arrangement.

3 **SECTION 1430.** 49.685 (6) (b) of the statutes is amended to read:

4 49.685 (6) (b) Reimbursement shall not be made under this section for any
5 blood products or supplies ~~which~~ that are not purchased from or provided by a
6 comprehensive hemophilia treatment center, or a source approved by the treatment
7 center. Reimbursement shall not be made under this section for any portion of the
8 costs of blood products or supplies ~~which~~ that are payable under any other state or,
9 federal program, or other health care coverage program, including a health care
10 coverage program specified by rule under s. 49.687 (1m) (b), or under any grant,
11 contract ~~and any, or~~ or other contractual arrangement.

12 **SECTION 1431.** 49.687 (title) of the statutes is amended to read:

13 **49.687 (title) Disease aids; patient requirements; rebate agreements;**
14 **cost containment.**

15 **SECTION 1432.** 49.687 (1) of the statutes is amended to read:

16 49.687 (1) The department shall promulgate rules that require a person who
17 is eligible for benefits under s. 49.68, 49.683, or 49.685 and whose ~~current~~ estimated
18 total family income exceeds specified limits for the current year is at or above 200%
19 of the poverty line to obligate or expend specified portions of the income for medical
20 care for treatment of kidney disease, cystic fibrosis, or hemophilia before receiving
21 benefits under s. 49.68, 49.683, or 49.685. The rules shall require a person to pay 1%
22 of his or her total family income for the cost of medical treatment covered under s.
23 49.68, 49.683, or 49.685 if that income is from 300% to 325% of the federal poverty
24 line, 1.75% if that income is more than 325% but not more than 350% of the federal
25 poverty line, 2.5% if that income is more than 350% but not more than 375% of the

SENATE BILL 44**SECTION 1432**

1 federal poverty line, 3.25% if that income is more than 375% but not more than 400%
2 of the federal poverty line, and 4.25% if that income is more than 400% of the federal
3 poverty line.

4 **SECTION 1433.** 49.687 (1m) of the statutes is created to read:

5 49.687 (1m) (a) A person is not eligible to receive benefits under s. 49.68,
6 49.683, or 49.685 unless, before the person applies for benefits under s. 49.68, 49.683,
7 or 49.685, the person first applies for benefits under all other health care coverage
8 programs specified by the department by rule under par. (b) for which the person
9 reasonably may be eligible.

10 (b) The department shall promulgate rules that specify other health care
11 coverage programs for which a person must apply before applying for benefits under
12 s. 49.68, 49.683, or 49.685. The programs specified by rule must include the Medical
13 Assistance program under subch. IV, the Badger Care health care program under s.
14 49.665, and the prescription drug assistance for elderly persons program under s.
15 49.688.

16 (c) Using the procedure under s. 227.24, the department may promulgate rules
17 under par. (b) for the period before the effective date of any permanent rules
18 promulgated under par. (b), but not to exceed the period authorized under s. 227.24
19 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is
20 not required to provide evidence that promulgating a rule under par. (b) as an
21 emergency rule is necessary for the preservation of the public peace, health, safety,
22 or welfare and is not required to make a finding of emergency for promulgating a rule
23 under par. (b) as an emergency rule.

24 **SECTION 1434.** 49.687 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 1434**

1 49.687 (2) The department shall develop and implement a sliding scale of
2 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
3 49.683, and hemophilia treatment under s. 49.685, based on the patient's ability to
4 pay for treatment. ~~To~~ The department shall continuously review the sliding scale for
5 patient liability and revise it as needed to ensure that the needs for treatment of
6 ~~patients with lower incomes receive priority within the availability of funds~~ amounts
7 budgeted under s. 20.435 (4) (e) and (je), ~~the department shall revise the sliding scale~~
8 ~~for patient liability by January 1, 1994, and shall, every 3 years thereafter by~~
9 ~~January 1, review and, if necessary, revise the sliding scale~~ are sufficient to cover
10 treatment costs.

11 **SECTION 1435.** 49.687 (2m) of the statutes is created to read:

12 49.687 (2m) If a pharmacy directly bills the department or an entity with
13 which the department contracts for a drug supplied to a person receiving benefits
14 under s. 49.68, 49.683, or 49.685 and prescribed for treatment covered under s. 49.68,
15 49.683, or 49.685, the person shall pay a \$5 copayment amount for each such generic
16 drug and a \$15 copayment amount for each such brand name drug.

17 **SECTION 1436.** 49.687 (3) (a) of the statutes is amended to read:

18 49.687 (3) (a) That, as a condition of coverage for prescription drugs of a
19 manufacturer under s. 49.68, 49.683, or 49.685, the manufacturer shall make rebate
20 payments for each prescription drug of the manufacturer that is prescribed for and
21 purchased by persons who meet eligibility criteria under s. 49.68, 49.683, or 49.685,
22 to the ~~state treasurer~~ secretary of administration to be credited to the appropriation
23 under s. 20.435 (4) (je), each calendar quarter or according to a schedule established
24 by the department.

25 **SECTION 1437.** 49.687 (4) of the statutes is created to read:

SENATE BILL 44**SECTION 1437**

1 49.687 (4) The department may adopt managed care methods of cost
2 containment for the programs under ss. 49.68, 49.683, and 49.685.

3 **SECTION 1438.** 49.688 (1) (e) of the statutes is amended to read:

4 49.688 (1) (e) "Program payment rate" means the rate of payment made for the
5 identical drug specified under s. 49.46 (2) (b) 6. h., ~~plus 5%~~, plus a dispensing fee that
6 is equal to the dispensing fee permitted to be charged for prescription drugs for which
7 coverage is provided under s. 49.46 (2) (b) 6. h.

8 **SECTION 1439.** 49.688 (3) (a) of the statutes is renumbered 49.688 (3) (a) (intro.)
9 and amended to read:

10 49.688 (3) (a) (intro.) For each 12-month benefit period, a program enrollment
11 fee of \$20. that is based on the percentage that a person's annual household income,
12 as determined by the department, is of the federal poverty line for a family the size
13 of the person's eligible family, as follows:

14 **SECTION 1440.** 49.688 (3) (a) 1. of the statutes is created to read:

15 49.688 (3) (a) 1. Two hundred percent or less, \$25.

16 **SECTION 1441.** 49.688 (3) (a) 2. of the statutes is created to read:

17 49.688 (3) (a) 2. More than 200%, \$30.

18 **SECTION 1442.** 49.688 (3) (b) 1. of the statutes is renumbered 49.688 (3) (b) 1.
19 (intro.) and amended to read:

20 49.688 (3) (b) 1. (intro.) For each 12-month benefit period, for a person specified
21 in sub. (2) (a), a deductible for prescription drugs of \$500, ~~except that a person whose~~
22 that is based on the percentage that a person's annual household income, as
23 determined by the department, is 160% or less of the federal poverty line for a family
24 the size of the person's eligible family pays no deductible., as follows:

25 **SECTION 1443.** 49.688 (3) (b) 1. a. of the statutes is created to read:

SENATE BILL 44**SECTION 1443**

1 49.688 (3) (b) 1. a. One hundred sixty percent or less, no deductible.

2 **SECTION 1444.** 49.688 (3) (b) 1. b. of the statutes is created to read:

3 49.688 (3) (b) 1. b. More than 160%, but not more than 200%, \$500.

4 **SECTION 1445.** 49.688 (3) (b) 1. c. of the statutes is created to read:

5 49.688 (3) (b) 1. c. More than 200%, but not more than 240%, \$750.

6 **SECTION 1446.** 49.688 (3) (b) 2. b. of the statutes is amended to read:

7 49.688 (3) (b) 2. b. Five Eight hundred fifty dollars.

8 **SECTION 1447.** 49.688 (6) (a) of the statutes is amended to read:

9 49.688 (6) (a) That, except as provided in sub. (7) (b), the manufacturer shall
10 make rebate payments for each prescription drug of the manufacturer that is
11 prescribed for and purchased by persons who meet criteria under sub. (2) (a) and
12 persons who meet criteria under sub. (2) (b) and have paid the deductible under sub.
13 (3) (b) 2. a., to the ~~state treasurer~~ secretary of administration to be credited to the
14 appropriation account under s. 20.435 (4) (j), each calendar quarter or according to
15 a schedule established by the department.

16 **SECTION 1448.** 49.78 (5) of the statutes, as affected by 2003 Wisconsin Act ...
17 (this act), is amended to read:

18 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
19 qualifications of applicants in any county department administering aid to families
20 with dependent children shall be given by the administrator of the division of merit
21 recruitment and selection in the department of ~~employment relations~~
22 administration. The department of ~~employment relations~~ administration shall be
23 reimbursed for actual expenditures incurred in the performance of its functions
24 under this section from the appropriations available to the department of health and
25 family services for administrative expenditures.

SENATE BILL 44**SECTION 1449**

1 **SECTION 1449.** 49.785 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
2 Act (this act), is amended to read:

3 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of a stipend
4 under s. 49.147 (3m) (g) or of benefits or wages under s. 49.148, 49.46, or 49.77, or
5 under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the
6 deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses
7 of the deceased recipient, the county or applicable tribal governing body or
8 organization responsible for burial of the recipient shall pay, to the person
9 designated by the county department under s. 46.215, 46.22, or 46.23 or applicable
10 tribal governing body or organization responsible for the burial of the recipient, all
11 of the following:

12 **SECTION 1450.** 49.79 (4) of the statutes is amended to read:

13 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
14 department shall withhold the value of food stamp losses for which a county or
15 federally recognized American Indian tribe is liable under sub. (3) from the payment
16 to the county or tribe under income maintenance contracts under s. ~~49.33~~ 49.78 and
17 reimburse the federal government from the funds withheld.

18 **SECTION 1451.** 49.85 (title) of the statutes is amended to read:

19 **49.85 (title) Certification of certain public assistance overpayments**
20 **and delinquent loan repayments.**

21 **SECTION 1452.** 49.85 (1) of the statutes is amended to read:

22 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
23 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
24 Indian tribe or band determines that the department of health and family services
25 may recover an amount under s. 49.497 or that the department of workforce

SENATE BILL 44**SECTION 1452**

1 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
2 an amount under s. 49.147 (6) (cm), the county department or governing body shall
3 notify the affected department of the determination. If a Wisconsin works agency
4 determines that the department of workforce development may recover an amount
5 under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the
6 Wisconsin works agency shall notify the department of workforce development of the
7 determination.

8 **SECTION 1453.** 49.85 (1) of the statutes, as affected by 2003 Wisconsin Act
9 (this act), is amended to read:

10 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
11 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
12 Indian tribe or band determines that the department of health and family services
13 may recover an amount under s. 49.497 or that the department of workforce
14 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
15 an amount under s. ~~49.147 (6) (cm)~~ 49.1471 (3m), the county department or
16 governing body shall notify the affected department of the determination. If a
17 Wisconsin works agency determines that the department of workforce development
18 may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s.
19 ~~49.147 (6) (cm)~~ 49.1471 (3m), the Wisconsin works agency shall notify the
20 department of workforce development of the determination.

21 **SECTION 1454.** 49.85 (2) (b) of the statutes is amended to read:

22 49.85 (2) (b) At least annually, the department of workforce development shall
23 certify to the department of revenue the amounts that, based on the notifications
24 received under sub. (1) and on other information received by the department of
25 workforce development, the department of workforce development has determined

SENATE BILL 44**SECTION 1454**

1 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.
2 49.147 (6) (cm), except that the department of workforce development may not certify
3 an amount under this subsection unless it has met the notice requirements under
4 sub. (3) and unless its determination has either not been appealed or is no longer
5 under appeal.

6 **SECTION 1455.** 49.85 (2) (b) of the statutes, as affected by 2003 Wisconsin Act
7 (this act), is amended to read:

8 49.85 (2) (b) At least annually, the department of workforce development shall
9 certify to the department of revenue the amounts that, based on the notifications
10 received under sub. (1) and on other information received by the department of
11 workforce development, the department of workforce development has determined
12 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.
13 ~~49.147 (6) (cm)~~ 49.1471 (3m), except that the department of workforce development
14 may not certify an amount under this subsection unless it has met the notice
15 requirements under sub. (3) and unless its determination has either not been
16 appealed or is no longer under appeal.

17 **SECTION 1456.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

18 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
19 department of workforce development shall send a notice to the last-known address
20 of the person from whom that department intends to recover or collect the amount.
21 The notice shall do all of the following:

22 **SECTION 1457.** 49.85 (3) (b) 1. of the statutes is amended to read:

23 49.85 (3) (b) 1. Inform the person that the department of workforce
24 development intends to certify to the department of revenue an amount that the
25 department of workforce development has determined to be due under s. 49.161,

SENATE BILL 44**SECTION 1457**

1 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
2 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

3 **SECTION 1458.** 49.85 (3) (b) 1. of the statutes, as affected by 2003 Wisconsin Act
4 (this act), is amended to read:

5 49.85 (3) (b) 1. Inform the person that the department of workforce
6 development intends to certify to the department of revenue an amount that the
7 department of workforce development has determined to be due under s. 49.161,
8 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
9 under s. 49.147 (6) 49.1471, for setoff from any state tax refund that may be due the
10 person.

11 **SECTION 1459.** 49.85 (5) of the statutes is amended to read:

12 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
13 of revenue shall constitute a lien, equal to the amount certified, on any state tax
14 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
15 of revenue as a setoff under s. 71.93. Certification of an amount under this section
16 does not prohibit the department of health and family services or the department of
17 workforce development from attempting to recover or collect the amount through
18 other legal means. The department of health and family services or the department
19 of workforce development shall promptly notify the department of revenue upon
20 recovery or collection of any amount previously certified under this section.

21 **SECTION 1460.** 49.854 (11) (b) of the statutes is amended to read:

22 49.854 (11) (b) *The department.* The department may assess a collection fee
23 to recover the department's costs incurred in levying against property under this
24 section. The department shall determine its costs to be paid in all cases of levy. The
25 obligor is liable to the department for the amount of the collection fee authorized

SENATE BILL 44**SECTION 1460**

1 under this paragraph. Fees collected under this paragraph shall be credited to the
2 appropriation account under s. 20.445 (1) ~~(L)~~ (3) (ja).

3 **SECTION 1461.** 49.95 (4m) (a) of the statutes is amended to read:

4 49.95 **(4m)** (a) Without legal authority, sends or brings a person to a county,
5 tribal governing body, or municipality or advises a person to go to a county, tribal
6 governing body, or municipality for the purpose of obtaining relief funded by a relief
7 block grant, wages, a stipend, or benefits under the Wisconsin ~~works~~ Works program
8 under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19,
9 medical assistance under subch. IV, or food stamps under 7 USC 2011 to 2029.

10 **SECTION 1462.** 49.95 (11) of the statutes is amended to read:

11 49.95 **(11)** "Public assistance" as used in this section includes relief funded by
12 a relief block grant and wages, a stipend, or benefits under ss. 49.141 to 49.161.

13 **SECTION 1463.** 49.96 of the statutes is amended to read:

14 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
15 dependent children, stipends paid under s. 49.147 (3m) (g), payments made under
16 ~~ss. s. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, 49.155, or~~
17 49.157, payments made for social services, cash benefits paid by counties under s.
18 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every
19 tax, and from execution, garnishment, attachment, and every other process and shall
20 be inalienable.

21 **SECTION 1464.** 50.01 (1g) (c) of the statutes is amended to read:

22 50.01 **(1g)** (c) A shelter facility as defined under s. ~~16.352~~ 560.9808 (1) (d).

23 **SECTION 1465.** 50.03 (5g) (c) 1. (intro.) of the statutes is amended to read:

24 50.03 **(5g)** (c) 1. (intro.) A daily forfeiture amount per violation of not less than
25 \$10 nor more than ~~\$1,000~~ \$10,000 for each violation, with each day of violation

SENATE BILL 44**SECTION 1465**

1 constituting a separate offense. All of the following apply to a forfeiture under this
2 subdivision:

3 **SECTION 1466.** 50.03 (5g) (c) 1. c. of the statutes is amended to read:

4 50.03 **(5g)** (c) 1. c. All forfeitures shall be paid to the department within 10 days
5 after receipt of notice of assessment or, if the forfeiture is contested under par. (f),
6 within 10 days after receipt of the final decision after exhaustion of administrative
7 review, unless the final decision is appealed and the order is stayed by court order
8 under s. 50.03 (11). The department shall remit all forfeitures paid under this
9 subdivision to the ~~state treasurer~~ secretary of administration for deposit in the
10 school fund.

11 **SECTION 1467.** 50.034 (8) (d) of the statutes is amended to read:

12 50.034 **(8)** (d) All forfeitures shall be paid to the department within 10 days
13 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
14 within 10 days after receipt of the final decision after exhaustion of administrative
15 review, unless the final decision is appealed and the order is stayed by court order.
16 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
17 administration for deposit in the school fund.

18 **SECTION 1468.** 50.035 (11) (d) of the statutes is amended to read:

19 50.035 **(11)** (d) All forfeitures shall be paid to the department within 10 days
20 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
21 within 10 days after receipt of the final decision after exhaustion of administrative
22 review, unless the final decision is appealed and the order is stayed by court order.
23 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
24 administration for deposit in the school fund.

25 **SECTION 1469.** 50.04 (5) (bm) of the statutes is created to read:

SENATE BILL 44**SECTION 1469**

1 50.04 (5) (bm) *Forfeiture surcharge.* Whenever the department imposes a
2 forfeiture under par. (a) for a violation of this subchapter or a rule promulgated under
3 this subchapter, the department shall in addition levy a forfeiture surcharge in an
4 amount of 6% of the forfeiture imposed. If multiple violations are involved, the
5 forfeiture surcharge under this paragraph shall be based on the total forfeitures for
6 all violations.

7 **SECTION 1470.** 50.04 (5) (c) of the statutes is amended to read:

8 50.04 (5) (c) *Assessment of forfeitures; ~~powers and duties of department~~ and*
9 *forfeiture surcharges.* The department may directly assess forfeitures provided for
10 under par. (a) and forfeiture surcharges provided for under par. (bm). If the
11 department determines that a forfeiture and forfeiture surcharge should be assessed
12 for a particular violation or for failure to correct it, it shall send a notice of assessment
13 to the nursing home. The notice shall specify the amount of the forfeiture and
14 forfeiture surcharge assessed, the violation, the statute or rule alleged to have been
15 violated, and shall inform the licensee of the right to hearing under par. (e).

16 **SECTION 1471.** 50.04 (5) (f) of the statutes is amended to read:

17 50.04 (5) (f) *Forfeitures and forfeiture surcharges paid within 10 days.* All
18 forfeitures and forfeiture surcharges shall be paid to the department within 10 days
19 of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within
20 10 days of receipt of the final decision after exhaustion of administrative review,
21 unless the final decision is appealed and the order is stayed by court order under s.
22 50.03 (11). The department shall remit all forfeitures paid to the state treasurer for
23 deposit in the school fund and shall credit all forfeiture surcharges to the
24 appropriation account under s. 20.435 (6) (jm).

SENATE BILL 44**SECTION 1472**

1 **SECTION 1472.** 50.04 (5) (f) of the statutes, as affected by 2003 Wisconsin Act
2 (this act), is amended to read:

3 50.04 **(5)** (f) *Forfeitures and forfeiture surcharges paid within 10 days.* All
4 forfeitures and forfeiture surcharges shall be paid to the department within 10 days
5 of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within
6 10 days of receipt of the final decision after exhaustion of administrative review,
7 unless the final decision is appealed and the order is stayed by court order under s.
8 50.03 (11). The department shall remit all forfeitures paid to the ~~state treasurer~~
9 secretary of administration for deposit in the school fund and shall credit all
10 forfeiture surcharges to the appropriation account under s. 20.435 (6) (jm).

11 **SECTION 1473.** 50.07 (3) (a) of the statutes is repealed.

12 **SECTION 1474.** 50.07 (3) (b) of the statutes is amended to read:

13 50.07 **(3)** (b) Any employee ~~of an employer not described in par. (a)~~ who is
14 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
15 (e) or (em) may file a complaint with the department of workforce development under
16 s. 106.54 (5).

17 **SECTION 1475.** 50.07 (3) (c) of the statutes is amended to read:

18 50.07 **(3)** (c) Any person not described in par. ~~(a)~~ or (b) who is retaliated or
19 discriminated against in violation of sub. (1) (e) or (em) may commence an action in
20 circuit court for damages incurred as a result of the violation.

21 **SECTION 1476.** 50.14 (title) of the statutes is amended to read:

22 **50.14 (title) Assessments on occupied, licensed beds.**

23 **SECTION 1477.** 50.14 (1) (a) of the statutes is amended to read:

24 50.14 **(1)** (a) Notwithstanding s. 50.01 (1m), "facility" means a nursing home
25 or an intermediate care facility for the mentally retarded, ~~which is not state-owned~~

SENATE BILL 44**SECTION 1477**

1 ~~or state-operated, federally owned or federally operated or that is not~~ located outside
2 the state.

3 **SECTION 1478.** 50.14 (2) of the statutes is renumbered 50.14 (2) (intro.) and
4 amended to read:

5 50.14 (2) (intro.) For the privilege of doing business in this state, there is
6 imposed on all ~~occupied, licensed beds of a facility, except occupied, licensed beds for~~
7 ~~which payment is made under 42 USC 1395 to 1395eee, an assessment that shall be~~
8 ~~deposited in the general fund and that is \$100 per calendar month per occupied,~~
9 licensed bed of an intermediate care facility for the mentally retarded may not exceed
10 \$435 in fiscal year 2003-04 and may not exceed \$445 in fiscal year 2004-05 and is
11 ~~\$32~~ an assessment that may not exceed \$116 per calendar month per occupied,
12 licensed bed of a nursing home. The assessment shall be ~~on the average number of~~
13 ~~occupied, licensed beds of a facility for the calendar month previous to the month of~~
14 ~~assessment, based on an average daily midnight census computed and reported by~~
15 ~~the facility and verified by the department. Charged bed-hold days for any resident~~
16 ~~of a facility shall be included as one full day in the average daily midnight census~~
17 ~~deposited in the general fund, except that in fiscal year 2003-04, amounts in excess~~
18 ~~of \$14,300,000, in fiscal year 2004-05, amounts in excess of \$13,800,000, and,~~
19 beginning July 1, 2005, in each fiscal year, amounts in excess of 45% of the money
20 received from the assessment shall be deposited in the Medical Assistance trust
21 fund. In determining the number of ~~occupied, licensed beds, if all of the following~~
22 apply:

23 (a) If the amount of the beds is other than a whole number, the fractional part
24 of the amount shall be disregarded unless it equals 50% or more of a whole number,
25 in which case the amount shall be increased to the next whole number.

SENATE BILL 44**SECTION 1479**

1 **SECTION 1479.** 50.14 (2) (b) of the statutes is created to read:

2 50.14 (2) (b) The number of licensed beds of a nursing home includes any
3 number of beds that have been delicensed under s. 49.45 (6m) (ap) 1. but not deducted
4 from the nursing home's licensed bed capacity under s. 49.45 (6m) (ap) 4. a.

5 **SECTION 1480.** 50.14 (3) of the statutes is amended to read:

6 50.14 (3) By the end of each month, each facility shall submit to the department
7 ~~the facility's occupied licensed bed count and the amount due under sub. (2) for each~~
8 ~~occupied licensed bed of the facility for the month preceding the month during which~~
9 ~~the bed count and payment are~~ is being submitted. The department shall verify the
10 ~~bed count~~ number of beds licensed and, if necessary, make adjustments to the
11 payment, notify the facility of changes in the ~~bed count or payment~~ owing and send
12 the facility an invoice for the additional amount due or send the facility a refund.

13 **SECTION 1481.** 50.14 (4) of the statutes is amended to read:

14 50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60
15 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes
16 under subch. III of ch. 77, apply to the assessment under this section, except that the
17 amount of any assessment collected under s. 77.59 (7) in excess of \$14,300,000 in
18 fiscal year 2003-04, in excess of \$13,800,000 in fiscal year 2004-05, and, beginning
19 July 1, 2005, in excess of 45% in each fiscal year shall be deposited in the Medical
20 Assistance trust fund.

21 **SECTION 1482.** 50.38 (4) of the statutes is amended to read:

22 50.38 (4) All forfeitures shall be paid to the department within 10 days after
23 receipt of notice of assessment or, if the forfeiture is contested under sub. (3), within
24 10 days after receipt of the final decision after exhaustion of administrative review,
25 unless the final decision is appealed and the order is stayed by court order. The

SENATE BILL 44**SECTION 1482**

1 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
2 administration for deposit in the school fund.

3 **SECTION 1483.** 50.55 (1) (e) of the statutes is amended to read:

4 50.55 (1) (e) All forfeitures shall be paid to the department within 10 days after
5 receipt of notice of assessment or, if the forfeiture is contested under par. (d), within
6 10 days after receipt of the final decision, unless the final decision is appealed and
7 the decision is in favor of the appellant. The department shall remit all forfeitures
8 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

9 **SECTION 1484.** 50.90 (2) of the statutes is amended to read:

10 50.90 (2) "Organization" means a public agency, as defined in s. ~~46.93 (1m) (e)~~
11 46.856 (1) (b), a nonprofit corporation, a for-profit stock corporation, a cooperative,
12 a partnership, a limited liability company or a sole proprietorship.

13 **SECTION 1485.** 50.98 (5) of the statutes is amended to read:

14 50.98 (5) All forfeitures shall be paid to the department within 10 days after
15 receipt of notice of assessment or, if the forfeiture is contested under sub. (4), within
16 10 days after receipt of the final decision after exhaustion of administrative review,
17 unless the final decision is appealed and the order is stayed by court order under the
18 same terms and conditions as found in s. 50.03 (11). The department shall remit all
19 forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the
20 school fund.

21 **SECTION 1486.** 51.06 (1m) (d) of the statutes is amended to read:

22 51.06 (1m) (d) Services for ~~up to 50~~ individuals with developmental disability
23 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
24 challenging behaviors.

SENATE BILL 44**SECTION 1487**

1 **SECTION 1487.** 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and
2 amended to read:

3 51.06 (3) (a) ~~Individuals~~ Subject to par. (b), individuals under the age of 22
4 years shall be placed only at the central center for the developmentally disabled
5 unless the department authorizes the placement of the individual at the northern or
6 southern center for the developmentally disabled.

7 **SECTION 1488.** 51.06 (3) (b) of the statutes is created to read:

8 51.06 (3) (b) An individual may be placed at a center for the developmentally
9 disabled for services under sub. (1m) (d) only after all of the following conditions are
10 met:

11 1. The department determines that a licensed bed and other necessary
12 resources are available to provide services to the individual.

13 2. The department and the county of residence of the individual agree on a
14 maximum discharge date for the individual.

15 **SECTION 1489.** 51.06 (5) of the statutes is created to read:

16 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may
17 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
18 individual receives after the maximum discharge date for the individual that was
19 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
20 individual's services under s. 49.45 during any part of the first 6-month period
21 following the maximum discharge date, and increases by 10% of the amount paid for
22 the individual's services under s. 49.45 during any part of each 6-month period
23 thereafter. Any revenues received under this subsection shall be credited to the
24 appropriation account under s. 20.435 (2) (gL).

25 **SECTION 1490.** 51.06 (6) of the statutes is created to read:

SENATE BILL 44**SECTION 1490**

1 51.06 (6) SALE OF ASSETS OR REAL PROPERTY AT NORTHERN CENTER FOR THE
2 DEVELOPMENTALLY DISABLED. The department may maintain the Northern Center for
3 the Developmentally Disabled for the purpose specified in sub. (1), but may sell
4 assets or real property of the Northern Center for the Developmentally Disabled. If
5 there is any outstanding public debt used to finance the acquisition, construction, or
6 improvement of any property that is sold under this subsection, the department shall
7 deposit a sufficient amount of the net proceeds from the sale of the property in the
8 bond security and redemption fund under s. 18.09 to repay the principal and pay the
9 interest on the debt, and any premium due upon refunding any of the debt. If the
10 property was purchased with federal financial assistance, the department shall pay
11 to the federal government any of the net proceeds required by federal law. If there
12 is no such debt outstanding and there are no moneys payable to the federal
13 government, or if the net proceeds exceed the amount required to be deposited or paid
14 under this subsection, the department shall deposit the net proceeds or remaining
15 net proceeds in the budget stabilization fund.

16 **SECTION 1491.** 51.20 (13) (c) (intro.) of the statutes is amended to read:

17 51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following
18 apply:

19 **SECTION 1492.** 51.20 (13) (c) 1. of the statutes is amended to read:

20 51.20 (13) (c) 1. The court shall designate the facility or service ~~which~~ that is
21 to receive the subject individual into the mental health system, ~~except that, if the~~
22 ~~subject individual is under the age of 22 years and the facility is a center for the~~
23 ~~developmentally disabled, the court shall designate only the central center for the~~
24 ~~developmentally disabled unless the department authorizes designation of the~~
25 ~~northern or southern center for the developmentally disabled;~~ subject to s. 51.06 (3).

SENATE BILL 44**SECTION 1493**

1 **SECTION 1493.** 51.20 (13) (c) 2. of the statutes is amended to read:

2 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
3 for treatment in the least restrictive manner consistent with the requirements of the
4 subject individual in accordance with a court order designating the maximum level
5 of inpatient facility, if any, ~~which~~ that may be used for treatment, ~~except that, if the~~
6 ~~subject individual is under the age of 22 years and the facility is a center for the~~
7 ~~developmentally disabled, designation shall be only to the central center for the~~
8 ~~developmentally disabled unless the department authorizes the placement of the~~
9 ~~individual at the northern or southern center for the developmentally disabled; and~~
10 subject to s. 51.06 (3).

11 **SECTION 1494.** 51.20 (13) (f) of the statutes is amended to read:

12 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
13 receives an individual who is committed by a court under par. (a) 3. is authorized to
14 place such the individual in an approved treatment facility, subject to any limitations
15 which are specified by the court under par. (c) 2. The county department shall place
16 the subject individual in the treatment program and treatment facility ~~which~~ that
17 is least restrictive of the individual's personal liberty, consistent with the treatment
18 requirements of the individual. The county department ~~shall have~~ has ongoing
19 responsibility to review the individual's needs, in accordance with sub. (17), and to
20 transfer the person to the least restrictive program consistent with the individual's
21 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
22 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
23 ~~placement or transfer of the individual shall be made only to the central center for~~
24 ~~the developmentally disabled unless the department authorizes the placement or~~

SENATE BILL 44**SECTION 1494**

1 ~~transfer to the northern or southern center for the developmentally disabled~~
2 Placement or transfer under this paragraph is subject to s. 51.06 (3).

3 **SECTION 1495.** 51.35 (1) (a) of the statutes is amended to read:

4 51.35 (1) (a) ~~The~~ Subject to pars. (b) and (d), the department or the county
5 department under s. 51.42 or 51.437 may transfer any patient or resident who is
6 committed to it, or who is admitted to a treatment facility under its supervision or
7 operating under an agreement with it, between treatment facilities or from a
8 treatment facility into the community if ~~such~~ the transfer is consistent with
9 reasonable medical and clinical judgment ~~and, consistent with s. 51.22 (5).~~—~~The~~
10 ~~transfer shall be made, and, if the transfer results in a greater restriction of personal~~
11 ~~freedom for the patient or resident,~~ in accordance with par. (e). Terms and conditions
12 ~~which~~ that will benefit the patient or resident may be imposed as part of a transfer
13 to a less restrictive treatment alternative. A patient or resident who is committed
14 to the department or a county department under s. 51.42 or 51.437 may be required
15 to take medications and receive treatment, subject to the right of the patient or
16 resident to refuse medication and treatment under s. 51.61 (1) (g) and (h), through
17 a community support program as a term or condition of a transfer. The patient or
18 resident shall be informed at the time of transfer of the consequences of violating
19 ~~such~~ the terms and conditions of the transfer, including possible transfer back to a
20 ~~facility which~~ treatment facility that imposes a greater restriction on personal
21 freedom of the patient or resident.

22 **SECTION 1496.** 51.35 (1) (b) of the statutes is amended to read:

23 51.35 (1) (b) ~~In addition to the requirements in par. (a), a~~ Except as provided
24 in pars. (c) and (d), a transfer of a patient in a mental health institute ~~or center for~~
25 ~~the developmentally disabled~~ by the department is subject to the approval of the

SENATE BILL 44**SECTION 1496**

1 appropriate county department under ss. 51.42 and 51.437 to which the patient was
2 committed or through which the patient was admitted to the facility, if any mental
3 health institute.

4 **SECTION 1497.** 51.35 (1) (bm) of the statutes is amended to read:

5 51.35 (1) (bm) ~~Notwithstanding par. (b), transfer~~ Transfer of a patient under
6 ~~the age of 22 years resident by a county department~~ to a center for the
7 developmentally disabled ~~may be made only to the central center for the~~
8 ~~developmentally disabled unless the department authorizes the transfer of the~~
9 ~~patient to the northern or southern center for the developmentally disabled~~ is subject
10 to s. 51.06 (3).

11 **SECTION 1498.** 51.35 (1) (c) of the statutes is amended to read:

12 51.35 (1) (c) The department may, without approval of and without first
13 notifying the county department under s. 51.42 or 51.437 ~~and notwithstanding par.~~
14 ~~(d) 3.~~, transfer any patient from a treatment facility to another treatment facility
15 when the condition of the patient requires such transfer without delay. The
16 department shall notify the appropriate county department under s. 51.42 or 51.437
17 that the transfer has been made. Any patient so transferred may be returned to the
18 treatment facility from which the transfer was made, upon orders from the
19 department or the county department under s. 51.42 or 51.437, when ~~such~~ the return
20 would be in the best interests of the patient.

21 **SECTION 1499.** 51.35 (1) (d) of the statutes is amended to read:

22 51.35 (1) (d) 1. ~~The~~ Subject to subds. 2. and 3., the department may, without
23 approval of the appropriate county department under s. 51.42 or 51.437, transfer any
24 patient from a state treatment facility or other inpatient facility to an approved
25 treatment facility which is less restrictive of the patient's personal freedom.

SENATE BILL 44**SECTION 1499**

1 2. Transfer under this ~~subsection~~ paragraph may be made only if the transfer
2 is consistent with the requirements of par. (a), and the department finds that the
3 appropriate county department under s. 51.42 or 51.437 is unable to locate an
4 approved treatment facility in the community, or that ~~such~~ the county department
5 has acted in an arbitrary or capricious manner to prevent the transfer of the patient
6 out of the state treatment facility or other inpatient facility contrary to medical and
7 clinical judgment.

8 3. A transfer of a patient, made under authority of this ~~subsection~~ paragraph,
9 may be made only after the department has notified the county department under
10 s. 51.42 or 51.437 of its intent to transfer a patient in accordance with this subsection.
11 The patient's guardian, if any, or if a minor his or her parent or person in the place
12 of a parent shall be notified.

13 **SECTION 1500.** 51.35 (5) of the statutes is amended to read:

14 51.35 (5) RESIDENTIAL LIVING ARRANGEMENTS; TRANSITIONARY SERVICES. The
15 department and any person, director or board authorized to discharge or transfer
16 patients under this section shall ensure that a proper residential living arrangement
17 and the necessary transitional services are available and provided for the patient
18 being discharged or transferred. Under this subsection, a proper residential living
19 arrangement may not include a shelter facility, as defined under s. ~~16.352~~ 560.9808
20 (1) (d), unless the discharge or transfer to the shelter facility is made on an
21 emergency basis for a period not to exceed 10 days.

22 **SECTION 1501.** 51.421 (3) (e) of the statutes is amended to read:

23 51.421 (3) (e) ~~Distribute, from~~ From the appropriation appropriation accounts
24 under s. 20.435 (4) (w) and (o) and (7) (bL), distribute moneys in each fiscal year for
25 community support program services.

SENATE BILL 44**SECTION 1502**

1 **SECTION 1502.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

2 51.437 (**4rm**) (c) 2m. Bill the county department of developmental disabilities
3 services for services that are not provided by the federal government and that are
4 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
5 ~~that are not provided by the federal government, plus any applicable surcharge~~
6 under s. 51.06 (5), using the procedure established under subd. 1.

7 **SECTION 1503.** 51.67 (intro.) of the statutes is amended to read:

8 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
9 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
10 warranted and that the subject individual is a fit subject for guardianship and
11 protective placement or services, the court may, without further notice, appoint a
12 temporary guardian for the subject individual and order temporary protective
13 placement or services under ch. 55 for a period not to exceed 30 days. ~~If the court~~
14 ~~orders temporary~~ Temporary protective placement for an individual under the age
15 of 22 years in a center for the developmentally disabled, this placement may be made
16 ~~only at the central center for the developmentally disabled unless the department~~
17 ~~authorizes the placement or transfer to the northern or southern center for the~~
18 ~~developmentally disabled is subject to s. 51.06 (3).~~ Any interested party may then
19 file a petition for permanent guardianship or protective placement or services,
20 including medication, under ch. 55. If the individual is in a treatment facility, the
21 individual may remain in the facility during the period of temporary protective
22 placement if no other appropriate facility is available. The court may order
23 psychotropic medication as a temporary protective service under this section if it
24 finds that there is probable cause to believe the individual is not competent to refuse
25 psychotropic medication and that the medication ordered will have therapeutic

SENATE BILL 44**SECTION 1503**

1 value and will not unreasonably impair the ability of the individual to prepare for
2 and participate in subsequent legal proceedings. An individual is not competent to
3 refuse psychotropic medication if, because of chronic mental illness, and after the
4 advantages and disadvantages of and alternatives to accepting the particular
5 psychotropic medication have been explained to the individual, one of the following
6 is true:

7 **SECTION 1504.** 55.001 of the statutes is amended to read:

8 **55.001 Declaration of policy.** The legislature recognizes that many citizens
9 of the state, because of the infirmities of aging, chronic mental illness, mental
10 retardation, other developmental disabilities or like incapacities incurred at any age,
11 are in need of protective services. ~~These~~ Except as provided in s. 49.45 (30m) (a),
12 these services should, to the maximum degree of feasibility under programs, services
13 and resources that the county board of supervisors is reasonably able to provide
14 within the limits of available state and federal funds and of county funds required
15 to be appropriated to match state funds, allow the individual the same rights as other
16 citizens, and at the same time protect the individual from exploitation, abuse and
17 degrading treatment. This chapter is designed to establish those services and assure
18 their availability to all persons when in need of them, and to place the least possible
19 restriction on personal liberty and exercise of constitutional rights consistent with
20 due process and protection from abuse, exploitation and neglect.

21 **SECTION 1505.** 55.01 (4g) of the statutes is created to read:

22 55.01 (4g) "Intermediate facility" has the meaning given in s. 46.279 (1) (a).

23 **SECTION 1506.** 55.01 (4t) of the statutes is created to read:

24 55.01 (4t) "Nursing facility" has the meaning given in s. 46.279 (1) (b).

25 **SECTION 1507.** 55.045 of the statutes is amended to read:

SENATE BILL 44**SECTION 1507**

1 **55.045 Funding.** The Except as provided in s. 49.45 (30m) (a), the appropriate
2 county department designated under s. 55.02 shall within the limits of available
3 state and federal funds and of county funds required to be appropriated to match
4 state funds, provide for the reasonable program needs of persons who are
5 protectively placed or who receive protective services under this chapter, including
6 reasonable expenses for the evaluations required by s. 55.06 (8). Payment and
7 collections for protective placement or protective services provided in public facilities
8 specified in s. 46.10 shall be governed in accordance with s. 46.10. The department
9 may require that a person who is protectively placed or receives protective services
10 under this chapter provide reimbursement for services or care and custody received,
11 based on the ability of the person to pay for such costs.

12 **SECTION 1508.** 55.06 (5) of the statutes is amended to read:

13 **55.06 (5)** Notice of a petition for placement shall be served upon the person
14 sought to be placed, by personal service, at least 10 days prior to the time set for a
15 hearing. Upon service of the notice, the person sought to be protected shall be
16 informed of the complete contents of the notice. The person serving the notice shall
17 return a certificate to the circuit judge verifying that the petition has been delivered
18 and notice given. The notice shall include the names of all petitioners. Notice shall
19 also be served personally or by mail upon the person's guardian ad litem, legal
20 counsel, guardian, if any, presumptive adult heirs, and upon other persons who have
21 physical custody of the person to be protected whose names and addresses are known
22 to the petitioner or can with reasonable diligence be ascertained, to any
23 governmental or private body or group from whom the person to be protected is
24 known to be receiving aid, and to such other persons or entities as the court may
25 require. Notice shall also be served personally or by mail upon the department at

SENATE BILL 44**SECTION 1508**

1 least 10 days prior to the time set for hearing if the person sought to be protected may
2 be placed in a center for the developmentally disabled. ~~The department shall be~~
3 ~~allowed to submit oral or written testimony regarding such a placement at the~~
4 ~~hearing.~~ Notice shall also be served personally or by mail, at least 10 days before the
5 time set for hearing, upon the county department that is participating in the
6 program under s. 46.278 of the county of residence of the person sought to be
7 protected, if the person has a developmental disability and may be placed in an
8 intermediate facility or a nursing facility. The incompetent or proposed incompetent
9 is presumed able to attend the hearing unless, after a personal interview, the
10 guardian ad litem certifies to the court that the person is unable to attend.

11 **SECTION 1509.** 55.06 (8) (intro.) of the statutes is amended to read:

12 55.06 (8) (intro.) Before ordering the protective placement of any individual,
13 the court shall direct a comprehensive evaluation of the person in need of placement,
14 if such an evaluation has not already been made. The court may utilize available
15 multidisciplinary resources in the community in determining the need for
16 placement. The board designated under s. 55.02 or an agency designated by it shall
17 cooperate with the court in securing available resources. Where applicable by reason
18 of the particular disability, the appropriate board designated under s. 55.02 or an
19 agency designated by it having responsibility for the place of legal residence of the
20 individual as provided in s. 49.001 (6) shall make a recommendation for placement.
21 If the court is considering placement of the individual in a center for the
22 developmentally disabled, the court shall request a statement or testimony from the
23 department regarding whether the placement is appropriate for the person's needs
24 and whether it is consistent with the purpose of the center under s. 51.06 (1) ~~unless~~
25 ~~testimony was provided by the department under sub. (5).~~ If the individual has a

SENATE BILL 44**SECTION 1509**

1 developmental disability and the court is considering placement of the individual in
2 an intermediate facility or a nursing facility, the court shall request a statement or
3 testimony from the county department of the individual's county of residence that is
4 participating in the program under s. 46.278 as to whether the individual's needs
5 could be met in a noninstitutional setting. A copy of the comprehensive evaluation
6 shall be provided to the guardian, the guardian ad litem, and to the individual or
7 attorney at least 96 hours in advance of the hearing to determine placement. The
8 court or the cooperating agency obtaining the evaluation shall request appropriate
9 information which shall include at least the following:

10 **SECTION 1510.** 55.06 (9) (a) of the statutes is amended to read:

11 55.06 (9) (a) The court may order protective services under s. 55.05 (2) (d) as
12 an alternative to placement. When ordering placement, the court, on the basis of the
13 evaluation and other relevant evidence, shall order the appropriate board specified
14 under s. 55.02 or an agency designated by it to protectively place the individual.
15 Placement by the appropriate board or designated agency is subject to s. 46.279 and
16 shall be made in the least restrictive environment consistent with the needs of the
17 person to be placed and with the placement resources of the appropriate board
18 specified under s. 55.02. Factors to be considered in making protective placement
19 shall include the needs of the person to be protected for health, social, or
20 rehabilitative services; the level of supervision needed; the reasonableness of the
21 placement given the cost and the actual benefits in the level of functioning to be
22 realized by the individual; the limits of available state and federal funds and of
23 county funds required to be appropriated to match state funds; and the
24 reasonableness of the placement given the number or projected number of
25 individuals who will need protective placement and given the limited funds

SENATE BILL 44**SECTION 1510**

1 available. The Except as provided in s. 49.45 (30m), the county may not be required
2 to provide funding, in addition to its funds that are required to be appropriated to
3 match state funds, in order to protectively place an individual. Placement under this
4 section does not replace commitment of a person in need of acute psychiatric
5 treatment under s. 51.20 or 51.45 (13). Placement Subject to s. 46.279, placement
6 may be made to such facilities as nursing homes, public medical institutions, centers
7 for the developmentally disabled under the requirements of s. 51.06 (3), foster care
8 services and other home placements, or to other appropriate facilities but may not
9 be made to units for the acutely mentally ill. If the appropriate board or designated
10 agency proposes to place an individual who has a developmental disability in an
11 intermediate facility or a nursing facility under an order under this paragraph, the
12 county department shall develop a plan under s. 46.279 (4) and furnish the plan to
13 the board or agency and to the individual's guardian. The board or agency shall place
14 the individual in a noninstitutional community setting in accord with the plan unless
15 the court finds that to do so is not in the individual's best interests. If the individual
16 or the individual's guardian rejects the plan, the court shall take the rejection into
17 consideration in determining whether or not the placement is in the individual's best
18 interests. The prohibition of placements in units for the acutely mentally ill does not
19 prevent placement by a court for short-term diagnostic procedures under par. (d).
20 Placement in a locked unit shall require a specific finding of the court as to the need
21 for such action. A placement facility may transfer a patient from a locked unit to a
22 less restrictive environment without court approval.

23 **SECTION 1511.** 55.06 (9) (b) of the statutes is amended to read:

24 55.06 (9) (b) Transfer may be made between placement units or from a
25 placement unit to a medical facility other than those specified in pars. (c) to (e) by a

SENATE BILL 44**SECTION 1511**

1 guardian or placement facility without approval by a court. When transfer is made
2 by a placement facility, 24 hours' prior written notice of the transfer shall be provided
3 to the guardian, when feasible. If it is not feasible to notify the guardian in advance,
4 written notice shall be provided immediately upon transfer, and notice shall also be
5 provided to the court and to the board designated under s. 55.02 or an agency
6 designated by it within a reasonable time, not to exceed 48 hours from the time of the
7 transfer. Upon petition to a court by a guardian, ward, or attorney, or other
8 interested person specifying objections to a transfer, or if the person is transferred
9 to an intermediate facility or to a nursing facility, the court shall order a hearing,
10 within 96 hours after filing of the petition or, if the person is transferred to an
11 intermediate facility or to a nursing facility, within 96 hours after the transfer, to
12 determine whether there is probable cause to believe that the transfer is consistent
13 with the requirements specified in par. (a) and is necessary for the best interests of
14 the ward. The court shall notify the ward, guardian, and petitioner of the time and
15 place of the hearing, and a guardian ad litem shall be appointed to represent the
16 ward. If the person is an adult who is indigent, the county of legal settlement shall
17 be liable for guardian ad litem fees. If the person is a child, the person's parents or
18 the county of legal settlement shall be liable for guardian ad litem fees as provided
19 in s. 48.235 (8). The petitioner, ward, and guardian shall have the right to attend,
20 and to present and cross-examine witnesses.

21 **SECTION 1512.** 55.06 (9) (c) of the statutes is amended to read:

22 55.06 (9) (c) ~~Transfer~~ Subject to s. 46.279, transfer to a more restrictive
23 placement, including a locked unit, may be made with notice to the guardian, the
24 court and appropriate board designated under s. 55.02 or an agency designated by
25 it in the manner prescribed in par. (b). Upon petition by a guardian, ward or attorney,

SENATE BILL 44**SECTION 1512**

1 or other interested person specifying objections to the transfer or if the person has
2 a developmental disability and is transferred to an intermediate facility or a nursing
3 facility, the court shall order a hearing as provided in par. (b).

4 **SECTION 1513.** 55.06 (10) (a) of the statutes is renumbered 55.06 (10) (a) 1.

5 **SECTION 1514.** 55.06 (10) (a) 2. of the statutes is created to read:

6 55.06 (10) (a) 2. If the person has a developmental disability and is placed in
7 an intermediate facility or a nursing facility, the agency that is responsible for the
8 protective placement shall notify in writing the county department of the county of
9 residence of the person that is participating in the program under s. 46.278, at least
10 90 days before the review. The county department so notified shall develop a plan
11 under s. 46.279 (4) and furnish the plan to the court that ordered the placement and
12 to the person's guardian. The court shall order that the person be transferred to the
13 noninstitutional community setting in accordance with the plan unless the court
14 finds that to do so is not in the person's best interests. If the person or the person's
15 guardian rejects the transfer, the court shall take the rejection into consideration in
16 determining whether or not the transfer is in the person's best interests.

17 **SECTION 1515.** 55.06 (11) (c) of the statutes is amended to read:

18 55.06 (11) (c) Upon a finding of probable cause under par. (b), the court may
19 order temporary placement up to 30 days pending the hearing for a permanent
20 placement, or the court may order such protective services as may be required. If an
21 individual who has a developmental disability is ordered, under this paragraph, to
22 be temporarily placed in an intermediate facility or in a nursing facility, and if at the
23 hearing for permanent placement the court orders that the individual be protectively
24 placed, the court may, before permanent placement, extend the temporary placement
25 order for not more than 60 days if necessary for the county department that is

SENATE BILL 44**SECTION 1515**

1 participating in the program under s. 46.278 to develop the plan required under s.
2 46.279 (4).

3 **SECTION 1516.** 59.22 (2) (c) 2. of the statutes is amended to read:

4 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
5 rules of the department of ~~health and family services~~ workforce development under
6 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
7 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
8 permanently disabled persons or ss. 63.01 to 63.17.

9 **SECTION 1517.** 59.25 (3) (f) 1. of the statutes is amended to read:

10 59.25 (3) (f) 1. Except as provided in subd. 2., transmit to the ~~state treasurer~~
11 secretary of administration at the time required by law to pay the state taxes a
12 particular statement, certified by the county treasurer's personal signature affixed
13 or attached thereto, of all moneys received by him or her during the preceding year
14 and which are payable to the ~~state treasurer~~ secretary of administration for licenses,
15 fines, penalties, or on any other account, and at the same time pay to the state
16 ~~treasurer~~ secretary of administration the amount thereof after deducting the legal
17 fees.

18 **SECTION 1518.** 59.25 (3) (f) 2. of the statutes is amended to read:

19 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
20 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
21 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
22 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
23 weapons assessment, the amounts required by s. 973.045 for the crime victim and
24 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
25 delinquency victim and witness assistance surcharge, the amounts required by s.

SENATE BILL 44**SECTION 1518**

1 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
2 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
3 required by s. 100.261 for the consumer protection assessment, the amounts
4 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
5 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
6 under the supplemental food program for women, infants and children, the amounts
7 required by s. 349.04 for the truck driver education assessment, the amounts
8 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
9 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
10 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
11 uninsured employer assessment, the amounts required by s. 299.93 for the
12 environmental assessment, the amounts required by s. 29.983 for the wild animal
13 protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the
14 natural resources assessment surcharge, the amounts required by s. 29.985 for the
15 fishing shelter removal assessment, the amounts required by s. 350.115 for the
16 snowmobile registration restitution payment, and the amounts required by ss.
17 29.989 and 169.46 (2) for natural resources restitution payments, transmit to the
18 ~~state treasurer~~ secretary of administration a statement of all moneys required by law
19 to be paid on the actions entered during the preceding month on or before the first
20 day of the next succeeding month, certified by the county treasurer's personal
21 signature affixed or attached thereto, and at the same time pay to the ~~state treasurer~~
22 secretary of administration the amount thereof.

23 **SECTION 1519.** 59.25 (3) (k) of the statutes is amended to read:

SENATE BILL 44**SECTION 1519**

1 59.25 (3) (k) Forward 40% of the state forfeitures, fines, and penalties under
2 ch. 348 to the ~~state treasurer~~ secretary of administration for deposit in the
3 transportation fund under s. 25.40 (1) (ig).

4 **SECTION 1520.** 59.25 (3) (L) of the statutes is amended to read:

5 59.25 (3) (L) Forward all money received under s. 66.0114 (3) (c) to the ~~state~~
6 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
7 s. 25.40 (1) (ig).

8 **SECTION 1521.** 59.25 (3) (m) of the statutes is amended to read:

9 59.25 (3) (m) Forward 50% of the fees received under s. 351.07 (1g) to the ~~state~~
10 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
11 s. 25.40 (1) (im).

12 **SECTION 1522.** 59.25 (3) (p) of the statutes is amended to read:

13 59.25 (3) (p) Pay to the ~~state treasurer~~ secretary of administration on his or her
14 order the state percentage of fees received from the clerk of the circuit court under
15 s. 59.40 (2) (m) and if any such moneys remain in his or her hands when he or she
16 is required to pay the state percentage of fees, pay such moneys therewith to the ~~state~~
17 ~~treasurer~~ secretary of administration.

18 **SECTION 1523.** 59.26 (8) (a) of the statutes is amended to read:

19 59.26 (8) (a) In any county with a population of less than 500,000, the board,
20 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
21 at not less than that number required by sub. (1) (a) and (b) and may set the salary
22 of those deputies. The board may provide by ordinance that deputy sheriff positions
23 be filled by appointment by the sheriff from a list of all persons with the 3 highest
24 scores for each position based on a competitive examination. Such competitive
25 examinations may be by a county civil service commission or by the division of merit

SENATE BILL 44**SECTION 1523**

1 recruitment and selection in the department of ~~employment relations~~
2 administration at the option of the board and it shall so provide by ordinance. The
3 division of merit recruitment and selection in the department of ~~employment~~
4 ~~relations~~ administration shall, upon request of the board, conduct such examination
5 according to the methods used in examinations for the state civil service and shall
6 certify an eligible list of the names of all persons with the 3 highest scores on that
7 examination for each position to the sheriff of that county who shall make an
8 appointment from that list to fill the position within 10 days after he or she receives
9 the eligible list. The county for which such examination is conducted shall pay the
10 cost of that examination. If a civil service commission is decided upon for the
11 selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent
12 with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision
13 governing minimum compensation of the commissioners. The ordinance or an
14 amending ordinance may provide for employee grievance procedures and
15 disciplinary actions, for hours of work, for tours of duty according to seniority and for
16 other administrative regulations. Any board provision consistent with this
17 paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy
18 sheriff position by promotion, the sheriff shall make the appointment to the position
19 from a list of 3 deputy sheriffs who receive the highest scores in a competitive
20 examination. Such competitive examinations may be by a county civil service
21 commission or by the division of merit recruitment and selection in the department
22 of ~~employment relations~~ administration at the option of the board and it shall so
23 provide by ordinance.

24 **SECTION 1524.** 59.40 (2) (m) of the statutes is amended to read:

SENATE BILL 44**SECTION 1524**

1 59.40 (2) (m) Pay monthly to the ~~treasurer~~ secretary of administration for the
2 use of the state the state's percentage of the fees required to be paid on each civil
3 action, criminal action, and special proceeding filed during the preceding month and
4 pay monthly to the ~~treasurer~~ secretary of administration for the use of the state the
5 percentage of court imposed fines and forfeitures required by law to be deposited in
6 the state treasury, the amounts required by s. 757.05 for the penalty assessment
7 surcharge, the amounts required by s. 165.755 for the crime laboratories and drug
8 law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons
9 assessment, the amounts required by s. 973.045 for the crime victim and witness
10 assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency
11 victim and witness assistance surcharge, the amounts required by s. 973.046 for the
12 deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for
13 the drug abuse program improvement surcharge, the amounts required by s. 100.261
14 for the consumer protection assessment, the amounts authorized by s. 971.37 (1m)
15 (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the
16 amounts required by s. 253.06 (4) (c) for the enforcement assessment under the
17 supplemental food program for women, infants, and children, the amounts required
18 by s. 349.04 for the truck driver education assessment, the amounts required by ss.
19 346.177, 346.495, and 346.65 (4r) for the railroad crossing improvement assessment,
20 the amounts required by s. 346.655 for the driver improvement surcharge, the
21 amounts required by s. 102.85 (4) for the uninsured employer assessment, the
22 amounts required by s. 299.93 for the environmental assessment, the amounts
23 required under s. 29.983 for the wild animal protection assessment, the amounts
24 required under ss. 29.987 (1) (d) and 169.46 (1) (d) for the natural resources
25 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter

SENATE BILL 44**SECTION 1524**

1 removal assessment, the amounts required by s. 350.115 for the snowmobile
2 registration restitution payment, and the amounts required under ss. 29.989 (1) (d)
3 and 169.46 (2) (d) for the natural resources restitution payments. The payments
4 shall be made by the 15th day of the month following receipt thereof.

5 **SECTION 1525.** 59.53 (5) (a) of the statutes is amended to read:

6 59.53 (5) (a) The board shall contract with the department of workforce
7 development to implement and administer the child and spousal support and
8 establishment of paternity and the medical support liability programs provided for
9 by Title IV of the federal social security act. The board may designate by board
10 resolution any office, officer, board, department, or agency, except the clerk of circuit
11 court, as the county child support agency. The board or county child support agency
12 shall implement and administer the programs in accordance with the contract with
13 the department of workforce development. The attorneys responsible for support
14 enforcement under sub. (6) (a), circuit court commissioners, and all other county
15 officials shall cooperate with the county and the department of workforce
16 development as necessary to provide the services required under the programs. The
17 county shall charge the fee established by the department of workforce development
18 under s. 49.22 for services provided under this paragraph to persons not receiving
19 a stipend under s. 49.147 (3m) (g), benefits or wages under s. 49.148 or 49.155, or
20 assistance under s. 46.261, 49.19, or 49.47.

21 **SECTION 1526.** 59.53 (24) of the statutes is created to read:

22 59.53 (24) COUNTY PAYMENTS MADE UNDER MEDICAL ASSISTANCE. The board shall,
23 upon demand by the department of health and family services, authorize payment
24 to that department not to exceed any of the following:

SENATE BILL 44**SECTION 1526**

1 (a) *Home and community based services.* For services provided under ss. 46.275
2 and 46.278 beginning in 2001 and thereafter, any payment made under s. 20.435 (4)
3 (hm), and the portion of the payment made under s. 20.435 (4) (o) for Medical
4 Assistance Program benefits administered under ss. 46.275 and 46.278 that is
5 related to any rates increased for services under s. 46.275 or 46.278 beginning in
6 2001.

7 (b) *Alcohol and other drug and mental health prevention and treatment*
8 *services.* For alcohol and other drug and mental health prevention and treatment
9 services provided under s. 49.46 (2) (a) 1., 2., and 4. d. and e. and (b) 6. b., c., d., f.,
10 fm., j., k., L., and m., 9., 12., 12m., 13., 15., and 16. beginning in 2003 and thereafter,
11 any payment made under s. 20.435 (4) (hm), and the portion of the payment made
12 under s. 20.435 (4) (o) as Medical Assistance Program benefits for the services that
13 is related to any rates increased for these services beginning in 2003.

14 **SECTION 1527.** 59.54 (12) of the statutes is amended to read:

15 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
16 of a resolution, a board may enter into an agreement and seek funding under s.
17 ~~165.90~~ 16.964 (7).

18 **SECTION 1528.** 60.24 (3) (L) of the statutes is amended to read:

19 60.24 (3) (L) If authorized by the town board, represent the interests of the
20 town in connection with appearances before the state office of the commissioner of
21 tax appeals ~~commission~~ under s. 70.64 (5).

22 **SECTION 1529.** 63.10 (2) of the statutes is amended to read:

23 63.10 (2) The commission shall appoint a time and place for the hearing of said
24 charges, the time to be within 3 weeks after the filing of the same, and notify the
25 person possessing the appointing power and the accused of the time and place of such

SENATE BILL 44**SECTION 1529**

1 hearing. At the termination of the hearing the commission shall determine whether
2 or not the charge is well founded and shall take such action by way of suspension,
3 demotion, discharge or reinstatement, as it may deem requisite and proper under the
4 circumstances and as its rules may provide. The decision of the commission shall be
5 final. Neither the person possessing the appointing power nor the accused shall have
6 the right to be represented by counsel at said hearing, but the commission may in its
7 discretion permit the accused to be represented by counsel and may request the
8 presence of ~~an assistant~~ a district attorney to act with the commission in an advisory
9 capacity.

10 **SECTION 1530.** 66.0114 (1) (bm) of the statutes is amended to read:

11 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
12 collected to the treasurer of the city, village, town sanitary district, or public inland
13 lake protection and rehabilitation district in whose behalf the sum was paid, except
14 that all jail assessments shall be remitted to the county treasurer, within 20 days
15 after its receipt by the official. If timely remittance is not made, the treasurer may
16 collect the payment of the officer by action, in the name of the office, and upon the
17 official bond of the officer, with interest at the rate of 12% per year from the date on
18 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
19 crime laboratories and drug law enforcement assessment imposed by s. 165.755, the
20 driver improvement surcharge imposed by s. 346.655 (1), the truck driver education
21 assessment imposed by s. 349.04, any applicable consumer protection assessment
22 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
23 973.055 (1), the treasurer of the city, village, town sanitary district, or public inland
24 lake protection and rehabilitation district shall remit to the ~~state treasurer~~ secretary
25 of administration the amount required by law to be paid on the actions entered

SENATE BILL 44**SECTION 1530**

1 during the preceding month on or before the first day of the next succeeding month.
2 The governing body of the city, village, town sanitary district, or public inland lake
3 protection and rehabilitation district shall by ordinance designate the official to
4 receive the penalties and the terms under which the official qualifies.

5 **SECTION 1531.** 66.0114 (3) (c) of the statutes is amended to read:

6 66.0114 (3) (c) The entire amount in excess of \$150 of any forfeiture imposed
7 for the violation of any traffic regulation in conformity with ch. 348 shall be
8 transmitted to the county treasurer if the violation occurred on an interstate
9 highway, a state trunk highway, or a highway over which the local highway authority
10 does not have primary maintenance responsibility. The county treasurer shall then
11 make payment to the ~~state treasurer~~ secretary of administration as provided in s.
12 59.25 (3) (L).

13 **SECTION 1532.** 66.0517 (3) (b) 1. of the statutes is amended to read:

14 66.0517 (3) (b) 1. Except as provided in sub. (2) (b), a weed commissioner shall
15 receive compensation for the destruction of noxious weeds as determined by the town
16 board, village board, or city council upon presenting to the proper treasurer the
17 account for noxious weed destruction, verified by oath and approved by the
18 appointing officer. The account shall specify by separate items the amount
19 chargeable to each piece of land, describing the land, and shall, after being paid by
20 the treasurer, be filed with the town, village, or city clerk. The clerk shall enter the
21 amount chargeable to each tract of land in the next tax roll in a column headed "For
22 the Destruction of Weeds", as a tax on the lands upon which the weeds were
23 destroyed. The tax shall be collected under ch. 74, except in case of lands which are
24 exempt from taxation, railroad lands, or other lands for which taxes are not collected
25 under ch. 74. A delinquent tax may be collected as is a delinquent real property tax

SENATE BILL 44**SECTION 1532**

1 under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case
2 of railroad lands or other lands for which taxes are not collected under ch. 74, the
3 amount chargeable against these lands shall be certified by the town, village, or city
4 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
5 designated to the sum due from the company owning, occupying, or controlling the
6 lands specified. The ~~state treasurer~~ secretary of administration shall collect the
7 amount chargeable as prescribed in subch. I of ch. 76 and return the amount collected
8 to the town, city, or village from which the certification was received.

9 **SECTION 1533.** 66.0801 (2) of the statutes is amended to read:

10 66.0801 (2) Sections 66.0803 to 66.0825 do not deprive the ~~office of the~~
11 ~~commissioner of railroads, department of transportation or public service~~
12 commission of any power under ss. ~~195.05 and~~ 197.01 to 197.10 and ch. 196.

13 **SECTION 1534.** 69.14 (1) (cm) of the statutes is amended to read:

14 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
15 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
16 under s. 69.03 (14). If the child's parents are not married at the time of the child's
17 birth, the filing party shall give the mother a copy of the form prescribed by the state
18 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
19 designated hospital staff provide to the child's available parents oral information or
20 an audio or video presentation and written information about the form and the
21 significance and benefits of, and alternatives to, establishing paternity, before the
22 parents sign the form. The filing party shall also provide an opportunity to complete
23 the form and have the form notarized in the hospital. If the mother provides a
24 completed form to the filing party while she is a patient in the hospital and within
25 5 days after the birth, the filing party shall send the form directly to the state

SENATE BILL 44**SECTION 1534**

1 registrar. ~~From the appropriation under s. 20.445 (3) (dz), the~~ The department of
2 workforce development shall pay the filing party a financial incentive for correctly
3 filing a form within 60 days after the child's birth.

4 **SECTION 1535.** 69.22 (1) (c) of the statutes is amended to read:

5 69.22 (1) (c) Twelve dollars for issuing an uncertified copy of a birth certificate
6 or a certified copy of a birth certificate, \$7 of which shall be forwarded to the state
7 ~~treasurer~~ secretary of administration as provided in sub. (1m) and credited to the
8 appropriations under s. 20.433 (1) (g) and (h); and \$3 for issuing any additional
9 certified or uncertified copy of the same birth certificate issued at the same time.

10 **SECTION 1536.** 69.22 (1m) of the statutes is amended to read:

11 69.22 (1m) The state registrar and any local registrar acting under this
12 subchapter shall, for each copy of a birth certificate for which a fee under sub. (1) (c)
13 is charged that is issued during a calendar quarter, forward to the ~~state treasurer~~
14 secretary of administration for deposit in the appropriations under s. 20.433 (1) (g)
15 and (h) the amounts specified in sub. (1) (c) by the 15th day of the first month
16 following the end of the calendar quarter.

17 **SECTION 1537.** 70.36 (3) of the statutes is amended to read:

18 70.36 (3) The word assessor whenever used in ss. 70.35 and 70.36 shall, in 1st
19 class cities, be deemed to refer also to the commissioner of assessments of any such
20 city and, where applicable, shall be deemed also to refer to the department of revenue
21 responsible for the manufacturing property assessment under s. 70.995.

22 **SECTION 1538.** 70.38 (4) of the statutes is amended to read:

23 70.38 (4) APPEALS. (a) Any person feeling aggrieved by the assessment notice
24 shall, within 60 days after the receipt of the notice, file with the department a
25 petition for redetermination setting forth the person's objections to the assessment.

SENATE BILL 44**SECTION 1538**

1 The person may request an informal conference with representatives of the
2 department prior to September 15. The request shall be indicated in the petition.
3 The secretary shall act on the petition on or before October 1. On or before November
4 1, the person shall pay the amount determined by the secretary pursuant to the
5 secretary's action on the petition. If the person is aggrieved by the secretary's denial
6 of the petition the person may appeal to the office of the commissioner of tax appeals
7 ~~commission~~ if the appeal is filed with the ~~commission~~ office of the commissioner on
8 or before December 1.

9 (b) Determinations of the office of the commissioner of tax appeals ~~commission~~
10 shall be subject to judicial review under ch. 227.

11 **SECTION 1539.** 70.385 of the statutes is amended to read:

12 **70.385 Collection of the tax.** All taxes as evidenced by the report under s.
13 70.38 (1) are due and payable to the department on or before June 15, and shall be
14 deposited by the department with the ~~state treasurer~~ secretary of administration.

15 **SECTION 1540.** 70.39 (2) of the statutes is amended to read:

16 70.39 (2) Any part of an assessment which is contested before the office of the
17 commissioner of tax appeals ~~commission~~ or the courts, which after hearing shall be
18 ordered to be paid, shall be considered as a delinquent tax if unpaid on the 10th day
19 following the date of the final order and shall be subject to the penalty and interest
20 provisions under sub. (1).

21 **SECTION 1541.** 70.39 (4) (b) of the statutes is amended to read:

22 70.39 (4) (b) The clerk of circuit court shall enter the warrant as a delinquent
23 income or franchise tax warrant as required under s. 806.11. The clerk of circuit
24 court shall accept, file, and enter the warrant without prepayment of any fee, but
25 shall submit a statement of the proper fees within 30 days to the department of

SENATE BILL 44**SECTION 1541**

1 revenue. ~~The fees shall be paid by the state treasurer upon~~ Upon audit by the
2 department of administration on the certificate of the secretary of revenue, the
3 secretary of administration shall pay the fees and the fees shall be charged to the
4 proper appropriation for the department of revenue.

5 **SECTION 1542.** 70.397 (3) (c) of the statutes is amended to read:

6 70.397 (3) (c) Any person feeling aggrieved by an assessment notice under this
7 section may, within 60 days after receipt of the notice, file with the department a
8 petition for redetermination setting forth the person's objections to the assessment.
9 In the petition, the person may request an informal conference with representatives
10 of the department. The secretary of revenue shall act on the petition within 90 days
11 after receipt of the petition for redetermination. If the person is aggrieved by the
12 secretary's denial of the petition, the person may appeal to the office of the
13 commissioner of tax appeals ~~commission~~ if the appeal is filed with the ~~commission~~
14 office of the commissioner within 30 days after the petition is denied.

15 **SECTION 1543.** 70.44 (1) of the statutes is amended to read:

16 70.44 (1) Real or personal property omitted from assessment in any of the 2
17 next previous years, unless previously reassessed for the same year or years, shall
18 be entered once additionally for each previous year of such omission, designating
19 each such additional entry as omitted for the year of omission and affixing a just
20 valuation to each entry for a former year as the same should then have been assessed
21 according to the assessor's best judgment, and taxes shall be apportioned, using the
22 net tax rate as provided in s. 70.43, and collected on the tax roll for such entry. This
23 section shall not apply to manufacturing property ~~assessed by the department of~~
24 ~~revenue~~ under s. 70.995.

25 **SECTION 1544.** 70.511 (2) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 1544**

1 70.511 (2) (c) If the reviewing authority increases the value of the property in
2 question, the increase in value shall in the case of manufacturing property assessed
3 ~~by the department of revenue~~ under s. 70.995 be assessed as omitted property as
4 prescribed under s. 70.995 (12). In the case of all other property s. 70.44 shall apply.

5 **SECTION 1545.** 70.57 (2) of the statutes is amended to read:

6 70.57 (2) If the state board of assessors, the office of the commissioner of tax
7 ~~appeals commission~~ or a court makes a final redetermination on the assessment of
8 property subject to taxation under s. 70.995 that is higher or lower than the previous
9 assessment, the department of revenue shall recertify the equalized value of the
10 school district in which the property subject to taxation under s. 70.995 is located.

11 **SECTION 1546.** 70.64 (1) of the statutes is amended to read:

12 70.64 (1) ~~BY THE OFFICE OF THE COMMISSIONER OF TAX APPEALS COMMISSION.~~ The
13 assessment and determination of the relative value of taxable general property in
14 any county or taxation district, made by the department of revenue under s. 70.57,
15 may be reviewed, and a redetermination of the value of such property may be made
16 by the office of the commissioner of tax appeals commission, upon appeal by the
17 county or taxation district. The filing of such appeal in the manner provided in this
18 section by any county or taxation district shall impose upon the ~~commission~~ office of
19 the commissioner of tax appeals the duty, under the powers conferred upon it by s.
20 73.01 (4) (a), to review the assessment complained of. If, in its judgment based upon
21 the testimony, evidence and record made on the preliminary hearing of such appeal,
22 the ~~commission~~ office of the commissioner of tax appeals finds such assessment to
23 be unequal and discriminatory, it shall determine to correct such assessment to bring
24 it into substantial compliance with law. Except as provided in this section, the appeal
25 shall be taken and such review and redetermination shall be made as provided in ss.

SENATE BILL 44**SECTION 1546**

1 73.01 and 73.015 and under the rules governing the procedure of the ~~commission~~
2 office of the commissioner of tax appeals.

3 **SECTION 1547.** 70.64 (3) (intro.) of the statutes is amended to read:

4 70.64 (3) FORM OF APPEAL. (intro.) To accomplish an appeal there shall be filed
5 with the office of the commissioner of tax appeals ~~commission~~ on or before October
6 15 an appeal in writing setting forth:

7 **SECTION 1548.** 70.64 (3) (a) of the statutes is amended to read:

8 70.64 (3) (a) That the county or taxation district, naming the same, appeals to
9 the office of the commissioner of tax appeals ~~commission~~ from the assessment made
10 by the department of revenue under s. 70.57, specifying the date of such assessment.

11 **SECTION 1549.** 70.64 (4) of the statutes is amended to read:

12 70.64 (4) CERTIFIED COPIES. Upon the filing of such appeal, the clerk of the
13 county or taxation district, without delay, shall prepare certified copies of it, together
14 with certified copies of the value established by the department of revenue from
15 which the appeal is taken and a complete list showing the clerk of each taxation
16 district within the county and the post-office address of each. The clerk shall mail
17 by certified mail 4 sets of certified copies to the office of the commissioner of tax
18 appeals ~~commission~~ and one set of the copies to the department of revenue, the
19 county clerk and the clerk of each taxation district within the county.

20 **SECTION 1550.** 70.64 (5) of the statutes is amended to read:

21 70.64 (5) APPEARANCE. Not later than 30 days after the clerk of the county or
22 taxation district has mailed the certified copies, unless the time is extended by order
23 of the office of the commissioner of tax appeals ~~commission~~, any county, town, city
24 or village may cause an appearance to be entered in its behalf before the ~~commission~~
25 office of the commissioner in support of the appeal and uniting with the appellant for

SENATE BILL 44**SECTION 1550**

1 the relief demanded; and by verified petition or statement showing grounds therefor
2 may apply for other or further review and redetermination than that demanded in
3 the appeal. Within the same time the county, town, city or village in the county may
4 in the same manner have its appearance entered in opposition to the appeal and to
5 the relief demanded. Such appearances shall be authorized in the manner for
6 authorizing an appeal under sub. (2). When so authorized the interests of the county,
7 town, city or village authorizing it shall be in the charge of the chairperson, mayor
8 or president thereof unless otherwise directed by the body authorizing such
9 appearance; and attorneys may be employed in that behalf. In such appearances any
10 2 or more of the towns, cities and villages of the county may join if united in support
11 of or in opposition to the appeal. Four copies of each appearance, petition or
12 statement mentioned in this subsection shall be filed in ~~the offices of the~~ office of the
13 commissioner of tax appeals ~~commission~~ and a copy of each mailed by certified mail
14 to the department of revenue, to the county clerk, and to the clerk of each town, city
15 and village within the county, and a copy to the attorney authorized to appear on
16 behalf of the county or any town, city or village within the county.

17 **SECTION 1551.** 70.64 (6) of the statutes is amended to read:

18 70.64 **(6)** HEARING. As soon as practicable, the ~~commission~~ office of the
19 commissioner of tax appeals shall set a time and place for preliminary hearing of
20 such appeal. At least 10 days before the time set for such hearing, the ~~commission~~
21 office of the commissioner of tax appeals shall cause notice thereof to be mailed by
22 certified mail to the county clerk and to the attorney or the clerk of each town, city
23 and village in whose behalf an appearance has been entered in the matter of such
24 appeal, and to the clerk of each town, city or village which has not appeared, and mail
25 a like notice to the clerk of the taxation district taking such appeal and to the

SENATE BILL 44**SECTION 1551**

1 department of revenue. The department of revenue shall be prepared to present to
2 the ~~commission~~ office of the commissioner of tax appeals at such time during the
3 course of the hearings as the ~~commission~~ office requires, the full value of all property
4 subject to general property taxation in each town, village and city of the county, as
5 determined by the department according to s. 70.57 (1) or in the case of a complaint
6 by a taxation district under a county assessor such information as the department
7 has in its possession. Said hearing may be adjourned, in the discretion of the office
8 of the commissioner of tax appeals ~~commission~~, as often and to such times and places
9 as may be necessary in order to determine the facts. If satisfied that no substantial
10 injustice has been done in the taxation district assessment appealed from, the
11 ~~commission~~ office of the commissioner of tax appeals in its discretion may dismiss
12 such appeal. If satisfied that substantial injustice has been done in the taxation
13 district assessment, the ~~commission~~ office of the commissioner of tax appeals shall
14 determine to revalue any or all of the taxation districts in the county, which it deems
15 necessary, in a manner which in its judgment is best calculated to secure substantial
16 justice.

17 **SECTION 1552.** 70.64 (7) of the statutes is amended to read:

18 70.64 (7) REDETERMINATION. The ~~commission~~ office of the commissioner of tax
19 appeals shall then proceed to redetermine the value of the taxable general property
20 in such of the taxation districts in the county as it deems necessary. It may include
21 in such redetermination other taxation districts than first determined upon and may
22 include all of the taxation districts in said county, if at any time during the progress
23 of its investigations or revaluations it is satisfied that such course is necessary in
24 order to accomplish substantial justice and to secure relative equality as between all
25 the taxation districts in such county. It shall make careful investigation of the value

SENATE BILL 44**SECTION 1552**

1 of taxable general property in the several taxation districts to which such review and
2 redetermination shall extend, in any manner which in its judgment is best calculated
3 to obtain the fair, full value of such property. The ~~commission~~ office of the
4 commissioner of tax appeals may employ such experts and other assistants as may
5 be necessary, and fix their compensation. In making such investigations the
6 ~~commission~~ office of the commissioner of tax appeals and all persons employed
7 therein by the ~~commission~~ office shall have all the authority possessed by assessors
8 so far as applicable, including authority to administer oaths and to examine property
9 owners and witnesses under oath as to the quantity and value of the property subject
10 to assessment belonging to any person or within any taxation district to which the
11 investigation shall extend.

12 **SECTION 1553.** 70.64 (8) of the statutes is amended to read:

13 70.64 (8) HEARING. The ~~commission~~ office of the commissioner of tax appeals
14 may at any time before its final determination appoint a time and place at which it
15 will hear evidence and arguments relevant to the matters under consideration upon
16 such appeal. The time to be devoted to such hearings may be limited as the
17 ~~commission~~ office of the commissioner of tax appeals directs. At least 10 days before
18 the time fixed for such hearings, the ~~commission~~ office of the commissioner of tax
19 appeals shall cause notice thereof to be mailed by certified mail to the county clerk
20 and to the attorney or other representative of each town, city and village in whose
21 behalf an appearance has been entered in the matter of such appeal, and a like copy
22 to the department of revenue.

23 **SECTION 1554.** 70.64 (9) of the statutes is amended to read:

24 70.64 (9) TESTIMONY. The office of the commissioner of tax appeals ~~commission~~
25 may take testimony. Witnesses summoned at the instance of said ~~commission~~ the

SENATE BILL 44**SECTION 1554**

1 office of the commissioner of tax appeals shall be compensated at the rates provided
2 by law for witnesses in courts of record, the same to be audited and paid the same
3 as other claims against the state, upon the certificate of ~~said commission~~ the office
4 of the commissioner of tax appeals. If any property owner or other person makes any
5 false statement to ~~said commission~~ the office of the commissioner of tax appeals or
6 to any person employed by it upon any matter under investigation that person shall
7 be subject to all the forfeitures and penalties imposed by law for false statements to
8 assessors and boards of review.

9 **SECTION 1555.** 70.64 (10) of the statutes is amended to read:

10 70.64 (10) DETERMINATION. The office of the commissioner of tax appeals
11 ~~commission~~ shall make its determination upon such appeal without unreasonable
12 delay and shall file a copy thereof in the office of the county clerk and mail by certified
13 mail a like copy to the department of revenue and to the clerk and attorney of the
14 taxation district appealing, and a copy to the clerk and attorney of each taxation
15 district having appeared. In such determination the ~~commission~~ office of the
16 commissioner of tax appeals shall set forth the relative value of the taxable general
17 property in each town, city and village of such county as found by them, and what
18 sum, if any, shall be added to or deducted from the aggregate value of taxable
19 property in each such taxation district as fixed in the determination of the
20 department of revenue from which such appeal was taken in order to produce a
21 relatively just and equitable taxation district assessment. Such determination shall
22 be final.

23 **SECTION 1556.** 70.64 (11) of the statutes is amended to read:

24 70.64 (11) COMPUTATION. The determination of the ~~commission~~ office of the
25 commissioner of tax appeals shall not affect the validity of taxes apportioned in

SENATE BILL 44**SECTION 1556**

1 accordance with the taxation district assessment from which such appeal was taken;
2 but if it is determined upon such appeal that such taxation district assessment is
3 relatively unequal, such inequality shall be remedied and compensated in the
4 apportionment of state and county taxes in such county next following the
5 determination of ~~said commission~~ the office of the commissioner of tax appeals in the
6 following manner: Each town, city and village whose valuation in such taxation
7 district assessment was determined by ~~said commission~~ the office of the
8 commissioner of tax appeals to be relatively too high shall be credited a sum equal
9 to the amount of taxes charged to it upon such unequal assessment in excess of the
10 amount equitably chargeable thereto according to the determination of the
11 ~~commission~~ office of the commissioner of tax appeals; and each town, city and village
12 whose valuation in such taxation district assessment was determined by said
13 ~~commission~~ the office of the commissioner of tax appeals to be relatively too low shall
14 be charged, in addition to all other taxes, a sum equal to the difference between the
15 amount charged thereto upon such unequal assessment and the amount which
16 should have been charged thereto according to the determination of the ~~commission~~
17 office of the commissioner of tax appeals. The department of revenue shall aid the
18 county clerk in making proper computations.

19 **SECTION 1557.** 70.64 (12) of the statutes is amended to read:

20 70.64 (12) EXPENSES. The office of the commissioner of tax appeals ~~commission~~
21 shall transmit to the county clerk with its determination on such appeal a statement
22 of all expenses incurred therein by or at the instance of the ~~commission~~ office of the
23 commissioner of tax appeals, which shall include the actual expenses of the
24 ~~commission~~ office of the commissioner of tax appeals and regular employees of the
25 ~~commission~~ office, the compensation and actual expenses of all other persons

SENATE BILL 44**SECTION 1557**

1 employed by it and the fees of officers employed and witnesses summoned at its
2 instance. A duplicate of such statement shall be filed in the office of the department
3 of administration. Such expenses shall be audited upon the certificate of the
4 ~~commission~~ office of the commissioner of tax appeals, and paid out of the state
5 treasury, in the first instance, as other claims against the state are audited and paid.
6 The amount of such expenses shall be a special charge against such county and shall
7 be included in the next apportionment and certification of state taxes and charges,
8 and collected from such county, as other special charges are certified and collected.
9 Unless otherwise directed by the ~~commission~~ office of the commissioner of tax
10 appeals in its determination upon such appeal, the county clerk, in the next
11 apportionment of state and county taxes, shall apportion the amount of such special
12 charges to and among the towns, cities and villages in such county whose relative
13 valuations were increased in the determination of the ~~commission~~ office of the
14 commissioner of tax appeals in proportion to the amount of such increase in each of
15 them respectively. The apportionment of such expenses shall be set forth in the
16 determination of the ~~commission~~ office of the commissioner of tax appeals. The
17 amount so apportioned to each such town, city and village shall be charged upon its
18 tax roll and shall be collected and paid over to the county treasurer as other state
19 taxes and special charges are collected and paid.

20 **SECTION 1558.** 70.99 (3) (a) of the statutes is amended to read:

21 70.99 (3) (a) The state department of employment relations administration
22 shall recommend a reasonable salary range for the county assessor for each county
23 based upon pay for comparable work or qualifications in that county. If, by
24 contractual agreement under s. 66.0301, 2 or more counties join to employ one county
25 assessor with the approval of the secretary of revenue, the department of

SENATE BILL 44**SECTION 1558**

1 employment relations administration shall recommend a reasonable salary range
2 for the county assessor under the agreement. The department of revenue shall assist
3 the county in establishing the budget for the county assessor's offices, including the
4 number of personnel and their qualifications, based on the anticipated workload.

5 **SECTION 1559.** 70.995 (title) of the statutes is amended to read:

6 **70.995** (title) **State assessment Assessment of manufacturing property.**

7 **SECTION 1560.** 70.995 (4) of the statutes is amended to read:

8 70.995 (4) ~~Whenever real property or tangible personal property is used for~~
9 ~~one, or some combination, of the processes mentioned in sub. (3) and also for other~~
10 ~~purposes, the~~ The department of revenue, if satisfied that there is substantial use
11 ~~in one or some combination of such processes, may assess the~~ shall establish
12 standards and procedures for the assessment of property under this section. ~~For all~~
13 ~~purposes of this section the department of revenue shall have sole discretion for the~~
14 ~~determination of what is substantial use and what description of real property or~~
15 ~~what unit of tangible personal property shall constitute "the property" to be included~~
16 ~~for assessment purposes, and, in connection herewith, the department may include~~
17 ~~in a real property unit, real property owned by different persons. Vacant property~~
18 ~~designed for use in manufacturing, assembling, processing, fabricating, making or~~
19 ~~milling tangible property for profit may be assessed under this section or under s.~~
20 ~~70.32 (1), and the period of vacancy may not be the sole ground for making that~~
21 ~~determination. In those specific instances where a portion of a description of real~~
22 ~~property includes manufacturing property rented or leased and operated by a~~
23 ~~separate person which does not satisfy the substantial use qualification for the entire~~
24 ~~property, the local assessor shall assess the entire real property description and all~~
25 ~~personal property not exempt under s. 70.11 (27). The applicable portions of the~~

SENATE BILL 44**SECTION 1560**

1 ~~standard manufacturing property report form under sub. (12) as they relate to~~
2 ~~manufacturing machinery and equipment shall be submitted by such person and~~
3 ~~shall publish such standards and procedures in the property tax assessment manual~~
4 ~~provided under s. 73.03 (2a).~~

5 **SECTION 1561.** 70.995 (5) of the statutes is amended to read:

6 70.995 (5) ~~The department of revenue~~ taxation district assessor of the taxation
7 district in which the property is located shall assess all property of manufacturing
8 establishments included under subs. (1) and (2) as of the close of January 1 of each
9 year, ~~if on or before March 1 of that year the department has classified the property~~
10 ~~as manufacturing or the owner of the property has requested, in writing, that the~~
11 ~~department make such a classification and the department later does so. A change~~
12 ~~in ownership, location, or name of the manufacturing establishment does not~~
13 ~~necessitate a new request.~~ In assessing lands from which metalliferous minerals are
14 being extracted and valued for purposes of the tax under s. 70.375, the value of the
15 metalliferous mineral content of such lands shall be excluded.

16 **SECTION 1562.** 70.995 (6) of the statutes is repealed.

17 **SECTION 1563.** 70.995 (7) (a) of the statutes is renumbered 70.995 (7) and
18 amended to read:

19 70.995 (7) ~~Each manufacturing property assessed by~~ The taxation district
20 assessor shall notify the department of revenue ~~shall be entered of all manufacturing~~
21 property located and assessed in the taxation district and the department shall enter
22 such property on a state manufacturing property assessment roll ~~for each~~
23 ~~municipality that has manufacturing property as set forth in subs. (1) and (2).~~
24 Notification of the individual manufacturing property assessments contained in the

SENATE BILL 44**SECTION 1563**

1 ~~roll shall be furnished by the department to the municipal clerk that identifies all~~
2 ~~such property by the municipality in which the property is located.~~

3 **SECTION 1564.** 70.995 (7) (b) of the statutes is repealed.

4 **SECTION 1565.** 70.995 (8) (a) of the statutes is amended to read:

5 70.995 (8) (a) The secretary of revenue shall establish a state board of
6 assessors, which shall be comprised of the members of the department of revenue
7 whom the secretary designates. The state board of assessors shall investigate any
8 objection filed under par. (c) ~~or (d)~~ if the fee under that paragraph is paid. The state
9 board of assessors, after having made the investigation, shall notify the person
10 assessed or the person's agent and the appropriate municipality of its determination
11 by 1st class mail or electronic mail. Beginning with objections filed in 1989, the state
12 board of assessors shall make its determination on or before April 1 of the year after
13 the filing. If the determination results in a refund of property taxes paid, the state
14 board of assessors shall include in the determination a finding of whether the refund
15 is due to false or incomplete information supplied by the person assessed. The person
16 assessed or the municipality having been notified of the determination of the state
17 board of assessors shall be deemed to have accepted the determination unless the
18 person or municipality files a petition for review with the clerk of the office of the
19 commissioner of tax appeals ~~commission~~ as provided in s. 73.01 (5) and the rules of
20 practice promulgated by the ~~commission~~ office of the commissioner of tax appeals.
21 If an assessment is reduced by the state board of assessors, the municipality affected
22 may file an appeal seeking review of the reduction, or may, within 30 days after the
23 person assessed files a petition for review, file a cross-appeal, before the office of the
24 commissioner of tax appeals ~~commission~~ even though the municipality did not file
25 an objection to the assessment with the board. ~~If the board does not overrule a~~

SENATE BILL 44**SECTION 1565**

1 ~~change from assessment under this section to assessment under s. 70.32 (1), the~~
2 ~~affected municipality may file an appeal before the tax appeals commission. If an~~
3 ~~assessment is increased by the board, the person assessed may file an appeal seeking~~
4 ~~review of the increase, or may, within 30 days after the municipality files a petition~~
5 ~~for review, file a cross-appeal, before the commission office of the commissioner of~~
6 ~~tax appeals even though the person did not file an objection to the assessment with~~
7 ~~the board.~~

8 **SECTION 1566.** 70.995 (8) (b) 1. of the statutes is renumbered 70.995 (8) (b) and
9 amended to read:

10 70.995 (8) (b) ~~The department of revenue~~ taxation district in which the
11 manufacturing property is located shall annually notify each manufacturer assessed
12 under this section ~~and the municipality in which the manufacturing property is~~
13 ~~located~~ of the full value of all real and personal property owned by the manufacturer
14 that is located in the taxation district. The notice shall be in writing and shall be sent
15 by 1st class mail or electronic mail. In addition, the notice shall specify that
16 objections to valuation, amount, or taxability must be filed with the state board of
17 assessors within 60 days of issuance of the notice of assessment, that objections to
18 a change from assessment under this section to assessment under s. 70.32 (1) must
19 be filed within 60 days after receipt of the notice, that the fee under par. (c) 1. ~~or (d)~~
20 must be paid and that the objection is not filed until the fee is paid. A statement shall
21 be attached to the assessment roll indicating that the notices required by this section
22 have been mailed and failure to receive the notice does not affect the validity of the
23 assessments, the resulting tax on real or personal property, the procedures of the
24 office of the commissioner of tax appeals ~~commission~~ or of the state board of
25 assessors, or the enforcement of delinquent taxes by statutory means.

SENATE BILL 44**SECTION 1567**

1 **SECTION 1567.** 70.995 (8) (b) 2. of the statutes is repealed.

2 **SECTION 1568.** 70.995 (8) (c) 1. of the statutes is amended to read:

3 70.995 (8) (c) 1. All objections to the amount, valuation, taxability, or change
4 from assessment under this section to assessment under s. 70.32 (1) of property shall
5 be first made in writing on a form prescribed by the department of revenue that
6 specifies that the objector shall set forth the reasons for the objection, the objector's
7 estimate of the correct assessment, and the basis under s. 70.32 (1) for the objector's
8 estimate of the correct assessment. An objection shall be filed with the state board
9 of assessors within the time prescribed in par. (b) 1. A \$45 fee shall be paid when the
10 objection is filed unless a fee has been paid in respect to the same piece of property
11 and that appeal has not been finally adjudicated. The objection is not filed until the
12 fee is paid. Neither the state board of assessors nor the office of the commissioner
13 of tax appeals commission may waive the requirement that objections be in writing.
14 Persons who own land and improvements to that land may object to the aggregate
15 value of that land and improvements to that land, but no person who owns land and
16 improvements to that land may object only to the valuation of that land or only to the
17 valuation of improvements to that land.

18 **SECTION 1569.** 70.995 (8) (c) 2. of the statutes is amended to read:

19 70.995 (8) (c) 2. A manufacturer who files an objection under subd. 1. may file
20 supplemental information to support the manufacturer's objection within 60 days
21 from the date the objection is filed. The state board of assessors shall notify the
22 municipality taxation district in which the manufacturer's property is located of
23 supplemental information filed by the manufacturer under this subdivision, if the
24 municipality taxation district has filed an appeal related to the objection.

25 **SECTION 1570.** 70.995 (8) (d) of the statutes is repealed.

SENATE BILL 44**SECTION 1571**

1 **SECTION 1571.** 70.995 (8) (dm) of the statutes is amended to read:

2 70.995 (8) (dm) The department shall refund filing fees paid under par. (c) 1.
3 ~~or (d)~~ if the appeal in respect to the fee is denied because of lack of jurisdiction.

4 **SECTION 1572.** 70.995 (8) (e) of the statutes is amended to read:

5 70.995 (8) (e) Upon completion of and review by the office of the commissioner
6 of tax appeals commission and receipt of the statement of assessments required
7 under s. 70.53, the department of revenue shall be responsible for equating all
8 full-value manufacturing property assessments entered in the manufacturing
9 property assessment roll to the general level of assessment of all other property
10 within the individual taxation district. Thereafter, the manufacturing property
11 assessment roll shall be delivered to the municipal clerk and annexed to the
12 municipal assessment roll containing all other property.

13 **SECTION 1573.** 70.995 (9) of the statutes is amended to read:

14 70.995 (9) Any aggrieved party may appeal a determination by the office of the
15 commissioner of tax appeals commission under sub. (8) to the circuit court for Dane
16 County under s. 73.015.

17 **SECTION 1574.** 70.995 (10) of the statutes is amended to read:

18 70.995 (10) Municipalities, ~~and counties with a county assessor system,~~
19 Taxation districts shall have access to all manufacturing property for the purpose of
20 making appraisals of valuation of such property and may employ appraisal
21 personnel, who need not be certified under s. 70.05 (4), for such purpose.

22 **SECTION 1575.** 70.995 (11) of the statutes is repealed.

23 **SECTION 1576.** 70.995 (12) (a) of the statutes is amended to read:

24 70.995 (12) (a) The department of revenue shall prescribe a standard
25 manufacturing property report form that shall be submitted annually to the taxation

SENATE BILL 44**SECTION 1576**

1 district in which the property is located for each real estate parcel and each personal
2 property account on or before March 1 by all manufacturers whose property is
3 assessed under this section. The report form shall contain all information considered
4 necessary by the department and shall include, without limitation, income and
5 operating statements, fixed asset schedules and a report of new construction or
6 demolition. Failure to submit the report shall result in denial of any right of
7 redetermination by the state board of assessors or the office of the commission of tax
8 ~~appeals commission~~. If any property is omitted or understated in the assessment roll
9 in any of the next 5 previous years, the assessor shall enter the value of the omitted
10 or understated property once for each previous year of the omission or
11 understatement. The assessor shall affix a just valuation to each entry for a former
12 year as it should have been assessed according to the assessor's best judgment. Taxes
13 shall be apportioned and collected on the tax roll for each entry, on the basis of the
14 net tax rate for the year of the omission, taking into account credits under s. 79.10.
15 In the case of omitted property, interest shall be added at the rate of 0.0267% per day
16 for the period of time between the date when the form is required to be submitted and
17 the date when the assessor affixes the just valuation. ~~In the case of underpayments~~
18 ~~determined after an objection under s. 70.995 (8) (d), interest shall be added at the~~
19 ~~average annual discount interest rate determined by the last auction of 6-month~~
20 ~~U.S. treasury bills before the objection per day for the period of time between the date~~
21 ~~when the tax was due and the date when it is paid.~~

22 **SECTION 1577.** 70.995 (12) (b) of the statutes is amended to read:

23 70.995 (12) (b) The department of revenue taxation district shall allow an
24 extension to April 1 of the due date for filing the report forms required under par. (a)

SENATE BILL 44**SECTION 1577**

1 if a written application for an extension, stating the reason for the request, is filed
2 with the department on or before March 1.

3 **SECTION 1578.** 70.995 (12) (c) of the statutes is amended to read:

4 70.995 (12) (c) Unless the taxpayer shows that the failure is due to reasonable
5 cause, if a taxpayer fails to file any form required under par. (a) for property that the
6 department of revenue was assessed during under this section in the previous year
7 by the due date or by any extension of the due date that has been granted, the
8 taxpayer shall pay to the department of revenue taxation district in which the
9 property is located a penalty of \$25 if the form is filed 1 to 10 days late; \$50 or 0.05%
10 of the previous year's assessment, whichever is greater, but not more than \$250, if
11 the form is filed 11 to 30 days late; and \$100 or 0.1% of the previous year's
12 assessment, whichever is greater, but not more than \$750, if the form is filed more
13 than 30 days late. Penalties are due 30 days after they are assessed and are
14 delinquent if not paid on or before that date. The department taxation district may
15 refund all or part of any penalty it assesses under this paragraph if it finds
16 reasonable grounds for late filing.

17 **SECTION 1579.** 70.995 (12r) of the statutes is amended to read:

18 70.995 (12r) The department of revenue Each taxation district shall calculate
19 the value of property located in the taxation district that is used in manufacturing,
20 as defined in this section, and that is exempt under s. 70.11 (39) and (39m).

21 **SECTION 1580.** 70.995 (13) of the statutes is repealed.

22 **SECTION 1581.** 71.10 (5) (h) (intro.) of the statutes is amended to read:

23 71.10 (5) (h) *Certification of amounts.* (intro.) Annually, on or before September
24 15, the secretary of revenue shall certify to the department of natural resources, and
25 the department of administration and the state treasurer:

SENATE BILL 44**SECTION 1582**

1 **SECTION 1582.** 71.10 (5e) (h) (intro.) of the statutes is amended to read:

2 71.10 **(5e)** (h) *Certification of amounts.* (intro.) Annually, on or before
3 September 15, the secretary of revenue shall certify to the district board under
4 subch. IV of ch. 229, and the department of administration ~~and the state treasurer:~~

5 **SECTION 1583.** 71.30 (10) (h) (intro.) of the statutes is amended to read:

6 71.30 **(10)** (h) *Certification of amounts.* (intro.) Annually, on or before
7 September 15, the secretary of revenue shall certify to the department of natural
8 resources, and the department of administration ~~and the state treasurer:~~

9 **SECTION 1584.** 71.74 (13) (a) of the statutes is amended to read:

10 71.74 **(13)** (a) If the tax is increased the department shall proceed to collect the
11 additional tax in the same manner as other income or franchise taxes are collected.
12 If the income or franchise taxes are decreased upon direction of the department the
13 ~~state treasurer~~ secretary of administration shall refund to the taxpayer such part of
14 the overpayment as was actually paid in cash, and the certification of the
15 overpayment by the department shall be sufficient authorization to the treasurer
16 secretary of administration for the refunding of the overpayment. No refund of
17 income or franchise tax shall be made by the ~~treasurer~~ secretary of administration
18 unless the refund is so certified. The part of the overpayment paid to the county and
19 the local taxation district shall be deducted by the ~~state treasurer~~ secretary of
20 administration in the ~~treasurer's~~ secretary's next settlement with the county and
21 local treasurer.

22 **SECTION 1585.** 71.74 (13) (b) of the statutes is amended to read:

23 71.74 **(13)** (b) No action or proceeding whatsoever shall be brought against the
24 state or the ~~treasurer thereof~~ secretary of administration for the recovery, refund, or
25 credit of any income or surtaxes; except in case the ~~state treasurer~~ secretary of

SENATE BILL 44**SECTION 1585**

1 administration shall neglect or refuse for a period of 60 days to refund any
2 overpayment of any income or surtaxes certified, the taxpayer may maintain an
3 action to collect the overpayment against the ~~treasurer~~ secretary of administration
4 so neglecting or refusing to refund such overpayment, without filing a claim for
5 refund with ~~such treasurer~~ the secretary of administration, provided that such
6 action shall be commenced within one year after the certification of such
7 overpayment.

8 **SECTION 1586.** 71.74 (14) of the statutes is amended to read:

9 71.74 (14) ADDITIONAL REMEDY TO COLLECT TAX. The department may also
10 proceed under s. 71.91 (5) for the collection of any additional assessment of income
11 or franchise taxes or surtaxes, after notice thereof has been given under sub. (11) and
12 before the same shall have become delinquent, when it has reasonable grounds to
13 believe that the collection of such additional assessment will be jeopardized by delay.
14 In such cases notice of the intention to so proceed shall be given by registered mail
15 to the taxpayer, and the warrant of the department shall not issue if the taxpayer
16 within 10 days after such notice furnishes a bond in such amount, not exceeding
17 double the amount of the tax, and with such sureties as the department shall
18 approve, conditioned upon the payment of so much of the additional taxes as shall
19 finally be determined to be due, together with interest thereon as provided by s. 71.82
20 (1) (a). Nothing in this subsection shall affect the review of additional assessments
21 provided by ss. 71.88 (1) (a) and (2) (a), 71.89 (2), 73.01, and 73.015, and any amounts
22 collected under this subsection shall be deposited with the ~~state treasurer~~ secretary
23 of administration and disbursed after final determination of the taxes as are
24 amounts deposited under s. 71.90 (2).

25 **SECTION 1587.** 71.80 (1) (e) of the statutes is amended to read:

SENATE BILL 44**SECTION 1587**

1 71.80 (1) (e) Representatives of the department directed by it to accept
2 payment of income or franchise taxes shall file bonds with the ~~state treasurer~~
3 secretary of administration in such amount and with such sureties as the state
4 treasurer shall direct and approve.

5 **SECTION 1588.** 71.80 (16) (b) of the statutes is amended to read:

6 71.80 (16) (b) A construction contractor required to file a surety bond under par.
7 (a) may, in lieu of such requirement, but subject to approval by the department,
8 deposit with the ~~state treasurer~~ secretary of administration an amount of cash equal
9 to the face of the bond that would otherwise be required. If an offer to deposit is made,
10 the department shall issue a certificate to the ~~state treasurer~~ secretary of
11 administration authorizing said ~~treasurer~~ secretary to accept payment of such
12 moneys and to give his or her receipt therefor. A copy of such certificate shall be
13 mailed to the contractor who shall, within the time fixed by the department, pay such
14 amount to ~~said treasurer~~ the secretary of administration. A copy of the receipt of the
15 ~~state treasurer~~ secretary of administration shall be filed with the department. Upon
16 final determination by the department of such contractor's liability for state income
17 or franchise taxes, required unemployment insurance contributions, sales and use
18 taxes, and income taxes withheld from wages of employees, interest and penalties,
19 by reason of such contract or contracts, the department shall certify to the ~~state~~
20 ~~treasurer~~ secretary of administration the amount of taxes, penalties, and interest as
21 finally determined, shall instruct the ~~treasurer~~ secretary of administration as to the
22 proper distribution of such amount, and shall state the amount, if any, to be refunded
23 to such contractor. The ~~state treasurer~~ secretary of administration shall make the
24 payments directed by such certificate within 30 days after receipt thereof. Amounts
25 refunded to the contractor shall be without interest.

SENATE BILL 44**SECTION 1589**

1 **SECTION 1589.** 71.80 (17) of the statutes is amended to read:

2 71.80 (17) TAX RECEIPTS TRANSMITTED TO STATE TREASURER THE SECRETARY OF
3 ADMINISTRATION. Within 15 days after receipt of any income or franchise tax
4 payments, the department shall transmit the same to the ~~state treasurer~~ secretary
5 of administration.

6 **SECTION 1590.** 71.82 (2) (d) of the statutes is amended to read:

7 71.82 (2) (d) *Withholding tax.* Of the amounts required to be withheld any
8 amount not deposited or paid over to the department within the time required shall
9 be deemed delinquent and deposit reports or withholding reports filed after the due
10 date shall be deemed late. Delinquent deposits or payments shall bear interest at
11 the rate of 1.5% per month from the date deposits or payments are required under
12 this section until deposited or paid over to the department. The department shall
13 provide by rule for reduction of interest on delinquent deposits to 12% per year in
14 stated instances wherein the secretary of revenue determines reduction fair and
15 equitable. In the case of a timely filed deposit or withholding report, withheld taxes
16 shall become delinquent if not deposited or paid over on or before the due date of the
17 report. In the case of no report filed or a report filed late, withheld taxes shall become
18 delinquent if not deposited or paid over by the due date of the report. In the case of
19 an assessment under s. 71.83 (1) (b) 2., the amount assessed shall become delinquent
20 if not paid on or before the first day of the calendar month following the calendar
21 month in which the assessment becomes final, but if the assessment is contested
22 before the office of the commissioner of tax appeals ~~commission~~ or in the courts, it
23 shall become delinquent on the 30th day following the date on which the order or
24 judgment representing final determination becomes final.

25 **SECTION 1591.** 71.88 (2) (title) of the statutes is amended to read:

SENATE BILL 44**SECTION 1591**

1 71.88 (2) (title) APPEAL TO THE ~~WISCONSIN~~ OFFICE OF THE COMMISSIONER OF TAX
2 APPEALS COMMISSION.

3 **SECTION 1592.** 71.88 (2) (a) of the statutes is amended to read:

4 71.88 (2) (a) *Appeal of the department's redetermination of assessments and*
5 *claims for refund.* A person feeling aggrieved by the department's redetermination
6 may appeal to the office of the commissioner of tax appeals ~~commission~~ by filing a
7 petition with the clerk of the ~~commission~~ office of the commissioner of tax appeals
8 as provided by law and the rules of practice promulgated by the ~~commission~~ office
9 of the commissioner of tax appeals. If a petition is not filed with the ~~commission~~ office
10 of the commissioner of tax appeals within the time provided in s. 73.01 or, except as
11 provided in s. 71.75 (5), if no petition for redetermination is made within the time
12 provided the assessment, refund, or denial of refund shall be final and conclusive.

13 **SECTION 1593.** 71.88 (2) (b) of the statutes is amended to read:

14 71.88 (2) (b) *Appeal of department's redetermination of credits.* Any person
15 aggrieved by the department of revenue's redetermination of a credit under s. 71.07
16 (3m) or (6), 71.28 (1) or (2m) or 71.47 (1) or (2m) or subch. VIII or IX, except when the
17 denial is based upon late filing of claim for credit or is based upon a redetermination
18 under s. 71.55 (8) of rent constituting property taxes accrued as at arm's length, may
19 appeal the redetermination to the office of the commissioner of tax appeals
20 ~~commission~~ by filing a petition with the ~~commission~~ office of the commissioner of tax
21 appeals within 60 days after the redetermination, as provided under s. 73.01 (5) with
22 respect to income or franchise tax cases, and review of the ~~commission's~~ decision of
23 the office of the commissioner of tax appeals may be had under s. 73.015. For appeals
24 brought under this paragraph, the filing fee required under s. 73.01 (5) (a) does not
25 apply.

SENATE BILL 44**SECTION 1594**

1 **SECTION 1594.** 71.89 (1) of the statutes is amended to read:

2 71.89 (1) If the taxpayer requests a hearing, the additional tax or overpayment
3 shall not become due and payable until after hearing and determination of the tax
4 by the office of the commissioner of tax appeals ~~commission~~ or disposition of the
5 appeal pursuant to stipulation and order under ss. 73.01 (4) (a) and 73.03 (25).

6 **SECTION 1595.** 71.89 (2) of the statutes is amended to read:

7 71.89 (2) No person against whom an assessment of income or franchise tax has
8 been made shall be allowed in any action either as plaintiff or defendant or in any
9 other proceeding to question such assessment unless the requirements of ss. 71.88
10 and 71.90 (1) shall first have been complied with, and unless such person shall have
11 made full disclosure under oath at the hearing before the office of the commissioner
12 of tax appeals ~~commission~~ of any and all income that the person received. The
13 requirement of full disclosure under this subsection may be waived by the
14 department of revenue.

15 **SECTION 1596.** 71.89 (3) of the statutes is amended to read:

16 71.89 (3) As soon as the appellant shall have filed a petition with the office of
17 the commissioner of tax appeals ~~commission~~, all collection proceedings, except
18 proceedings under s. 71.74 (14), shall be stayed until final determination of the
19 appeal and any review thereof.

20 **SECTION 1597.** 71.89 (4) of the statutes is amended to read:

21 71.89 (4) Any person who contests an assessment before the office of the
22 commissioner of tax appeals ~~commission~~ or in court shall state in his or her petition
23 or notice of appeal what portion if any of the tax is admitted to be legally assessable
24 and correct. Within 5 days after notice by the department, the appellant shall pay
25 to the department the whole amount of the admitted tax and such tax shall be

SENATE BILL 44**SECTION 1597**

1 appropriated in accordance with s. 25.20. Any such payment shall be considered an
2 admission of the legality of the tax thus paid, and such tax so paid cannot be
3 recovered in the pending appeal or in any other action or proceeding.

4 **SECTION 1598.** 71.90 (2) of the statutes is amended to read:

5 71.90 (2) DEPOSIT WITH THE STATE TREASURER. At any time while the petition is
6 pending before the office of the commissioner of tax appeals ~~commission~~ or an appeal
7 in regard to that petition is pending in a court, the taxpayer may offer to deposit the
8 entire amount of the additional taxes, together with interest, with the state
9 treasurer. If an offer to deposit is made, the department of revenue shall issue a
10 certificate to the state treasurer authorizing the treasurer to accept payment of such
11 taxes together with interest to the first day of the succeeding month and to give a
12 receipt. A copy of the certificate shall be mailed to the taxpayer who shall pay the
13 taxes and interest to the treasurer within 30 days. A copy of the receipt of the state
14 treasurer shall be filed with the department. The department shall, upon final
15 determination of the appeal, certify to the state treasurer the amount of the taxes as
16 finally determined and direct the state treasurer to refund to the appellant any
17 portion of such payment which has been found to have been improperly assessed,
18 including interest. The state treasurer shall make the refunds directed by the
19 certificate within 30 days after receipt. Taxes paid to the state treasurer under this
20 subsection shall be subject to the interest provided by ss. 71.82 and 71.91 (1) (c) only
21 to the extent of the interest accrued on the taxes prior to the first day of the month
22 succeeding the application for hearing. Any portion of the amount deposited with the
23 state treasurer which is refunded to the taxpayer shall bear interest at the rate of
24 9% per year during the time that the funds are on deposit.

SENATE BILL 44**SECTION 1599**

1 **SECTION 1599.** 71.90 (2) of the statutes, as affected by 2003 Wisconsin Act ...
2 (this act), is amended to read:

3 71.90 (2) ~~DEPOSIT WITH THE STATE TREASURER~~ SECRETARY OF ADMINISTRATION. At
4 any time while the petition is pending before the office of the commissioner of tax
5 appeals or an appeal in regard to that petition is pending in a court, the taxpayer may
6 offer to deposit the entire amount of the additional taxes, together with interest, with
7 the ~~state treasurer~~ secretary of administration. If an offer to deposit is made, the
8 department of revenue shall issue a certificate to the ~~state treasurer~~ secretary of
9 administration authorizing the ~~treasurer~~ secretary to accept payment of such taxes
10 together with interest to the first day of the succeeding month and to give a receipt.
11 A copy of the certificate shall be mailed to the taxpayer who shall pay the taxes and
12 interest to the ~~treasurer~~ secretary of administration within 30 days. A copy of the
13 receipt of the ~~state treasurer~~ secretary of administration shall be filed with the
14 department. The department shall, upon final determination of the appeal, certify
15 to the ~~state treasurer~~ secretary of administration the amount of the taxes as finally
16 determined and direct the ~~state treasurer~~ secretary of administration to refund to
17 the appellant any portion of such payment which has been found to have been
18 improperly assessed, including interest. The ~~state treasurer~~ secretary of
19 administration shall make the refunds directed by the certificate within 30 days
20 after receipt. Taxes paid to the ~~state treasurer~~ secretary of administration under this
21 subsection shall be subject to the interest provided by ss. 71.82 and 71.91 (1) (c) only
22 to the extent of the interest accrued on the taxes prior to the first day of the month
23 succeeding the application for hearing. Any portion of the amount deposited with the
24 ~~state treasurer~~ secretary of administration which is refunded to the taxpayer shall
25 bear interest at the rate of 9% per year during the time that the funds are on deposit.

SENATE BILL 44**SECTION 1600**

1 **SECTION 1600.** 71.91 (1) (b) of the statutes is amended to read:

2 71.91 (1) (b) *Withholding.* Any amount not deposited or paid over to the
3 department, or to the person that the department prescribes, within the time
4 required shall be deemed delinquent and deposit reports or withholding reports filed
5 after the due date shall be deemed late. In the case of a timely filed deposit or
6 withholding report, withheld taxes shall become delinquent if not deposited or paid
7 over on or before the due date of the report. In the case of no report filed or a report
8 filed late, withheld taxes shall become delinquent if not deposited or paid over by the
9 due date of the report. In the case of an assessment under s. 71.83 (1) (b) 2., the
10 amount assessed shall become delinquent if not paid on or before the due date
11 specified in the notice of deficiency, but if the assessment is contested before the office
12 of the commissioner of tax appeals ~~commissioner~~ or in the courts, it shall become
13 delinquent on the 30th day following the date on which the order or judgment
14 representing final determination becomes final.

15 **SECTION 1601.** 71.91 (1) (c) of the statutes is amended to read:

16 71.91 (1) (c) *Contested income and franchise tax assessments.* Any additional
17 income or franchise tax assessment contested before the office of the commissioner
18 of tax appeals ~~commissioner~~ or in the courts, which is finally determined to be correct,
19 shall become delinquent if not paid on or before the 30th day following the date on
20 which the order or judgment representing such final determination becomes final
21 and conclusive. Any additional income or franchise tax assessment so contested
22 shall be subject to s. 71.74 (14).

23 **SECTION 1602.** 71.91 (5) (h) of the statutes is amended to read:

24 71.91 (5) (h) All fees and compensation of officials or other persons performing
25 any act or functions required in carrying out this subchapter, except such as are by

SENATE BILL 44**SECTION 1602**

1 this subchapter to be paid to such officials or persons by the taxpayer, shall, upon
2 presentation to the department of revenue of an itemized and verified statement of
3 the amount due, be paid ~~by the state treasurer,~~ upon audit by the department of
4 administration on the certificate of the secretary of revenue, by the secretary of
5 administration and charged to the proper appropriation for the department of
6 revenue. No public official shall be entitled to demand prepayment of any fee for the
7 performance of any official act required in carrying out this subchapter.

8 **SECTION 1603.** 71.91 (7) (e) of the statutes is amended to read:

9 71.91 (7) (e) Paragraphs (b) to (d) shall apply in any case in which the employer
10 is the United States or any instrumentality thereof or this state or any municipality
11 or other subordinate unit thereof except those provisions imposing a liability on the
12 employer for failure to withhold or remit. But an amount equal to any amount
13 withheld by any municipality or other subordinate unit of this state under this
14 subsection and not remitted to the department as required by this subsection shall
15 be retained by the ~~state treasurer~~ secretary of administration from funds otherwise
16 payable to any such municipality or subordinate unit, and transmitted instead to the
17 department, upon certification by the secretary of revenue.

18 **SECTION 1604.** 71.93 (1) (a) 4. of the statutes is amended to read:

19 71.93 (1) (a) 4. An amount that the department of workforce development may
20 recover under s. 49.161, 49.195 (3), or 49.793, or may collect under s. 49.147 (6) (cm),
21 if the department of workforce development has certified the amount under s. 49.85.

22 **SECTION 1605.** 71.93 (1) (a) 4. of the statutes, as affected by 2003 Wisconsin Act
23 (this act), is amended to read:

24 71.93 (1) (a) 4. An amount that the department of workforce development may
25 recover under s. 49.161, 49.195 (3), or 49.793, or may collect under s. 49.147 (6) (cm)

SENATE BILL 44**SECTION 1605**

1 49.1471 (3m), if the department of workforce development has certified the amount
2 under s. 49.85.

3 **SECTION 1606.** 71.93 (1) (a) 5. of the statutes is amended to read:

4 71.93 (1) (a) 5. An amount owed to the department of corrections under s.
5 ~~304.073 (2)~~ or 304.074 (2).

6 **SECTION 1607.** 72.24 of the statutes is amended to read:

7 **72.24 Refunding.** Whenever any amount has been paid in excess of the tax
8 determined, the state ~~treasurer~~ secretary of administration, upon certification by
9 the department or circuit court, shall refund the excess to the payor or other person
10 entitled thereto.

11 **SECTION 1608.** Chapter 73 (title) of the statutes is amended to read:

12 **CHAPTER 73**

13 **OFFICE OF THE COMMISSIONER**

14 **OF TAX APPEALS COMMISSION**

15 **AND DEPARTMENT OF REVENUE**

16 **SECTION 1609.** 73.01 (title) of the statutes is amended to read:

17 **73.01 (title) Tax Office of the commissioner of tax appeals commission.**

18 **SECTION 1610.** 73.01 (1) (a) of the statutes is repealed.

19 **SECTION 1611.** 73.01 (1) (bm) of the statutes is created to read:

20 73.01 (1) (bm) "Tax appeals commissioner" means the commissioner of the
21 office of the commissioner of tax appeals, as appointed under ss. 15.06 (1) (bm) and
22 15.105 (1m).

23 **SECTION 1612.** 73.01 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 1612**

1 73.01 (2) EMPLOYEES. The ~~chairperson of the commission~~ tax appeals
2 commissioner may appoint, under the classified service, such employees for the
3 ~~commission~~ office of the commissioner of tax appeals as are necessary.

4 **SECTION 1613.** 73.01 (3) of the statutes is amended to read:

5 73.01 (3) HEARINGS AND REPORTS. (a) The time and place of meetings and
6 hearings of the ~~commission~~ office of the commissioner of tax appeals shall be
7 designated by the ~~chairperson~~ tax appeals commissioner. Rooms for hearings
8 outside the city of Madison shall be provided under s. 73.07. All hearings held in
9 Milwaukee shall be held in the southeast district office of the department of natural
10 resources. The ~~commission~~ office of the commissioner of tax appeals shall maintain
11 permanent hearing rooms in Madison.

12 (b) The ~~commission~~ office of the commissioner of tax appeals shall provide for
13 the publication of such of its reports, decisions and opinions as are of public interest
14 in such form as it deems best adapted for public convenience and use. Such
15 publications shall constitute the official reports of the ~~commission~~ office of the
16 commissioner of tax appeals and shall be made available for sale and distribution to
17 the public under ch. 35. In addition to any report submitted under s. 15.06 (7), the
18 ~~commission~~ office of the commissioner of tax appeals shall make additional reports
19 to the governor or the legislature as they request. The ~~commission~~ office of the
20 commissioner of tax appeals shall submit a report requested by the legislature to the
21 chief clerk of each house of the legislature, for distribution to the legislature under
22 s. 13.172 (2).

23 **SECTION 1614.** 73.01 (4) of the statutes is amended to read:

24 73.01 (4) POWERS AND DUTIES DEFINED. (a) Subject to the provisions for judicial
25 review contained in s. 73.015, the ~~commission~~ office of the commissioner of tax

SENATE BILL 44**SECTION 1614**

1 appeals shall be the final authority for the hearing and determination of all questions
2 of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss. 70.38 (4)
3 (a), 70.397, 70.64, and 70.995 (8), s. 76.38 (12) (a), 1993 stats., ss. 76.39 (4) (c), 76.48
4 (6), 76.91, 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555, 139.02, 139.03, 139.06,
5 139.31, 139.315, 139.33, 139.76, 139.78, 341.405, and 341.45, subch. XIV of ch. 71,
6 and subch. VII of ch. 77. Whenever with respect to a pending appeal there is filed
7 with the ~~commission~~ office of the commissioner of tax appeals a stipulation signed
8 by the department of revenue and the adverse party, under s. 73.03 (25), or the
9 department of transportation and the adverse party agreeing to an affirmance,
10 modification, or reversal of the department of revenue's or department of
11 transportation's position with respect to some or all of the issues raised in the appeal,
12 the ~~commission~~ office of the commissioner of tax appeals shall enter an order
13 affirming or modifying in whole or in part, or canceling the assessment appealed
14 from, or allowing in whole or in part or denying the petitioner's refund claim, as the
15 case may be, pursuant to and in accordance with the stipulation filed. No
16 responsibility shall devolve upon the ~~commission~~ office of the commissioner of tax
17 appeals, respecting the signing of an order of dismissal as to any pending appeal
18 settled by the department of revenue or the department of transportation without
19 the approval of the ~~commission~~ office of the commissioner of tax appeals.

20 (am) Whenever it appears to the ~~commission~~ office of the commissioner of tax
21 appeals or, ~~in respect to hearings conducted by one commissioner, to that~~
22 ~~commissioner~~ to a person assigned to hear a matter under this section that
23 proceedings have been instituted or maintained by the taxpayer primarily for delay
24 or that the taxpayer's position in those proceedings is frivolous or groundless, the
25 ~~commission or commissioner~~ office of the commissioner of tax appeals or the tax

SENATE BILL 44**SECTION 1614**

1 appeals commissioner may assess the taxpayer an amount not to exceed \$1,000 at
2 the same time that the deficiency is assessed. Those damages shall be paid upon
3 notice from the department of revenue and shall be collected as a part of the tax.

4 (b) Any matter required to be heard by the commission office of the
5 commissioner of tax appeals may be heard by ~~any member of the commission or its~~
6 the tax appeals commissioner or by a hearing examiner and reported to the office of
7 the commissioner of tax appeals, and hearings of matters pending before it shall be
8 assigned to ~~members of the commission or its~~ the tax appeals commissioner or to a
9 hearing examiner by the chairperson tax appeals commissioner. Unless a majority
10 of the ~~commission~~ decides that the full commission should decide a case, cases other
11 than small claims cases shall be decided by a panel of 3 members assigned by the
12 chairperson prior to the hearing. If the parties have agreed to an oral decision, the
13 ~~member or members~~ person conducting the hearing may render an oral decision.
14 Hearings shall be open to the public and all proceedings shall be conducted in
15 accordance with rules of practice and procedure prescribed by the commission office
16 of the commissioner of tax appeals. Small claims cases shall be decided by ~~one~~
17 commissioner the tax appeals commissioner or by a hearing examiner, as assigned
18 by the chairperson tax appeals commissioner prior to the hearing.

19 (bn) The parties to any matter required to be heard and decided by the
20 commission office of the commissioner of tax appeals, except appeals arising under
21 s. 70.64 or ch. 76, may consent in writing that the ~~chairperson or any member of the~~
22 commission person assigned to hear the matter may render an oral decision, and that
23 the parties waive the right to appeal such decision. Such oral decision shall not be
24 binding upon the department, as to statutory construction, in a subsequent matter.

SENATE BILL 44**SECTION 1614**

1 Provisions of this section, s. 73.015 or ch. 227 in conflict herewith shall not apply to
2 decisions rendered under this paragraph.

3 (c) ~~The commission~~ office of the commissioner of tax appeals shall, upon the
4 request of any party to a matter pending before it or of any officer of the state
5 government or upon its own motion order that all proceedings in a matter pending
6 before it be recorded, and the expense thereof shall be paid by the state out of the
7 appropriation for the ~~commission~~ office of the commissioner of tax appeals. The
8 ~~commission~~ office of the commissioner of tax appeals may supply copies of the
9 transcript of those recordings to anyone requesting them, at the expense of the
10 person making such request. All moneys received by the ~~commission~~ office of the
11 commissioner of tax appeals from the sale of transcripts of those recordings shall be
12 paid into the state treasury within one week after receipt. If no party to a matter
13 pending before the ~~commission~~ office of the commissioner of tax appeals requests
14 that the proceedings held with respect thereto be recorded, and the ~~commission~~ office
15 of the commissioner of tax appeals does not so order upon its own motion, all parties
16 shall be deemed to have waived all rights of appeal to the courts upon questions as
17 to the admission or exclusion of evidence or as to whether a finding of the ~~commission~~
18 office of the commissioner of tax appeals is warranted by the evidence. The right of
19 appeal upon questions of law raised by the pleadings or by facts stipulated or shown
20 by the findings of the ~~commission~~ office of the commissioner of tax appeals is not
21 waived.

22 (d) ~~Any member of the commission~~ The tax appeals commissioner or any
23 employee of the ~~commission~~ office of the commissioner of tax appeals, designated in
24 writing for the purpose by the ~~chairperson~~ tax appeals commissioner, may
25 administer oaths, and ~~any member of the commission~~ the tax appeals commissioner

SENATE BILL 44**SECTION 1614**

1 or any hearing examiner designated by the tax appeals commissioner may summon
2 and examine witnesses and require by subpoena the production of all returns, books,
3 papers, documents, correspondence and other evidence pertaining to the matter
4 under inquiry, at any designated place of hearing and may require the taking of a
5 deposition before any person competent to administer oaths, either within or without
6 the state, upon notice to the interested party in like manner that depositions of
7 witnesses are taken in civil actions pending in the circuit court. Any party to a matter
8 pending before the ~~commission~~ office of the commissioner of tax appeals may
9 summon witnesses or require the production of papers in the same manner as
10 witnesses are summoned or papers required to be produced in civil actions in the
11 circuit court. Any person summoned or whose deposition is taken shall receive the
12 same fees and mileage as would be allowed in a civil action pending in the circuit
13 court, and the expense thereof shall be paid by the person summoning such witness
14 or causing the deposition to be taken.

15 (dn) In connection with the hearing of any matter required to be heard and
16 decided by the ~~commission~~ office of the commissioner of tax appeals, except appeals
17 arising under s. 70.64 or ch. 76, the ~~chairperson or any member of the commission~~
18 person assigned to hear the matter may, with the consent of the parties, render an
19 oral decision. In small claims cases, the ~~presiding commissioner~~ person assigned to
20 hear the matter may, without consent of the parties, either render an oral decision
21 at the close of the hearing or provide a written decision to all parties within 2 weeks
22 after the hearing. Decisions in small claims cases are not precedents. Any party may
23 appeal such oral decision as provided in s. 73.015. Oral decisions constitute notice
24 for purposes of determining the time in which appeals may be taken. Provisions of

SENATE BILL 44**SECTION 1614**

1 this section or ch. 227 in conflict with this paragraph do not apply to decisions
2 rendered under this paragraph.

3 (e) Except as provided in par. (dn), the ~~commission~~ office of the commissioner
4 of tax appeals in each case heard by it shall, irrespective of ch. 227, make a decision
5 in writing accompanied by findings of fact and conclusions of law. The ~~commission~~
6 office of the commissioner of tax appeals may issue an opinion in writing in addition
7 to its findings of fact and decision. The decision or order of the ~~commission~~ office of
8 the commissioner of tax appeals shall become final and shall be binding upon the
9 petitioner and upon the department of revenue for that case unless an appeal is
10 taken from the decision or order of the ~~commission~~ office of the commissioner of tax
11 appeals under s. 73.015. Except in respect to small claims decisions, if the
12 ~~commission~~ office of the commissioner of tax appeals construes a statute adversely
13 to the contention of the department of revenue:

14 1. Except for hearings on ss. 341.405 and 341.45 and except as provided in subd.
15 2., the department of revenue shall be deemed to acquiesce in the construction so
16 adopted unless the department of revenue seeks review of the order or decision of the
17 ~~commission~~ office of the commissioner of tax appeals so construing the statute. For
18 purposes of this subdivision, the department of revenue has sought review of the
19 order or decision if it seeks review and later settles the case or withdraws its petition
20 for review or if the merits of the case are for other reasons not determined by judicial
21 review. The construction so acquiesced in shall thereafter be followed by the
22 department of revenue.

23 2. Except for hearings on ss. 341.405 and 341.45, the department of revenue
24 may choose not to appeal and to nonacquiesce in the decision or order by sending a
25 notice of nonacquiescence to the clerk of the ~~commission~~ office of the commissioner

SENATE BILL 44**SECTION 1614**

1 of tax appeals, to the revisor of statutes for publication in the Wisconsin
2 administrative register and to the taxpayer or the taxpayer's representative before
3 the time expires for seeking a review of the decision or order under s. 73.015. The
4 effect of this action is that, although the decision or order is binding on the parties
5 for the instant case, the ~~commission's~~ conclusions of law, the rationale, and the
6 construction of statutes in the instant case, as determined by the office of the
7 commissioner of tax appeals, are not binding upon or required to be followed by the
8 department of revenue in other cases.

9 (f) All reports, findings, decisions and opinions of the ~~commission~~ office of the
10 commissioner of tax appeals, and all evidence received by the ~~commission~~ office of
11 the commissioner of tax appeals, including a transcript of any report of the
12 proceedings, shall be open to the inspection of the public, except that the originals
13 of books, documents, records, labels, diagrams, and other exhibits introduced in
14 evidence before the ~~commission~~ office of the commissioner of tax appeals, may be
15 withdrawn from the custody of the ~~commission~~ office of the commissioner of tax
16 appeals in such manner and upon such terms as the ~~commission~~ office of the
17 commissioner of tax appeals may, in its discretion, prescribe.

18 (g) The ~~commission~~ office of the commissioner of tax appeals shall, in
19 manufacturing property redeterminations under s. 70.995 for which a refund is due
20 a taxpayer because of a reduction in value by the ~~commission~~ office of the
21 commissioner of tax appeals, include in its determination a finding of whether the
22 reduction was due to false or incomplete information supplied by the taxpayer.

23 (h) The ~~commission~~ office of the commissioner of tax appeals may extend any
24 of its deadlines for persons designated in section 7508 (a) of the internal revenue code
25 for the length of time specified in that section.

SENATE BILL 44**SECTION 1614**

1 (i) If the department of revenue assesses under s. 71.74 (9), the ~~commission~~
2 office of the commissioner of tax appeals shall consolidate the appeals of that
3 assessment.

4 **SECTION 1615.** 73.01 (4m) of the statutes is amended to read:

5 73.01 (4m) DEADLINE FOR DECISIONS. (a) The final decision or order of the
6 ~~commission~~ office of the commissioner of tax appeals shall be issued within 90 days
7 after the date on which the last document necessary to the decision of the matter is
8 received or the date on which a hearing is closed, whichever is later, unless good
9 cause is shown or unless the parties and the ~~commission~~ office of the commissioner
10 of tax appeals agree to an extension.

11 (b) No ~~member of the commission, including the chairperson, or its hearing~~
12 ~~examiner, including the tax appeals commissioner,~~ may receive any salary unless he
13 or she first executes an affidavit at the end of each salary period stating that he or
14 she has complied with the deadlines in par. (a). The affidavit shall be presented to
15 and filed with every official who certifies, in whole or in part, the salary.

16 (c) If a ~~member of the commission, including the chairperson, or its hearing~~
17 ~~examiner~~ or the tax appeals commissioner is unable to comply with the deadline
18 under par. (a), that person shall so certify in the record, and the period is then
19 extended for one additional period not to exceed 90 days.

20 **SECTION 1616.** 73.01 (5) of the statutes is amended to read:

21 73.01 (5) APPEALS TO COMMISSION THE OFFICE OF THE COMMISSIONER OF TAX
22 APPEALS. (a) Any person who is aggrieved by a determination of the state board of
23 assessors under s. 70.995 (8) or who has filed a petition for redetermination with the
24 department of revenue and who is aggrieved by the redetermination of the
25 department of revenue may, within 60 days of the determination of the state board

SENATE BILL 44**SECTION 1616**

1 of assessors or of the department of revenue or, in all other cases, within 60 days after
2 the redetermination but not thereafter, file with the clerk of the ~~commission~~ office
3 of the commissioner of tax appeals a petition for review of the action of the
4 department of revenue and the number of copies of the petition required by rule
5 adopted by the ~~commission~~ office of the commissioner of tax appeals. Any person who
6 is aggrieved by a determination of the department of transportation under s. 341.405
7 or 341.45 may, within 30 days after the determination of the department of
8 transportation, file with the clerk of the ~~commission~~ office of the commissioner of tax
9 appeals a petition for review of the action of the department of transportation and
10 the number of copies of the petition required by rule adopted by the ~~commission~~ office
11 of the commissioner of tax appeals. If a municipality appeals, its appeal shall set
12 forth that the appeal has been authorized by an order or resolution of its governing
13 body and the appeal shall be verified by a member of that governing body as
14 pleadings in courts of record are verified. The clerk of the ~~commission~~ office of the
15 commissioner of tax appeals shall transmit one copy to the department of revenue,
16 or to the department of transportation, and to each party. In the case of appeals from
17 manufacturing property assessments, the person assessed shall be a party to a
18 proceeding initiated by a municipality. At the time of filing the petition, the
19 petitioner shall pay to the ~~commission~~ office of the commissioner of tax appeals a \$25
20 filing fee. The ~~commission~~ office of the commissioner of tax appeals shall deposit the
21 fee in the general fund. Within 30 days after such transmission the department of
22 revenue, except for petitions objecting to manufacturing property assessments, or
23 the department of transportation, shall file with the clerk of the ~~commission~~ office
24 of the commissioner of tax appeals an original and the number of copies of an answer
25 to the petition required by rule adopted by the ~~commission~~ office of the commissioner

SENATE BILL 44**SECTION 1616**

1 of tax appeals and shall serve one copy on the petitioner or the petitioner's attorney
2 or agent. Within 30 days after service of the answer, the petitioner may file and serve
3 a reply in the same manner as the petition is filed. Any person entitled to be heard
4 by the ~~commission~~ office of the commissioner of tax appeals under s. 76.38 (12) (a),
5 1993 stats., or s. 76.39 (4) (c), 76.48, or 76.91 may file a petition with the ~~commission~~
6 office of the commissioner of tax appeals within the time and in the manner provided
7 for the filing of petitions in income or franchise tax cases. Such papers may be served
8 as a circuit court summons is served or by certified mail. For the purposes of this
9 subsection, a petition for review is considered timely filed if mailed by certified mail
10 in a properly addressed envelope, with postage duly prepaid, which envelope is
11 postmarked before midnight of the last day for filing.

12 (b) The petition shall set forth specifically the facts upon which the petitioner
13 relies, together with a statement of the propositions of law involved, and shall be in
14 such form as the ~~commission~~ office of the commissioner of tax appeals by rule
15 designates. After an answer is filed as provided in par. (a), the matter shall be
16 regarded as at issue and the ~~commission~~ office of the commissioner of tax appeals
17 shall set it for hearing. At all times while said appeal is pending before the
18 ~~commission~~ office of the commissioner of tax appeals, the petitioner shall keep the
19 ~~commission~~ office of the commissioner of tax appeals informed as to the petitioner's
20 residence. Upon the petitioner's failure to do so, the mailing by the ~~commission~~ office
21 of the commissioner of tax appeals of a notice of hearing, decision and order or other
22 papers by registered mail to the petitioner's attorney or to the petitioner's
23 last-known address shall constitute good and sufficient service. Petitions and
24 answers may be amended under rules to be prescribed by the ~~commission~~ office of
25 the commissioner of tax appeals.

SENATE BILL 44**SECTION 1617**

1 **SECTION 1617.** 73.015 (title) of the statutes is amended to read:

2 **73.015 (title) Review of determination of the office of the commissioner**
3 **of tax appeals commission.**

4 **SECTION 1618.** 73.015 (1) of the statutes is amended to read:

5 73.015 (1) This section shall provide the sole and exclusive remedy for review
6 of any decision or order of the office of the commissioner of tax appeals commission
7 and no person may contest, in any action or proceeding, any matter reviewable by
8 the ~~commission~~ office of the commissioner of tax appeals unless such person has first
9 availed himself or herself of a hearing before the ~~commission~~ office of the
10 commissioner of tax appeals under s. 73.01 or has cross-appealed under s. 70.995 (8)
11 (a).

12 **SECTION 1619.** 73.015 (2) of the statutes is amended to read:

13 73.015 (2) Any adverse determination of the office of the commissioner of tax
14 appeals commission is subject to review in the manner provided in ch. 227. If the
15 circuit court construes a statute adversely to the contention of the department of
16 revenue, the department shall be deemed to acquiesce in the construction so adopted
17 unless an appeal to the court of appeals is taken, and the construction so acquiesced
18 in shall thereafter be followed by the department.

19 **SECTION 1620.** 73.03 (2a) of the statutes is amended to read:

20 73.03 (2a) To prepare, have published and distribute to each property tax
21 assessor and to others who so request assessment manuals. The manual shall
22 discuss and illustrate accepted assessment methods, techniques and practices with
23 a view to more nearly uniform and more consistent assessments of property at the
24 local level. The manual shall be amended by the department from time to time to
25 reflect advances in the science of assessment, court decisions concerning assessment

SENATE BILL 44**SECTION 1620**

1 practices, costs, and statistical and other information considered valuable to local
2 assessors by the department. The manual shall incorporate standards for the
3 assessment of all types of renewable energy resource systems used in this state as
4 soon as such systems are used in sufficient numbers and sufficient data exists to
5 allow the formulation of valid guidelines. The manual shall incorporate standards,
6 which the department of revenue and the state historical society of Wisconsin shall
7 develop, for the assessment of nonhistoric property in historic districts and for the
8 assessment of historic property, including but not limited to property that is being
9 preserved or restored; property that is subject to a protective easement, covenant or
10 other restriction for historic preservation purposes; property that is listed in the
11 national register of historic places in Wisconsin or in this state's register of historic
12 places and property that is designated as a historic landmark and is subject to
13 restrictions imposed by a municipality or by a landmarks commission. The manual
14 shall incorporate general guidelines about ways to determine whether property is
15 taxable in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in
16 specific situations. The manual shall establish standards and procedures for the
17 assessment of manufacturing property under s. 70.995. The manual shall state that
18 assessors are required to comply with s. 70.32 (1g) and shall suggest procedures for
19 doing so. The manual or a supplement to it shall specify per acre value guidelines
20 for each municipality for various categories of agricultural land based on the income
21 that could be generated from its estimated rental for agricultural use, as defined by
22 rule, and capitalization rates established by rule. The manual shall include
23 guidelines for classifying land as agricultural land, as defined in s. 70.32 (2) (c) 1. and
24 guidelines for distinguishing between land and improvements to land. The cost of
25 the development, preparation, publication and distribution of the manual and of

SENATE BILL 44**SECTION 1620**

1 revisions and amendments to it shall be borne by the assessors and requesters at an
2 individual volume cost or a subscription cost as determined by the department. All
3 receipts shall be credited to the appropriation under s. 20.566 (2) (hi). The
4 department may provide free assessment manuals to other state agencies or
5 exchange them at no cost with agencies of other states or of the federal government
6 for similar information or publications.

7 **SECTION 1621.** 73.03 (6) of the statutes is amended to read:

8 73.03 (6) In its discretion to inspect and examine or cause an inspection and
9 examination of the records of any town, city, village, or county officer whenever such
10 officer shall have failed or neglected to return properly the information as required
11 by sub. (5), within the time set by the department of revenue. Upon the completion
12 of such inspection and examination the department of revenue shall transmit to the
13 clerk of the town, city, village, or county a statement of the expenses incurred by the
14 department of revenue to secure the necessary information. Duplicates of such
15 statements shall be filed in the office of the ~~department~~ secretary of administration
16 ~~and state treasurer~~. Within 60 days after the receipt of the above statement, the
17 same shall be audited, as other claims of towns, cities, villages, and counties are
18 audited, and shall be paid into the state treasury, in default of which the same shall
19 become a special charge against such town, city, village, or county and be included
20 in the next apportionment or certification of state taxes and charges, and collected
21 with interest at the rate of 10% per year from the date such statements were certified
22 by the department, as other special charges are certified and collected.

23 **SECTION 1622.** 73.03 (22) of the statutes is amended to read:

24 73.03 (22) To appear by its counsel and represent the state in all matters before
25 the office of the commissioner of tax appeals commission. Except as provided in ch.

SENATE BILL 44**SECTION 1622**

1 72 and in s. 76.08 (1), the department of justice shall provide legal counsel to appear
2 for the department in all courts, but with the consent of the attorney general a
3 member of the staff of the department may appear for the department.

4 **SECTION 1623.** 73.03 (25) of the statutes is amended to read:

5 73.03 (25) To settle and dispose of tax cases or issues pending before the office
6 of the commissioner of tax appeals commission when, in the judgment of the
7 department of revenue, such action is warranted in the best interests of the state;
8 and, with the approval of the attorney general, to settle and dispose of tax cases or
9 issues pending in the courts.

10 **SECTION 1624.** 73.04 (1) of the statutes is amended to read:

11 73.04 (1) CONTEMPTS. If any person unlawfully fails to obey any subpoena to
12 appear before the department of revenue or before the office of the commissioner of
13 tax appeals commission, or unlawfully refuses to testify, such failure or refusal shall
14 be reported to the attorney general and the department of justice shall institute
15 contempt proceedings against such person.

16 **SECTION 1625.** 73.07 (3) of the statutes is amended to read:

17 73.07 (3) The county board of any county shall provide rooms for the use of the
18 office of the commissioner of tax appeals commission upon the request of the
19 ~~chairperson of the commission~~ tax appeals commissioner. Hearings of the
20 ~~commission~~ office of the commissioner of tax appeals may also be held in the
21 department's district income tax office when the ~~chairperson of the commission~~ tax
22 appeals commissioner deems it advisable.

23 **SECTION 1626.** 73.09 (2) of the statutes is amended to read:

24 73.09 (2) DEPARTMENT OF REVENUE ASSESSMENT PERSONNEL. The requirements
25 established for local assessment personnel under sub. (1) shall also apply to

SENATE BILL 44**SECTION 1626**

1 department of revenue assessment personnel commencing on January 1, 1981. The
2 department of ~~employment relations~~ administration with the assistance of the
3 department of revenue shall determine the position classifications for which
4 certification shall apply within the department of revenue. The first level of
5 certification shall be obtained within 100 days of the employee's appointment. The
6 department of revenue in consultation with the department of ~~employment relations~~
7 administration shall establish requirements for obtaining higher levels of assessor
8 certification.

9 **SECTION 1627.** 73.09 (5) of the statutes is amended to read:

10 73.09 (5) EXAMINATIONS. As provided in subs. (1) and (2), the department of
11 revenue, assisted by the division of merit recruitment and selection in the
12 department of ~~employment relations~~ administration, shall prepare and administer
13 examinations for each level of certification. Persons applying for an examination
14 under this subsection shall submit a \$20 examination fee with their application.
15 Certification shall be granted to each person who passes the examination for that
16 level.

17 **SECTION 1628.** 73.10 (6) of the statutes is amended to read:

18 73.10 (6) The department may establish a scale of charges for audits,
19 inspections, and other services rendered by the department in connection with
20 financial records or procedures of towns, villages, cities, counties, and all other local
21 public bodies, boards, commissions, departments, or agencies. Upon the completion
22 of such work or, at the department's discretion, during work in progress, the
23 department shall transmit to the clerk of the town, village, city, county, or other local
24 public body, board, commission, department, or agency a statement of such charges.
25 Duplicates of the statements shall be filed in the ~~offices~~ office of the state treasurer

SENATE BILL 44**SECTION 1628**

1 secretary of administration. Within 60 days after the receipt of the above statement
2 of charges, it shall be audited as other claims against towns, villages, cities, counties,
3 and other local public bodies, boards, commissions, departments, or agencies are
4 audited, and it shall be paid into the state treasury and credited to the appropriation
5 under s. 20.566 (2) (gi). Past due accounts of towns, villages, cities, counties, and all
6 other local public bodies, boards, commissions, departments, or agencies shall be
7 certified on or before the 4th Monday of August of each year and included in the next
8 apportionment of state special charges to local units of government.

9 **SECTION 1629.** 74.25 (1) (a) 5. of the statutes is amended to read:

10 74.25 (1) (a) 5. Pay to the ~~state treasurer~~ secretary of administration all
11 collections of occupational taxes on mink farms, 30% of collections of occupational
12 taxes on iron ore concentrates, and 10% of collections of occupational taxes on coal
13 docks.

14 **SECTION 1630.** 74.27 of the statutes is amended to read:

15 **74.27 March settlement between counties and the state.** On or before
16 March 15, the county treasurer shall send to the ~~state treasurer~~ secretary of
17 administration the state's proportionate shares of taxes under ss. 74.23 (1) (b) and
18 74.25 (1) (b) 1. and 2.

19 **SECTION 1631.** 74.30 (1) (e) of the statutes is amended to read:

20 74.30 (1) (e) Pay to the ~~state treasurer~~ secretary of administration all
21 collections of occupational taxes on mink farms, 30% of collections of occupational
22 taxes on iron ore concentrates, and 10% of collections of occupational taxes on coal
23 docks.

24 **SECTION 1632.** 74.30 (1m) of the statutes is amended to read:

SENATE BILL 44**SECTION 1632**

1 74.30 (1m) MARCH SETTLEMENT BETWEEN COUNTIES AND THE STATE. On or before
2 March 15, the county treasurer shall send to the ~~state treasurer~~ secretary of
3 administration the state's proportionate shares of taxes under sub. (1) (i) and (j).

4 **SECTION 1633.** 75.106 (1) (a) of the statutes is amended to read:

5 75.106 (1) (a) "Brownfield" ~~has the meaning given in s. 560.13 (1) (a)~~ means an
6 abandoned, idle, or underused industrial or commercial facility or site the expansion
7 or redevelopment of which is adversely affected by actual or perceived environmental
8 contamination.

9 **SECTION 1634.** 76.13 (2) of the statutes is amended to read:

10 76.13 (2) Every tax roll upon completion shall be delivered to the ~~state~~
11 ~~treasurer and a copy of the tax roll filed with the~~ secretary of administration. The
12 department shall notify, by certified mail, all companies listed on the tax roll of the
13 amount of tax due, which shall be paid to the department. The payment dates
14 provided for in sub. (2a) shall apply. The payment of one-fourth of the tax of any
15 company may, if the company has brought an action in the Dane County circuit court
16 under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time
17 prior to the date upon which the appeal becomes final, but any part of the tax
18 ultimately required to be paid shall bear interest from the original due date to the
19 date the appeal became final at the rate of 12% per year and at 1.5% per month
20 thereafter until paid. The taxes extended against any company after the same
21 become due, with interest, shall be a lien upon all the property of the company prior
22 to all other liens, claims, and demands whatsoever, except as provided in ss. 292.31
23 (8) (i) and 292.81, which lien may be enforced in an action in the name of the state
24 in any court of competent jurisdiction against the property of the company within the
25 state as an entirety.

SENATE BILL 44**SECTION 1635**

1 **SECTION 1635.** 76.13 (3) of the statutes is amended to read:

2 76.13 (3) If the Dane County circuit court, after such roll is delivered to the
3 ~~state treasurer~~ secretary of administration, increases or decreases the assessment
4 of any company, the department shall immediately redetermine the tax of the
5 company on the basis of the revised assessment, and shall certify and deliver the
6 revised assessment to the ~~state treasurer~~ secretary of administration as a revision
7 of the tax roll. If the amount of tax upon the assessment as determined by the court
8 is less than the amount paid by the company, the ~~excess shall be refunded~~ secretary
9 of administration shall refund the excess to the company with interest at the rate of
10 9% per year ~~upon the certification of the redetermined tax and for that purpose the~~
11 ~~secretary of administration, upon the certification and delivery of the revised tax roll,~~
12 ~~shall draw a warrant upon the state treasurer for the amount to be so refunded.~~ If
13 the amount of the tax upon the assessment as determined by the court is in excess
14 of the amount of the tax as determined by the department, interest shall be paid on
15 the additional amount at the rate of 12% per year from the date of entry of judgment
16 to the date the judgment becomes final, and at 1.5% per month thereafter until paid.

17 **SECTION 1636.** 76.15 (2) of the statutes is amended to read:

18 76.15 (2) The power to reassess the property of any company defined in s. 76.02
19 and the general property of the state, and to redetermine the average rate of
20 taxation, may be exercised under sub. (1) as often as may be necessary until the
21 amount of taxes legally due from any such company for any year under ss. 76.01 to
22 76.26 has been finally and definitely determined. Whenever any sum or part thereof,
23 levied upon any property subject to taxation under ss. 76.01 to 76.26 so set aside has
24 been paid and not refunded, the payment so made shall be applied upon the
25 reassessment upon the property, and the reassessment of taxes to that extent shall

SENATE BILL 44**SECTION 1636**

1 be deemed to be satisfied. When the tax roll on the reassessment is completed and
2 delivered to the ~~state treasurer~~ secretary of administration, the department shall
3 immediately notify by certified mail each of the several companies taxed to pay the
4 amount of the taxes extended on the tax roll within 30 days.

5 **SECTION 1637.** 76.22 (3) of the statutes is amended to read:

6 76.22 (3) The ~~state treasurer~~ secretary of administration for and in the name
7 of the state may bid at the sale and the state may become the purchaser of the
8 property of any such company under a judgment for its sale for taxes, interest, and
9 costs.

10 **SECTION 1638.** 76.24 (1) of the statutes is amended to read:

11 76.24 (1) All taxes collected from companies defined in s. 76.02 under this
12 subchapter shall be transmitted by the department to the ~~state treasurer~~ secretary
13 of administration and become a part of the general fund for the use of the state,
14 except that taxes paid into the state treasury by any air carrier or railroad company
15 shall be deposited in the transportation fund.

16 **SECTION 1639.** 76.28 (4) (a) of the statutes is amended to read:

17 76.28 (4) (a) If after filing the reports specified in sub. (7) and after the
18 department's computation and assessment of license fees under sub. (2) it is
19 determined that the amount of gross revenues reported is in error, the department
20 shall compute the additional license fee to be paid or the amount of the overpayment
21 of license fee to be refunded, as the case may be. If an additional license fee is due,
22 the department shall give notice to the light, heat and power company against whom
23 the license fee is to be levied. All such additional assessments and claims for refunds
24 for excess license fees paid are subject to the same procedure for review and final
25 determination as additional income or franchise tax assessments and claims for

SENATE BILL 44**SECTION 1639**

1 refunds under ch. 71 as far as the same may be applicable, except that appeals of
2 denials of claims for refunds shall be made directly to the office of the commissioner
3 of tax appeals commission and except that the additional license fees shall become
4 delinquent 60 days after notice provided in this subsection or, if review proceedings
5 are held, 60 days following final determination of the review proceedings. All
6 additional license fees shall bear interest at the rate of 12% per year from the time
7 they should have been paid to the date on which the additional fees shall become
8 delinquent if unpaid.

9 **SECTION 1640.** 76.28 (4) (b) of the statutes is amended to read:

10 76.28 (4) (b) In the case of overpayments of license fees by any light, heat and
11 power company under par. (a), the department shall certify the overpayments to the
12 department of administration, which shall audit the amount of the overpayments
13 and the ~~state treasurer~~ secretary of administration shall pay the amounts
14 determined by means of the audit. All refunds of license fees under this subsection
15 shall bear interest at the annual rate of 9% from the date of the original payment to
16 the date when the refund is made. The time for making additional levies of license
17 fees or claims for refunds of excess license fees paid, in respect to any year, shall be
18 limited to 4 years after the time the report for such year was filed.

19 **SECTION 1641.** 76.39 (4) (c) of the statutes is amended to read:

20 76.39 (4) (c) All additional assessments and claims for refund shall be subject
21 to the same procedure for review and final determination as is provided with respect
22 to additional assessments and refunds of income or franchise taxes in chs. 71 and 73,
23 except that appeals of denials of claims for refunds shall be made directly to the office
24 of the commissioner of tax appeals commission and except as the same may conflict

SENATE BILL 44**SECTION 1641**

1 with this section. Delinquent taxes shall be subject to interest at the rate of 1.5% per
2 month until paid.

3 **SECTION 1642.** 76.39 (4) (d) of the statutes is amended to read:

4 76.39 (4) (d) All refunds shall be certified by the department to the department
5 of administration which shall audit the amount of the refunds and the state
6 ~~treasurer~~ secretary of administration shall pay the amount, together with interest
7 at the rate of 9% per year from the date payment was made. All additional taxes shall
8 bear interest at the rate of 12% per year from the time they should have been paid
9 to the date upon which the additional taxes shall become delinquent if unpaid.

10 **SECTION 1643.** 76.48 (3) of the statutes is amended to read:

11 76.48 (3) On or before May 1 in each year, the department of revenue shall
12 compute and assess the license fees provided for in sub. (1r) and certify the amounts
13 due to the state treasurer and ~~file a duplicate thereof with the department~~ secretary
14 of administration. The department shall notify each electric cooperative of the
15 amount of the license fees so assessed. The fees shall become delinquent if not paid
16 when due and when delinquent shall be subject to interest at the rate of 1.5% per
17 month on the amount of license fee until paid. The interest shall be collected by the
18 department and, upon collection, forwarded to the state ~~treasurer~~ secretary of
19 administration and retained by the state. The payment dates provided for in sub.
20 (3a) shall apply.

21 **SECTION 1644.** 76.48 (5) of the statutes is amended to read:

22 76.48 (5) Additional assessments may be made, if notice of such assessment is
23 given, within 4 years of the date the annual return was filed, but if no return was
24 filed, or if the return filed was incorrect and was filed with intent to defeat or evade
25 the tax, an additional assessment may be made at any time upon the discovery of

SENATE BILL 44**SECTION 1644**

1 gross revenues by the department. Refunds may be made if a claim for the refund
2 is filed in writing with the department within 4 years of the date the annual return
3 was filed. Refunds shall bear interest at the rate of 9% per year and shall be certified
4 by the department to the secretary of administration who shall audit the amounts
5 of such overpayments and ~~the state treasurer shall~~ pay the amount audited.
6 Additional assessments shall bear interest at the rate of 12% per year from the time
7 they should have been paid to the date upon which they shall become delinquent if
8 unpaid.

9 **SECTION 1645.** 76.48 (6) of the statutes is amended to read:

10 76.48 (6) All additional assessments and claims for refund shall be subject to
11 the same procedure for review and final determination as is provided with respect
12 to additional assessments and refunds of income or franchise taxes under chs. 71 and
13 73, except that appeals of denials of claims for refunds shall be made directly to the
14 office of the commissioner of tax appeals commission and except as such procedure
15 conflicts with this section.

16 **SECTION 1646.** 76.82 of the statutes is amended to read:

17 **76.82 Assessment.** The department, using the methods ~~that it uses~~ used to
18 assess property under s. 70.995, shall assess the property that is taxable under s.
19 76.81, including property that is exempt under s. 70.11 (27) from the tax under ch.
20 70, at its value as of January 1.

21 **SECTION 1647.** 77.14 of the statutes is amended to read:

22 **77.14 Forest croplands information, protection, appropriation.** The
23 department of natural resources shall publish and distribute information regarding
24 the method of taxation of forest croplands under this subchapter, and may employ
25 a fire warden in charge of fire prevention in forest croplands. All actual and

SENATE BILL 44**SECTION 1647**

1 necessary expenses incurred by the department of natural resources or by the
2 department of revenue in the performance of their duties under this subchapter shall
3 be paid from the appropriation made in s. 20.370 (1) ~~(mu)~~ (mv) upon certification by
4 the department incurring such expenses.

5 **SECTION 1648.** 77.59 (6) (b) of the statutes is amended to read:

6 77.59 **(6)** (b) Appeals from the department's redeterminations shall be
7 governed by the statutes applicable to income or franchise tax appeals but all appeals
8 from decisions of the office of the commissioner of tax appeals ~~commission~~ with
9 respect to the taxes imposed by this subchapter shall be appealed to the circuit court
10 for Dane County.

11 **SECTION 1649.** 77.59 (7) of the statutes is amended to read:

12 77.59 **(7)** If the department believes that the collection of any tax imposed by
13 this subchapter will be jeopardized by delay, it shall notify the person determined to
14 owe the tax of its intention to proceed under s. 71.91 (5) for collection of the amount
15 determined to be owing, including penalties and interest. Such notice shall be by
16 certified or registered mail or by personal service and the warrant of the department
17 shall not issue if the person, within 10 days after such notice furnishes a bond in such
18 amount not exceeding double the amount determined to be owing and with such
19 sureties as the department approves, conditioned upon the payment of so much of
20 the taxes, interest, and penalties as shall finally be determined to be due. Nothing
21 in this subsection shall affect the review of determinations of tax as provided in this
22 subchapter and any amounts collected under this subsection shall be deposited with
23 the ~~state treasurer~~ secretary of administration and disbursed after final
24 determination of the taxes as are amounts deposited under ss. 71.89 (1) and 71.90
25 (2).

SENATE BILL 44**SECTION 1650**

1 **SECTION 1650.** 77.60 (2) (c) of the statutes is amended to read:

2 77.60 (2) (c) In the case of deficiency determinations, on or before the due date
3 specified in the notice of deficiency, except that if the determination is contested
4 before the office of the commissioner of tax appeals ~~commission~~ or in the courts, on
5 or before the 30th day following the date on which the order or judgment
6 representing the final determination becomes final.

7 **SECTION 1651.** 77.66 of the statutes is created to read:

8 **77.66 Refusal to collect taxes; certification.** The secretary of revenue shall
9 determine and periodically certify to the secretary of administration the names of
10 persons, and affiliates, as defined in s. 16.70 (1b), of persons, who refuse to collect and
11 remit the taxes imposed under ss. 77.52 and 77.53 on their sales delivered to this
12 state.

13 **SECTION 1652.** 77.91 (4) of the statutes is amended to read:

14 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses
15 for the administration of this subchapter shall be paid from the appropriation under
16 s. 20.370 (1) ~~(mu)~~ (mv).

17 **SECTION 1653.** 77.91 (5) of the statutes is amended to read:

18 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
19 under this subchapter shall record the action as provided under s. 59.43 (1). The
20 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.
21 from the appropriation under s. 20.370 (1) (cr). If the amount in the appropriation
22 under s. 20.370 (1) (cr) in any fiscal year is insufficient to pay the full amount
23 required under this subsection in that fiscal year, the department shall pay the
24 balance from the appropriation under s. 20.370 (1) ~~(mu)~~ (mv).

25 **SECTION 1654.** 79.015 of the statutes is amended to read:

SENATE BILL 44**SECTION 1654**

1 **79.015 Statement of estimated payments.** The department of revenue, on
2 or before September 15 of each year, shall provide to each municipality and county
3 a statement of estimated payments to be made in the next calendar year to the
4 municipality or county under ss. 79.03, 79.035, ~~79.036~~, 79.04, 79.05, 79.058, and
5 79.06.

6 **SECTION 1655.** 79.02 (2) (b) of the statutes is amended to read:

7 79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the
8 municipality's or county's estimated payments under ss. 79.03, 79.035, ~~79.036~~, 79.04,
9 79.058, and 79.06 and 100% of the municipality's estimated payments under s. 79.05.

10 **SECTION 1656.** 79.02 (3) of the statutes is amended to read:

11 79.02 (3) (a) Subject to s. 59.605 (4), payments to each municipality and county
12 in November shall equal that municipality's or county's entitlement to shared
13 revenues under ss. 79.03, 79.035, ~~79.036~~, 79.04, 79.05, 79.058, and 79.06 for the
14 current year, minus the amount distributed to the municipality or county in July.

15 (b) In November 2002, the amount of the payments to each municipality and
16 county under ss. 79.03, 79.04, 79.05, 79.058, and 79.06 to be paid from the
17 appropriation account under s. 20.855 (4) (rb) shall be the amount of such payments
18 to the municipality or county multiplied by the quotient of an amount equal to the
19 moneys available, as determined by the department of administration, from the
20 appropriation account under s. 20.855 (4) (rb) divided by \$826,068,930.

21 **SECTION 1657.** 79.02 (3) (c) of the statutes is created to read:

22 79.02 (3) (c) In November 2003, the total amount of the payments to each
23 municipality and county under ss. 79.03, 79.04, and 79.06 to be paid from the
24 appropriation account under s. 20.835 (1) (t) shall equal \$230,000,000 and shall be
25 applied to the payments in the manner determined by the department of revenue.

SENATE BILL 44**SECTION 1658**

1 **SECTION 1658.** 79.02 (3) (d) of the statutes is created to read:

2 79.02 (3) (d) 1. In November 2004, the total amount of the payments to each
3 municipality and county under s. 79.035 to be paid from the appropriation account
4 under s. 20.835 (1) (t) shall equal \$170,000,000 and shall be applied to the payments
5 in the manner determined by the department of revenue.

6 2. In November 2004, the total amount of the payments to each municipality
7 and county under s. 79.035 to be paid from the appropriation account under s. 20.835
8 (1) (u) shall equal \$20,000,000 and shall be applied to the payments in the manner
9 determined by the department of revenue.

10 **SECTION 1659.** 79.03 (3) (a) of the statutes is amended to read:

11 79.03 (3) (a) The amount in the shared revenue account for municipalities and
12 the amount in the shared revenue account for counties, less the payments under sub.
13 (2) and s. 79.04, and, for the distribution in 2003, the amount appropriated under s.
14 20.835 (1) (t), shall be allocated to each municipality and county respectively in
15 proportion to its entitlement. In this paragraph, "entitlement" means the product
16 of aidable revenues and tax base weight.

17 **SECTION 1660.** 79.03 (4) of the statutes is amended to read:

18 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
19 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
20 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
21 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
22 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
23 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
24 municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,
25 the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835

SENATE BILL 44**SECTION 1660**

1 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the
2 total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ss. 20.835 (1)
3 (d) and 20.855 (4) (rb) are \$769,092,800 to municipalities and \$170,671,600 to
4 counties. In 2003, the total amounts to be distributed under ss. 79.03, 79.04, and
5 79.06 from s. 20.835 (1) (d) and (t) are \$776,783,700 to municipalities, less the
6 reductions under s. 79.034, and \$172,378,300 to counties, less the reductions under
7 s. 79.034.

8 **SECTION 1661.** 79.034 of the statutes is created to read:

9 **79.034 Reductions.** In 2003, after the total amount of the payments to each
10 county and municipality under ss. 79.03, 79.04, 79.058, and 79.06 has been
11 determined, the department of revenue shall reduce the total amount of such
12 payments to each county and municipality by subtracting from such payments an
13 amount based on the county's or municipality's population, as determined by the
14 department, so that the total amount of the reduction to all such payments in 2003
15 is \$10,000,000, except that the reduction applied to any county's or municipality's
16 payments shall not exceed the amount of the payments distributed to the county or
17 municipality under ss. 79.03, 79.04, 79.058, and 79.06 in 2003.

18 **SECTION 1662.** 79.035 (1) of the statutes is amended to read:

19 79.035 (1) ~~Subject to reductions under s. 79.036 (3), in~~ In 2004 and subsequent
20 years, each county and municipality shall receive a payment from the county and
21 municipal aid account and, for distributions in 2004, from the appropriation
22 accounts under s. 20.835 (1) (t) and (u) in an amount determined under sub. (2).

23 **SECTION 1663.** 79.035 (2) (a) 1. of the statutes is amended to read:

24 79.035 (2) (a) 1. For the distribution in 2004, each county and municipality will
25 receive a payment that is equal to the amount of the payments the county or

SENATE BILL 44**SECTION 1663**

1 municipality would have received in 2003 under ss. 79.03, 79.058, and 79.06, if not
2 for the reductions under s. 79.034, less the amount of the reduction under subd. 2.
3 and, for a municipality, the reduction under subd. 3.

4 **SECTION 1664.** 79.035 (2) (a) 2. of the statutes is amended to read:

5 79.035 (2) (a) 2. The department of revenue shall reduce the amount of the
6 payments to be distributed to each county and municipality, as determined under
7 subd. 1., by subtracting from such payments an amount based on the county's or
8 municipality's population, as determined by the department, so that the total
9 amount of the reduction to all such payments in 2004 is ~~\$40,000,000~~ \$50,000,000,
10 except that the reduction applied to any county's or municipality's payment shall not
11 exceed the amount of the payments specified under subd. 1. distributed to the county
12 or municipality in 2003.

13 **SECTION 1665.** 79.035 (2) (a) 3. of the statutes is created to read:

14 79.035 (2) (a) 3. After the reduction under subd. 2., the department of revenue
15 shall reduce the amount of the payments to be distributed to each municipality, as
16 determined under subd. 2., by subtracting from such payments an amount based on
17 the municipality's population, as determined by the department, so that the total
18 amount of the reduction to all such payments in 2004 is \$70,000,000, except that the
19 reduction applied to any municipality's payment shall not exceed the amount of the
20 payments specified under subd. 1. distributed to the municipality in 2003.

21 **SECTION 1666.** 79.035 (2) (b) of the statutes is amended to read:

22 79.035 (2) (b) For the distribution in 2005 and subsequent years, each county
23 and municipality shall receive a payment under this section that is equal to the
24 amount of the payment determined for the county or municipality under par. (a) in
25 2004 ~~prior to the reductions under s. 79.036.~~

SENATE BILL 44**SECTION 1667**

1 **SECTION 1667.** 79.036 of the statutes is repealed.

2 **SECTION 1668.** 79.04 (1) (a) of the statutes is amended to read:

3 79.04 (1) (a) An amount from the shared revenue account or, for the
4 distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by
5 multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village,
6 the first \$125,000,000 of the amount shown in the account, plus leased property, of
7 each public utility except qualified wholesale electric companies, as defined in s.
8 76.28 (1) (gm), on December 31 of the preceding year for either “production plant,
9 exclusive of land” and “general structures”, or “work in progress” for production
10 plants and general structures under construction, in the case of light, heat and power
11 companies, electric cooperatives or municipal electric companies, for all property
12 within a municipality in accordance with the system of accounts established by the
13 public service commission or rural electrification administration, less depreciation
14 thereon as determined by the department of revenue and less the value of treatment
15 plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as
16 determined by the department of revenue plus an amount from the shared revenue
17 account or, for the distribution in 2003, from the appropriation under s. 20.835 (1)
18 (t) determined by multiplying by 3 mills in the case of a town, and 6 mills in the case
19 of a city or village, of the first \$125,000,000 of the total original cost of production
20 plant, general structures and work-in-progress less depreciation, land and
21 approved waste treatment facilities of each qualified wholesale electric company, as
22 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property
23 within the municipality. The total of amounts, as depreciated, from the accounts of
24 all public utilities for the same production plant is also limited to not more than

SENATE BILL 44**SECTION 1668**

1 \$125,000,000. The amount distributable to a municipality in any year shall not
2 exceed \$300 times the population of the municipality.

3 **SECTION 1669.** 79.04 (2) (a) of the statutes is amended to read:

4 79.04 (2) (a) Annually, the department of administration, upon certification by
5 the department of revenue, shall distribute from the shared revenue account or, for
6 the distribution in 2003, from the appropriation under s. 20.835 (1) (t) to any county
7 having within its boundaries a production plant or a general structure, including
8 production plants and general structures under construction, used by a light, heat
9 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
10 in s. 66.0813 unless the production plant is owned or operated by a local
11 governmental unit that is located outside of the municipality in which the production
12 plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48,
13 respectively, or by a municipal electric company under s. 66.0825 an amount
14 determined by multiplying by 6 mills in the case of property in a town and by 3 mills
15 in the case of property in a city or village the first \$125,000,000 of the amount shown
16 in the account, plus leased property, of each public utility except qualified wholesale
17 electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding
18 year for either “production plant, exclusive of land” and “general structures”, or
19 “work in progress” for production plants and general structures under construction,
20 in the case of light, heat and power companies, electric cooperatives or municipal
21 electric companies, for all property within the municipality in accordance with the
22 system of accounts established by the public service commission or rural
23 electrification administration, less depreciation thereon as determined by the
24 department of revenue and less the value of treatment plant and pollution
25 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the

SENATE BILL 44**SECTION 1669**

1 department of revenue plus an amount from the shared revenue account or, for the
2 distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by
3 multiplying by 6 mills in the case of property in a town, and 3 mills in the case of
4 property in a city or village, of the total original cost of production plant, general
5 structures and work-in-progress less depreciation, land and approved waste
6 treatment facilities of each qualified wholesale electric company, as defined in s.
7 76.28 (1) (gm), as reported to the department of revenue of all property within the
8 municipality. The total of amounts, as depreciated, from the accounts of all public
9 utilities for the same production plant is also limited to not more than \$125,000,000.
10 The amount distributable to a county in any year shall not exceed \$100 times the
11 population of the county.

12 **SECTION 1670.** 79.058 (3) (e) of the statutes is amended to read:

13 79.058 (3) (e) In 2003, \$21,181,100, less the reductions under s. 79.034.

14 **SECTION 1671.** 84.013 (2) (b) of the statutes is amended to read:

15 84.013 (2) (b) Except as provided in ss. 84.014, 84.03 (3), and 84.555, and
16 subject to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall
17 be funded from the appropriations under s. 20.395 (3) (cq) to (cx) and (4) (jq).

18 **SECTION 1672.** 84.014 (2) of the statutes is amended to read:

19 84.014 (2) Subject to ss. 84.555 and 86.255, any southeast Wisconsin freeway
20 rehabilitation projects, including the Marquette interchange reconstruction project
21 and projects that involve adding one or more lanes 5 miles or more in length to the
22 existing freeway, may be funded only from the appropriations under ss. 20.395 (3)
23 (cr), (cw), and (cy) and (4) (jq) and 20.866 (2) (uum).

24 **SECTION 1673.** 84.014 (5m) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 1673**

1 84.014 **(5m)** (a) Notwithstanding any other provision of this section, the
2 department may not expend any moneys from the appropriations under s. 20.395 (3)
3 (cr), (cw), and (cy) and (4) (jr) for a southeast Wisconsin freeway rehabilitation project
4 that involves adding one or more lanes 5 miles or more in length to the existing
5 freeway unless the project is specifically enumerated in a list under par. (b).

6 **SECTION 1674.** 84.03 (3) (title), (a) and (b) of the statutes are amended to read:

7 84.03 **(3)** (title) WEST CANAL STREET RECONSTRUCTION AND EXTENSION PROJECT.

8 (a) Subject to par. (b), the department shall, from the appropriations under s. 20.395
9 (3) (cr) and (cy), award a grant of \$5,000,000 from the amounts allocated for the
10 Marquette interchange reconstruction project under 2001 Wisconsin Act 16, section
11 9152 (5w), shall award a grant of \$2,500,000 under s. 86.31 (3s), and shall award
12 grants totaling \$2,500,000 from the appropriation under s. 20.395 (3) (ck), to the city
13 of Milwaukee for reconstruction of West Canal Street and extension of West Canal
14 Street to USH 41 at Miller Park in the city of Milwaukee to serve as a transportation
15 corridor for the purpose of mitigating traffic associated with the reconstruction of the
16 Marquette interchange.

17 (b) No grant may be awarded under par. (a) or s. 86.31 (3s) unless the city of
18 Milwaukee contributes \$10,000,000 toward the West Canal Street reconstruction
19 and extension project.

20 **SECTION 1675.** 84.04 (3) of the statutes is repealed.

21 **SECTION 1676.** 84.05 of the statutes is amended to read:

22 **84.05 Railroad crossing improvements.** On a highway which the
23 department has authority to construct and which crosses a railroad, if the
24 department determines that the construction or reconstruction of a grade separation
25 or the rearrangement or elimination of a grade crossing or other rearrangement of

SENATE BILL 44**SECTION 1676**

1 the highway or tracks is necessary in the interest of public safety or for convenience
2 of public travel, the department shall make a plan of the construction proposed and
3 an estimate of the cost thereof, including the cost of needed right-of-way; and shall
4 endeavor to make an arrangement with all persons concerned as to all matters
5 involved in the plan, including the portion of the cost of the contemplated work which
6 the persons shall defray. If the department is unable to contract with the persons
7 concerned as to the distribution and payment of the cost of the work or the
8 maintenance thereof, the department shall ~~lay the matter before the office of the~~
9 ~~commissioner of railroads, and the office of the commissioner of railroads shall~~
10 ~~review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and~~
11 ~~195.29, and shall fix the portion of the cost of the construction and of the maintenance~~
12 ~~which is to be paid by the persons or corporations concerned, and the portion of the~~
13 ~~cost, if any, to be paid by the public, which portion shall be paid from the~~
14 ~~transportation fund, and issue an appropriate order. The office of the commissioner~~
15 ~~of railroads department shall determine the benefits, if any, which will inure to other~~
16 ~~highways, and apportion and charge to the units of government responsible for the~~
17 ~~construction of such other highways a fair portion of the cost. The department shall~~
18 ~~promulgate a rule establishing criteria with respect to the allocation of costs under~~
19 ~~this section. A person who is aggrieved by an order of the department under this~~
20 ~~section may, within 20 days after the date that the order is issued, request review of~~
21 ~~the order by the division of hearings and appeals. The division of hearings and~~
22 ~~appeals shall review the order in the manner provided in s. 195.325.~~

23 **SECTION 1677.** 84.06 (1) of the statutes is amended to read:

24 84.06 (1) DEFINITIONS. In this section, “improvement” or “highway
25 improvement” includes construction, reconstruction, rehabilitation, and processes

SENATE BILL 44**SECTION 1677**

1 incidental to building, fabricating, or bettering a highway or street, but not
2 maintenance. ~~The terms do not include the installation, replacement, rehabilitation,~~
3 ~~or maintenance of highway signs, traffic control signals, highway lighting, pavement~~
4 ~~markings, or intelligent transportation systems, unless incidental to building,~~
5 ~~fabricating, or bettering a highway or street.~~

6 **SECTION 1678.** 84.06 (2) (a) of the statutes is amended to read:

7 84.06 (2) (a) All such highway improvements shall be executed by contract
8 based on bids unless the department finds that another method as provided in sub.
9 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
10 the manner determined by the department. Except as provided in s. 84.075, the
11 contract shall be awarded to the lowest competent and responsible bidder as
12 determined by the department. If the bid of the lowest competent bidder is
13 determined by the department to be in excess of the estimated reasonable value of
14 the work or not in the public interest, all bids may be rejected. The department shall,
15 so far as reasonable, follow uniform methods of advertising for bids and may
16 prescribe and require uniform forms of bids and contracts. Except as provided in par.
17 (b), the secretary shall enter into the contract on behalf of the state. Every such
18 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
19 ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an
20 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
21 secretary may require the attorney general to examine any contract and any bond
22 submitted in connection with the contract and report on its sufficiency of form and
23 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
24 governor and shall be subject to approval by the secretary. This subsection also

SENATE BILL 44**SECTION 1678**

1 applies to contracts with private contractors based on bids under s. 84.067 and on
2 bids for maintenance under s. 84.07.

3 **SECTION 1679.** 84.067 of the statutes is created to read:

4 **84.067 Contracts with private entities for certain services and**
5 **materials.** The department may contract with a private entity for services or
6 materials or both associated with the installation, replacement, rehabilitation, or
7 maintenance of highway signs, traffic control signals, highway lighting, pavement
8 markings, and intelligent transportation systems.

9 **SECTION 1680.** 84.07 (1) of the statutes is amended to read:

10 **84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY.** The state trunk
11 highway system shall be maintained by the state at state expense. The department
12 shall prescribe by rule specifications for such maintenance and may contract with
13 any county highway committee or municipality to have all or certain parts of the
14 work of maintaining the state trunk highways within or beyond the limits of the
15 county or municipality, including interstate bridges, performed by the county or
16 municipality, and any county or municipality may enter into such contract. General
17 maintenance activities include the application of protective coatings, the removal
18 and control of snow, the removal, treatment and sanding of ice, interim repair of
19 highway surfaces and adjacent structures, and all other operations, activities and
20 processes required on a continuing basis for the preservation of the highways on the
21 state trunk system, and including the care and protection of trees and other roadside
22 vegetation and suitable planting to prevent soil erosion or to beautify highways
23 pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate
24 traffic service. Special maintenance activities include the restoration,
25 reinforcement, complete repair or other activities which the department deems are

SENATE BILL 44**SECTION 1680**

1 necessary on an individual basis for specified portions of the state trunk system.
2 ~~Maintenance activities also include the installation, replacement, rehabilitation, or~~
3 ~~maintenance of highway signs, traffic control signals, highway lighting, pavement~~
4 ~~markings, and intelligent transportation systems. The department may contract~~
5 ~~with a private entity for services or materials or both associated with the installation,~~
6 ~~replacement, rehabilitation, or maintenance of highway signs, traffic control signals,~~
7 ~~highway lighting, pavement markings, and intelligent transportation systems.~~

8 **SECTION 1681.** 84.07 (5) of the statutes is repealed.

9 **SECTION 1682.** 84.075 (1) of the statutes is amended to read:

10 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
11 contracts under s. 84.06 and in contracting with private contractors and agencies
12 under s. ss. 84.067 and 84.07, the department shall attempt to ensure that 5% of the
13 total amount expended in each fiscal year is paid to contractors, subcontractors and
14 vendors which are minority businesses, as defined under s. 560.036 (1) (e) 1. In
15 attempting to meet this goal, the department may award any contract to a minority
16 business that submits a qualified responsible bid that is no more than 5% higher
17 than the low bid.

18 **SECTION 1683.** 84.075 (3) of the statutes is amended to read:

19 84.075 (3) The department shall at least semiannually, or more often if
20 required by the department of administration, report to the department of
21 administration the total amount of money it has paid to contractors, subcontractors
22 and vendors which are minority businesses under ss. 84.01 (13), 84.06, 84.067, and
23 84.07 and the number of contacts with minority businesses in connection with
24 proposed purchases and contracts. In its reports, the department shall include only
25 amounts paid to businesses certified by the department as minority businesses.

SENATE BILL 44**SECTION 1684**

1 **SECTION 1684.** 84.09 (5) of the statutes is amended to read:

2 84.09 (5) Subject to the approval of the governor, the department may sell at
3 public or private sale property of whatever nature owned by the state and under the
4 jurisdiction of the department when the department determines that the property
5 is no longer necessary for the state's use for highway purposes and, if real property,
6 the real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). The
7 department shall present to the governor a full and complete report of the property
8 to be sold, the reason for the sale, and the minimum price for which the same should
9 be sold, together with an application for the governor's approval of the sale. The
10 governor shall thereupon make such investigation as he or she may deem necessary
11 and approve or disapprove the application. Upon such approval and receipt of the
12 full purchase price, the department shall by appropriate deed or other instrument
13 transfer the property to the purchaser. The approval of the governor is not required
14 for public or private sale of property having a fair market value at the time of sale
15 of not more than \$3,000, for the transfer of surplus state real property to the
16 department of administration under s. ~~16.375~~ 560.9810 or for the transfer of surplus
17 state personal property to the department of tourism under sub. (5s). The funds
18 derived from sales under this subsection shall be deposited in the transportation
19 fund, and the expense incurred by the department in connection with the sale shall
20 be paid from such fund.

21 **SECTION 1685.** 84.09 (5r) of the statutes is amended to read:

22 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
23 the department may, subject to the approval of the governor, donate real property
24 that is adjacent to the veterans memorial site located at The Highground in Clark
25 County and owned by the state and under the jurisdiction of the department to the

SENATE BILL 44**SECTION 1685**

1 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
2 memorial site located at The Highground in Clark County for the purpose of a
3 memorial hall specified in s. 70.11 (9). The department may donate property under
4 this subsection only when the department determines that the property is no longer
5 necessary for the state's use for highway purposes and is not the subject of a petition
6 under s. ~~16.375~~ 560.9810 (2) and is transferred with a restriction that the donee may
7 not subsequently transfer the real property to any person except to this state, which
8 shall not be charged for any improvements thereon. Such restriction shall be
9 recorded in the office of the register of deeds in the county in which the property is
10 located. The department shall present to the governor a full and complete report of
11 the property to be donated, the reason for the donation, and the minimum price for
12 which the property could likely be sold under sub. (5), together with an application
13 for the governor's approval of the donation. The governor shall thereupon make such
14 investigation as he or she considers necessary and approve or disapprove the
15 application. Upon such approval, the department shall by appropriate deed or other
16 instrument transfer the property to the donee. The approval of the governor is not
17 required for donation of property having a fair market value at the time of donation
18 of not more than \$3,000. Any expense incurred by the department in connection with
19 the donation shall be paid from the transportation fund.

20 **SECTION 1686.** 84.11 (4) of the statutes is amended to read:

21 84.11 (4) FINDING, DETERMINATION, AND ORDER. After such hearing the
22 department shall make such investigation as it considers necessary in order to make
23 a decision in the matter. If the department finds that the construction is necessary
24 it shall determine the location of the project and whether the project is eligible for
25 construction under this section. The department shall also determine the character

SENATE BILL 44**SECTION 1686**

1 and kind of bridge most suitable for such location and estimate separately the cost
2 of the bridge portion and the entire project. The department shall make its finding,
3 determination, and order, in writing, and file a certified copy thereof with the clerk
4 of each county, city, village, and town in which any portion of the bridge project will
5 be located and also with the secretary of state and the ~~state treasurer~~ secretary of
6 administration. The determination of the location of the project made by the
7 department and set forth in its finding, determination, and order, shall be conclusive
8 as to such location and shall constitute full authority for laying out new streets or
9 highways or for any relocations of highways made necessary for the construction of
10 the project and for acquirement of any lands necessary for such streets or highways,
11 relocation or construction. The estimate of cost made by the department shall be
12 conclusive insofar as cost may determine eligibility of construction under this
13 section.

14 **SECTION 1687.** 84.12 (4) of the statutes is amended to read:

15 84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the
16 construction is necessary, and that provision has been made or will be made by the
17 adjoining state or its subdivisions to bear its or their portions of the cost of the project,
18 the department, in cooperation with the state highway department of the adjoining
19 state, shall determine the location thereof, the character and kind of bridge and other
20 construction most suitable at such location, estimate the cost of the project, and
21 determine the respective portions of the estimated cost to be paid by each state and
22 its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the
23 department shall further determine the respective portions of the cost to be paid by
24 this state and by its subdivisions which are required to pay portions of the cost. The
25 department, after such hearing, investigation, and negotiations, shall make its

SENATE BILL 44**SECTION 1687**

1 finding, determination, and order in writing and file a certified copy thereof with the
2 clerk of each county, city, village, or town in this state in which any part of the bridge
3 project will be located, with the secretary of state, and the ~~state treasurer~~ secretary
4 of administration and with the state highway department of the adjoining state. The
5 determination of the location set forth in the finding, determination, and order of the
6 department shall be conclusive as to such location and shall constitute full authority
7 for laying out new streets or highways or for any relocations of the highways made
8 necessary for the construction of the project and for acquiring lands necessary for
9 such streets or highways, relocation or construction.

10 **SECTION 1688.** 84.30 (2) (i) of the statutes is amended to read:

11 84.30 (2) (i) "Primary highway" means any highway, other than an interstate
12 highway, ~~at any time officially designated by the department, and approved by the~~
13 appropriate authority of the federal government, as a part of the federal-aid primary
14 system ~~by the department and approved by the appropriate authority of the federal~~
15 government in existence on June 1, 1991, or as a part of the national highway system
16 identified in 23 USC 103 (b).

17 **SECTION 1689.** 84.30 (3) (intro.) of the statutes is amended to read:

18 84.30 (3) SIGNS PROHIBITED. (intro.) No sign visible from the main-traveled way
19 of any interstate or ~~federal-aid~~ primary highway may be erected or maintained,
20 except the following:

21 **SECTION 1690.** 84.30 (3) (d) of the statutes is amended to read:

22 84.30 (3) (d) Signs located in business areas on March 18, 1972. This
23 paragraph does not apply to a sign in a business area adjoining that portion of an
24 interstate or primary highway designated by the department as a scenic byway
25 under s. 84.106.

SENATE BILL 44**SECTION 1691**

1 **SECTION 1691.** 84.30 (3) (e) of the statutes is amended to read:

2 84.30 (3) (e) Signs to be erected in business areas subsequent to March 18,
3 1972, which when erected will comply with sub. (4). This paragraph does not apply
4 to a sign in a business area adjoining that portion of an interstate or primary
5 highway designated by the department as a scenic byway under s. 84.106.

6 **SECTION 1692.** 84.30 (3) (i) of the statutes is amended to read:

7 84.30 (3) (i) Signs on farm buildings which are utilized by owners of the
8 building for agricultural purposes if the signs promote a Wisconsin agricultural
9 product unless prohibited by federal law. This paragraph does not apply to a sign in
10 an adjacent area adjoining that portion of an interstate or primary highway
11 designated by the department as a scenic byway under s. 84.106.

12 **SECTION 1693.** 84.30 (3) (j) 1. of the statutes is amended to read:

13 84.30 (3) (j) 1. Signs erected by the Crime Stoppers, the nationwide
14 organization affiliated with local police departments, on or before October 14, 1997,
15 without regard to whether the department has issued a license for the sign. The
16 department may not remove a sign authorized under this paragraph unless the sign
17 does not conform to federal requirements. The requirements under s. 86.19 do not
18 apply to signs described in this subdivision. This subdivision does not apply to a sign
19 in an adjacent area adjoining that portion of an interstate or primary highway
20 designated by the department as a scenic byway under s. 84.106.

21 **SECTION 1694.** 84.30 (6) (b) of the statutes is amended to read:

22 84.30 (6) (b) Signs lawfully in existence on land adjoining any highway made
23 an interstate or primary highway after March 18, 1972, or on land adjoining that
24 portion of an interstate or primary highway designated by the department as a scenic

SENATE BILL 44**SECTION 1694**

1 byway under s. 84.106 after the effective date of this paragraph [revisor inserts
2 date].

3 **SECTION 1695.** 84.59 (1) of the statutes is amended to read:

4 84.59 (1) Transportation facilities under s. 84.01 (28) and, major highway
5 projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09,
6 state highway rehabilitation projects for the purposes specified in s. 20.395 (3) (cq)
7 and the purposes under ss. 84.06 and 84.09, and the Marquette interchange
8 reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09 may
9 be funded with the proceeds of revenue obligations issued subject to and in
10 accordance with subch. II of ch. 18.

11 **SECTION 1696.** 84.59 (2) of the statutes is renumbered 84.59 (2) (a).

12 **SECTION 1697.** 84.59 (2) (b) of the statutes is created to read:

13 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and
14 distinct special fund outside the state treasury, in an account maintained by a
15 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),
16 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),
17 and (2m), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am),
18 (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2)
19 (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3), and 342.14, except s. 342.14 (1r). The
20 revenues deposited are the trustee's revenues in accordance with the agreement
21 between this state and the trustee or in accordance with the resolution pledging the
22 revenues to the repayment of revenue obligations issued under this section. Revenue
23 obligations issued for the purposes specified in sub. (1) and deposited under this
24 paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special
25 fund programs, as defined in s. 18.52 (8).

SENATE BILL 44**SECTION 1698**

1 **SECTION 1698.** 84.59 (3) of the statutes is amended to read:

2 84.59 (3) The secretary may pledge revenues received or to be received in the
3 any fund established in under sub. (2) to secure revenue obligations issued under this
4 section. The pledge shall provide for the transfer to this state of all pledged revenues,
5 including any interest earned on the revenues, which are in excess of the amounts
6 required to be paid under s. 20.395 (6) (as). The pledge shall provide that the
7 transfers be made at least twice yearly, that the transferred amounts be deposited
8 in the transportation fund and that the transferred amounts are free of any prior
9 pledge.

10 **SECTION 1699.** 84.59 (6) of the statutes is amended to read:

11 84.59 (6) The building commission may contract revenue obligations when it
12 reasonably appears to the building commission that all obligations incurred under
13 this section can be fully paid from moneys received or anticipated and pledged to be
14 received on a timely basis. Except as provided in this subsection, the principal
15 amount of revenue obligations issued under this section may not exceed
16 ~~\$1,753,067,500~~ \$2,916,403,000, excluding any obligations that have been defeased
17 under a cash optimization program administered by the building commission, to be
18 used for transportation facilities under s. 84.01 (28) ~~and~~, major highway projects for
19 the purposes under ss. 84.06 and 84.09, state highway rehabilitation projects for the
20 purposes specified in s. 20.395 (3) (cq) and the purposes under ss. 84.06 and 84.09,
21 and the Marquette interchange reconstruction project under s. 84.014 for the
22 purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
23 amount, the building commission may contract revenue obligations under this
24 section as the building commission determines is desirable to refund outstanding

SENATE BILL 44**SECTION 1699**

1 revenue obligations contracted under this section and to pay expenses associated
2 with revenue obligations contracted under this section.

3 **SECTION 1700.** 85.013 (2) (b) (intro.) of the statutes is amended to read:

4 85.013 (2) (b) (intro.) Any hearing under s. 227.42 shall be held before the office
5 of the commissioner of tax appeals commission under s. 73.01 if the hearing concerns
6 an additional assessment, refund or denial of refund under any of the following:

7 **SECTION 1701.** 85.013 (3) of the statutes is created to read:

8 85.013 (3) The division of hearings and appeals shall, in conducting any
9 hearing or review for the department under s. 227.43 (1) (bk), give due weight to the
10 experience, technical competence, and specialized knowledge of the department as
11 well as discretionary authority conferred upon the department, and great weight to
12 the department's interpretation of the statutes that it administers and rules
13 promulgated under those statutes. If there is a conflict between this subsection and
14 any other statute relating to any hearing or review conducted by the division of
15 hearings and appeals for the department under s. 227.43 (1) (bk), the provisions of
16 this subsection control.

17 **SECTION 1702.** 85.062 (1) (c) of the statutes is created to read:

18 85.062 (1) (c) Initial construction or expansion of a commuter rail transit
19 system. In this paragraph, "commuter rail" has the meaning given in s. 85.064 (1)
20 (a).

21 **SECTION 1703.** 85.064 of the statutes is created to read:

22 **85.064 Commuter rail transit system development.** (1) In this section:

23 (a) "Commuter rail" means rail passenger service, operating primarily on a
24 dedicated right-of-way on existing railroad tracks used for rail freight service or
25 intercity rail passenger service between and within metropolitan and suburban

SENATE BILL 44**SECTION 1703**

1 areas, connecting these areas with large business or urban centers in this state or
2 another. Commuter rail usually operates during peak travel times with limited stops
3 and in conjunction with other transit modes as part of a regional transit system.

4 (b) “Political subdivision” means any city, village, town, county, transit
5 commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301,
6 or regional transportation authority organized under s. 59.58 (6) within this state.

7 (2) (a) The department shall administer a commuter rail transit system
8 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
9 and (dx), the department may award grants to political subdivisions for preliminary
10 engineering, property acquisition, equipment acquisition, and infrastructure
11 construction projects related to the development or extension of commuter rail
12 transit systems in this state.

13 (b) Upon completion of a planning study to the satisfaction of the department,
14 any political subdivision may apply to the department for a grant for any purpose
15 specified in par. (a). No grant may be awarded under this section for a project unless
16 the project meets the eligibility criteria established by the department under sub. (3).

17 (c) The amount of a grant awarded under this section shall be limited to an
18 amount equal to 50% of the portion of the project cost in excess of the federal aid
19 funding for the project or 25% of the total project cost, whichever is less. No grant
20 may be awarded under this section for a project involving the acquisition of property
21 or equipment or infrastructure construction unless the political subdivision
22 contributes funds for the project that at least equal 20% of the total project cost.

23 (3) The department shall prescribe the form, nature, and extent of information
24 that shall be contained in applications for grants under this section and shall

SENATE BILL 44**SECTION 1703**

1 establish criteria for evaluating applications and determining eligibility for the
2 award of grants under this section.

3 **SECTION 1704.** 85.09 (2) (a) of the statutes is amended to read:

4 85.09 (2) (a) The department of transportation shall have the first right to
5 acquire, for present or future transportational or recreational purposes, any
6 property used in operating a railroad or railway, including land and rails, ties,
7 switches, trestles, bridges, and the like located ~~thereon, which~~ on that property, that
8 has been abandoned. The department of transportation may, in connection with
9 abandoned rail property, assign this right to a state agency, the board of regents of
10 the University of Wisconsin System, any county or municipality, or any transit
11 commission. Acquisition by the department of transportation may be by gift,
12 purchase, or condemnation in accordance with the procedure under s. 32.05. In
13 addition to its property management authority under s. 85.15, the department of
14 transportation may lease and collect rents and fees for any use of rail property
15 pending discharge of the department's duty to convey property that is not necessary
16 for a public purpose. ~~In exercising its property management authority, the~~
17 ~~department of transportation, to the greatest extent practicable, shall encourage and~~
18 ~~utilize the Wisconsin conservation corps for appropriate projects.~~ No person owning
19 abandoned rail property, including any person to whom ownership reverts upon
20 abandonment, may convey or dispose of any abandoned rail property without first
21 obtaining a written release from the department of transportation indicating that
22 the first right of acquisition under this subsection will not be exercised or assigned.
23 No railroad or railway may convey any rail property prior to abandonment if the rail
24 property is part of a rail line shown on the railroad's system map as in the process
25 of abandonment, expected to be abandoned, or under study for possible

SENATE BILL 44**SECTION 1704**

1 abandonment unless the conveyance or disposal is for the purpose of providing
2 continued rail service under another company or agency. Any conveyance made
3 without obtaining such release is void. The first right of acquisition of the
4 department of transportation under this subsection does not apply to any rail
5 property declared by the department to be abandoned before January 1, 1977. The
6 department of transportation may acquire any abandoned rail property under this
7 section regardless of the date of its abandonment.

8 **SECTION 1705.** 85.09 (4i) of the statutes is amended to read:

9 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
10 private sale rail property acquired under sub. (4) when the department determines
11 that the rail property is not necessary for a public purpose and, if real property, the
12 real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). Upon
13 receipt of the full purchase price, the department shall, by appropriate deed or other
14 instrument, transfer the rail property to the purchaser. The funds derived from sales
15 under this subsection shall be deposited in the transportation fund, and the expense
16 incurred by the department in connection with the sale shall be paid from the
17 appropriation under s. 20.395 (2) (bq).

18 **SECTION 1706.** 85.12 (3) of the statutes is amended to read:

19 85.12 (3) The department may contract with any local governmental unit, as
20 defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services
21 under this section.

22 **SECTION 1707.** 85.14 (1) (b) of the statutes is amended to read:

23 85.14 (1) (b) Except for charges associated with a contract under par. (c), the
24 department shall pay to the ~~state treasurer~~ secretary of administration the amount

SENATE BILL 44**SECTION 1707**

1 of charges associated with the use of credit cards under par. (a) that are assessed to
2 the department.

3 **SECTION 1708.** 85.14 (2) of the statutes is amended to read:

4 85.14 (2) The department shall certify to the ~~state treasurer~~ secretary of
5 administration the amount of charges associated with the use of credit cards that is
6 assessed to the department on deposits accepted under s. 345.26 (3) (a) by state
7 traffic patrol officers and state motor vehicle inspectors, and the ~~state treasurer~~
8 secretary of administration shall pay the charges from moneys under s. 59.25 (3) (j)
9 and (k) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 20.907 (5)
10 (e) 12e.

11 **SECTION 1709.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

12 85.20 (4m) (a) 6. cm. ~~For aid payable for calendar years 2000 and 2001, from~~
13 ~~the appropriation under s. 20.395 (1) (ht), the department shall pay \$53,555,600 to~~
14 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~
15 ~~an urban mass transit system that has annual operating expenses in excess of~~
16 ~~\$80,000,000. For aid payable for calendar year 2002, from the appropriation under~~
17 ~~s. 20.395 (1) (ht), the department shall pay \$55,697,800 to the eligible applicant that~~
18 ~~pays the local contribution required under par. (b) 1. for an urban mass transit~~
19 ~~system that has annual operating expenses in excess of \$80,000,000. Beginning with~~
20 For aid payable for calendar year 2003 and for each calendar year thereafter, from
21 the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to
22 the eligible applicant that pays the local contribution required under par. (b) 1. for
23 an urban mass transit system that has annual operating expenses in excess of
24 \$80,000,000. For aid payable for calendar year 2004, from the appropriation under
25 s. 20.395 (1) (ht), the department shall pay \$58,192,000 to the eligible applicant that

SENATE BILL 44**SECTION 1709**

1 pays the local contribution required under par. (b) 1. for an urban mass transit
2 system that has annual operating expenses in excess of \$80,000,000. Beginning with
3 aid payable for calendar year 2005 and for each calendar year thereafter, from the
4 appropriation under s. 20.395 (1) (ht), the department shall pay \$59,572,900 to the
5 eligible applicant that pays the local contribution required under par. (b) 1. for an
6 urban mass transit system that has annual operating expenses in excess of
7 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is
8 served by more than one urban mass transit system, the eligible applicant may
9 allocate the aid between the urban mass transit systems in any manner the eligible
10 applicant considers desirable.

11 **SECTION 1710.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

12 85.20 (4m) (a) 6. d. ~~For aid payable for calendar years 2000 and 2001, from the~~
13 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$14,297,600 to the~~
14 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~
15 ~~urban mass transit system that has annual operating expenses in excess of~~
16 ~~\$20,000,000 but less than \$80,000,000.~~ For aid payable for calendar year 2002, from
17 the appropriation under s. 20.395 (1) (hu), the department shall pay \$14,869,500 to
18 the eligible applicant that pays the local contribution required under par. (b) 1. for
19 an urban mass transit system that has annual operating expenses in excess of
20 \$20,000,000 but less than \$80,000,000. Beginning with For aid payable for calendar
21 year 2003 and for each calendar year thereafter, from the appropriation under s.
22 20.395 (1) (hu), the department shall pay \$15,166,900 to the eligible applicant that
23 pays the local contribution required under par. (b) 1. for an urban mass transit
24 system that has annual operating expenses in excess of \$20,000,000 but less than
25 \$80,000,000. For aid payable for calendar year 2004, from the appropriation under

SENATE BILL 44**SECTION 1710**

1 s. 20.395 (1) (hu), the department shall pay \$15,536,600 to the eligible applicant that
2 pays the local contribution required under par. (b) 1. for an urban mass transit
3 system that has annual operating expenses in excess of \$20,000,000 but less than
4 \$80,000,000. Beginning with aid payable for calendar year 2005 and for each
5 calendar year thereafter, from the appropriation under s. 20.395 (1) (hu), the
6 department shall pay \$15,908,200 to the eligible applicant that pays the local
7 contribution required under par. (b) 1. for an urban mass transit system that has
8 annual operating expenses in excess of \$20,000,000 but less than \$80,000,000. If the
9 eligible applicant that receives aid under this subd. 6. d. is served by more than one
10 urban mass transit system, the eligible applicant may allocate the aid between the
11 urban mass transit systems in any manner the eligible applicant considers desirable.

12 **SECTION 1711.** 85.20 (4m) (a) 7. a. of the statutes is amended to read:

13 85.20 (4m) (a) 7. a. ~~From the appropriation under s. 20.395 (1) (hr), for aid~~
14 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~
15 ~~served by an urban mass transit system operating within an urbanized area having~~
16 ~~a population as shown in the 1990 federal decennial census of at least 50,000 or~~
17 ~~receiving federal mass transit aid for such area, and not specified in subd. 6. From~~
18 the appropriation under s. 20.395 (1) (hr), beginning with aid payable for calendar
19 year 2002 and for each calendar year thereafter, the uniform percentage for each
20 eligible applicant served by an urban mass transit system operating within an
21 urbanized area having a population as shown in the 2000 federal decennial census
22 of at least 50,000 or receiving federal mass transit aid for such area, and not specified
23 in subd. 6.

24 **SECTION 1712.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

SENATE BILL 44**SECTION 1712**

1 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
2 amounts for aids are ~~\$19,804,200 in calendar years 2000 and 2001~~, \$20,596,400 in
3 calendar year 2002, and ~~\$21,008,300~~ \$21,008,300 in calendar year 2003, \$21,555,300
4 in calendar year 2004, and \$22,133,700 in calendar year 2005 and in each calendar
5 year thereafter. These amounts, to the extent practicable, shall be used to determine
6 the uniform percentage in the particular calendar year.

7 **SECTION 1713.** 85.20 (4m) (a) 8. a. of the statutes is amended to read:

8 85.20 (4m) (a) 8. a. ~~From the appropriation under s. 20.395 (1) (hs), for aid~~
9 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~
10 ~~served by an urban mass transit system operating within an area having a~~
11 ~~population as shown in the 1990 federal decennial census of less than 50,000 or~~
12 ~~receiving federal mass transit aid for such area.~~ From the appropriation under s.
13 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each
14 calendar year thereafter, the uniform percentage for each eligible applicant served
15 by an urban mass transit system operating within an area having a population as
16 shown in the 2000 federal decennial census of less than 50,000 or receiving federal
17 mass transit aid for such area.

18 **SECTION 1714.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

19 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
20 amounts for aids are ~~\$5,349,100 in calendar years 2000 and 2001~~, \$5,563,100 in
21 calendar year 2002, and ~~\$5,674,400~~ \$5,674,400 in calendar year 2003, \$5,844,100 in
22 calendar year 2004, and \$6,041,400 in calendar year 2005 and in each calendar year
23 thereafter. These amounts, to the extent practicable, shall be used to determine the
24 uniform percentage in the particular calendar year.

25 **SECTION 1715.** 85.55 of the statutes is amended to read:

SENATE BILL 44**SECTION 1715**

1 **85.55 Safe-ride grant program.** The department may award grants to any
2 county or municipality or to any nonprofit corporation, as defined in s. 46.93(1m)(e)
3 66.0129 (6) (b), to cover the costs of transporting persons suspected of having a
4 prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises
5 licensed under ch. 125 to sell alcohol beverages to their places of residence. The
6 amount of a grant under this section may not exceed 50% of the costs necessary to
7 provide the service. The liability of a provider of a safe-ride program to persons
8 transported under the program is limited to the amounts required for an automobile
9 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid
10 from the appropriation under s. 20.395 (5) (ek).

11 **SECTION 1716.** 86.001 (2m) of the statutes is repealed.

12 **SECTION 1717.** 86.12 (2) of the statutes is amended to read:

13 86.12 (2) If a railroad company fails to comply with the resolution in sub. (1)
14 within 30 days after service of the resolution, the county board, common council,
15 village board or town board may file a complaint with the ~~office~~ department alleging
16 the failure. The ~~office~~ department shall investigate and determine the matter in
17 controversy as provided in ch. 195. ~~An order issued by the office under this~~
18 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~
19 may issue an appropriate order.

20 **SECTION 1718.** 86.13 (3) of the statutes is amended to read:

21 86.13 (3) If any railroad company fails to grade, construct, pave, surface or
22 otherwise improve or maintain in good and safe condition for public travel as
23 required by this section any street or highway crossing after having been notified so
24 to do by the officer in charge thereof or of the highway improvement for 30 days after
25 such notification, the highway authorities may file a complaint with the ~~office~~

SENATE BILL 44**SECTION 1718**

1 department. The office department shall investigate and determine the matter in
2 controversy as provided in ch. 195. ~~An order issued by the office under this~~
3 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~
4 may issue an appropriate order.

5 **SECTION 1719.** 86.30 (2) (a) 1. of the statutes is amended to read:

6 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm), ~~sub. (10)~~ and s.
7 86.303, the amount of transportation aids payable by the department to each county
8 shall be the aids amount calculated under subd. 2. and to each municipality shall be
9 the aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts
10 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
11 to that municipality shall be paid under subd. 2.

12 **SECTION 1720.** 86.30 (2) (a) 3. of the statutes is amended to read:

13 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
14 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$1,704~~
15 ~~in calendar year 2001,~~ \$1,755 in calendar year 2002, and \$1,825 in calendar year
16 2003, \$1,871 in calendar year 2004, and \$1,917 in calendar year 2005 and thereafter.

17 **SECTION 1721.** 86.30 (9) (b) of the statutes is amended to read:

18 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
19 the amounts for aids to counties are ~~\$84,059,500 in calendar years 2000 and 2001,~~
20 \$86,581,300 in calendar year 2002, and \$90,044,600 in calendar year 2003,
21 \$92,295,700 in calendar year 2004, and \$94,603,100 in calendar year 2005 and
22 thereafter. These amounts, to the extent practicable, shall be used to determine the
23 statewide county average cost-sharing percentage in the particular calendar year.

24 **SECTION 1722.** 86.30 (9) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 1722**

1 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
2 the amounts for aids to municipalities are ~~\$264,461,500 in calendar years 2000 and~~
3 ~~2001~~, \$272,395,300 in calendar year 2002, and \$283,291,100 in calendar year 2003,
4 \$290,373,400 in calendar year 2004, and \$297,632,700 in calendar year 2005 and
5 thereafter. These amounts, to the extent practicable, shall be used to determine the
6 statewide municipal average cost-sharing percentage in the particular calendar
7 year.

8 **SECTION 1723.** 86.30 (10) of the statutes is repealed.

9 **SECTION 1724.** 86.31 (3s) of the statutes is amended to read:

10 86.31 (3s) WEST CANAL STREET RECONSTRUCTION AND EXTENSION.
11 Notwithstanding limitations on the amount and use of aids provided under this
12 section, or on eligibility requirements for receiving aids under this section, and
13 subject to s. 84.03 (3) (b), the department shall award a grant of \$2,500,000 to the city
14 of Milwaukee for the ~~purpose~~ purposes specified under s. 84.03 (3) (a).
15 Notwithstanding subs. (3) (b), (3g), (3m), and (3r), payment of the grant under this
16 subsection shall be made from the appropriation under s. 20.395 (2) (fr) before
17 making any other allocation of funds under subs. (3) (b), (3g), (3m), and (3r), and the
18 allocation of funds under subs. (3) (b), (3g), (3m), and (3r) shall be reduced
19 proportionately to reflect the amount of the grant made under this subsection. This
20 subsection does not apply after December 31, 2005.

21 **SECTION 1725.** 87.07 (4) of the statutes is amended to read:

22 87.07 (4) BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts
23 collectible, as thus found by the department, exceeds the estimated cost of
24 construction of the improvement, the department shall order that the work of
25 constructing such improvement proceed. If such aggregate amount collectible is less

SENATE BILL 44**SECTION 1725**

1 than the estimated cost of such improvement, the department shall enter an order
2 dismissing the petition, unless the difference between said aggregate amounts be
3 deposited in cash with the ~~state treasurer~~ secretary of administration within one
4 year. Such deposit may be made by any person or any public or private corporation.
5 Upon the making of such deposit, the department shall enter a further order that the
6 work of constructing the improvement proceed.

7 **SECTION 1726.** 87.11 (2) of the statutes is amended to read:

8 87.11 (2) But should the total cost, as ascertained and certified by the flood
9 control board after the letting of the contracts, in the manner hereinabove set forth,
10 exceed the total amount found by the department to be collectible under s. 87.09, all
11 contracts for the construction of the work shall be null and void. At the expiration
12 of one year after such certification, any moneys held by the ~~state treasurer~~ secretary
13 of administration on account of the project shall be refunded to the persons by whom
14 they were paid to ~~such treasurer~~ the secretary of administration; and funds in the
15 hands of the flood control board shall be refunded to the public corporation by which
16 they were paid to such board; any funds held by any town, village, or city, having been
17 collected by special assessments against property benefited, shall be refunded to the
18 owners of such property; any funds raised by any public corporation by the issuance
19 of bonds on account of such proposed improvements shall constitute a fund for the
20 retirement or payment of such bonds; and any fund held by any public corporation,
21 having been raised otherwise than by special assessments or bond issues, shall be
22 available for the general purposes of such public corporation. Provided, however,
23 that if within one year after the last mentioned certification of the flood control board
24 there shall be deposited with the treasurer of said board a sum equal to the difference
25 between the aggregate cost of constructing the improvement as estimated by the

SENATE BILL 44**SECTION 1726**

1 department and the aggregate cost thereof as determined and certified by the flood
2 control board after the letting of the contracts, said board shall proceed to relet the
3 contracts for the construction of the improvement and to complete the same unless
4 the aggregate of such new contract prices, together with the department's estimate
5 of the cost of acquiring lands and of overhead expenses and of the first 18 months'
6 operation and maintenance, shall again exceed the amount found by the department
7 to be collectible under s. 87.09. The deposit herein referred to may be made by any
8 person or any public or private corporation.

9 **SECTION 1727.** 87.13 of the statutes is amended to read:

10 **87.13 Disbursements by board.** All sums which shall be deposited with the
11 ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of
12 the improvement shall be paid by ~~said treasurer~~ the secretary of administration to
13 the flood control board upon requisitions from said board. If any moneys, other than
14 those for operation and maintenance during the first 18 months, remain unexpended
15 in the hands of the flood control board or subject to their requisition after the
16 completion of the construction of the improvement, and if the funds for construction
17 of the improvement shall have been in part raised through voluntary contributions
18 under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion
19 thereof as the funds remaining in the hands of the board or subject to its requisition
20 will pay, shall be returned to the persons or corporations who made such voluntary
21 contributions, in proportion to the amounts contributed by them.

22 **SECTION 1728.** 88.66 (2) of the statutes is amended to read:

23 88.66 (2) Every district whose drains cross the right-of-way of a railway
24 company is liable to such company for the reasonable cost of opening its right-of-way
25 and also for the cost of the culverts and bridges made necessary by such drain. The

SENATE BILL 44**SECTION 1728**

1 drainage board shall include such costs in its cost of construction, as set forth in its
2 report of benefits and damages, and shall award them as damages to the railway
3 company. The bridge or culvert shall be designed by the district's engineer and the
4 design submitted to the railway company for approval. If a dispute arises as to the
5 adequacy of the design, either party may submit the dispute to the office of the
6 ~~commissioner of railroads~~ division of hearings and appeals in the department of
7 administration by filing with the office division of hearings and appeals a statement
8 as to the facts involved and the nature of the dispute. The office division of hearings
9 and appeals shall ~~investigate and determine the matter in controversy in accordance~~
10 ~~with ch. 195, and any order it makes in such proceeding has the same effect as an~~
11 ~~order in any other proceeding properly brought under ch. 195.~~

12 **SECTION 1729.** 88.87 (4) of the statutes is amended to read:

13 88.87 (4) If a railway company fails to comply with sub. (2), any person
14 aggrieved thereby may file a complaint with the office of the commissioner of
15 railroads division of hearings and appeals in the department of administration
16 setting forth the facts. The office division of hearings and appeals shall investigate
17 and determine the matter in controversy ~~in accordance with ch. 195, and any order~~
18 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~
19 ~~properly brought under ch. 195.~~

20 **SECTION 1730.** 88.88 (2) of the statutes is amended to read:

21 88.88 (2) If the railway company fails to comply with sub. (1), the person
22 aggrieved thereby may file a complaint with the office of the commissioner of
23 railroads division of hearings and appeals in the department of administration
24 setting forth the facts. The office division of hearings and appeals shall investigate
25 and determine the matter in controversy ~~in accordance with ch. 195, and any order~~

SENATE BILL 44**SECTION 1730**

1 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~
2 ~~properly brought under ch. 195.~~

3 **SECTION 1731.** 91.19 (6s) (a) (intro.) of the statutes is amended to read:

4 91.19 **(6s)** (a) (intro.) The department may release from a farmland
5 preservation agreement any land acquired or to be acquired by ~~a local unit of~~
6 ~~government~~ the governing body of a municipality, as defined in s. ~~106.215 (1) (e)~~
7 281.59 (1) (c), for public improvements or structures, including highway
8 improvements, if all of the following occur:

9 **SECTION 1732.** 93.07 (1) of the statutes is amended to read:

10 93.07 **(1)** REGULATIONS. To make and enforce such regulations, not inconsistent
11 with law, as it may deem necessary for the exercise and discharge of all of the powers
12 and duties of the department, and to adopt such measures and make such
13 regulations as are necessary and proper for the ~~enforcement by the state of~~
14 department to carry out its duties and powers under chs. 93 to 100, which regulations
15 shall have the force of law.

16 **SECTION 1733.** 93.07 (23) of the statutes is created to read:

17 93.07 **(23)** CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
18 100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,
19 100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

20 **SECTION 1734.** 93.07 (24) of the statutes is amended to read:

21 93.07 **(24)** ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
22 88 and 93 to 99, those laws under ch. 100 administered by the department, and all
23 other laws entrusted to its administration, and especially:

SENATE BILL 44**SECTION 1734**

1 (a) To enforce the laws administered by the department regarding the
2 production, manufacture and sale, offering or exposing for sale or having in
3 possession with intent to sell, of any dairy, food or drug product.

4 (b) To enforce the laws administered by the department regarding the
5 adulteration or misbranding of any articles of food, drink, condiment or drug.

6 (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article
7 of food, drink, condiment or drug made or offered for sale within this state which it
8 may suspect or have reason to believe, under the laws administered by the
9 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or
10 in any way unlawful.

11 (d) To prosecute or cause to be prosecuted, under the laws administered by the
12 department, any person engaged in the manufacture or sale, offering or exposing for
13 sale or having in possession with intent to sell, of any adulterated dairy product or
14 of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles
15 of food, drink, condiment or drug.

16 **SECTION 1735.** 93.18 (3) of the statutes is amended to read:

17 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
18 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,
19 product or related material ceased, shall give written notice of its finding to the
20 manufacturer, seller or other person responsible for placing the item in the channels
21 of trade in this state. After such notice no person may sell, remove or otherwise
22 dispose of such item except as directed by the department of justice. Any person
23 affected by such notice may demand a prompt hearing to determine the validity of
24 the department's findings of the department of justice. The hearing, if requested,
25 shall be held as expeditiously as possible but not later than 30 days after notice. A

SENATE BILL 44**SECTION 1735**

1 request for hearing does not operate to stay enforcement of the order during the
2 pendency of the hearing. The person petitioning for a hearing shall be entitled to the
3 same rights specified under sub. (2).

4 **SECTION 1736.** 93.18 (7) of the statutes is created to read:

5 93.18 (7) The department of justice shall follow the procedures under subs. (1),
6 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
7 department of justice.

8 **SECTION 1737.** 93.20 (1) of the statutes is amended to read:

9 93.20 (1) DEFINITION. In this section, "action" means an action that is
10 commenced in court by, or on behalf of, the department of agriculture, trade and
11 consumer protection to enforce chs. 88, 91 to 100 or 126 or an action that is
12 commenced in court by the department of justice to enforce ch. 100.

13 **SECTION 1738.** 93.22 (1) of the statutes is amended to read:

14 93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21,
15 100.30, and 100.51, the department may be represented by its attorney.

16 **SECTION 1739.** 93.22 (2) of the statutes is amended to read:

17 93.22 (2) The department may, with the approval of the governor, appoint
18 special counsel to prosecute or assist in the prosecution of any case arising under chs.
19 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such
20 special counsel shall be charged to the appropriation for the department.

21 **SECTION 1740.** 93.31 of the statutes is amended to read:

22 **93.31 Livestock breeders association.** The secretary of the Wisconsin
23 livestock breeders association shall on and after July 1 of each year make a report
24 to the department, signed by the president, treasurer, and secretary of the
25 association, setting forth in detail the receipts and disbursements of the association

SENATE BILL 44**SECTION 1740**

1 for the preceding fiscal year in such form and detail together with such other
2 information as the department may require. On receipt of such reports, if the
3 department is satisfied that the business of the association has been efficiently
4 conducted during the preceding fiscal year and in the interest of and for the
5 promotion of the special agricultural interests of the state and for the purpose for
6 which the association was organized and if the final statement shows that all the
7 receipts together with the state aid have been accounted for and disbursed for the
8 proper and necessary purposes of the association, and in accordance with the laws
9 of the state, then the department shall file a certificate with the department
10 secretary of administration and ~~it shall draw its warrant and the state treasurer~~ he
11 or she shall pay to the treasurer of the association the amount of the appropriations
12 made available for the association by s. 20.115 (4) (a) for the conduct of junior
13 livestock shows and other livestock educational programs. The association may
14 upon application to the state purchasing agent, upon such terms as he or she may
15 require, obtain printing for the association under the state contract.

16 **SECTION 1741.** 93.55 (2) of the statutes is amended to read:

17 93.55 (2) COLLECTION GRANTS. The department may award a grant to a county
18 for a chemical and container collection program. A grant under this subsection shall
19 fund all or a part of the cost of a program. Costs eligible for funding include the cost
20 of establishing a collection site for chemicals and chemical containers, the cost of
21 transporting chemical containers to a dealer or distributor for refill and reuse or to
22 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the
23 proper use and handling and disposal or recycling of chemicals and chemical
24 containers. Grants shall be paid from the appropriation under s. 20.115 (7) ~~(v)~~ (va).

25 **SECTION 1742.** 93.70 of the statutes is renumbered 93.70 (1).

SENATE BILL 44**SECTION 1743**

1 **SECTION 1743.** 93.70 (2) of the statutes is created to read:

2 **93.70 (2)** The department may not make a payment under sub. (1) to a person
3 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
4 unless the person provides to the department a payment agreement that has been
5 approved by the county child support agency under s. 59.53 (5) and that is consistent
6 with rules promulgated under s. 49.858 (2) (a).

7 **SECTION 1744.** 94.64 (4) (a) 1. of the statutes is amended to read:

8 **94.64 (4) (a) 1.** A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed
9 ~~beginning on October 29, 1999, and ending on June 30, 2001~~ before July 1, 2003, and
10 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2003, with
11 a minimum fee of \$25.

12 **SECTION 1745.** 94.64 (4) (a) 5. of the statutes is amended to read:

13 **94.64 (4) (a) 5.** An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per
14 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
15 ~~1999~~, unless the department establishes a lower surcharge under s. 94.73 (15).

16 **SECTION 1746.** 94.681 (1) (cm) of the statutes is created to read:

17 **94.681 (1) (cm)** "Payment period" means the 12 months ending on September
18 30 of the calendar year for which a license is sought under s. 94.68.

19 **SECTION 1747.** 94.681 (2) of the statutes is repealed and recreated to read:

20 **94.681 (2) ANNUAL LICENSE FEE.** An applicant for a license under s. 94.68 shall
21 pay an annual license fee for each pesticide product that the applicant sells or
22 distributes for use in this state. The amount of the fee is based on sales of pesticide
23 products during the payment period. An applicant shall pay an estimated fee before
24 the start of each license year as provided in sub. (3s) (a) and shall make a fee

SENATE BILL 44**SECTION 1747**

1 adjustment payment before the end of the license year if required under sub. (3s) (b).

2 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

3 (a) For each household pesticide product:

4 1. If the applicant sells less than \$25,000 of the product during the payment
5 period for use in this state, \$265.

6 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
7 during the payment period for use in this state, \$750.

8 3. If the applicant sells at least \$75,000 of the product during the payment
9 period for use in this state, \$1,500.

10 (b) For each industrial pesticide product:

11 1. If the applicant sells less than \$25,000 of the product during the payment
12 period for use in this state, \$315.

13 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
14 during the payment period for use in this state, \$860.

15 3. If the applicant sells at least \$75,000 of that product during the payment
16 period for use in this state, \$3,060.

17 (c) For each nonhousehold pesticide product:

18 1. If the applicant sells less than \$25,000 of that product during the payment
19 period for use in this state, \$320.

20 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
21 during the payment period for use in this state, \$890.

22 3. If the applicant sells at least \$75,000 of the product during the payment
23 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
24 product during the payment period for use in this state.

25 **SECTION 1748.** 94.681 (3) of the statutes is amended to read:

SENATE BILL 44**SECTION 1748**

1 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
2 license years that begin on January 1, 1999, and January 1, 2000, an An applicant
3 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
4 each nonhousehold pesticide product that the applicant sells or distributes for use
5 in this state. The amount of the surcharge is based on sales of nonhousehold
6 pesticide products during the payment period. An applicant shall pay an estimated
7 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
8 make a surcharge adjustment payment before the end of the license year if required
9 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
10 the surcharge is as follows:

11 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
12 preceding year payment period for use in this state, \$5.

13 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
14 product during the preceding year payment period for use in this state, \$170.

15 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
16 preceding year payment period for use in this state, an amount equal to 1.1% of gross
17 revenues from sales of the product during the preceding year payment period for use
18 in this state.

19 **SECTION 1749.** 94.681 (3m) of the statutes is amended to read:

20 94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a
21 license under s. 94.68 shall pay an environmental cleanup surcharge for each
22 pesticide product that is not a household pesticide and is solely labeled for use on
23 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
24 distributes in this state. The amount of the surcharge is based on sales of pesticide
25 products that are not household pesticides and are solely labeled for use on wood and

SENATE BILL 44**SECTION 1749**

1 contain pentachlorophenol or coal tar creosote during the payment period. An
2 applicant shall pay an estimated surcharge before the start of each license year as
3 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
4 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
5 amount of the surcharge is as follows:

6 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
7 preceding year payment period for use in this state, \$5.

8 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
9 product during the preceding year payment period for use in this state, \$170.

10 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
11 preceding year payment period for use in this state, an amount equal to 1.1% of gross
12 revenues from sales of the product during the preceding year payment period for use
13 in this state.

14 **SECTION 1750.** 94.681 (3s) of the statutes is created to read:

15 94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license
16 year, an applicant shall estimate the gross revenues that the applicant will receive
17 from sales of each pesticide product during the payment period that ends during the
18 year for which a license is sought under s. 94.68 and shall pay the amounts under
19 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
20 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
21 that the applicant will receive from sales of that pesticide product during the
22 payment period in which the licensee begins to sell the pesticide product and shall
23 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

24 (b) Before the end of a license year, a licensee shall report to the department
25 the gross revenues that the licensee received from sales of each pesticide product

SENATE BILL 44**SECTION 1750**

1 during the payment period that ended during the license year, as required under s.
2 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
3 the amounts actually due under subs. (2), (3), and (3m) as follows:

4 1. If the amount due based on actual sales is greater than the amount paid
5 based on estimated sales, the licensee shall pay the additional amount due.

6 2. If the amount due based on actual sales is less than the amount paid based
7 on estimated sales, the licensee may request the department to reimburse the
8 licensee for the amount of the overpayment.

9 3. If the amount due based on actual sales equals the amount paid based on
10 estimated sales, no action is required.

11 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
12 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
13 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
14 subdivision is in addition to any late filing fee under s. 93.21 (5).

15 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
16 par. (a) are based on estimates of gross revenues from sales for each pesticide product
17 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
18 product during the preceding year.

19 **SECTION 1751.** 94.72 (6) (a) 1. of the statutes is repealed.

20 **SECTION 1752.** 94.72 (6) (a) 2. of the statutes is amended to read:

21 94.72 (6) (a) 2. For commercial feeds distributed in this state ~~on or after~~ before
22 January 1, ~~2002~~ 2004, a feed inspection fee of 23 cents per ton.

23 **SECTION 1753.** 94.72 (6) (a) 2m. of the statutes is created to read:

24 94.72 (6) (a) 2m. For commercial feeds distributed in this state after December
25 31, 2003, a feed inspection fee of 30 cents per ton.

SENATE BILL 44**SECTION 1754**

1 **SECTION 1754.** 94.73 (6) (b) of the statutes is amended to read:

2 94.73 **(6)** (b) Except as provided in pars. (c) and (e), the department shall
3 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
4 costs incurred for each discharge site that are greater than \$3,000 and less than
5 \$400,000.

6 **SECTION 1755.** 94.73 (6) (c) (intro.) of the statutes is amended to read:

7 94.73 **(6)** (c) (intro.) Except as provided in par. (e), the department shall
8 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
9 costs incurred for each discharge site that are greater than \$7,500 and less than
10 \$400,000 if any of the following applies:

11 **SECTION 1756.** 94.73 (15) (a) of the statutes is amended to read:

12 94.73 **(15)** (a) The department may, by rule, reduce any of the surcharges in ss.
13 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
14 (3) (a) 2. below the amounts specified in those provisions. The department shall
15 adjust surcharge amounts as necessary to maintain a balance in the agricultural
16 chemical cleanup fund at the end of each fiscal year of ~~at least \$2,000,000 but not~~
17 ~~more than \$5,000,000, but may not increase a surcharge amount over the amount~~
18 ~~specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2.,~~
19 ~~or 94.704 (3) (a) 2.~~

20 **SECTION 1757.** 97.24 (4) (a) of the statutes is amended to read:

21 97.24 **(4)** (a) Regulation of the production, processing and distribution of milk
22 and fluid milk products under minimum sanitary requirements which are uniform
23 throughout this state and the United States is essential for the protection of
24 consumers and the economic well-being of the dairy industry, and is therefore a
25 matter of statewide concern; however, nothing in this section shall impair or abridge

SENATE BILL 44**SECTION 1757**

1 the power of any municipality or county to regulate milk or fluid milk products under
2 sanitary requirements and standards which are in reasonable accord with those
3 established under this section or the power to impose reasonable license permit and
4 inspection fees which combined shall not exceed the cost of necessary inspection. A
5 municipality or county may not impose any fee for its inspection of milk producers,
6 dairy plant facilities or dairy products which are under the inspection supervision
7 of another governmental unit within or without the state with a valid certification
8 rating made or approved by the department of health and family services. No
9 governmental unit may impose or collect a fee directly from the producer. A license
10 or permit fee not to exceed \$25 annually may be imposed on milk distributors
11 licensed under s. 97.22 and on dairy plants under the inspection supervision of
12 another governmental unit which are engaged in the distribution of milk within a
13 municipality or county.

14 **SECTION 1758.** 97.24 (4) (b) of the statutes is amended to read:

15 97.24 (4) (b) No sanitary requirement or standard established under this
16 section or contained in any ordinance may prohibit the sale of milk or fluid milk
17 products which are produced and processed under laws or rules of any governmental
18 unit, within or without this state, which are substantially equivalent to the
19 requirements of the rules promulgated under this section, and which are enforced
20 with equal effectiveness, as determined by a milk sanitation rating made or
21 approved by the department of health and family services, under rules promulgated
22 under this section.

23 **SECTION 1759.** 100.07 (6) of the statutes is amended to read:

24 100.07 (6) Action Upon request of the department of agriculture, trade, and
25 rural resources, an action to enjoin violation of this section may be commenced and

SENATE BILL 44**SECTION 1759**

1 prosecuted by the department of justice in the name of the state in any court having
2 equity jurisdiction.

3 **SECTION 1760.** 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin Act
4 109, section 263, is amended to read:

5 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
6 I felony. A person intentionally violates this section if the violation occurs after the
7 department of justice or a district attorney has notified the person by certified mail
8 that the person is in violation of this section.

9 **SECTION 1761.** 100.171 (8) (intro.) of the statutes is amended to read:

10 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
11 violations of this section. The department of justice or any district attorney may on
12 behalf of the state:

13 **SECTION 1762.** 100.173 (4) (intro.) of the statutes is amended to read:

14 100.173 (4) (intro.) The department of justice shall investigate violations of this
15 section. The department of justice, or any district attorney upon informing the
16 department of justice, may, on behalf of the state, do any of the following:

17 **SECTION 1763.** 100.173 (4) (a) of the statutes is amended to read:

18 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
19 any court of competent jurisdiction for any violation of this section. The relief sought
20 by the department of justice or district attorney may include the payment by a
21 promoter into an escrow account of an amount estimated to be sufficient to pay for
22 ticket refunds. The court may, upon entry of final judgment, award restitution when
23 appropriate to any person suffering loss because of violations of this section if proof
24 of such loss is submitted to the satisfaction of the court.

25 **SECTION 1764.** 100.174 (5) (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 1764**

1 100.174 (5) (intro.) The department of justice or any district attorney may on
2 behalf of the state:

3 **SECTION 1765.** 100.174 (6) of the statutes is amended to read:

4 100.174 (6) The department of justice shall investigate violations of and
5 enforce this section.

6 **SECTION 1766.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

7 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
8 pay more than \$100 for dating services before the buyer receives or has the
9 opportunity to receive those services unless the person selling dating services
10 establishes proof of financial responsibility by maintaining any of the following
11 commitments approved by the department of justice in an amount not less than
12 \$25,000:

13 **SECTION 1767.** 100.175 (5) (b) of the statutes is amended to read:

14 100.175 (5) (b) The commitment described in par. (a) shall be established in
15 favor of or made payable to the state, for the benefit of any buyer who does not receive
16 a refund under the contractual provision described in sub. (3). The person selling
17 dating services shall file with the department of justice any agreement, instrument
18 or other document necessary to enforce the commitment against the person selling
19 dating services or any relevant 3rd party, or both.

20 **SECTION 1768.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

21 100.175 (7) (a) (intro.) The department of justice or any district attorney may
22 on behalf of the state:

23 **SECTION 1769.** 100.175 (7) (b) of the statutes is amended to read:

24 100.175 (7) (b) The department of justice may bring an action in circuit court
25 to recover on a financial commitment maintained under sub. (5) against a person

SENATE BILL 44**SECTION 1769**

1 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
2 not receive a refund due under the contractual provision described in sub. (3).

3 **SECTION 1770.** 100.177 (1) (bm) of the statutes is created to read:

4 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
5 department of justice.

6 **SECTION 1771.** 100.178 (1) (b) of the statutes is amended to read:

7 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
8 department of ~~health and family services~~ justice.

9 **SECTION 1772.** 100.18 (11) (a) of the statutes is amended to read:

10 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
11 justice shall enforce this section. Actions to enjoin violation of this section or any
12 regulations thereunder may be commenced and prosecuted by the department of of
13 justice in the name of the state in any court having equity jurisdiction. This remedy
14 is not exclusive.

15 **SECTION 1773.** 100.18 (11) (b) 3. of the statutes is amended to read:

16 100.18 (11) (b) 3. No action may be commenced under this section more than
17 3 years after the occurrence of the unlawful act or practice which is the subject of the
18 action. No injunction may be issued under this section which would conflict with
19 general or special orders of the department of justice or any statute, rule or
20 regulation of the United States or of this state.

21 **SECTION 1774.** 100.18 (11) (c) 1. of the statutes is amended to read:

22 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
23 a person is in possession, custody or control of any information or documentary
24 material relevant to the enforcement of this section it may require that person to
25 submit a statement or report, under oath or otherwise, as to the facts and

SENATE BILL 44**SECTION 1774**

1 circumstances concerning any activity in the course of trade or commerce; examine
2 under oath that person with respect to any activity in the course of trade or
3 commerce; and execute in writing and cause to be served upon such person a civil
4 investigative demand requiring the person to produce any relevant documentary
5 material for inspection and copying.

6 **SECTION 1775.** 100.18 (11) (c) 2. of the statutes is amended to read:

7 100.18 (11) (c) 2. The department of justice, in exercising powers under this
8 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
9 any investigation.

10 **SECTION 1776.** 100.18 (11) (c) 3. of the statutes is amended to read:

11 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
12 a person to file a statement or report, or service of a subpoena upon a person, or
13 service of a civil investigative demand shall be made in compliance with the rules of
14 civil procedure of this state.

15 **SECTION 1777.** 100.18 (11) (c) 4. of the statutes is amended to read:

16 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
17 comply with any civil investigative demand, or fails to obey any subpoena issued by
18 the department of justice, such person may be coerced as provided in s. 885.12, except
19 that no person shall be required to furnish any testimony or evidence under this
20 subsection which might tend to incriminate the person.

21 **SECTION 1778.** 100.18 (11) (d) of the statutes is amended to read:

22 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
23 ~~with the department,~~ or any district attorney, upon informing the department of
24 justice, may commence an action in circuit court in the name of the state to restrain
25 by temporary or permanent injunction any violation of this section. The court may

SENATE BILL 44**SECTION 1778**

1 in its discretion, prior to entry of final judgment, make such orders or judgments as
2 may be necessary to restore to any person any pecuniary loss suffered because of the
3 acts or practices involved in the action, provided proof thereof is submitted to the
4 satisfaction of the court. ~~The department and the department of justice may~~
5 ~~subpoena persons and require the production of books and other documents, and the~~
6 ~~department of justice may request the department to exercise its authority under~~
7 ~~par. (e) to aid in the investigation of alleged violations of this section.~~

8 **SECTION 1779.** 100.18 (11) (e) of the statutes is amended to read:

9 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
10 section, ~~the department or the department of justice~~ may accept a written assurance
11 of discontinuance of any act or practice alleged to be a violation of this section from
12 the person who has engaged in such act or practice. The acceptance of such assurance
13 by ~~either the department or the department of justice~~ shall be deemed acceptance by
14 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of
15 the assurance so provide. An assurance entered into pursuant to this section shall
16 not be considered evidence of a violation of this section, provided that violation of
17 such an assurance shall be treated as a violation of this section, and shall be
18 subjected to all of the penalties and remedies provided therefor.

19 **SECTION 1780.** 100.182 (5) (a) of the statutes is amended to read:

20 100.182 (5) (a) Any district attorney, after informing the department of justice,
21 or the department of justice may seek a temporary or permanent injunction in circuit
22 court to restrain any violation of this section. Prior to entering a final judgment the
23 court may award damages to any person suffering monetary loss because of a
24 violation. The department of justice may subpoena any person or require the
25 production of any document to aid in investigating alleged violations of this section.

SENATE BILL 44**SECTION 1781**

1 **SECTION 1781.** 100.182 (5) (b) of the statutes is amended to read:

2 100.182 (5) (b) In lieu of instituting or continuing an action under this
3 subsection, the department of justice may accept a written assurance from a violator
4 of this section that the violation has ceased. If the terms of the assurance so provide,
5 its acceptance by the department of justice prevents all district attorneys from
6 prosecuting the violation. An assurance is not evidence of a violation of this section
7 but violation of an assurance is subject to the penalties and remedies of violating this
8 section.

9 **SECTION 1782.** 100.20 (2) (a) of the statutes is amended to read:

10 100.20 (2) (a) The department of justice, after public hearing, may issue
11 general orders forbidding methods of competition in business or trade practices in
12 business which are determined by the department of justice to be unfair. The
13 department of justice, after public hearing, may issue general orders prescribing
14 methods of competition in business or trade practices in business which are
15 determined by the department of justice to be fair.

16 **SECTION 1783.** 100.20 (2) (b) of the statutes is amended to read:

17 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
18 any order or promulgate any rule that regulates the provision of water or sewer
19 service by a manufactured home park operator, as defined in s. 101.91 (8), or
20 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
21 to the extent that the rule regulates the provision of such water or sewer service.

22 **SECTION 1784.** 100.20 (3) of the statutes is amended to read:

23 100.20 (3) The department of justice, after public hearing, may issue a special
24 order against any person, enjoining such person from employing any method of
25 competition in business or trade practice in business which is determined by the

SENATE BILL 44**SECTION 1784**

1 department of justice to be unfair or from providing service in violation of sub. (1t).
2 The department of justice, after public hearing, may issue a special order against any
3 person, requiring such person to employ the method of competition in business or
4 trade practice in business which is determined by the department of justice to be fair.

5 **SECTION 1785.** 100.20 (4) of the statutes is amended to read:

6 100.20 (4) ~~The If the department of justice may file a written complaint with~~
7 ~~the department alleging that the has reason to believe that a person named is~~
8 ~~employing unfair methods of competition in business or unfair trade practices in~~
9 ~~business or both. Whenever such a complaint is filed, it shall be the duty of the~~
10 ~~department of justice to proceed, after proper notice and in accordance with its rules,~~
11 ~~to the hearing and adjudication of the matters alleged, and a representative of the~~
12 ~~department of justice designated by the attorney general may appear before the~~
13 ~~department in such proceedings. The department of justice shall be entitled to~~
14 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

15 **SECTION 1786.** 100.20 (6) of the statutes is amended to read:

16 100.20 (6) The department of justice may commence an action in circuit court
17 in the name of the state to restrain by temporary or permanent injunction the
18 violation of any order issued under this section. The court may in its discretion, prior
19 to entry of final judgment, make such orders or judgments as may be necessary to
20 restore to any person any pecuniary loss suffered because of the acts or practices
21 involved in the action, provided proof thereof is submitted to the satisfaction of the
22 court. The department of justice ~~may use its authority in ss. 93.14 and 93.15 to~~
23 investigate violations of any order issued under this section.

24 **SECTION 1787.** 100.201 (6) (d) of the statutes is amended to read:

SENATE BILL 44**SECTION 1787**

1 100.201 (6) (d) The failure to pay fees under this subsection within the time
2 provided under par. (c) is a violation of this section. The department of justice may
3 also commence an action to recover the amount of any overdue fees plus interest at
4 the rate of 2% per month for each month that the fees are delinquent.

5 **SECTION 1788.** 100.201 (8m) (intro.) of the statutes is amended to read:

6 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
7 acts or omissions which take place in whole or in part outside this state. In any action
8 or administrative proceeding the department of justice has jurisdiction of the person
9 served under s. 801.11 when any act or omission outside this state by the defendant
10 or respondent results in local injury or may have the effect of injuring competition
11 or a competitor in this state or unfairly diverts trade or business from a competitor,
12 if at the time:

13 **SECTION 1789.** 100.201 (9) (b) of the statutes is amended to read:

14 100.201 (9) (b) The department of agriculture, trade, and rural resources, after
15 public hearing held under s. 93.18, may issue a special order against any person
16 requiring such person to cease and desist from acts, practices or omissions
17 determined by the department of agriculture, trade, and rural resources to violate
18 this section. Such orders shall be subject to judicial review under ch. 227. Any
19 violation of a special order issued hereunder shall be punishable as a contempt under
20 ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the
21 filing of an affidavit by the department of justice of the commission of such violation
22 in any court of record in the county where the violation occurred.

23 **SECTION 1790.** 100.201 (9) (c) of the statutes is amended to read:

24 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
25 remedies herein provided, may apply to a circuit court for a temporary or permanent

SENATE BILL 44**SECTION 1790**

1 injunction to prevent, restrain or enjoin any person from violating this section or any
2 special order of the department of agriculture, trade, and rural resources issued
3 ~~hereunder~~ under this section, without being compelled to allege or prove that an
4 adequate remedy at law does not exist.

5 **SECTION 1791.** 100.205 (7) of the statutes is amended to read:

6 100.205 (7) The department of justice, or any district attorney on informing the
7 department of justice, may commence an action in circuit court in the name of the
8 state to restrain by temporary or permanent injunction any violation of this section.
9 The court may, before entry of final judgment and after satisfactory proof, make
10 orders or judgments necessary to restore to any person any pecuniary loss suffered
11 because of a violation of this section. The department of justice may conduct
12 hearings, administer oaths, issue subpoenas and take testimony to aid in its
13 investigation of violations of this section.

14 **SECTION 1792.** 100.205 (8) of the statutes is amended to read:

15 100.205 (8) The department of justice or any district attorney may commence
16 an action in the name of the state to recover a forfeiture to the state of not more than
17 \$10,000 for each violation of this section.

18 **SECTION 1793.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)
19 and amended to read:

20 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
21 “telecommunications;

22 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

23 **SECTION 1794.** 100.207 (1) (a) of the statutes is created to read:

24 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
25 department of justice.

SENATE BILL 44**SECTION 1795**

1 **SECTION 1795.** 100.207 (6) (b) 1. of the statutes is amended to read:

2 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
3 ~~department of agriculture, trade and consumer protection~~, or any district attorney
4 upon informing the department of agriculture, trade and consumer protection, may
5 commence an action in circuit court in the name of the state to restrain by temporary
6 or permanent injunction any violation of this section. Injunctive relief may include
7 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
8 discontinue telecommunications service provided to a person violating this section
9 or ch. 196. Before entry of final judgment, the court may make such orders or
10 judgments as may be necessary to restore to any person any pecuniary loss suffered
11 because of the acts or practices involved in the action if proof of these acts or practices
12 is submitted to the satisfaction of the court.

13 **SECTION 1796.** 100.207 (6) (b) 2. of the statutes is amended to read:

14 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
15 ~~to 93.16 and 100.18 (11) (e) to~~ shall administer this section. The department and the
16 ~~department of justice~~ may subpoena persons and, require the production of books
17 and other documents, and ~~the department of justice may request the department of~~
18 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
19 ~~investigation of~~ investigate alleged violations of this section.

20 **SECTION 1797.** 100.207 (6) (c) of the statutes is amended to read:

21 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
22 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
23 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
24 ~~department of agriculture, trade and consumer protection~~, or, upon informing the
25 department, by the district attorney of the county where the violation occurs.

SENATE BILL 44**SECTION 1798**

1 **SECTION 1798.** 100.207 (6) (em) 1. of the statutes is amended to read:

2 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
3 department shall form an advisory group to suggest recommendations regarding the
4 content and scope of the proposed rule. The advisory group shall consist of one or
5 more persons who may be affected by the proposed rule, ~~a representative from the~~
6 ~~department of justice~~ and a representative from the public service commission.

7 **SECTION 1799.** 100.207 (6) (em) 2. of the statutes is amended to read:

8 100.207 (6) (em) 2. The department shall submit the recommendations under
9 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
10 ~~and to the board of agriculture, trade and consumer protection.~~

11 **SECTION 1800.** 100.208 (2) (intro.) of the statutes is amended to read:

12 100.208 (2) (intro.) The department of justice shall notify the public service
13 commission if any of the following conditions exists:

14 **SECTION 1801.** 100.208 (2) (b) of the statutes is amended to read:

15 100.208 (2) (b) The department of justice has issued an order under s. 100.20
16 (3) prohibiting a telecommunications provider from engaging in an unfair trade
17 practice or method of competition.

18 **SECTION 1802.** 100.209 (3) of the statutes is amended to read:

19 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
20 prohibit the department of justice from promulgating a rule or from issuing an order
21 consistent with its authority under this chapter that gives a subscriber greater rights
22 than the rights under sub. (2) or prohibit a city, village or town from enacting an
23 ordinance that gives a subscriber greater rights than the rights under sub. (2).

24 **SECTION 1803.** 100.209 (4) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 1803**

1 100.209 (4) (b) The department of justice and the district attorneys of this state
2 have concurrent authority to institute civil proceedings under this section.

3 **SECTION 1804.** 100.2095 (6) (b) of the statutes is amended to read:

4 100.2095 (6) (b) The department of justice may commence an action in the
5 name of the state to restrain by temporary or permanent injunction a violation of sub.
6 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
7 orders to restore to any person any pecuniary loss suffered by the person because of
8 the violation.

9 **SECTION 1805.** 100.2095 (6) (c) of the statutes is amended to read:

10 100.2095 (6) (c) The department of justice or any district attorney may
11 commence an action in the name of the state to recover a forfeiture to the state of not
12 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

13 **SECTION 1806.** 100.21 (2) (a) of the statutes is amended to read:

14 100.21 (2) (a) No person may make an energy savings or safety claim without
15 a reasonable and currently accepted scientific basis for the claim when the claim is
16 made. Making an energy savings or safety claim without a reasonable and currently
17 accepted scientific basis is also an unfair method of competition and trade practice
18 prohibited under s. 100.20.

19 **SECTION 1807.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

20 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
21 or special orders ~~under s. 100.20~~:

22 **SECTION 1808.** 100.22 (4) (b) of the statutes is amended to read:

23 100.22 (4) (b) The department of justice may, without alleging or proving that
24 no other adequate remedy at law exists, bring an action on behalf of the department
25 of agriculture, trade, and rural resources to enjoin violations of this section or a

SENATE BILL 44**SECTION 1808**

1 special order issued under this section in the circuit court for the county where the
2 alleged violation occurred.

3 **SECTION 1809.** 100.235 (11) (a) of the statutes is amended to read:

4 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule
5 promulgated or order issued under this section may be required to forfeit not less
6 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
7 ~~may commence an action to recover a forfeiture under this paragraph.~~

8 **SECTION 1810.** 100.26 (6) of the statutes is amended to read:

9 100.26 (6) ~~The department, the department of justice, after consulting with the~~
10 ~~department, or any district attorney may commence an action in the name of the~~
11 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
12 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.
13 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~
14 ~~protection or any district attorney may commence an action in the name of the state~~
15 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000
16 for each violation. Any person violating an order issued under s. 100.20 is subject
17 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each
18 violation of an order issued under s. 100.20.

19 **SECTION 1811.** 100.261 (1) of the statutes is amended to read:

20 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
21 or ch. 98 or 133, a rule promulgated under this chapter or ch. 98 or 133, or an
22 ordinance enacted under this chapter or ch. 98 or 133, the court shall also impose a
23 consumer protection assessment in an amount equal to 25% of the fine or forfeiture
24 imposed. If multiple violations are involved, the court shall base the consumer
25 protection assessment upon the the total of the fine or forfeiture amounts for all

SENATE BILL 44**SECTION 1811**

1 violations. If a fine or forfeiture is suspended in whole or in part, the court shall
2 reduce the assessment in proportion to the suspension.

3 **SECTION 1812.** 100.261 (2) of the statutes is amended to read:

4 100.261 (2) If any deposit is made for a violation to which this section applies,
5 the person making the deposit shall also deposit a sufficient amount to include the
6 consumer protection assessment required under this section. If the deposit is
7 forfeited, the amount of the consumer protection assessment shall be transmitted to
8 the ~~state treasurer~~ secretary of administration under sub. (3). If the deposit is
9 returned, the consumer protection assessment shall also be returned.

10 **SECTION 1813.** 100.261 (3) (a) of the statutes is amended to read:

11 100.261 (3) (a) The clerk of court shall collect and transmit the consumer
12 protection assessment amounts to the county treasurer under s. 59.40 (2) (m). The
13 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
14 administration under s. 59.25 (3) (f) 2.

15 **SECTION 1814.** 100.261 (3) (b) of the statutes is amended to read:

16 100.261 (3) (b) The state treasurer shall deposit the consumer protection
17 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.
18 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them
19 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
20 (c).

21 **SECTION 1815.** 100.261 (3) (b) of the statutes, as affected by 2003 Wisconsin Act
22 (this act), is amended to read:

23 100.261 (3) (b) The ~~state treasurer~~ secretary of administration shall deposit the
24 consumer protection assessment amounts imposed for a violation of ch. 98, a rule
25 promulgated under ch. 98, or an ordinance enacted under ch. 98 in the general fund

SENATE BILL 44**SECTION 1815**

1 and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to
2 the limit under par. (c).

3 **SECTION 1816.** 100.261 (3) (d) of the statutes is created to read:

4 100.261 (3) (d) The state treasurer shall deposit the consumer protection
5 assessment amounts imposed for a violation of this chapter or ch. 133, a rule
6 promulgated under this chapter or ch. 133, or an ordinance enacted under this
7 chapter in the general fund and shall credit them to the appropriation account under
8 s. 20.455 (1) (g), subject to the limit under par. (e).

9 **SECTION 1817.** 100.261 (3) (e) of the statutes is created to read:

10 100.261 (3) (e) The amount credited to the appropriation account under s.
11 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.

12 **SECTION 1818.** 100.263 of the statutes is amended to read:

13 **100.263 Recovery.** In addition to other remedies available under this chapter,
14 the court may award the department state the reasonable and necessary costs of
15 investigation and an amount reasonably necessary to remedy the harmful effects of
16 the violation and ~~the court may award the department of justice~~ the reasonable and
17 necessary expenses of prosecution, including attorney fees, from any person who
18 violates this chapter. The ~~department and the department of justice~~ amounts
19 awarded under this subsection shall ~~deposit~~ be deposited in the state treasury for
20 deposit in the general fund ~~all moneys that the court awards to the department, the~~
21 ~~department of justice or the state under this section.~~ Ten percent of the money
22 deposited in the general fund that was awarded under this section for the costs of
23 investigation and the expenses of prosecution, including attorney fees, shall be
24 credited to the appropriation account under s. 20.455 (1) (gh).

25 **SECTION 1819.** 100.28 (4) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 1819**

1 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
2 department of justice may seek an injunction restraining any person from violating
3 this section.

4 **SECTION 1820.** 100.28 (4) (c) of the statutes is amended to read:

5 100.28 (4) (c) The department of justice, or any district attorney upon the
6 request of the department of justice, may commence an action in the name of the
7 state under par. (a) or (b).

8 **SECTION 1821.** 100.31 (4) of the statutes is amended to read:

9 100.31 (4) PENALTIES. For any violation of this section, the department of
10 justice or a district attorney may commence an action on behalf of the state to recover
11 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
12 delivery of a drug sold to a purchaser at a price in violation of this section and each
13 separate day in violation of an injunction issued under this section is a separate
14 offense.

15 **SECTION 1822.** 100.31 (5) of the statutes is amended to read:

16 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
17 may bring an action to enjoin a violation of this section without being compelled to
18 allege or prove that an adequate remedy at law does not exist. An action under this
19 subsection may be commenced and prosecuted by the department of justice or a
20 district attorney, in the name of the state, in a circuit court in the county where the
21 offense occurred or in Dane County, notwithstanding s. 801.50.

22 **SECTION 1823.** 100.37 (1) (am) of the statutes is created to read:

23 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
24 department of justice.

25 **SECTION 1824.** 100.38 (5) of the statutes is amended to read:

SENATE BILL 44**SECTION 1824**

1 100.38 (5) INSPECTION. The department of justice shall enforce this section by
2 inspection, chemical analyses or any other appropriate method and the department
3 of justice may promulgate such rules as are necessary to effectively enforce this
4 section.

5 **SECTION 1825.** 100.38 (6) of the statutes is amended to read:

6 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
7 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
8 department of justice may bring an action to enjoin violations of this section.

9 **SECTION 1826.** 100.41 (1) (bn) of the statutes is created to read:

10 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
11 department of justice.

12 **SECTION 1827.** 100.42 (1) (cm) of the statutes is created to read:

13 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
14 department of justice.

15 **SECTION 1828.** 100.43 (1) (am) of the statutes is created to read:

16 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
17 department of justice.

18 **SECTION 1829.** 100.44 (5) of the statutes is amended to read:

19 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
20 may, on behalf of the state, bring an action in any court of competent jurisdiction for
21 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
22 injunctive relief and for any other appropriate relief. The court may make any order
23 or judgment that is necessary to restore to any person any pecuniary loss suffered
24 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
25 court.

SENATE BILL 44**SECTION 1830**

1 **SECTION 1830.** 100.46 (1) of the statutes is amended to read:

2 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
3 rule adopt energy conservation standards for products that have been established in
4 or promulgated under 42 USC 6291 to 6309.

5 **SECTION 1831.** 100.46 (2) of the statutes is amended to read:

6 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
7 or cause to be installed any product that is not in compliance with rules promulgated
8 under sub. (1). In addition to other penalties and enforcement procedures, the
9 department of justice may apply to a court for a temporary or permanent injunction
10 restraining any person from violating a rule adopted under sub. (1).

11 **SECTION 1832.** 100.50 (6) (b) of the statutes is amended to read:

12 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
13 department of justice may seek an injunction restraining any person from violating
14 this section.

15 **SECTION 1833.** 100.50 (6) (c) of the statutes is amended to read:

16 100.50 (6) (c) The department of justice, or any district attorney upon the
17 request of the department of justice, may commence an action in the name of the
18 state under par. (a) or (b).

19 **SECTION 1834.** 100.52 (1) (bn) of the statutes is created to read:

20 100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
21 department of justice.

22 **SECTION 1835.** 101.055 (8) (b) of the statutes is amended to read:

23 101.055 (8) (b) ~~A state employee who believes that he or she has been~~
24 ~~discharged or otherwise discriminated against by a public employer in violation of~~
25 ~~par. (ar) may file a complaint with the personnel commission alleging discrimination~~

SENATE BILL 44**SECTION 1835**

1 ~~or discharge, within 30 days after the employee received knowledge of the~~
2 ~~discrimination or discharge.~~ A public employee other than a state employee who
3 believes that he or she has been discharged or otherwise discriminated against by
4 a public employer in violation of par. (ar) may file a complaint with the division of
5 equal rights alleging discrimination or discharge, within 30 days after the employee
6 received knowledge of the discrimination or discharge.

7 **SECTION 1836.** 101.055 (8) (c) of the statutes is amended to read:

8 101.055 (8) (c) Upon receipt of a complaint, the ~~personnel commission or the~~
9 ~~division of equal rights, whichever is applicable,~~ shall, except as provided in s. 230.45
10 (1m), investigate the complaint and determine whether there is probable cause to
11 believe that a violation of par. (ar) has occurred. If the ~~personnel commission or the~~
12 ~~division of equal rights~~ finds probable cause it shall attempt to resolve the complaint
13 by conference, conciliation or persuasion. If the complaint is not resolved, the
14 ~~personnel commission or the~~ division of equal rights shall hold a hearing on the
15 complaint within 60 days after receipt of the complaint unless both parties to the
16 proceeding agree otherwise. Within 30 days after the close of the hearing, the
17 ~~personnel commission or the~~ division of equal rights shall issue its decision. If the
18 ~~personnel commission or the~~ division of equal rights determines that a violation of
19 par. (ar) has occurred, it shall order appropriate relief for the employee, including
20 restoration of the employee to his or her former position with back pay, and shall
21 order any action necessary to ensure that no further discrimination occurs. If the
22 ~~personnel commission or the~~ division of equal rights determines that there has been
23 no violation of par. (ar), it shall issue an order dismissing the complaint.

24 **SECTION 1837.** 101.055 (8) (d) of the statutes is amended to read:

SENATE BILL 44**SECTION 1837**

1 101.055 (8) (d) Orders of the ~~personnel commission and the~~ division of equal
2 rights under this subsection are subject to judicial review under ch. 227.

3 **SECTION 1838.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

4 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or
5 redevelopment of brownfields, as defined in s. ~~560.13 (1) (a)~~ 560.60 (1) (v), if federal
6 or state financial assistance other than under this section, has been provided for that
7 expansion or redevelopment.

8 **SECTION 1839.** 101.143 (9m) (g) 2. of the statutes is amended to read:

9 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
10 exceed ~~\$342,000,000~~ \$457,000,000 in principal amount, excluding any obligations
11 that have been defeased under a cash optimization program administered by the
12 building commission. In addition to this limit on principal amount, the building
13 commission may contract revenue obligations under this subsection as the building
14 commission determines is desirable to fund or refund outstanding revenue
15 obligations, to pay issuance or administrative expenses, to make deposits to reserve
16 funds, or to pay accrued or capitalized interest.

17 **SECTION 1840.** 101.175 (3) (intro.) of the statutes is amended to read:

18 101.175 (3) (intro.) The department, in consultation with the department of
19 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality
20 standards for local energy resource systems which do not impede development of
21 innovative systems but which do:

22 **SECTION 1841.** 101.563 (2) (a) of the statutes is amended to read:

23 101.563 (2) (a) *Payments from calendar year 2000 dues.* Notwithstanding s.
24 101.573 (3) (a), the department shall pay every city, village, and town that is entitled
25 to payment under sub. (1) (a) the amount to which that city, village, or town would

SENATE BILL 44**SECTION 1841**

1 have been entitled to receive on or before August 1, 2001, had the city, village, or town
2 been eligible to receive a payment on that date. The department shall calculate the
3 amount due under this paragraph as if every city, village, and town maintaining a
4 fire department was eligible to receive a payment on that date. By the date on which
5 the department provides a certification or recertification to the ~~state treasurer~~
6 secretary of administration under par. (b) 1., the department shall certify to the ~~state~~
7 ~~treasurer~~ secretary of administration the amount to be paid to each city, village, and
8 town under this paragraph. On or before August 1, 2002, the ~~state treasurer~~
9 secretary of administration shall pay the amount certified by the department under
10 this paragraph to each such city, village, and town. The ~~state treasurer~~ secretary of
11 administration may combine any payment due under this paragraph with any
12 amount due to be paid on or before August 1, 2002, to the same city, village, or town
13 under par. (b) 1.

14 **SECTION 1842.** 101.563 (2) (b) 1. of the statutes is amended to read:

15 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
16 s. ~~101.575~~ 101.573 (3) (a), by the 30th day following July 30, 2002, the department
17 shall compile the fire department dues paid by all insurers under s. 601.93 and the
18 dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s.
19 101.573 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%,
20 and certify to the ~~state treasurer~~ secretary of administration the proper amount to
21 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town
22 entitled to a proportionate share of fire department dues as provided under sub. (1)
23 (b) and s. 101.575. If the department has previously certified an amount to the ~~state~~
24 ~~treasurer~~ secretary of administration under s. ~~101.57~~ 101.573 (3) (a) during calendar
25 year 2002, the department shall recertify the amount in the manner provided under

SENATE BILL 44**SECTION 1842**

1 this subdivision. On or before August 1, 2002, the ~~state treasurer~~ secretary of
2 administration shall pay the amounts certified or recertified by the department
3 under this subdivision to each city, village, and town entitled to a proportionate share
4 of fire department dues as provided under sub. (1) and s. 101.575. The ~~state~~
5 ~~treasurer~~ secretary of administration may combine any payment due under this
6 subdivision with any amount due to be paid on or before August 1, 2002, to the same
7 city, village, or town under par. (a).

8 **SECTION 1843.** 101.563 (2) (b) 2. of the statutes is amended to read:

9 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'
10 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this
11 subdivision, on or before May 1 in each year, the department shall compile the fire
12 department dues paid by all insurers under s. 601.93 and the dues paid by the state
13 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold
14 0.5% and certify to the ~~state treasurer~~ secretary of administration the proper amount
15 to be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town
16 entitled to a proportionate share of fire department dues as provided under sub. (1)
17 (b) and s. 101.575. Annually, on or before August 1, the ~~state treasurer~~ secretary of
18 administration shall pay the amounts certified by the department to each such city,
19 village, and town. This paragraph applies only to payment of a proportionate share
20 of fire department dues collected for calendar years 2002 to 2004.

21 **SECTION 1844.** 101.563 (2) (b) 3. of the statutes is amended to read:

22 101.563 (2) (b) 3. The amounts withheld under subs. 1. and 2. shall be
23 disbursed to correct errors of the department or the commissioner of insurance. The
24 department shall certify to the ~~state treasurer~~ secretary of administration the
25 amount that must be disbursed to correct an error and the ~~state treasurer~~ secretary

SENATE BILL 44**SECTION 1844**

1 of administration shall pay the amount to the specified city, village, or town. The
2 balance of the amount withheld in a calendar year under ~~subds.~~ subd. 1. or 2., as
3 applicable, which is not disbursed under this subdivision shall be included in the
4 total compiled by the department under subd. 2. for the next calendar year, except
5 that amounts withheld under subd. 2. from fire department dues collected for
6 calendar year 2004 that are not disbursed under this subdivision shall be included
7 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar
8 year. If errors in payments exceed the amount withheld, adjustments shall be made
9 in the distribution for the next year.

10 **SECTION 1845.** 101.573 (1) of the statutes is amended to read:

11 101.573 (1) The department shall include in the compilation and certification
12 of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund
13 for the insurance of any public property, other than state property. The department
14 shall notify the ~~state treasurer~~ secretary of administration of the amount certified
15 under this subsection and the ~~state treasurer~~ secretary of administration shall
16 charge the amount to the state fire fund.

17 **SECTION 1846.** 101.573 (3) (a) of the statutes is amended to read:

18 101.573 (3) (a) On or before May 1 in each year, the department shall compile
19 the fire department dues paid by all insurers under s. 601.93 and the dues paid by
20 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%
21 and certify to the ~~state treasurer~~ secretary of administration the proper amount to
22 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, or town
23 entitled to fire department dues under s. 101.575. Annually, on or before August 1,
24 the ~~state treasurer~~ secretary of administration shall pay the amounts certified by the
25 department to the cities, villages and towns eligible under s. 101.575.

SENATE BILL 44**SECTION 1847**

1 **SECTION 1847.** 101.573 (3) (b) of the statutes is amended to read:

2 101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct
3 errors of the department or the commissioner of insurance or for payments to cities,
4 villages, or towns which are first determined to be eligible for payments under par.
5 (a) after May 1. The department shall certify to the ~~state treasurer~~ secretary of
6 administration, as near as is practical, the amount which would have been payable
7 to the municipality if payment had been properly disbursed under par. (a) on or prior
8 to May 1, except the amount payable to any municipality first eligible after May 1
9 shall be reduced by 1.5% for each month or portion of a month which expires after
10 May 1 and prior to the eligibility determination. The ~~state treasurer~~ secretary of
11 administration shall pay the amount certified to the city, village, or town. The
12 balance of the amount withheld in a calendar year under par. (a) which is not
13 disbursed under this paragraph shall be included in the total compiled by the
14 department under par. (a) for the next calendar year. If errors in payments exceed
15 the amount set aside for error payments, adjustments shall be made in the
16 distribution for the next year.

17 **SECTION 1848.** 101.573 (4) of the statutes is amended to read:

18 101.573 (4) The department shall transmit to the treasurer of each city, village,
19 and town entitled to fire department dues, a statement of the amount of dues payable
20 to it, and the commissioner of insurance shall furnish to the ~~state treasurer~~ secretary
21 of administration, upon request, a list of the insurers paying dues under s. 601.93
22 and the amount paid by each.

23 **SECTION 1849.** 102.07 (17m) of the statutes is amended to read:

24 102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional
25 subsidized private sector job under s. 49.147 (3m) is an employee of any employer

SENATE BILL 44**SECTION 1849**

1 under this chapter for whom the participant is performing service at the time of the
2 injury.

3 **SECTION 1850.** 102.28 (7) (a) of the statutes is amended to read:

4 102.28 (7) (a) If an employer who is currently or was formerly exempted by
5 written order of the department under sub. (2) is unable to pay an award, judgment
6 is rendered in accordance with s. 102.20 against that employer, and execution is
7 levied and returned unsatisfied in whole or in part, payments for the employer's
8 liability shall be made from the fund established under sub. (8). If a currently or
9 formerly exempted employer files for bankruptcy and not less than 60 days after that
10 filing the department has reason to believe that compensation payments due are not
11 being paid, the department in its discretion may make payment for the employer's
12 liability from the fund established under sub. (8). The ~~state treasurer~~ secretary of
13 administration shall proceed to recover such payments from the employer or the
14 employer's receiver or trustee in bankruptcy, and may commence an action or
15 proceeding or file a claim therefor. The attorney general shall appear on behalf of
16 the ~~state treasurer~~ secretary of administration in any such action or proceeding. All
17 moneys recovered in any such action or proceeding shall be paid into the fund
18 established under sub. (8).

19 **SECTION 1851.** 102.63 of the statutes is amended to read:

20 **102.63 Refunds by state.** Whenever the department shall certify to the ~~state~~
21 ~~treasurer~~ secretary of administration that excess payment has been made under s.
22 102.59 or under s. 102.49 (5) either because of mistake or otherwise, the ~~state~~
23 ~~treasurer~~ secretary of administration shall within 5 days after receipt of such
24 certificate draw an order against the fund in the state treasury into which such
25 excess was paid, reimbursing such payor of such excess payment, together with

SENATE BILL 44**SECTION 1851**

1 interest actually earned thereon if the excess payment has been on deposit for at
2 least 6 months.

3 **SECTION 1852.** 102.81 (2) of the statutes is amended to read:

4 102.81 (2) The department may retain an insurance carrier or insurance
5 service organization to process, investigate and pay claims under this section and
6 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
7 do business in this state in an amount that the secretary determines is necessary for
8 the sound operation of the uninsured employers fund. In cases involving disputed
9 claims, the department may retain an attorney to represent the interests of the
10 uninsured employers fund and to make appearances on behalf of the uninsured
11 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and subch.
12 IV of ch. 16 do not apply to an attorney ~~hired~~ retained under this subsection. The
13 charges for the services retained under this subsection shall be paid from the
14 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
15 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

16 **SECTION 1853.** 102.85 (4) (c) of the statutes is amended to read:

17 102.85 (4) (c) If any deposit is made for an offense to which this section applies,
18 the person making the deposit shall also deposit a sufficient amount to include the
19 uninsured employer assessment prescribed in this section. If the deposit is forfeited,
20 the amount of the uninsured employer assessment shall be transmitted to the state
21 ~~treasurer~~ secretary of administration under par. (d). If the deposit is returned, the
22 uninsured employer assessment shall also be returned.

23 **SECTION 1854.** 102.85 (4) (d) of the statutes is amended to read:

24 102.85 (4) (d) The clerk of the court shall collect and transmit to the county
25 treasurer the uninsured employer assessment and other amounts required under s.

SENATE BILL 44**SECTION 1854**

1 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
2 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
3 secretary of administration shall deposit the amount of the uninsured employer
4 assessment, together with any interest thereon, in the uninsured employers fund as
5 provided in s. 102.80 (1).

6 **SECTION 1855.** 103.10 (12) (a) of the statutes is repealed.

7 **SECTION 1856.** 103.10 (12) (bm) of the statutes is created to read:

8 103.10 (12) (bm) If the department initially finds that there is no probable
9 cause to believe that a violation of sub. (11) (a) or (b) occurred as alleged in the
10 complaint, the department may dismiss the complaint. The department shall, by a
11 notice to be served with the findings, notify the parties of the complainant's right to
12 appeal the dismissal of the complaint by requesting a review of the findings by a
13 hearing examiner, which review shall be based solely on the department's record of
14 the complaint. Service of the findings shall be made by certified mail, return receipt
15 requested. If the hearing examiner determines that no probable cause exists, that
16 determination is the final determination of the department and may be appealed
17 under s. 227.52.

18 **SECTION 1857.** 103.10 (13) of the statutes is amended to read:

19 103.10 (13) CIVIL ACTION. (a) An employee who believes that his or her
20 employer has violated sub. (11) (a) or (b), or the department, may bring an action in
21 circuit court against an employer ~~to recover damages caused by a violation of sub.~~
22 ~~(11) after the completion of an administrative proceeding, including judicial review,~~
23 ~~concerning the same violation seeking action, as described in sub. (12) (d), to remedy~~
24 the violation and damages caused by the violation.

SENATE BILL 44**SECTION 1857**

1 (b) An action commenced under par. (a) may be brought in the circuit court for
2 the county where the violation occurred or for the county where the person against
3 whom the action is filed resides or has a principal place of business, and shall be
4 commenced within the later of the following periods, or be barred:

5 1. Within 60 days ~~from~~ after the completion of an administrative proceeding,
6 including judicial review, concerning the same violation.

7 2. ~~Twelve~~ Within 12 months after the violation occurred, or the department or
8 employee should reasonably have known that the violation occurred. The 12-month
9 statute of limitations under this subdivision shall be tolled while an administrative
10 proceeding, including judicial review, concerning the same violation is pending.

11 **SECTION 1858.** 106.01 (11) of the statutes is repealed.

12 **SECTION 1859.** 106.09 (4) of the statutes is repealed.

13 **SECTION 1860.** 106.09 (5) of the statutes is amended to read:

14 106.09 (5) The department is authorized and directed to cooperate with the
15 U.S. employment service in the administration of said act ~~and in carrying out all~~
16 ~~agreements made thereunder~~ its functions.

17 **SECTION 1861.** 106.09 (6) of the statutes is repealed.

18 **SECTION 1862.** 106.12 (title) of the statutes is amended to read:

19 **106.12 (title) Governor's work-based learning board council.**

20 **SECTION 1863.** 106.12 (1) of the statutes is amended to read:

21 106.12 (1) DEFINITION. In this section and s. 106.13, "~~board~~" "council" means
22 the governor's work-based learning ~~board~~ council.

23 **SECTION 1864.** 106.12 (1m) of the statutes is created to read:

24 106.12 (1m) DUTIES OF COUNCIL. The council shall oversee the planning,
25 coordination, administration, and implementation of the youth apprenticeship,

SENATE BILL 44**SECTION 1864**

1 school-to-work, and work-based learning programs under s. 106.13 (1) and such
2 other employment and education programs as the governor may by executive order
3 assign to the department. In providing that oversight, the council shall do all of the
4 following:

5 (a) Identify the employment and education needs of the state and recommend
6 to the governor goals for meeting those needs and steps to meet those goals.

7 (b) Review the provision of services and the allocation of funding and resources
8 under the programs specified in this subsection and recommend to the governor a
9 strategic plan for coordinating the provision of those services and for allocating that
10 funding and those resources, consistent with the laws rules, and regulations
11 governing those programs, so as to best respond to the employment and education
12 needs identified in par. (a).

13 (c) Monitor the provision of services and the expenditure of funding and
14 resources under the programs specified in this subsection and evaluate the
15 effectiveness of those programs in meeting the employment and education needs of
16 the participants in those programs.

17 (d) Determine whether any federal laws, regulations, or policies impede the
18 effectiveness or coordination of any of the programs specified in this subsection and,
19 if so, recommend that the department seek waivers of those laws, regulations, or
20 policies.

21 (e) Recommend for approval by the department under s. 106.13 (2m)
22 occupations for the youth apprenticeship program and statewide skill standards for
23 school-to-work programs.

SENATE BILL 44**SECTION 1864**

1 (f) Review and recommend for approval by the department a school-to-work
2 program for children at risk, as defined in s. 118.153 (1) (a), provided by a nonprofit
3 organization under s. 106.13 (4m).

4 (g) Provide uniform performance standards that assist in evaluating the
5 effectiveness of the employment and education programs specified in this subsection.

6 (h) Annually, prepare and submit to the legislature under s. 13.172 (2) and to
7 the governor a report on the activities of the council that includes recommendations
8 regarding the employment and education programs specified in this subsection.

9 **SECTION 1865.** 106.12 (2) of the statutes is amended to read:

10 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~The board~~
11 Based on the recommendations of the council, the department shall plan, coordinate,
12 administer, and implement the youth apprenticeship, school-to-work, and
13 work-based learning programs under s. 106.13 (1) and such other employment and
14 education programs as the governor may by executive order assign to the ~~board~~
15 department. Notwithstanding any limitations placed on the use of state employment
16 and education funds under this section or s. 106.13 or under an executive order
17 assigning an employment and education program to the ~~board~~ department, the
18 ~~board~~ department may issue a general or special order waiving any of those
19 limitations on finding that the waiver will promote the coordination of employment
20 and education services.

21 **SECTION 1866.** 106.12 (3) of the statutes is amended to read:

22 106.12 (3) EXECUTIVE DIRECTOR. The governor shall appoint an executive
23 director of the ~~board~~ council outside the classified service to serve at the pleasure of
24 the governor. The executive director shall ~~be in charge of the board's administrative~~

SENATE BILL 44**SECTION 1866**

1 ~~functions~~ assist the council in performing its duties under sub. (1m) and assist the
2 department in administering the programs specified in sub. (2).

3 **SECTION 1867.** 106.12 (4) of the statutes is amended to read:

4 106.12 (4) PUBLICATIONS AND SEMINARS. The ~~board~~ department may provide
5 publications and seminars relating to the employment and education programs
6 administered by the ~~board~~ department and may establish a schedule of fees for those
7 publications and seminars. Fees established under this subsection for publications
8 and seminars provided by the ~~board~~ department may not exceed the actual cost
9 incurred in providing those publications and seminars. The fees collected under this
10 subsection shall be credited to the appropriation account under s. 20.445 (7) ~~(1)~~ (ga).

11 **SECTION 1868.** 106.13 (1) (intro.) of the statutes is amended to read:

12 106.13 (1) (intro.) The ~~board~~ department shall provide all of the following:

13 **SECTION 1869.** 106.13 (2) of the statutes is amended to read:

14 106.13 (2) The governor's work-based learning council, the council on
15 workforce investment established under 29 USC 2821, the technical college system
16 board, and the department of public instruction shall assist the ~~board~~ department
17 of workforce development in providing the youth apprenticeship program, the
18 school-to-work program, and the work-based learning program under sub. (1).

19 **SECTION 1870.** 106.13 (2m) of the statutes is amended to read:

20 106.13 (2m) The ~~board~~ After reviewing the recommendations of the council
21 under s. 106.12 (1m) (e), the department shall approve occupations and maintain a
22 list of approved occupations for the youth apprenticeship program and shall approve
23 statewide skill standards for the school-to-work program. From the appropriation
24 under s. 20.445 (7) ~~(1)~~ (a), the ~~board~~ department shall develop curricula for youth
25 apprenticeship programs for occupations approved under this subsection.

SENATE BILL 44**SECTION 1871**

1 **SECTION 1871.** 106.13 (3m) (b) (intro.) of the statutes is amended to read:

2 106.13 **(3m)** (b) (intro.) From the appropriation under s. 20.445 ~~(7) (b)~~ (1) (e),
3 the ~~board~~ department shall award grants to applying local partnerships for the
4 implementation and coordination of local youth apprenticeship programs. A local
5 partnership shall include in its grant application the identity of each public agency,
6 nonprofit organization, individual, and other person who is a participant in the local
7 partnership, a plan to accomplish the implementation and coordination activities
8 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible
9 for receiving, managing, and accounting for the grant moneys received under this
10 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this
11 paragraph may use the grant moneys awarded for any of the following
12 implementation and coordination activities:

13 **SECTION 1872.** 106.13 (3m) (b) 6. of the statutes is amended to read:

14 106.13 **(3m)** (b) 6. Any other implementation or coordination activity that the
15 ~~board~~ department may direct or permit the local partnership to perform.

16 **SECTION 1873.** 106.13 (4) (a) 1d. of the statutes is amended to read:

17 106.13 **(4)** (a) 1d. "Eligible employer" means an employer that is eligible to
18 receive a grant under this subsection according to the criteria established by the
19 ~~board~~ department under par. (d).

20 **SECTION 1874.** 106.13 (4) (b) of the statutes is amended to read:

21 106.13 **(4)** (b) From the appropriation under s. 20.445 ~~(7) (1)~~ (em), the ~~board~~
22 department may award a grant to a public agency or a nonprofit organization, or to
23 an eligible employer that is responsible for the on-the-job training and supervision
24 of a youth apprentice. A public agency or nonprofit organization that receives a grant
25 under this subsection shall use the funds awarded under the grant to award training

SENATE BILL 44**SECTION 1874**

1 grants to eligible employers that provide on-the-job training and supervision for
2 youth apprentices. Subject to par. (c), a training grant provided under this
3 subsection may be awarded to an eligible employer for each youth apprentice who
4 receives at least 180 hours of paid on-the-job training from the eligible employer
5 during a school year, as defined in s. 115.001 (13). The amount of a training grant
6 may not exceed \$500 per youth apprentice per school year. A training grant may not
7 be awarded for any specific youth apprentice for more than 2 school years.

8 **SECTION 1875.** 106.13 (4) (c) of the statutes is amended to read:

9 106.13 (4) (c) Notwithstanding par. (b), the board department may award a
10 training grant under this subsection to an eligible employer that provides less than
11 180 hours of paid on-the-job training for a youth apprentice during a school year,
12 as defined in s. 115.001 (13), if the board department determines that it would be
13 beneficial for the youth apprentice to receive on-the-job training from more than one
14 eligible employer.

15 **SECTION 1876.** 106.13 (4) (d) of the statutes is amended to read:

16 106.13 (4) (d) The board department shall establish eligibility criteria for a
17 grant under this subsection. That criteria shall specify that eligibility for a grant
18 shall be limited to small employers, as determined by the board department, and to
19 employers providing on-the-job training in employment areas determined by the
20 board department. Notwithstanding sub. (5), those criteria need not be promulgated
21 as rules.

22 **SECTION 1877.** 106.13 (4m) of the statutes is amended to read:

23 106.13 (4m) (a) ~~The board~~ After reviewing the recommendations of the council
24 under s. 106.12 (1m) (f), the department may approve an innovative school-to-work
25 program provided by a nonprofit organization for children at risk, as defined in s.

SENATE BILL 44**SECTION 1877**

1 118.153 (1) (a), in a county having a population of 500,000 or more to assist those
2 children at risk in acquiring employability skills and occupational-specific
3 competencies before leaving high school. If the ~~board~~ department approves a
4 program under this paragraph, the ~~board~~ department may award a grant, from the
5 appropriation under s. 20.445 ~~(7)~~ (1) (ef), to the nonprofit organization providing the
6 program and the nonprofit organization shall use the funds received under the grant
7 to provide the program.

8 (b) The ~~board~~ department shall establish requirements for the operation of the
9 grant program under this subsection. Notwithstanding sub. (5), those requirements
10 need not be promulgated as rules.

11 **SECTION 1878.** 106.13 (5) of the statutes is amended to read:

12 106.13 (5) The ~~board~~ department shall promulgate rules to administer this
13 section.

14 **SECTION 1879.** 106.15 (3) (intro.) of the statutes is amended to read:

15 106.15 (3) GRANTS. (intro.) From the ~~appropriation~~ appropriations under s.
16 20.445 (1) (bc), (jm), ~~(mb)~~ and (m), the department shall make grants to
17 persons providing employment and training activities to dislocated workers
18 including ~~but not limited to~~ all of the following:

19 **SECTION 1880.** 106.15 (7) of the statutes is amended to read:

20 106.15 (7) FUNDING. From the amounts appropriated under s. 20.445 (1) ~~(ma)~~,
21 ~~(mb)~~ and (m), all moneys received under 29 USC 2862 to 2864 shall be expended
22 to fund grants and operations under this section.

23 **SECTION 1881.** 106.17 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 1881**

1 106.17 (2) The collection and distribution of local labor market information
2 under sub. (1) shall be funded only from the appropriations under s. 20.445 (1) (m),
3 ~~(ma)~~ and (n).

4 **SECTION 1882.** 106.21 (title) of the statutes is repealed.

5 **SECTION 1883.** 106.21 (1) of the statutes is repealed.

6 **SECTION 1884.** 106.21 (2) of the statutes is repealed.

7 **SECTION 1885.** 106.21 (3) of the statutes is repealed.

8 **SECTION 1886.** 106.21 (4) of the statutes is repealed.

9 **SECTION 1887.** 106.21 (5) of the statutes is repealed.

10 **SECTION 1888.** 106.21 (6) of the statutes is repealed.

11 **SECTION 1889.** 106.21 (7) of the statutes is repealed.

12 **SECTION 1890.** 106.21 (8) of the statutes is repealed.

13 **SECTION 1891.** 106.21 (9) (a) of the statutes is repealed.

14 **SECTION 1892.** 106.21 (9) (b) of the statutes is repealed.

15 **SECTION 1893.** 106.21 (9) (c) of the statutes is repealed.

16 **SECTION 1894.** 106.21 (9) (e) of the statutes is repealed.

17 **SECTION 1895.** 106.21 (9) (f) of the statutes is repealed.

18 **SECTION 1896.** 106.21 (9) (g) 1. of the statutes is repealed.

19 **SECTION 1897.** 106.21 (9) (g) 2. of the statutes is renumbered 106.213 and
20 amended to read:

21 **106.213 Wisconsin service corps education vouchers.** The An education
22 voucher under s. 106.21 (9) (g) 1., 2001 stats., is valid for 3 years after the date of
23 issuance for the payment of tuition and required program activity fees at any
24 institution of higher education, as defined under s. 39.32 (1) (a), that accepts the

SENATE BILL 44**SECTION 1897**

1 voucher and the department shall authorize payment to the institution of face value
2 of the voucher upon presentment.

3 **SECTION 1898.** 106.21 (10) of the statutes is repealed.

4 **SECTION 1899.** 106.21 (11) of the statutes is repealed.

5 **SECTION 1900.** 106.21 (12) of the statutes is repealed.

6 **SECTION 1901.** 106.21 (13) of the statutes is repealed.

7 **SECTION 1902.** 106.213 of the statutes, as created by 2003 Wisconsin Act ...
8 (this act), is repealed.

9 **SECTION 1903.** 106.215 (title) of the statutes is amended to read:

10 **106.215** (title) ~~Wisconsin conservation corps program~~ **Youth**
11 **employment projects.**

12 **SECTION 1904.** 106.215 (1) (intro.) of the statutes is repealed.

13 **SECTION 1905.** 106.215 (1) (a) of the statutes is repealed.

14 **SECTION 1906.** 106.215 (1) (b) of the statutes is repealed.

15 **SECTION 1907.** 106.215 (1) (c) of the statutes is repealed.

16 **SECTION 1908.** 106.215 (1) (cg) of the statutes is repealed.

17 **SECTION 1909.** 106.215 (1) (cm) of the statutes is repealed.

18 **SECTION 1910.** 106.215 (1) (d) of the statutes is repealed.

19 **SECTION 1911.** 106.215 (1) (e) of the statutes is repealed.

20 **SECTION 1912.** 106.215 (1) (f) of the statutes is repealed.

21 **SECTION 1913.** 106.215 (1) (fm) of the statutes is renumbered 977.01 (2) and
22 amended to read:

23 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53
24 (21), Wisconsin works under ss. 49.141 to 49.161, ~~aid to families with dependent~~
25 ~~children under s. 49.19~~, medical assistance under subch. IV of ch. 49, low-income

SENATE BILL 44**SECTION 1913**

1 energy assistance under s. 16.385, weatherization assistance under s. 16.39, and the
2 food stamp program under 7 USC 2011 to 2029.

3 **SECTION 1914.** 106.215 (1) (g) of the statutes is repealed.

4 **SECTION 1915.** 106.215 (2) of the statutes is amended to read:

5 106.215 (2) OBJECTIVES. The ~~board~~ department shall develop guidelines for the
6 ~~Wisconsin conservation corps program~~ youth employment projects funded under
7 sub. (1m) designed to promote the all of the following objectives of:

8 (a) *Employment of young adults youth.* Providing employment for young men
9 ~~and women youth 14 years of age or over, but under 22 years of age,~~ in all regions of
10 the state.

11 (b) *Conservation.* Conserving, developing, enhancing, or maintaining the
12 natural resources of this state through the implementation of projects ~~which~~ that
13 have a long-term beneficial impact on the environment.

14 (c) *Personal development.* Encouraging and developing ~~work~~ employment and
15 life skills, discipline, and cooperation, in project participants by providing
16 meaningful work experiences and training and educational opportunities for ~~corps~~
17 enrollees those participants.

18 (d) *Human services.* Promoting the social well-being of children, the elderly,
19 persons with disabilities, and persons with low incomes through the implementation
20 of human services projects ~~that include human services activities~~.

21 **SECTION 1916.** 106.215 (2) (e) of the statutes is created to read:

22 106.215 (2) (e) *Wages.* Providing project participants with a wage that is not
23 less than the federal minimum wage or the applicable state minimum wage
24 established under ch. 104, whichever is greater.

25 **SECTION 1917.** 106.215 (3) of the statutes is repealed.

SENATE BILL 44**SECTION 1918**

1 **SECTION 1918.** 106.215 (3m) of the statutes is repealed.

2 **SECTION 1919.** 106.215 (4) of the statutes is repealed.

3 **SECTION 1920.** 106.215 (5) of the statutes is repealed.

4 **SECTION 1921.** 106.215 (6) of the statutes is repealed.

5 **SECTION 1922.** 106.215 (7) (title) of the statutes is repealed.

6 **SECTION 1923.** 106.215 (7) (a) of the statutes is repealed.

7 **SECTION 1924.** 106.215 (7) (am) of the statutes is repealed.

8 **SECTION 1925.** 106.215 (7) (b) of the statutes is repealed.

9 **SECTION 1926.** 106.215 (7) (c) of the statutes is renumbered 106.215 (1m) and
10 amended to read:

11 106.215 (1m) ~~CONSERVATION FUND APPROPRIATION~~ YOUTH EMPLOYMENT PROJECT
12 GRANTS. Notwithstanding par. (a), moneys Moneys appropriated under s. 20.445 (6)
13 (1) (u) that are not derived from the forestation state tax under s. 70.58 may be
14 utilized for any youth employment project approved by the ~~board~~ department
15 regardless of whether the project consists in whole or in part of conservation
16 activities. From those moneys, the department shall provide grants to
17 community-based nonprofit organizations, as defined in s. 108.02 (19), for the
18 provision of youth employment projects that are designed to meet the objectives
19 specified in sub. (2) (a), (c), and (e) and one or more of the objectives specified in sub.
20 (2) (b) and (d).

21 **SECTION 1927.** 106.215 (8) of the statutes is repealed.

22 **SECTION 1928.** 106.215 (8g) of the statutes is repealed.

23 **SECTION 1929.** 106.215 (8m) of the statutes is repealed.

24 **SECTION 1930.** 106.215 (9) of the statutes is repealed.

25 **SECTION 1931.** 106.215 (10) (title) of the statutes is repealed.

SENATE BILL 44**SECTION 1932**

1 **SECTION 1932.** 106.215 (10) (a) of the statutes is repealed.

2 **SECTION 1933.** 106.215 (10) (b) of the statutes is repealed.

3 **SECTION 1934.** 106.215 (10) (c) of the statutes is repealed.

4 **SECTION 1935.** 106.215 (10) (e) of the statutes is repealed.

5 **SECTION 1936.** 106.215 (10) (f) of the statutes is repealed.

6 **SECTION 1937.** 106.215 (10) (fm) of the statutes is repealed.

7 **SECTION 1938.** 106.215 (10) (g) (title) and 1. of the statutes are repealed.

8 **SECTION 1939.** 106.215 (10) (g) 1m. of the statutes is repealed.

9 **SECTION 1940.** 106.215 (10) (g) 2. of the statutes is repealed.

10 **SECTION 1941.** 106.215 (10) (g) 2m. of the statutes is repealed.

11 **SECTION 1942.** 106.215 (10) (g) 3. of the statutes is renumbered 106.217 and
12 amended to read:

13 **106.217 Wisconsin conservation corps education vouchers.** The An
14 education voucher under s. 106.215 (10) (g) 1m. or 2m., 2001 stats., is valid for 4 years
15 after the date of issuance for the payment of tuition and required program activity
16 fees at any institution of higher education, as defined in 20 USC 1002, that accepts
17 the voucher. The ~~board~~ department shall authorize payment to the institution of face
18 value of the voucher upon presentment.

19 **SECTION 1943.** 106.215 (10) (g) 4. of the statutes is repealed.

20 **SECTION 1944.** 106.215 (10) (h) of the statutes is repealed.

21 **SECTION 1945.** 106.215 (11) of the statutes is repealed.

22 **SECTION 1946.** 106.215 (12) of the statutes is repealed.

23 **SECTION 1947.** 106.215 (13) of the statutes is repealed.

24 **SECTION 1948.** 106.217 of the statutes, as affected by 2003 Wisconsin Act
25 (this act), is repealed.

SENATE BILL 44**SECTION 1949**

1 **SECTION 1949.** 106.26 (4) of the statutes is repealed.

2 **SECTION 1950.** 106.50 (6) (c) 4. of the statutes is amended to read:

3 106.50 **(6)** (c) 4. If the department initially determines that there is no probable
4 cause to believe that discrimination occurred as alleged in the complaint, it may
5 dismiss those allegations. The department shall, by a notice to be served with the
6 determination, notify the parties of the complainant's right to appeal the dismissal
7 of the claim to the secretary for a hearing on the issue allegations by requesting a
8 review of the determination by a hearing examiner, which review shall be based
9 solely on the department's record of the complaint. Service of the determination shall
10 be made by certified mail, return receipt requested. If the hearing examiner
11 determines that no probable cause exists, that determination is the final
12 determination of the department and may be appealed under par. (j).

13 **SECTION 1951.** 106.52 (4) (a) 4m. of the statutes is created to read:

14 106.52 (4) (a) 4m. If the department initially finds that there is no probable
15 cause to believe that any act prohibited under sub. (3) has been or is being committed
16 as alleged in the complaint, the department may dismiss the complaint. The
17 department shall, by a notice to be served with the findings, notify the parties of the
18 complainant's right to appeal the dismissal of the complaint by requesting a review
19 of the findings by a hearing examiner, which review shall be based solely on the
20 department's record of the complaint. Service of the findings shall be made by
21 certified mail, return receipt requested. If the hearing examiner determines that no
22 probable cause exists, that determination is the final determination of the
23 department and may be appealed under par. (b).

24 **SECTION 1952.** 107.30 (10) of the statutes is amended to read:

SENATE BILL 44**SECTION 1952**

1 107.30 (10) “Mining damage appropriation” means the appropriation under s.
2 ~~20.445 (4) (b)~~ 20.143 (3) (a).

3 **SECTION 1953.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

4 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
5 is calculated by subtracting the total amount of all mining damages awards paid
6 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
7 or paid from the appropriation under s. 20.143 (3) (a) from the sum of:

8 **SECTION 1954.** 108.15 (6) (c) of the statutes is amended to read:

9 108.15 (6) (c) If such delinquency is finally established under s. 108.10, the
10 fund’s treasurer shall, in case such unit receives a share of any state tax or any type
11 of state aid, certify to the ~~state treasurer~~ secretary of administration the existence
12 and amount of such delinquency.

13 **SECTION 1955.** 108.15 (6) (d) (intro.) of the statutes is amended to read:

14 108.15 (6) (d) (intro.) Upon receipt of such certification, the ~~state treasurer~~
15 secretary of administration shall withhold, from each sum of any such tax or aid
16 thereafter payable to the government unit, until the delinquency is satisfied, the
17 lesser of the following amounts:

18 **SECTION 1956.** 108.15 (6) (e) of the statutes is amended to read:

19 108.15 (6) (e) Any amount withheld by the ~~state treasurer~~ secretary of
20 administration under par. (d) shall be paid by the ~~state treasurer~~ secretary of
21 administration to the fund’s treasurer, who shall duly credit such payment toward
22 satisfying the delinquency.

23 **SECTION 1957.** 108.161 (3) of the statutes is amended to read:

24 108.161 (3) Consistently with this chapter and said section 903, such moneys
25 shall be used solely for benefits or employment security administration by the

SENATE BILL 44**SECTION 1957**

1 department, including unemployment insurance, employment service,
2 apprenticeship programs, and related statistical operations.

3 **SECTION 1958.** 108.161 (4) (c) of the statutes is amended to read:

4 108.161 (4) (c) Specifying that the appropriated amounts are available for
5 obligation solely within the 2 years beginning on the appropriation law's date of
6 enactment. This paragraph does not apply to the appropriation under s. 20.445 (1)
7 (nd).

8 **SECTION 1959.** 108.162 (3) of the statutes is amended to read:

9 108.162 (3) The amount obligated under this section during any fiscal year may
10 not exceed the aggregate of all amounts credited under s. 108.161 (1), including
11 amounts credited under s. 108.161 (8), reduced by the amount obligated under s.
12 20.445 (1) (nb) and (nd) and further reduced at the time of any obligation by the sum
13 of the moneys obligated and charged against any of the amounts thus credited.

14 **SECTION 1960.** 108.20 (2) of the statutes is amended to read:

15 108.20 (2) All amounts received by the department for the administrative
16 account shall be paid over to the ~~state treasurer~~ secretary of administration and
17 credited to that account for the administration of this chapter and the employment
18 service, for the payment of benefits chargeable to the account under s. 108.07 (5) and
19 for the purposes specified in sub. (2m).

20 **SECTION 1961.** 111.335 (1) (cv) of the statutes is amended to read:

21 111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment
22 discrimination because of conviction record to refuse to employ in a position in the
23 classified service, or in a position described in s. 230.08 (2) (k), ~~or as a corps enrollee~~
24 ~~with the Wisconsin conservation corps under s. 106.215 (1) (e)~~ a person who has been

SENATE BILL 44**SECTION 1961**

1 convicted under 50 USC, Appendix, section 462 for refusing to register with the
2 selective service system and who has not been pardoned.

3 **SECTION 1962.** 111.375 (1) of the statutes is amended to read:

4 111.375 (1) ~~Except as provided under sub. (2), this~~ This subchapter shall be
5 administered by the department. The department may make, amend and rescind
6 such rules as are necessary to carry out this subchapter. The department or the
7 commission may, by such agents or agencies as it designates, conduct in any part of
8 this state any proceeding, hearing, investigation or inquiry necessary to the
9 performance of its functions. The department shall preserve the anonymity of any
10 employee who is the aggrieved party in a complaint of discrimination in promotion,
11 compensation or terms and conditions of employment, of unfair honesty testing or
12 of unfair genetic testing against his or her present employer until a determination
13 as to probable cause has been made, unless the department determines that the
14 anonymity will substantially impede the investigation.

15 **SECTION 1963.** 111.375 (2) of the statutes is amended to read:

16 111.375 (2) This subchapter applies to each agency of the state ~~except that~~
17 ~~complaints of discrimination, unfair honesty testing or unfair genetic testing against~~
18 ~~the agency as an employer shall be filed with and processed by the personnel~~
19 ~~commission under s. 230.45 (1) (b). Decisions of the personnel commission are~~
20 ~~subject to review under ch. 227.~~

21 **SECTION 1964.** 111.39 (4) (bm) of the statutes is created to read:

22 111.39 (4) (bm) If the department initially finds that there is no probable cause
23 to believe that any discrimination has been or is being committed, that unfair
24 honesty testing has occurred or is occurring, or that unfair genetic testing has
25 occurred or is occurring as alleged in the complaint, the department may dismiss the

SENATE BILL 44**SECTION 1964**

1 complaint. The department shall, by a notice to be served with the findings, notify
2 the parties of the complainant's right to appeal the dismissal of the complaint by
3 requesting a review of the findings by a hearing examiner, which review shall be
4 based solely on the department's record of the complaint. Service of the findings shall
5 be made by certified mail, return receipt requested. If the hearing examiner
6 determines that no probable cause exists, that determination is the final
7 determination of the department and may be appealed under sub. (5).

8 **SECTION 1965.** 111.40 of the statutes is created to read:

9 **111.40 Civil action. (1)** Any person, including the state, alleging that
10 discrimination, unfair honesty testing, or unfair genetic testing has occurred may
11 bring a civil action seeking such action, as described in s. 111.39 (4) (c), as will
12 effectuate the purpose of this subchapter.

13 **(2)** An action commenced under sub. (1) may be brought in the circuit court for
14 the county where the alleged violation occurred or for the county where the person
15 against whom the action is filed resides or has a principal place of business, and shall
16 be commenced within 300 days after the alleged violation occurred. The 300-day
17 statute of limitations under this subsection shall be tolled while an administrative
18 proceeding concerning the same violation is pending.

19 **SECTION 1966.** 111.70 (1) (a) of the statutes is amended to read:

20 111.70 **(1) (a)** "Collective bargaining" means the performance of the mutual
21 obligation of a municipal employer, through its officers and agents, and the
22 representative of its municipal employees in a collective bargaining unit, to meet and
23 confer at reasonable times, in good faith, with the intention of reaching an
24 agreement, or to resolve questions arising under such an agreement, with respect to
25 wages, hours and conditions of employment, and with respect to a requirement of the

SENATE BILL 44**SECTION 1966**

1 municipal employer for a municipal employee to perform law enforcement and fire
2 fighting services under s. 61.66, except as provided in sub. (4) (m) and s. 40.81 (3) and
3 except that a municipal employer shall not meet and confer with respect to any
4 proposal to diminish or abridge the rights guaranteed to municipal employees under
5 ch. 164. The duty to bargain, however, does not compel either party to agree to a
6 proposal or require the making of a concession. Collective bargaining includes the
7 reduction of any agreement reached to a written and signed document. The
8 municipal employer shall not be required to bargain on subjects reserved to
9 management and direction of the governmental unit except insofar as the manner
10 of exercise of such functions affects the wages, hours and conditions of employment
11 of the municipal employees in a collective bargaining unit and except as provided in
12 sub. (4) (p). In creating this subchapter the legislature recognizes that the municipal
13 employer must exercise its powers and responsibilities to act for the government and
14 good order of the jurisdiction which it serves, its commercial benefit and the health,
15 safety and welfare of the public to assure orderly operations and functions within its
16 jurisdiction, subject to those rights secured to municipal employees by the
17 constitutions of this state and of the United States and by this subchapter.

18 **SECTION 1967.** 111.70 (1) (b) of the statutes is amended to read:

19 111.70 (1) (b) "Collective bargaining unit" means a unit ~~consisting of municipal~~
20 ~~employees who are school district professional employees or of municipal employees~~
21 ~~who are not school district professional employees~~ that is determined by the
22 commission to be appropriate for the purpose of collective bargaining.

23 **SECTION 1968.** 111.70 (1) (dm) of the statutes is repealed.

24 **SECTION 1969.** 111.70 (1) (fm) of the statutes is repealed.

25 **SECTION 1970.** 111.70 (1) (nc) of the statutes is repealed.

SENATE BILL 44**SECTION 1971**

1 **SECTION 1971.** 111.70 (4) (cm) 5. of the statutes is amended to read:

2 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the
3 other impasse resolution procedures provided in this paragraph, a municipal
4 employer and labor organization may at any time, as a permissive subject of
5 bargaining, agree in writing to a dispute settlement procedure, including
6 authorization for a strike by municipal employees or binding interest arbitration,
7 which is acceptable to the parties for resolving an impasse over terms of any
8 collective bargaining agreement under this subchapter. A copy of such agreement
9 shall be filed by the parties with the commission. If the parties agree to any form of
10 binding interest arbitration, the arbitrator shall give weight to the factors
11 enumerated under ~~subds. 7., 7g. and~~ subd. 7r.

12 **SECTION 1972.** 111.70 (4) (cm) 5s. of the statutes is repealed.

13 **SECTION 1973.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

14 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute ~~relating to one~~
15 ~~or more issues, qualifying for interest arbitration under subd. 5s. in a collective~~
16 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
17 period of negotiation and after mediation by the commission under subd. 3. and other
18 settlement procedures, if any, established by the parties have been exhausted, and
19 the parties are deadlocked with respect to any dispute between them over wages,
20 hours, and conditions of employment to be included in a new collective bargaining
21 agreement, either party, or the parties jointly, may petition the commission, in
22 writing, to initiate compulsory, final, and binding arbitration, as provided in this
23 paragraph. At the time the petition is filed, the petitioning party shall submit in
24 writing to the other party and the commission its preliminary final offer containing
25 its latest proposals on all issues in dispute. Within 14 calendar days after the date

SENATE BILL 44**SECTION 1973**

1 of that submission, the other party shall submit in writing its preliminary final offer
2 on all disputed issues to the petitioning party and the commission. If a petition is
3 filed jointly, both parties shall exchange their preliminary final offers in writing and
4 submit copies to the commission at the time the petition is filed.

5 **SECTION 1974.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

6 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
7 commission shall make an investigation, with or without a formal hearing, to
8 determine whether arbitration should be commenced. If in determining whether an
9 impasse exists the commission finds that the procedures set forth in this paragraph
10 have not been complied with and such compliance would tend to result in a
11 settlement, it may order such compliance before ordering arbitration. The validity
12 of any arbitration award or collective bargaining agreement shall not be affected by
13 failure to comply with such procedures. Prior to the close of the investigation each
14 party shall submit in writing to the commission its single final offer containing its
15 final proposals on all issues in dispute that are subject to interest arbitration under
16 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
17 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
18 close the investigation based on the last written position of the party. ~~The municipal~~
19 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
20 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
21 bargaining, except that a permissive subject of bargaining may be included by a
22 party if the other party does not object and shall then be treated as a mandatory
23 subject. No later than such time, the parties shall also submit to the commission a
24 stipulation, in writing, with respect to all matters which are agreed upon for
25 inclusion in the new or amended collective bargaining agreement. The commission,

SENATE BILL 44**SECTION 1974**

1 after receiving a report from its investigator and determining that arbitration should
2 be commenced, shall issue an order requiring arbitration and immediately submit
3 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
4 alternately strike names until a single name is left, who shall be appointed as
5 arbitrator. The petitioning party shall notify the commission in writing of the
6 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
7 formally appoint the arbitrator and submit to him or her the final offers of the
8 parties. The final offers shall be considered public documents and shall be available
9 from the commission. In lieu of a single arbitrator and upon request of both parties,
10 the commission shall appoint a tripartite arbitration panel consisting of one member
11 selected by each of the parties and a neutral person designated by the commission
12 who shall serve as a chairperson. An arbitration panel has the same powers and
13 duties as provided in this section for any other appointed arbitrator, and all
14 arbitration decisions by such panel shall be determined by majority vote. In lieu of
15 selection of the arbitrator by the parties and upon request of both parties, the
16 commission shall establish a procedure for randomly selecting names of arbitrators.
17 Under the procedure, the commission shall submit a list of 7 arbitrators to the
18 parties. Each party shall strike one name from the list. From the remaining 5
19 names, the commission shall randomly appoint an arbitrator. Unless both parties
20 to an arbitration proceeding otherwise agree in writing, every individual whose
21 name is submitted by the commission for appointment as an arbitrator shall be a
22 resident of this state at the time of submission and every individual who is
23 designated as an arbitration panel chairperson shall be a resident of this state at the
24 time of designation.

25 **SECTION 1975.** 111.70 (4) (cm) 7. of the statutes is repealed.

SENATE BILL 44**SECTION 1976**

1 **SECTION 1976.** 111.70 (4) (cm) 7g. of the statutes is repealed.

2 **SECTION 1977.** 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

3 111.70 (4) (cm) 7r. ~~‘Other factors~~ Factors considered.’ (intro.) In making any
4 decision under the arbitration procedures authorized by this paragraph, the
5 arbitrator or arbitration panel shall also give weight to the following factors:

6 **SECTION 1978.** 111.70 (4) (cm) 7r. hm. of the statutes is created to read:

7 111.70 (4) (cm) 7r. hm. In a school district, a determination as to which party’s
8 proposal best provides for a fundamental right to an equal opportunity for a sound
9 basic education under article X, section 3, of the constitution.

10 **SECTION 1979.** 111.70 (4) (cm) 7r. ie. of the statutes is created to read:

11 111.70 (4) (cm) 7r. ie. Any state law or directive lawfully issued by a state
12 legislative or administrative officer, body, or agency which places limitations on
13 expenditures that may be made or revenues that may be collected by a municipal
14 employer.

15 **SECTION 1980.** 111.70 (4) (cm) 7r. ir. of the statutes is created to read:

16 111.70 (4) (cm) 7r. ir. Economic conditions in the jurisdiction of the municipal
17 employer.

18 **SECTION 1981.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,
19 renumbered 111.70 (4) (cm) 8m. and amended to read:

20 111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for
21 the initial collective bargaining agreement between the parties and except as the
22 parties otherwise agree, every collective bargaining agreement covering municipal
23 employees subject to this paragraph ~~other than school district professional~~
24 ~~employees~~ shall be for a term of 2 years. No, but in no case may a collective
25 bargaining agreement for any collective bargaining unit consisting of municipal

SENATE BILL 44**SECTION 1981**

1 employees ~~subject to this paragraph other than school district professional~~
2 ~~employees shall be for a term exceeding 3 years. e.~~ No arbitration award may
3 contain a provision for reopening of negotiations during the term of a collective
4 bargaining agreement, unless both parties agree to such a provision. The
5 requirement for agreement by both parties does not apply to a provision for
6 reopening of negotiations with respect to any portion of an agreement that is
7 declared invalid by a court or administrative agency or rendered invalid by the
8 enactment of a law or promulgation of a federal regulation.

9 **SECTION 1982.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

10 **SECTION 1983.** 111.70 (4) (cm) 8p. of the statutes is repealed.

11 **SECTION 1984.** 111.70 (4) (cm) 8s. of the statutes is repealed.

12 **SECTION 1985.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

13 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
14 bargaining unit for the purpose of collective bargaining and shall whenever possible,
15 unless otherwise required under this subchapter, avoid fragmentation by
16 maintaining as few collective bargaining units as practicable in keeping with the size
17 of the total municipal work force. In making such a determination, the commission
18 may decide whether, in a particular case, the municipal employees in the same or
19 several departments, divisions, institutions, crafts, professions, or other
20 occupational groupings constitute a collective bargaining unit. Before making its
21 determination, the commission may provide an opportunity for the municipal
22 employees concerned to determine, by secret ballot, whether or not they desire to be
23 established as a separate collective bargaining unit. ~~The commission shall not~~
24 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
25 ~~collective bargaining unit if the group includes both municipal employees who are~~

SENATE BILL 44**SECTION 1985**

1 ~~school district professional employees and municipal employees who are not school~~
2 ~~district professional employees.~~ The commission shall not decide, however, that any
3 ~~other~~ group of municipal employees constitutes an appropriate collective bargaining
4 unit if the group includes both professional employees and nonprofessional
5 employees, unless a majority of the professional employees vote for inclusion in the
6 unit. The commission shall not decide that any group of municipal employees
7 constitutes an appropriate collective bargaining unit if the group includes both craft
8 employees and noncraft employees unless a majority of the craft employees vote for
9 inclusion in the unit. The commission shall place the professional employees who are
10 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
11 a separate collective bargaining unit from a unit that includes any other professional
12 employees whenever at least 30% of those professional employees request an election
13 to be held to determine that issue and a majority of the professional employees at the
14 charter school who cast votes in the election decide to be represented in a separate
15 collective bargaining unit. Any vote taken under this subsection shall be by secret
16 ballot.

17 **SECTION 1986.** 111.70 (4) (p) of the statutes is created to read:

18 111.70 (4) (p) *Additional mandatory subjects of bargaining in school districts.*

19 1. In a school district, the municipal employer is required to bargain collectively with
20 respect to education policy, except that no dispute relating to an education policy
21 issue is subject to interest arbitration under par. (cm) 6. unless all parties to the
22 dispute agree, in writing, to make such an issue subject to interest arbitration under
23 par. (cm) 6.

24 2. Notwithstanding subd. 1., in a school district, if the municipal employer
25 makes a proposal that provides that employee compensation or performance

SENATE BILL 44**SECTION 1986**

1 expectations are linked with student academic performance, the labor organization
2 may include in its single final offer under par. (cm) 6. am. any proposal to meet the
3 performance expectations, including a proposal affecting education policy.

4 **SECTION 1987.** 111.81 (5) of the statutes is amended to read:

5 111.81 (5) "Department" means the department of ~~employment relations~~
6 administration.

7 **SECTION 1988.** 111.81 (5m) of the statutes is created to read:

8 111.81 (5m) "Assistant district attorney" includes an assignable prosecutor, as
9 defined in s. 978.001 (1c).

10 **SECTION 1989.** 111.815 (3) of the statutes is repealed.

11 **SECTION 1990.** 111.86 (2) of the statutes is amended to read:

12 111.86 (2) The department shall charge a state department or agency the
13 employer's share of the cost related to grievance arbitration under sub. (1) for any
14 arbitration that involves one or more employees of the state department or agency.
15 Each state department or agency so charged shall pay the amount that the
16 department charges from the appropriation account or accounts used to pay the
17 salary of the grievant. Funds received under this subsection shall be credited to the
18 appropriation account under s. ~~20.512 (1) (km)~~ 20.505 (1) (ko).

19 **SECTION 1991.** 111.91 (2) (c) of the statutes is amended to read:

20 111.91 (2) (c) Disciplinary actions and position abandonments governed by s.
21 230.34 (1) (a) ~~(ah)~~, (am) and (ar), except as provided in those paragraphs.

22 **SECTION 1992.** 111.91 (2) (j) of the statutes is amended to read:

23 111.91 (2) (j) Creditable service to which s. ~~40.25 (7) (f)~~ 40.285 (2) (b) 4. applies.

24 **SECTION 1993.** 114.33 (10) of the statutes is amended to read:

SENATE BILL 44**SECTION 1993**

1 114.33 (10) Subject to the approval of the governor under this subsection, the
2 secretary may sell at public or private sale property of whatever nature owned by the
3 state and under the jurisdiction of the secretary when the secretary determines that
4 the property is no longer necessary for the state's use for airport purposes and, if real
5 property, the real property is not the subject of a petition under s. ~~16.375~~ 560.9810.
6 The secretary shall present to the governor a full and complete report of the property
7 to be sold, the reason for the sale, and the minimum price for which the property
8 should be sold, together with an application for the governor's approval of the sale.
9 The governor shall investigate the proposed sale as he or she deems necessary and
10 approve or disapprove the application. Upon approval and receipt of the full
11 purchase price, the secretary shall by appropriate deed or other instrument transfer
12 the property to the purchaser. The funds derived from the sale shall be deposited in
13 the appropriate airport fund, and the expense incurred by the secretary in
14 connection with the sale shall be paid from that fund.

15 **SECTION 1994.** 115.28 (25) of the statutes is repealed.

16 **SECTION 1995.** 115.28 (30) (b) 1. to 6. of the statutes are amended to read:

17 115.28 (30) (b) 1. ~~Two~~ One full-time consultants consultant in agriculture
18 education.

19 2. ~~Two~~ One full-time consultants consultant in business education.

20 3. ~~Two~~ One full-time consultants consultant in technology education.

21 4. ~~Two~~ One full-time consultants consultant in family and consumer sciences
22 education.

23 5. ~~Two~~ One full-time consultants consultant in marketing education.

24 6. ~~One full-time~~ half-time consultant in health science education.

25 **SECTION 1996.** 115.29 (4) of the statutes is renumbered 115.29 (4) (a).

SENATE BILL 44**SECTION 1997**

1 **SECTION 1997.** 115.29 (4) (b) of the statutes is created to read:

2 115.29 (4) (b) Promulgate rules establishing fees for issuing a declaration of
3 equivalency of high school graduation or a general educational development
4 certificate under par. (a). The rules may provide exemptions from the fees based on
5 financial need.

6 **SECTION 1998.** 115.345 (5) of the statutes is amended to read:

7 115.345 (5) The school board may file a claim with the department for
8 reimbursement for reasonable expenses incurred, excluding capital equipment
9 costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever
10 is less. Any cost in excess of the lesser amount may be charged to participants. If
11 the department approves the claim, it shall certify that payment is due and the state
12 ~~treasurer~~ secretary of administration shall pay the claim from the appropriation
13 under s. 20.255 (2) (cn).

14 **SECTION 1999.** 115.882 of the statutes is amended to read:

15 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
16 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
17 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),
18 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
19 appropriated for reimbursement for the costs, less the amount paid by the
20 department of health and family services under s. 20.435 (4) (hm) and (o) under s.
21 49.45 (39) (b) 1m., not to exceed 100%.

22 **SECTION 2000.** Subchapter VIII (title) of chapter 115 [precedes 115.997] of the
23 statutes is created to read:

24

CHAPTER 115

SENATE BILL 44**SECTION 2000**

SUBCHAPTER VIII

TECHNOLOGY FOR

EDUCATIONAL ACHIEVEMENT

SECTION 2001. 115.997 (3p) of the statutes is created to read:

115.997 (3p) “Public museum” means a nonprofit or publicly owned museum located in this state that is accredited by the American Association of Museums or an educational center that is affiliated with such a museum.

SECTION 2002. 115.997 (4) of the statutes, as affected by 2003 Wisconsin Act ... (this act), is amended to read:

115.997 (4) “Telecommunications” has the meaning given in s. ~~22.01~~ 16.97 (10).

SECTION 2003. 115.999 (3m) of the statutes is created to read:

115.999 (3m) LOAN FORGIVENESS. To the extent that sufficient moneys are available in the appropriation account under s. 20.255 (4) (mp) after payment of the administrative expenses specified in s. 20.255 (4) (mp), the department shall use 50% of those available moneys to forgive the repayment of loans provided to school districts and public library boards under this section, including loans to municipalities on behalf of public library boards, and 50% of those available moneys to reimburse s. 20.255 (4) (er) and (es) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance under this section and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m). If the moneys available to forgive the repayment of loans provided to school districts and public library boards under this section, including loans to municipalities on behalf of public library boards, is insufficient to forgive the repayment of all of those loans, the department shall forgive the repayment of those loans on a prorated basis.

SENATE BILL 44**SECTION 2004**

1 **SECTION 2004.** 115.9995 (3) of the statutes, as affected by 2003 Wisconsin Act
2 (this act), is amended to read:

3 115.9995 **(3)** The department of public instruction shall submit an annual
4 report to the department of administration on the status of providing data lines and
5 video links that are requested under sub. (2) (a) and the impact on the universal
6 service fund of any payment under contracts under s. ~~16.974~~ 16.971 (13) to (16).

7 **SECTION 2005.** 115.9995 (6) (a) of the statutes, as affected by 2003 Wisconsin
8 Act (this act), is amended to read:

9 115.9995 **(6)** (a) From the appropriation under s. 20.255 (4) (s) or (tm), the
10 department may award an annual grant to a school district or private school that had
11 in effect on October 14, 1997, a contract for access to a data line or video link, as
12 documented by the department. The department shall determine the amount of the
13 grant, which shall be equal to the cost incurred by the state to provide
14 telecommunications access to a school district or private school under a contract
15 entered into under s. ~~16.974 (1) or (3)~~ 16.971 (13) or (15) less the amount that the
16 school district or private school would be paying under sub. (2) (d) if the school district
17 or private school were participating in the program established under sub. (1), except
18 that the amount may not be greater than the cost that a school district or private
19 school incurs under the contract in effect on October 14, 1997. A school district or
20 private school receiving a grant under this subsection is not eligible to participate in
21 the program under sub. (1). No grant may be awarded under this subsection after
22 December 31, 2005.

23 **SECTION 2006.** 118.153 (1) (a) (intro.) of the statutes is amended to read:

24 118.153 **(1)** (a) (intro.) "Children at risk" means pupils in grades 5 to 12 who
25 are at risk of not graduating from high school because they ~~failed the high school~~

SENATE BILL 44**SECTION 2006**

1 ~~graduation examination administered under s. 118.30 (1m) (d)~~, are dropouts, or are
2 2 or more of the following:

3 **SECTION 2007.** 118.153 (4) (b) of the statutes is amended to read:

4 118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the
5 state superintendent shall pay to the school district from the appropriation under s.
6 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
7 at least 3 of the objectives under par. (c) in the previous school year, additional state
8 aid in an amount equal to 10% of the school district's average per pupil aids provided
9 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (r) in the previous school
10 year.

11 **SECTION 2008.** 118.153 (4) (c) 3. of the statutes is amended to read:

12 118.153 (4) (c) 3. The pupil, if a high school senior, received a high school
13 diploma ~~or passed the high school graduation examination administered under s.~~
14 ~~118.30 (1m) (d)~~.

15 **SECTION 2009.** 118.245 of the statutes is repealed.

16 **SECTION 2010.** 118.30 (1) (a) of the statutes is renumbered 118.30 (1).

17 **SECTION 2011.** 118.30 (1) (b) of the statutes is repealed.

18 **SECTION 2012.** 118.30 (1g) (b) of the statutes is repealed.

19 **SECTION 2013.** 118.30 (1m) (d) of the statutes is repealed.

20 **SECTION 2014.** 118.30 (1r) (a) 1. of the statutes is amended to read:

21 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
22 examination adopted or approved by the state superintendent under sub. (1) ~~(a)~~ to
23 all pupils enrolled in the charter school in the 4th grade.

24 **SECTION 2015.** 118.30 (1r) (am) 1. of the statutes is amended to read:

SENATE BILL 44**SECTION 2015**

1 118.30 **(1r)** (am) 1. Except as provided in sub. (6), administer the 8th grade
2 examination adopted or approved by the state superintendent under sub. (1) ~~(a)~~ to
3 all pupils enrolled in the charter school in the 8th grade.

4 **SECTION 2016.** 118.30 (1r) (d) of the statutes is repealed.

5 **SECTION 2017.** 118.30 (2) (e) of the statutes is repealed.

6 **SECTION 2018.** 118.33 (1) (f) 1. of the statutes is amended to read:

7 118.33 **(1)** (f) 1. By September 1, 2004, each school board operating high school
8 grades shall develop a written policy specifying criteria for granting a high school
9 diploma that are in addition to the requirements under par. (a). The criteria shall
10 include ~~the pupil's score on the examination administered under s. 118.30 (1m) (d),~~
11 the pupil's academic performance, and the recommendations of teachers. Except as
12 provided in subd. 2., the criteria apply to pupils enrolled in charter schools located
13 in the school district.

14 **SECTION 2019.** 118.33 (1) (f) 2. of the statutes is amended to read:

15 118.33 **(1)** (f) 2. By September 1, 2004, each operator of a charter school under
16 s. 118.40 (2r) that operates high school grades shall develop a policy specifying
17 criteria for granting a high school diploma. The criteria shall include ~~the pupil's~~
18 ~~score on the examination administered under s. 118.30 (1r) (d),~~ the pupil's academic
19 performance, and the recommendations of teachers.

20 **SECTION 2020.** 118.34 (4) of the statutes is repealed.

21 **SECTION 2021.** 118.40 (2r) (e) 1. of the statutes is amended to read:

22 118.40 **(2r)** (e) 1. From the appropriation under s. 20.255 (2) (fm), the
23 department shall pay to the operator of the charter school an amount equal to the
24 sum of the amount paid per pupil under this subdivision in the previous school year
25 and the ~~amount of revenue increase~~ in the per pupil allowed under subch. VII of ch.

SENATE BILL 44**SECTION 2021**

1 ~~121~~ amount paid to private schools under s. 119.23 (4) (b) 2. in the current school year
2 as compared to the previous school year, multiplied by the number of pupils
3 attending the charter school. The amount paid per pupil may not be less than the
4 amount paid per pupil under this subdivision in the previous school year. The
5 department shall pay 25% of the total amount in September, 25% in December, 25%
6 in February, and 25% in June. The department shall send the check to the operator
7 of the charter school.

8 **SECTION 2022.** 119.04 (1) of the statutes is amended to read:

9 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
10 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
11 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
12 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
13 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291,
14 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13
15 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are
16 applicable to a 1st class city school district and board.

17 **SECTION 2023.** 119.23 (4) (b) 2. of the statutes is amended to read:

18 119.23 (4) (b) 2. The sum of the amount paid per pupil under this subsection
19 paragraph in the previous school year ~~and the amount of revenue increase per pupil~~
20 ~~allowed under subch. VII of ch. 121 in the current school year~~ multiplied by the sum
21 of 1.0 plus the percentage change from the previous school year to the current school
22 year in the total amount appropriated under s. 20.255 (2) (ac) and (r) expressed as
23 a decimal, but not less than zero.

24 **SECTION 2024.** 119.72 of the statutes is repealed.

25 **SECTION 2025.** 119.73 of the statutes is amended to read:

SENATE BILL 44**SECTION 2025**

1 **119.73 Kindergarten and early childhood programs.** The board shall
2 evaluate the effectiveness of the expanded 5-year-old kindergarten programs under
3 s. 119.71 and the early childhood education programs under s. 119.72 in meeting the
4 needs of disadvantaged children. Annually by January 1, the board shall submit a
5 report summarizing its findings to the state superintendent and to the chief clerk of
6 each house of the legislature for distribution to the appropriate standing committees
7 under s. 13.172 (3).

8 **SECTION 2026.** 119.80 of the statutes is repealed.

9 **SECTION 2027.** 119.82 (1) (a) of the statutes is renumbered 119.82 (1m).

10 **SECTION 2028.** 119.82 (1) (b) of the statutes is renumbered 119.82 (2m) and
11 amended to read:

12 119.82 (2m) Programs under par. ~~(a)~~ sub. (1m) shall be designed to meet the
13 high school graduation requirements under s. 118.33.

14 **SECTION 2029.** 119.82 (2) of the statutes is repealed.

15 **SECTION 2030.** 119.82 (3) of the statutes is repealed.

16 **SECTION 2031.** 119.82 (5) of the statutes is repealed.

17 **SECTION 2032.** 120.18 (1) (i) of the statutes is amended to read:

18 120.18 (1) (i) A description of the educational technology used by the school
19 district, including the uses made of the technology, the cost of the technology, and the
20 number of persons using or served by the technology. In this paragraph, "educational
21 technology" has the meaning given in s. 44.70 115.997 (3).

22 **SECTION 2033.** 121.007 of the statutes is amended to read:

23 **121.007 Use of state aid; exemption from execution.** All moneys paid to
24 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr), and (r) shall be used by
25 the school district solely for the purposes for which paid. Such moneys are exempt

SENATE BILL 44**SECTION 2033**

1 from execution, attachment, garnishment, or other process in favor of creditors,
2 except as to claims for salaries or wages of teachers and other school employees and
3 as to claims for school materials, supplies, fuel, and current repairs.

4 **SECTION 2034.** 121.07 (7) (b) of the statutes is amended to read:

5 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
6 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09
7 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
8 remaining in the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) plus
9 \$75,000,000 in the 1997-98 school year and \$100,000,000 in the 1998-99 school year
10 for payments under ~~ss. 121.08, 121.105, 121.85 (6) (a) and (g) and 121.86 and (r).~~

11 **SECTION 2035.** 121.08 (2) of the statutes is amended to read:

12 121.08 (2) The aid computed under sub. (1) shall be reduced by the sum of the
13 amount by which the school district equalized valuation exceeds the secondary
14 guaranteed valuation, multiplied by the secondary required levy rate, and the
15 amount by which the school district equalized valuation exceeds the tertiary
16 guaranteed valuation, multiplied by the tertiary required levy rate. In no case may
17 the aid under this section be less than ~~the amount under sub. (1) (a)~~ zero.

18 **SECTION 2036.** 121.08 (4) (a) (intro.) of the statutes is amended to read:

19 121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible
20 to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) ~~and (r)~~ shall
21 be reduced by the amount determined as follows:

22 **SECTION 2037.** 121.08 (4) (a) 2. of the statutes is amended to read:

23 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
24 that all school districts are eligible to be paid from the ~~appropriation~~ appropriations

SENATE BILL 44**SECTION 2037**

1 under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not
2 occurred.

3 **SECTION 2038.** 121.08 (4) (a) 3. of the statutes is amended to read:

4 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
5 eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
6 (r), calculated as if the reduction under par. (b) had not occurred, by the quotient
7 under subd. 2.

8 **SECTION 2039.** 121.08 (4) (b) of the statutes is amended to read:

9 121.08 (4) (b) The amount of state aid that the school district operating under
10 ch. 119 is eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255
11 (2) (ac) and (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4)
12 and (4m) in the current school year.

13 **SECTION 2040.** 121.09 (1) of the statutes is amended to read:

14 121.09 (1) If, on or after July 1, 1980, the office of the commissioner of tax
15 ~~appeals commission~~ or a court makes a final redetermination on the assessment of
16 property subject to taxation under s. 70.995 that is lower than the previous
17 assessment, or if, on or after January 1, 1982, the state board of assessors makes a
18 final redetermination on the assessment of property subject to taxation under s.
19 70.995 that is lower than the previous assessment, the school board of the school
20 district in which the property is located may, within 4 years after the date of the
21 determination, decision, or judgment, file the determination of the state board of
22 assessors, the decision of the office of the commissioner of tax appeals commission,
23 or the judgment of the court with the state superintendent, requesting an
24 adjustment in state aid to the school district. If the state superintendent determines
25 that the determination, decision, or judgment is final and that it has been filed

SENATE BILL 44**SECTION 2040**

1 within the 4-year period, the state shall pay to the school district in the subsequent
2 fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the
3 difference between the state aid computed under s. 121.08 for the school year
4 commencing after the year subject to the valuation recertification, using the school
5 district's equalized valuation as originally certified, and the state aid computed
6 under s. 121.08 for that school year using the school district's equalized valuation as
7 recertified under s. 70.57 (2).

8 **SECTION 2041.** 121.09 (2) of the statutes is amended to read:

9 121.09 (2) If, on or after May 3, 1984, the state board of assessors, the office of
10 the commissioner of tax appeals commission or a court makes a final
11 redetermination on the assessment of property subject to taxation under s. 70.995
12 that is higher than the previous assessment, the state superintendent shall notify
13 the school district in which the property is located of the recertification by the
14 department of revenue under s. 70.57 (2). The state superintendent shall, in the
15 subsequent fiscal year, withhold from the school district's state aid entitlement
16 under s. 121.08 an amount equal to the difference between the state aid computed
17 under s. 121.08 for the school year commencing after the year subject to the valuation
18 recertification, using the school district's equalized valuation as originally certified,
19 and the state aid computed under s. 121.08 for that school year, using the school
20 district's equalized valuation as recertified under s. 70.57 (2).

21 **SECTION 2042.** 121.15 (3m) of the statutes is repealed.

22 **SECTION 2043.** 121.905 (1) of the statutes is amended to read:

23 121.905 (1) In this section, "revenue ceiling" means ~~\$6,700~~ \$7,400 in the
24 ~~2001-02~~ 2003-04 school year and in any subsequent school year means ~~\$6,900~~
25 \$7,800.

SENATE BILL 44**SECTION 2044**

1 **SECTION 2044.** 125.14 (2) (e) of the statutes is amended to read:

2 125.14 (2) (e) *Disposal*. The department shall dispose of the alcohol beverages
3 turned over to it by the court by either giving it to law enforcement agencies free of
4 charge for use in criminal investigations, giving it to state-operated veterans'
5 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder
6 if the bidder is a person holding a license or permit issued under this chapter, or
7 destroying it, at the discretion of the department. If the department elects to sell the
8 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids
9 from qualified bidders. Any items or groups of items in the inventory subject to a
10 security interest, the existence of which was established in the proceedings for
11 conviction as being bona fide and as having been created without the secured party
12 having notice that the items were being used or were to be used in connection with
13 the violation, shall be sold separately. The net proceeds from the sale, less all costs
14 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of
15 administration and credited to the common school fund.

16 **SECTION 2045.** 125.14 (2) (f) of the statutes is amended to read:

17 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized
18 under par. (a) and fit for sale, shall be turned over by the department to the
19 department of administration for disposal at public auction to the highest bidder, at
20 a time and place stated in a notice of sale which describes the property to be sold.
21 The sale shall be held in a conveniently accessible place in the county where the
22 property was confiscated. A copy of the notice shall be published as a class 2 notice
23 under ch. 985. The last insertion shall be at least 10 days before the sale. The
24 department of revenue shall serve a copy of the notice of sale at least 2 weeks before
25 the date thereof on all persons who are or may be owners or holders of security

SENATE BILL 44**SECTION 2045**

1 interests in the property. Any confiscated property worth more than \$100 shall be
2 sold separately, and the balance of the confiscated property shall be sold in bulk or
3 separately at the discretion of the department of administration. The net proceeds
4 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the
5 ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat
6 confiscated under this section may be sold within 30 days after the date of seizure.

7 **SECTION 2046.** 134.50 (2) of the statutes is amended to read:

8 134.50 (2) Every poultry dealer shall keep a record of all purchases of poultry
9 made by the poultry dealer showing in detail the place and date of purchase and the
10 name and address of the person from whom the purchase was made, together with
11 a general description of the kind of poultry purchased. Such record shall be kept in
12 permanent form and be open to inspection at all reasonable times to any district
13 attorney, ~~assistant district attorney~~, sheriff, deputy sheriff or any police officer.

14 **SECTION 2047.** 134.71 (12) of the statutes is amended to read:

15 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
16 consumer protection, in consultation with the department of justice, shall develop
17 applications and other forms required under subs. (5) (intro.) and (8) (c). The
18 department of agriculture, trade and consumer protection shall print a sufficient
19 number of applications and forms to provide to counties and municipalities for
20 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
21 dealers at no cost.

22 **SECTION 2048.** 134.80 of the statutes is amended to read:

23 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
24 the purpose of heating a private residence shall notify each private residential
25 customer whose account is subject to disconnection of the existence of the fuel

SENATE BILL 44**SECTION 2048**

1 assistance programs provided by the department of administration under s. ~~16.385~~
2 16.27.

3 **SECTION 2049.** 136.03 (title) of the statutes is amended to read:

4 **136.03 (title) Duties of the department of agriculture, trade and**
5 **consumer protection justice.**

6 **SECTION 2050.** 136.03 (1) (intro.) of the statutes is amended to read:

7 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
8 ~~protection justice~~ shall investigate violations of this chapter and of rules and orders
9 issued under s. 136.04. The department of justice may subpoena persons and records
10 to facilitate its investigations, and may enforce compliance with such subpoenas as
11 provided in s. 885.12. The department of justice may ~~in~~ on behalf of the state:

12 **SECTION 2051.** 136.04 of the statutes is amended to read:

13 **136.04 Powers of the department of agriculture, trade and consumer**
14 **protection justice.** (1) The department of ~~agriculture, trade and consumer~~
15 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes
16 of this chapter.

17 (2) The department of ~~agriculture, trade and consumer protection justice~~ after
18 public hearing may issue general or special orders to carry out the purposes of this
19 chapter and to determine and prohibit unfair trade practices in business or unfair
20 methods of competition in business pursuant to s. 100.20 (2) to (4).

21 **SECTION 2052.** 138.052 (5) (am) 2. a. of the statutes is amended to read:

22 138.052 (5) (am) 2. a. ~~On January 1, 1994, and annually thereafter~~ Annually,
23 the division of banking for banks, ~~the division of savings institutions for savings and~~
24 loan associations, and savings banks, and the office of credit unions for credit unions,
25 shall determine the interest rate that is the average of the interest rates paid,

SENATE BILL 44**SECTION 2052**

1 rounded to the nearest one-hundredth of a percent, on regular passbook deposit
2 accounts by institutions under the division's or office's jurisdiction at the close of the
3 last quarterly reporting period that ended at least 30 days before the determination
4 is made.

5 **SECTION 2053.** 138.052 (5) (am) 2. b. of the statutes is amended to read:

6 138.052 (5) (am) 2. b. ~~The office of credit unions and the division of banking~~
7 ~~shall report the rate calculated to the division of savings institutions within~~ Within
8 ~~5 days after the date on which the determination is made. The, the division of savings~~
9 ~~institutions~~ banking shall calculate the average, rounded to the nearest
10 one-hundredth of a percent, of the 3 rates determined by the division of banking and
11 the office of credit unions and report that interest rate to the revisor of statutes
12 within 5 days after the date on which the determination is made.

13 **SECTION 2054.** 138.055 (4) (a) of the statutes is repealed.

14 **SECTION 2055.** 138.056 (1) (a) 4. a. of the statutes is repealed.

15 **SECTION 2056.** 139.10 (title) of the statutes is amended to read:

16 **139.10 (title) Refunds by ~~state treasurer~~ secretary of administration.**

17 **SECTION 2057.** 139.10 (1) of the statutes is amended to read:

18 139.10 (1) On the certificate of the secretary, the ~~state treasurer~~ secretary of
19 administration shall refund to any purchaser or any banking institution in
20 Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of
21 fermented malt beverages which are spoiled or unfit to drink and the tax paid on
22 fermented malt beverages sold to the U.S. armed forces or the secretary may make
23 allowance of the amount of the tax.

24 **SECTION 2058.** 139.39 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 2058**

1 139.39 (4) No suit shall be maintained in any court to restrain or delay the
2 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay
3 the tax when due and, if paid under protest, may at any time within 90 days from the
4 date of payment, sue the state to recover the tax paid. If it is finally determined that
5 any part of the tax was wrongfully collected, the ~~department~~ secretary of
6 administration shall ~~issue a warrant on the state treasurer for pay~~ the amount
7 wrongfully collected, ~~and the treasurer shall pay the same out of the general fund.~~
8 A separate suit need not be filed for each separate payment made by any taxpayer,
9 but a recovery may be had in one suit for as many payments as may have been made.

10 **SECTION 2059.** 146.185 (1) (i) of the statutes is amended to read:

11 146.185 (1) (i) "State agency" has the meaning given in s. 16.70 ~~(1)~~ (1e).

12 **SECTION 2060.** 146.59 (3) (b) of the statutes is amended to read:

13 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable
14 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the
15 department of employment relations administration to the board, and any collective
16 bargaining agreement with respect to employees of the board.

17 **SECTION 2061.** 146.65 (1) (a) and (b) of the statutes are amended to read:

18 146.65 (1) (a) ~~In state fiscal year 2001-02, not more than \$618,000 and in fiscal~~
19 ~~year 2002-03~~ each fiscal year, not more than \$232,000, to the rural health dental
20 clinic located in Ladysmith that provides dental services to persons who are
21 developmentally disabled or elderly or who have low income, in the counties of Rusk,
22 Price, Taylor, Sawyer, and Chippewa.

23 (b) ~~In fiscal year 2001-02, not more than \$294,500 and in state fiscal year~~
24 ~~2002-03~~ each fiscal year, not more than \$355,600, to the rural health dental clinic
25 located in Menomonie that provides dental services to persons who are

SENATE BILL 44**SECTION 2061**

1 developmentally disabled or elderly or who have low income, in the counties of
2 Barron, Chippewa, Dunn, Pepin, Pierce, Polk, and St. Croix.

3 **SECTION 2062.** 146.93 of the statutes is repealed.

4 **SECTION 2063.** 146.946 of the statutes is created to read:

5 **146.946 Pharmacy benefits purchasing pool for governmental units.**

6 **(1)** In this section:

7 (a) “Brand name” has the meaning given in s. 450.12 (1) (a).

8 (b) “Generic name” has the meaning given in s. 450.12 (1) (b).

9 (c) “Governmental unit” means the state, including any body in state
10 government created or authorized to be created by the constitution or any law; an
11 instrumentality of the state or any corporation or other body created by the state; a
12 political subdivision of the state; a special purpose district in this state; an
13 instrumentality, corporation, or other body of a political subdivision or special
14 purpose district; and any combination or subunit of any of the foregoing or of an
15 instrumentality of the state and any of the foregoing.

16 (d) “Prescription drug” has the meaning given in s. 450.01 (20).

17 **(2)** Beginning on January 1, 2005, each governmental unit that offers or is
18 required to provide health insurance coverage to any of its employees shall, together
19 with every other such governmental unit, develop a common purchasing pool for
20 pharmacy benefits that uses a preferred list of covered prescription drugs. The
21 governmental units shall seek to develop the preferred list of covered prescription
22 drugs under an evidence-based analysis that first identifies the relative
23 effectiveness of prescription drugs within therapeutic classes for particular diseases
24 and conditions and next identifies the least costly prescription drugs, including
25 prescription drugs with generic names that are alternatives to prescription drugs

SENATE BILL 44**SECTION 2063**

1 with brand names, among those found to be equally effective. After the purchasing
2 pool is developed, the pool shall be available to an employer to whom all of the
3 following apply:

4 (a) The employer is not a governmental unit.

5 (b) The employer provides health insurance coverage to any of the employer's
6 employees.

7 (c) The governor requests the employer's participation in the pool.

8 **SECTION 2064.** 146.997 (4) (a) of the statutes is amended to read:

9 146.997 (4) (a) ~~Subject to par. (b), any~~ Any employee of a health care facility
10 or health care provider who is subjected to disciplinary action, or who is threatened
11 with disciplinary action, in violation of sub. (3) may file a complaint with the
12 department under s. 106.54 (6). If the department finds that a violation of sub. (3)
13 has been committed, the department may take such action under s. 111.39 as will
14 effectuate the purpose of this section.

15 **SECTION 2065.** 146.997 (4) (b) of the statutes is repealed.

16 **SECTION 2066.** 146.997 (4) (c) of the statutes is amended to read:

17 146.997 (4) (c) Section 111.322 (2m) applies to a disciplinary action arising in
18 connection with any proceeding under par. (a) ~~or (b)~~.

19 **SECTION 2067.** 149.10 (8b) of the statutes is repealed.

20 **SECTION 2068.** 149.14 (5) (e) of the statutes is amended to read:

21 149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17
22 (4), establish for prescription drug coverage under sub. (3) (d) copayment amounts,
23 coinsurance rates, and copayment and coinsurance out-of-pocket limits over which
24 the plan will pay 100% of covered costs under sub. (3) (d). The department may
25 provide subsidies for prescription drug copayment amounts paid by eligible persons

SENATE BILL 44**SECTION 2068**

1 under s. 149.165 (2) (a) 1. to 5. Any copayment amount, coinsurance rate, or
2 out-of-pocket limit established under this paragraph is subject to the approval of the
3 board. Copayments and coinsurance paid by an eligible person under this paragraph
4 are separate from and do not count toward the deductible and covered costs not paid
5 by the plan under pars. (a) to (c).

6 **SECTION 2069.** 149.143 (1) (a) of the statutes is repealed.

7 **SECTION 2070.** 149.143 (1) (b) (intro.) of the statutes is repealed.

8 **SECTION 2071.** 149.143 (1) (b) 1. of the statutes is renumbered 149.143 (1) (am)
9 and amended to read:

10 149.143 (1) (am) A total of ~~60%~~ 58% from the following sources, calculated as
11 follows:

12 1. First, from premiums from eligible persons with coverage under s. 149.14 (2)
13 (a) set at a rate that is 140% to 150% of the rate that a standard risk would be charged
14 under an individual policy providing substantially the same coverage and
15 deductibles as are provided under the plan and from eligible persons with coverage
16 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts
17 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies
18 under s. 149.144 ~~and under the transfer to the fund from the appropriation account~~
19 ~~under s. 20.435 (4) (ah)~~, and from premiums collected from eligible persons with
20 coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

21 2. Second, from moneys specified under sub. (2m), to the extent that the
22 amounts under subd. 1. ~~a.~~ are insufficient to pay ~~60%~~ 58% of plan costs.

23 3. Third, by increasing premiums from eligible persons with coverage under s.
24 149.14 (2) (a) to more than the rate at which premiums were set under subd. 1. ~~a.~~
25 but not more than 200% of the rate that a standard risk would be charged under an

SENATE BILL 44**SECTION 2071**

1 individual policy providing substantially the same coverage and deductibles as are
2 provided under the plan and from eligible persons with coverage under s. 149.14 (2)
3 (b) by a comparable amount in accordance with s. 149.14 (5m), including amounts
4 received for premium and, deductible, and prescription drug copayment subsidies
5 under s. 149.144 and ~~under the transfer to the fund from the appropriation account~~
6 ~~under s. 20.435 (4) (ah)~~, and by increasing premiums from eligible persons with
7 coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the
8 amounts under ~~subd. 1. a. subs. 1. and b. 2.~~ are insufficient to pay ~~60%~~ 58% of plan
9 costs.

10 4. Fourth, notwithstanding ~~subd. 2. par. (bm)~~, by increasing insurer
11 assessments, excluding assessments under s. 149.144, and adjusting provider
12 payment rates, subject to s. 149.142 (1) (b) and excluding adjustments to those rates
13 under s. 149.144, in equal proportions and to the extent that the amounts under
14 ~~subd. 1. a. to c. subs. 1. to 3.~~ are insufficient to pay ~~60%~~ 58% of plan costs.

15 **SECTION 2072.** 149.143 (1) (b) 2. of the statutes is renumbered 149.143 (1) (bm),
16 and 149.143 (1) (bm) (intro.), as renumbered, is amended to read:

17 149.143 (1) (bm) (intro.) A total of ~~40%~~ 42% as follows:

18 **SECTION 2073.** 149.143 (2) (a) (intro.) of the statutes is amended to read:

19 149.143 (2) (a) (intro.) Prior to each plan year, the department shall estimate
20 the operating and administrative costs of the plan and the costs of the premium
21 reductions under s. 149.165 and, the deductible reductions under s. 149.14 (5) (a),
22 and any prescription drug copayment reductions under s. 149.14 (5) (e) for the new
23 plan year and do all of the following:

24 **SECTION 2074.** 149.143 (2) (a) 1. a. of the statutes is amended to read:

SENATE BILL 44**SECTION 2074**

1 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be
2 received in the new plan year if the enrollee premiums were set at a level sufficient,
3 when including amounts received for premium ~~and~~, deductible, and prescription
4 drug copayment subsidies under s. 149.144 ~~and under the transfer to the fund from~~
5 ~~the appropriation account under s. 20.435 (4) (ah) and from premiums collected from~~
6 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)
7 (b), to cover ~~60%~~ 58% of the estimated plan costs for the new plan year, ~~after~~
8 ~~deducting from the estimated plan costs the amount available for transfer to the fund~~
9 ~~from the appropriation account under s. 20.435 (4) (af) for that plan year.~~

10 **SECTION 2075.** 149.143 (2) (a) 1. b. of the statutes is amended to read:

11 149.143 (2) (a) 1. b. Estimate the amount of enrollee premiums that will be
12 received under sub. (1) ~~(b) 1. a.~~ (am) 1.

13 **SECTION 2076.** 149.143 (2) (a) 2. of the statutes is amended to read:

14 149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set
15 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in
16 the manner specified in sub. (1) ~~(b) 1. a. and c.~~ (am) 1. and 3. and such that a rate for
17 coverage under s. 149.14 (2) (a) is approved by the board and is not less than 140%
18 nor more than 200% of the rate that a standard risk would be charged under an
19 individual policy providing substantially the same coverage and deductibles as are
20 provided under the plan.

21 **SECTION 2077.** 149.143 (2) (a) 3. of the statutes is amended to read:

22 149.143 (2) (a) 3. By rule set the total insurer assessments under s. 149.13 for
23 the new plan year by estimating and setting the assessments at the amount
24 necessary to equal the amounts specified in sub. (1) ~~(b) 1. d. and 2. a.~~ (am) 4. and (bm)
25 1. and notify the commissioner of the amount.

SENATE BILL 44**SECTION 2078**

1 **SECTION 2078.** 149.143 (2) (a) 4. of the statutes is amended to read:

2 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider
3 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and
4 setting the rate at the level necessary to equal the amounts specified in sub. (1) ~~(b)~~
5 ~~1. d. and 2. b.~~ (am) 4. and (bm) 2. and as provided in s. 149.145.

6 **SECTION 2079.** 149.143 (2) (b) of the statutes is amended to read:

7 149.143 (2) (b) In setting the premium rates under par. (a) 2., the insurer
8 assessment amount under par. (a) 3. and the provider payment rate under par. (a)
9 4. for the new plan year, the department shall include any increase or decrease
10 necessary to reflect the amount, if any, by which the rates and amount set under par.
11 (a) for the current plan year differed from the rates and amount which would have
12 equaled the amounts specified in sub. (1) ~~(b)~~ (am) and (bm) in the current plan year.

13 **SECTION 2080.** 149.143 (2m) (a) 1. of the statutes is amended to read:

14 149.143 (2m) (a) 1. The amount of premiums received in a plan year from all
15 eligible persons, including amounts received for premium ~~and, deductible, and~~
16 prescription drug copayment subsidies.

17 **SECTION 2081.** 149.143 (2m) (a) 2. of the statutes is amended to read:

18 149.143 (2m) (a) 2. The amount of premiums, including amounts received for
19 premium ~~and, deductible, and prescription drug copayment~~ subsidies, necessary to
20 cover ~~60%~~ 58% of the plan costs for the plan year, ~~after deducting the amount~~
21 ~~transferred to the fund from the appropriation account under s. 20.435 (4) (af).~~

22 **SECTION 2082.** 149.143 (2m) (b) 1. of the statutes is amended to read:

23 149.143 (2m) (b) 1. To reduce premiums in succeeding plan years as provided
24 in sub. (1) ~~(b)~~ ~~1. b.~~ (am) 2. For eligible persons with coverage under s. 149.14 (2) (a),
25 premiums may not be reduced below 140% of the rate that a standard risk would be

SENATE BILL 44**SECTION 2082**

1 charged under an individual policy providing substantially the same coverage and
2 deductibles as are provided under the plan.

3 **SECTION 2083.** 149.143 (3) (a) of the statutes is amended to read:

4 149.143 (3) (a) If, during a plan year, the department determines that the
5 amounts estimated to be received as a result of the rates and amount set under sub.
6 (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment
7 rate under s. 149.144 will not be sufficient to cover plan costs, the department may
8 by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the
9 plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,
10 by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan
11 year, subject to sub. (1) ~~(b) 2.~~ a. (bm) 1., and by the same rule under which
12 assessments are increased adjust the provider payment rate set under sub. (2) (a) 4.
13 for the remainder of the plan year, subject to sub. (1) ~~(b) 2.~~ b. (bm) 2. and s. 149.142
14 (1) (b).

15 **SECTION 2084.** 149.143 (3) (b) of the statutes is amended to read:

16 149.143 (3) (b) If the department increases premium rates and insurer
17 assessments and adjusts the provider payment rate under par. (a) and determines
18 that there will still be a deficit and that premium rates have been increased to the
19 maximum extent allowable under par. (a), the department may further adjust, in
20 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment
21 rate set under sub. (2) (a) 4., without regard to sub. (1) ~~(b) 2.~~ (bm) but subject to s.
22 149.142 (1) (b).

23 **SECTION 2085.** 149.144 of the statutes is amended to read:

24 **149.144 Adjustments to insurer assessments and provider payment**
25 **rates for premium and, deductible, and prescription drug copayment**

SENATE BILL 44**SECTION 2085**

1 **reductions.** ~~If the moneys transferred to the fund under the appropriation under~~
2 ~~s. 20.435 (4) (ah) are insufficient to reimburse the plan for premium reductions under~~
3 ~~s. 149.165 and deductible reductions under s. 149.14 (5) (a), or the department~~
4 ~~determines that the moneys transferred or to be transferred to the fund under the~~
5 ~~appropriation under s. 20.435 (4) (ah) will be insufficient to reimburse the plan for~~
6 ~~premium reductions under s. 149.165 and deductible reductions under s. 149.14 (5)~~
7 ~~(a), the~~ The department may shall, by rule, adjust in equal proportions the amount
8 of the assessment set under s. 149.143 (2) (a) 3. and the provider payment rate set
9 under s. 149.143 (2) (a) 4., subject to ss. 149.142 (1) (b) and 149.143 (1) ~~(b) 1.~~ (am),
10 sufficient to reimburse the plan for premium reductions under s. 149.165 and,
11 deductible reductions under s. 149.14 (5) (a). ~~If the department makes the~~
12 ~~adjustment under this section, the, and any prescription drug copayment reductions~~
13 under s. 149.14 (5) (e). The department shall notify the commissioner so that the
14 commissioner may levy any increase in insurer assessments.

15 **SECTION 2086.** 149.145 of the statutes is amended to read:

16 **149.145 Program budget.** The department, in consultation with the board,
17 shall establish a program budget for each plan year. The program budget shall be
18 based on the provider payment rates specified in s. 149.142 and in the most recent
19 provider contracts that are in effect and on the funding sources specified in ~~s.~~ ss.
20 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,
21 149.144, and 149.146 for determining premium rates, insurer assessments, and
22 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)
23 and subject to s. 149.142 (1) (b), from the program budget the department shall derive
24 the actual provider payment rate for a plan year that reflects the providers'
25 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The

SENATE BILL 44**SECTION 2086**

1 department may not implement a program budget established under this section
2 unless it is approved by the board.

3 **SECTION 2087.** 149.146 (2) (a) of the statutes is amended to read:

4 149.146 (2) (a) Except as specified by the department, the terms of coverage
5 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and
6 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the
7 coverage offered under this section. Premium reductions under s. 149.165 do not
8 apply to the coverage offered under this section.

9 **SECTION 2088.** 149.16 (1) of the statutes is repealed.

10 **SECTION 2089.** 149.16 (1m) of the statutes is created to read:

11 149.16 (1m) The plan administrator may be selected by the department in a
12 competitive bidding process.

13 **SECTION 2090.** 149.16 (4) of the statutes is amended to read:

14 149.16 (4) The If the plan administrator is the fiscal agent under s. 49.45 (2)
15 (b) 2., the plan administrator shall account for costs related to the plan separately
16 from costs related to medical assistance under subch. IV of ch. 49.

17 **SECTION 2091.** 149.165 (4) of the statutes is amended to read:

18 149.165 (4) The department shall reimburse the plan for premium reductions
19 under sub. (2) and, deductible reductions under s. 149.14 (5) (a) with moneys
20 transferred to the fund, and prescription drug copayment reductions under s. 149.14
21 (5) (e) from the appropriation account under s. 20.435 (4) (ah) (v).

22 **SECTION 2092.** 150.963 (3) (e) of the statutes is amended to read:

23 150.963 (3) (e) Accept on behalf of the state and deposit with the ~~state treasurer~~
24 secretary of administration any grant, gift, or contribution made to assist in meeting

SENATE BILL 44**SECTION 2092**

1 the cost of carrying out the purposes of this subchapter, and expend those funds for
2 the purposes of this subchapter.

3 **SECTION 2093.** 153.05 (8) of the statutes is repealed.

4 **SECTION 2094.** 153.05 (13) of the statutes is amended to read:

5 153.05 **(13)** The department may waive the requirement under sub. (1), ~~(5) or~~
6 ~~(8) or (5)~~ for a health care provider, who requests the waiver and presents evidence
7 to the department that the requirement under sub. (1), ~~(5) or (8) or (5)~~ is burdensome,
8 under standards established by the department by rule. The department shall
9 develop a form for use by a health care provider in submitting a request under this
10 subsection.

11 **SECTION 2095.** 153.75 (1) (t) of the statutes is amended to read:

12 153.75 **(1)** (t) Establishing standards for determining under s. 153.05 (13) if a
13 requirement under s. 153.05 (1), ~~(5) or (8) or (5)~~ is burdensome for a health care
14 provider.

15 **SECTION 2096.** 165.065 (2) of the statutes is amended to read:

16 165.065 **(2)** The assistant attorney general in charge of antitrust investigations
17 and prosecutions is to cooperate actively with the antitrust division of the U.S.
18 department of justice in everything that concerns monopolistic practices in
19 Wisconsin, and also to cooperate actively with the department of agriculture, trade
20 and consumer protection in the work which this agency is carrying on under s. 100.20
21 of the marketing law with regard to monopolistic practices in the field of agriculture
22 and with the federal trade commission on matters arising in or affecting Wisconsin
23 which pertain to its jurisdiction.

24 **SECTION 2097.** 165.25 (4) (ar) of the statutes is amended to read:

SENATE BILL 44**SECTION 2097**

1 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
2 ~~required by~~ represent the department of agriculture, trade and consumer protection
3 in any court action relating to the enforcement of ss. ~~100.171, 100.173, 100.174,~~
4 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
5 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
6 ch. 126 and ss. 100.01 to 100.025, 100.05, 100.07, 100.14, 100.183 to 100.19, 100.201,
7 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and
8 100.48, together with any other services as are necessarily connected to the legal
9 services.

10 **SECTION 2098.** 165.252 of the statutes is created to read:

11 **165.252 Consumer protection matters.** The department of justice shall
12 administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28,
13 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid
14 in the administration and enforcement of these sections. The department of justice
15 may appear for the state in any court action relating to these sections.

16 **SECTION 2099.** 165.30 (3) of the statutes is amended to read:

17 165.30 (3) COLLECTION PROCEEDS. (a) All obligations collected by the
18 department of justice under this section shall be paid to the ~~state treasurer~~ secretary
19 of administration and deposited in the appropriate fund.

20 (b) From the amount of obligations collected by the department of justice under
21 this section, the ~~treasurer~~ secretary of administration shall credit an amount equal
22 to the reasonable and necessary expenses incurred by the department of justice
23 related to collecting those obligations to the appropriation account under s. 20.455
24 (1) (gs).

25 **SECTION 2100.** 165.755 (1) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 2100**

1 165.755 (1) (a) Except as provided in par. (b), a court shall impose a crime
2 laboratories and drug law enforcement assessment of \$5 ~~\$7~~ if the court imposes a
3 sentence, places a person on probation or imposes a forfeiture for a violation of state
4 law or for a violation of a municipal or county ordinance.

5 **SECTION 2101.** 165.755 (3) of the statutes is amended to read:

6 165.755 (3) Except as provided in sub. (4), after the court determines the
7 amount due under sub. (1) (a), the clerk of the court shall collect and transmit the
8 amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall
9 then make payment to the ~~state treasurer~~ secretary of administration under s. 59.25
10 (3) (f) 2.

11 **SECTION 2102.** 165.755 (4) of the statutes is amended to read:

12 165.755 (4) If a municipal court imposes a forfeiture, after determining the
13 amount due under sub. (1) (a) the court shall collect and transmit such amount to the
14 treasurer of the county, city, town, or village, and that treasurer shall make payment
15 to the ~~state treasurer~~ secretary of administration as provided in s. 66.0114 (1) (bm).

16 **SECTION 2103.** 165.755 (5) of the statutes is amended to read:

17 165.755 (5) If any deposit of bail is made for a noncriminal offense to which sub.
18 (1) (a) applies, the person making the deposit shall also deposit a sufficient amount
19 to include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is
20 forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted
21 monthly to the ~~state treasurer~~ secretary of administration under this section. If bail
22 is returned, the assessment shall also be returned.

23 **SECTION 2104.** 165.755 (6) of the statutes is amended to read:

24 165.755 (6) If an inmate in a state prison or a person sentenced to a state prison
25 has not paid the crime laboratories and drug law enforcement assessment under sub.

SENATE BILL 44**SECTION 2104**

1 (1) (a), the department shall assess and collect the amount owed from the inmate's
2 wages or other moneys. Any amount collected shall be transmitted to the state
3 ~~treasurer~~ secretary of administration.

4 **SECTION 2105.** 165.755 (7) of the statutes is amended to read:

5 165.755 (7) All moneys collected from crime laboratories and drug law
6 enforcement assessments under this section shall be deposited by the ~~state treasurer~~
7 secretary of administration and used as specified in s. 20.455 (2) (kd) and (Lm).

8 **SECTION 2106.** 165.82 (1) (intro.) of the statutes is amended to read:

9 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
10 impose the following fees, plus any surcharge required under sub. (1m), for criminal
11 history searches for purposes unrelated to criminal justice or to s. 175.35:

12 **SECTION 2107.** 165.82 (1) (ar) of the statutes is amended to read:

13 165.82 (1) (ar) For each fingerprint card record check requested by a
14 governmental agency or nonprofit organization, \$10 \$15.

15 **SECTION 2108.** 165.82 (1m) of the statutes is created to read:

16 165.82 (1m) The department of justice shall impose a \$5 surcharge if a person
17 requests a paper copy of the results of a criminal history search requested under sub.
18 (1).

19 **SECTION 2109.** 165.90 of the statutes is repealed.

20 **SECTION 2110.** 165.92 (3) (a) of the statutes is amended to read:

21 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan~~ county
22 proposal under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political
23 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement
24 officer is liable for all acts of the officer while acting within the scope of his or her

SENATE BILL 44**SECTION 2110**

1 employment and neither the state nor any political subdivision of the state may be
2 held liable for any action of the officer taken under the authority of sub. (2) (a).

3 **SECTION 2111.** 166.03 (1) (b) 7. of the statutes is repealed.

4 **SECTION 2112.** 166.03 (2) (b) 9. of the statutes is repealed.

5 **SECTION 2113.** 166.03 (8) (f) of the statutes is amended to read:

6 166.03 (8) (f) If the total liability for worker's compensation benefits under par.
7 (d), indemnification under par. (e), and loss from destruction of equipment under sub.
8 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,
9 the state shall reimburse the sponsor for the excess. Payment shall be made from
10 the appropriation in s. ~~20.465 (3) (a)~~ 20.865 (1) (a) on certificate of the adjutant
11 general and, if appropriate, subject to the approval of the attorney general under s.
12 20.865 (1) (a).

13 **SECTION 2114.** 167.31 (5) (c) of the statutes is amended to read:

14 167.31 (5) (c) If any deposit is made for an offense to which this subsection
15 applies, the person making the deposit shall also deposit a sufficient amount to
16 include the weapons assessment under this subsection. If the deposit is forfeited, the
17 amount of the weapons assessment shall be transmitted to the ~~state treasurer~~
18 secretary of administration under par. (d). If the deposit is returned, the amount of
19 the weapons assessment shall also be returned.

20 **SECTION 2115.** 167.31 (5) (d) of the statutes is amended to read:

21 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the
22 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The
23 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.
24 The ~~state treasurer~~ secretary of administration shall deposit all amounts received

SENATE BILL 44**SECTION 2115**

1 under this paragraph in the conservation fund to be appropriated under s. 20.370 (3)
2 (mu).

3 **SECTION 2116.** 169.46 (1) (c) of the statutes is amended to read:

4 169.46 (1) (c) If any deposit is made for an offense to which this subsection
5 applies, the person making the deposit shall also deposit a sufficient amount to
6 include the natural resources assessment prescribed in this subsection. If the
7 deposit is forfeited, the amount of the natural resources assessment shall be
8 transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the
9 deposit is returned, the natural resources assessment shall also be returned.

10 **SECTION 2117.** 169.46 (1) (d) of the statutes is amended to read:

11 169.46 (1) (d) The clerk of the court shall collect and transmit to the county
12 treasurer the natural resources assessment and other amounts required under s.
13 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
14 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
15 secretary of administration shall deposit the amount of the natural resources
16 assessment in the conservation fund.

17 **SECTION 2118.** 169.46 (2) (c) of the statutes is amended to read:

18 169.46 (2) (c) If any deposit is made for an offense to which this subsection
19 applies, the person making the deposit shall also deposit a sufficient amount to
20 include the natural resources restitution payment prescribed in this subsection. If
21 the deposit is forfeited, the amount of the natural resources restitution payment
22 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
23 If the deposit is returned, the natural resources restitution payment shall also be
24 returned.

25 **SECTION 2119.** 169.46 (2) (d) of the statutes is amended to read:

SENATE BILL 44**SECTION 2119**

1 169.46 (2) (d) The clerk of the court shall collect and transmit to the county
2 treasurer the natural resources restitution payment and other amounts required
3 under s. 59.40 (2) (m). The county treasurer shall then make payment to the state
4 treasurer secretary of administration as provided in s. 59.25 (3) (f) 2. The state
5 treasurer secretary of administration shall deposit the amount of the natural
6 resources restitution payment in the conservation fund.

7 **SECTION 2120.** 173.40 of the statutes, as affected by 2001 Wisconsin Act 16, is
8 repealed.

9 **SECTION 2121.** 182.36 (3) of the statutes is amended to read:

10 182.36 (3) The corporation may enter into contracts with public utilities,
11 ~~including and~~ and railroads, for the removal or change in location of the lines of such
12 public utilities and railroads where the same is deemed necessary by the corporation
13 in the construction of the project. Such contracts shall be for the payment of damages
14 caused the utilities and railroads by the relocation of their lines. In the event the
15 corporation and the utility or railroad are unable to reach an agreement, the public
16 service commission in the case of a utility or the department of transportation in the
17 case of a railroad shall direct the manner, location and time allowed for the change
18 in the utility or railroad line and the corporation shall be liable for the reasonable
19 costs of such change. In the event the public utility or railroad fails to comply with
20 the order of the public service commission or department of transportation it shall
21 be liable to the corporation for all damages occasioned by such failure.

22 **SECTION 2122.** 183.0105 (2) (c) of the statutes is amended to read:

23 183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~
24 Including the name of its registered agent and the street address of its registered
25 office, as changed, in its annual report under s. 183.0120. This paragraph also

SENATE BILL 44**SECTION 2122**

1 applies to a foreign limited liability company. A change under this paragraph is
2 effective on the date the annual report is filed by ~~the office of the~~ department.

3 **SECTION 2123.** 183.0109 (1) (a) 4. of the statutes is amended to read:

4 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under
5 s. 183.0120.

6 **SECTION 2124.** 183.0113 (2) (b) 1m. of the statutes is amended to read:

7 183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The
8 domestic or foreign limited liability company has, during its most recently completed
9 report year, filed with the department an annual report required by s. 183.0120.

10 **SECTION 2125.** 183.0114 (1) (v) of the statutes is created to read:

11 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

12 **SECTION 2126.** 183.0120 (title) of the statutes is amended to read:

13 **183.0120** (title) **Annual report for foreign limited liability companies.**

14 **SECTION 2127.** 183.0120 (1) of the statutes is amended to read:

15 183.0120 (1) Each foreign limited liability company registered to transact
16 business in this state and each domestic limited liability company shall file with the
17 department an annual report that includes all of the following information:

18 (a) The name of the domestic or foreign limited liability company and, if a
19 foreign limited liability company, the state or country under whose law it is
20 organized.

21 (b) The address of the domestic or foreign limited liability company's registered
22 office and the name of its registered agent at that office in this state.

23 (c) The address of the domestic or foreign limited liability company's principal
24 office.

SENATE BILL 44**SECTION 2127**

1 (d) If management of the domestic or foreign limited liability company is vested
2 in one or more managers, the name and business address of each manager.

3 (e) The name and business address of each member of the domestic or foreign
4 limited liability company.

5 (f) A brief description of the nature of the domestic or foreign limited liability
6 company's business.

7 **SECTION 2128.** 183.0120 (2) of the statutes is amended to read:

8 183.0120 (2) Information in the annual report shall be current as of the date
9 on which the annual report is executed on behalf of a the domestic or foreign limited
10 liability company, except that the information required by sub. (1) (e) shall be current
11 as of the close of the domestic or foreign limited liability company's fiscal year
12 immediately before the date by which the annual report is required to be delivered
13 to the department.

14 **SECTION 2129.** 183.0120 (3) of the statutes is amended to read:

15 183.0120 (3) A domestic limited liability company shall deliver its initial
16 annual report to the department during the first calendar quarter of the year
17 following the calendar year in which the limited liability company's articles of
18 organization become effective under s. 183.0111 and shall deliver each subsequent
19 annual report during the first calender quarter of each subsequent year. A foreign
20 limited liability company registered to transact business in this state shall deliver
21 its annual report to the department during the first calendar quarter of each year
22 following the calendar year in which the foreign limited liability company becomes
23 registered to transact business in this state.

24 **SECTION 2130.** 183.0120 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 2130**

1 183.0120 (4) If an annual report does not contain the information required by
2 this section, the department shall promptly notify the reporting domestic or foreign
3 limited liability company in writing and return the report to it for correction.

4 **SECTION 2131.** 183.0901 (3) of the statutes is created to read:

5 183.0901 (3) The department administratively dissolves the limited liability
6 company under s. 183.09025 (2) (c), unless the limited liability company is
7 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review
8 under ss. 227.52 to 227.58.

9 **SECTION 2132.** 183.09025 of the statutes is created to read:

10 **183.09025 Administrative dissolution and reinstatement. (1) GROUNDS**
11 **FOR ADMINISTRATIVE DISSOLUTION.** The department may bring a proceeding under sub.
12 (2) to administratively dissolve any limited liability company that does not deliver
13 to the department the limited liability company's complete annual report within one
14 year after the annual report is due.

15 **(2) PROCEDURE FOR ADMINISTRATIVE DISSOLUTION.** (a) If the department
16 determines that grounds exist under sub. (1) for dissolving a limited liability
17 company, the department shall mail the limited liability company a notice of the
18 determination. The notice shall be in writing and addressed to the registered office
19 of the limited liability company.

20 (b) Within 60 days after the date on which the notice is received or the date on
21 which the second insertion of the class 2 notice under par. (d) is published, the limited
22 liability company shall correct each ground for dissolution or demonstrate to the
23 reasonable satisfaction of the department that each ground determined by the
24 department does not exist.

SENATE BILL 44**SECTION 2132**

1 (c) If a limited liability company fails to satisfy par. (b), the department shall
2 administratively dissolve the limited liability company. The department shall enter
3 a notation in its records to reflect each ground for dissolution and the effective date
4 of dissolution and shall mail the limited liability company a notice of those facts and
5 a certificate of dissolution. The notice and certificate shall be in writing and
6 addressed to the registered office of the limited liability company. The dissolution
7 is subject to judicial review as provided in ss. 227.52 to 227.58.

8 (d) If a notice under par. (a) or (c) is returned to the department as
9 undeliverable, the department shall again mail the notice to the limited liability
10 company as provided under that paragraph. If the notice is again returned to the
11 department as undeliverable, the department shall give the notice by publishing a
12 class 2 notice under ch. 985 in the official state newspaper.

13 **(3) USE OF NAME FOLLOWING ADMINISTRATIVE DISSOLUTION.** A limited liability
14 company's right to the exclusive use of its name terminates on the date of the
15 administrative dissolution under sub. (2) (c).

16 **(4) REINSTATEMENT.** (a) A limited liability company that is administratively
17 dissolved under sub. (2) (c) may apply to the department for reinstatement within
18 30 days after the date on which the limited liability company is dissolved. The
19 application shall include all of the following:

20 1. The name of the limited liability company and the date on which it was
21 administratively dissolved.

22 2. A statement that each ground for dissolution either did not exist or has been
23 cured.

24 3. A statement that the limited liability company's name satisfies s. 183.0103.

SENATE BILL 44**SECTION 2132**

1 (b) The department shall cancel the certificate of dissolution and issue a
2 certificate of reinstatement under this paragraph if the department determines that
3 the application contains the information required under par. (a), that the
4 information is correct, and that all fees and penalties owed by the limited liability
5 company to the department under this chapter have been paid. The certificate of
6 reinstatement shall state the department's determination under this paragraph and
7 the effective date of reinstatement. The department shall file the certificate and
8 provide a copy to the limited liability company or its representative.

9 (c) When the reinstatement becomes effective, it shall relate back to and take
10 effect as of the effective date of the administrative dissolution, and the limited
11 liability company may resume carrying on its business as if the administrative
12 dissolution had never occurred.

13 (d) If the department denies a limited liability company's application for
14 reinstatement under par. (a), the department shall serve the limited liability
15 company with a written notice of denial that explains each reason for the denial. The
16 denial is subject to judicial review as provided in ss. 227.52 to 227.58.

17 **SECTION 2133.** 186.098 (12) of the statutes is amended to read:

18 186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members
19 secured by assignment or transfer of stock certificates or other evidence of the
20 borrower's ownership interest in a corporation formed for the cooperative ownership
21 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a
22 mortgage involving a one-family residence, apply to a proceeding to enforce the
23 lender's rights in security given for a loan under this subsection. The office of credit
24 unions shall promulgate joint rules with ~~the division of savings institutions and the~~

SENATE BILL 44**SECTION 2133**

1 division of banking that establish procedures for enforcing a lender's rights in
2 security given for a loan under this subsection.

3 **SECTION 2134.** 186.235 (11) (dg) of the statutes is amended to read:

4 186.235 (11) (dg) *Special deputies.* The office of credit unions may appoint one
5 or more special deputies as agent to assist in the duty of liquidation and distribution
6 of the assets of one or more credit unions whose business and property the office of
7 credit unions holds. A certificate of appointment shall be filed in the office of credit
8 unions and a certified copy in the office of the clerk of the circuit court for the county
9 in which the credit union is located. ~~The~~ On behalf of the office of credit unions, the
10 department of administration may employ counsel and the office of credit unions
11 may procure expert assistance and advice as necessary in the liquidation and
12 distribution of the assets of the credit union, and may retain any officers or
13 employees of the credit union that the office of credit unions considers to be
14 necessary. The special deputies and assistants shall furnish security for the faithful
15 discharge of their duties in an amount that the office of credit unions considers to be
16 necessary. The special deputies may execute, acknowledge and deliver any deeds,
17 assignments, releases or other instruments necessary to effect any sale and transfer
18 or encumbrance of real estate or personal property and may borrow money for use
19 in the liquidation after the liquidation has been approved by the office of credit
20 unions and an order obtained from the circuit court of the county in which the credit
21 union is located.

22 **SECTION 2135.** 186.235 (16) (title) and (a) of the statutes are amended to read:

23 186.235 (16) (title) ANNUAL PERIODIC EXAMINATION.

24 (a) ~~At~~ Except as provided in par. (b), at least once each year every 18 months,
25 the office of credit unions shall examine the records and accounts of each credit

SENATE BILL 44**SECTION 2135**

1 union. For that purpose the office of credit unions shall have full access to, and may
2 compel the production of, each credit union's records and accounts. They may
3 administer oaths to and examine each credit union's officers and agents.

4 **SECTION 2136.** 186.235 (16) (b) of the statutes is amended to read:

5 186.235 (16) (b) Instead of an annual examination of a credit union under par.
6 (a), the office of credit unions may accept an audit report of the condition of the credit
7 union made by a certified public accountant not an employee of the credit union in
8 accordance with rules promulgated by the office of credit unions or may accept an
9 examination or audit made or approved by the national board.

10 **SECTION 2137.** Chapter 189 of the statutes is repealed.

11 **SECTION 2138.** 190.001 of the statutes is repealed and recreated to read:

12 **190.001 Definition.** In this chapter, "division of hearings and appeals" means
13 the division of hearings and appeals in the department of administration.

14 **SECTION 2139.** 190.02 (6) of the statutes is amended to read:

15 190.02 (6) RAILROAD INTERSECTIONS. To cross, intersect, join or unite its railroad
16 with any other railroad, at any point, with the necessary turnouts, sidings and
17 switches and other conveniences in furtherance of the objects of its connections. And
18 if the 2 corporations cannot agree upon the amount of compensation to be made
19 therefor or the points and manner of such crossings and connections the same shall
20 be ascertained by the office division of hearings and appeals on application of either
21 corporation.

22 **SECTION 2140.** 190.025 (2) (b) of the statutes is amended to read:

23 190.025 (2) (b) A railroad corporation that is subject to this subsection shall
24 have all powers conferred by law upon railroad corporations. The railroad
25 corporation may issue, sell, pledge or otherwise dispose of its evidences of debt, at

SENATE BILL 44**SECTION 2140**

1 such times, in such amounts, for such considerations and upon such terms and
2 conditions as the board of directors of the corporation shall determine, and as shall
3 be authorized by the ~~office~~ department of financial institutions, or the ~~interstate~~
4 ~~commerce commission~~ federal surface transportation board in the case of a railroad
5 corporation organized for the purpose of acquiring a railroad engaged in interstate
6 commerce, or any existing railroad corporation reorganized under the act and
7 acquiring railroad property used in interstate commerce. The evidences of debt may
8 be convertible, at the option of the holder, into stock, and shares of stock. The shares
9 may have a nominal or par value or, if the shares are shares of common stock, be
10 without nominal or par value. The shares may be of such classes, with such rights
11 and voting powers as may be expressed in the corporation's articles or any
12 amendment thereto.

13 **SECTION 2141.** 190.03 of the statutes is amended to read:

14 **190.03 Office in state; books produced.** Any railroad corporation existing
15 under the laws of this state shall produce before the ~~office of the commissioner of~~
16 ~~railroads~~ department of financial institutions, the legislature, or any committee of
17 either house, or any court of record, its books of account and stock books, or so many
18 and such parts thereof as may be required by them, or in the discretion of the ~~office~~
19 ~~of the commissioner of railroads~~ department of financial institutions, legislature,
20 committee or court, transcripts from such books, or such parts thereof as may be
21 called for, duly authenticated; and each such railroad corporation shall designate
22 some office within this state as its principal office and inform the ~~office of the~~
23 ~~commissioner of railroads~~ department of financial institutions of such designation,
24 and shall keep there or at the office of its transfer agents or registrars a list of its
25 stockholders, giving the names and addresses of its stockholders, together with a

SENATE BILL 44**SECTION 2141**

1 statement of the number and class of shares of its stock held by each of them, as
2 shown by its books. A failure or refusal to comply with any of the foregoing provisions
3 shall be cause of forfeiture of its franchises.

4 **SECTION 2142.** 190.13 of the statutes is amended to read:

5 **190.13 Report to stockholders.** Every railroad corporation shall make an
6 annual report to its stockholders of its operations for the preceding calendar year, or
7 for its fiscal year, as the case may be, which report shall contain a balance sheet
8 showing its assets and liabilities, its capital stock, and funded debt, and an income
9 account showing its operating revenues, operating expenses, gross and net income,
10 as the result of its traffic or business operations, and such other information in
11 respect of its affairs as the board of directors shall deem advisable. A copy of each
12 such report shall be kept on file in its principal office in this state, shall be mailed
13 to each stockholder whose post-office address is known and shall be filed with the
14 ~~office of the commissioner of railroads~~ department of financial institutions.

15 **SECTION 2143.** 190.16 (4) (a) of the statutes is amended to read:

16 190.16 (4) (a) Every railroad shall acquire the necessary right-of-way for and
17 shall construct, connect, maintain and operate a reasonably adequate spur track
18 whenever such spur track does not necessarily exceed 3 miles in length, is practically
19 indispensable to the successful operation of any existing or proposed industry or
20 enterprise, and its construction and operation is not unusually dangerous, and is not
21 unreasonably harmful to public interest, and any person aggrieved by the failure of
22 any railroad to fully perform such obligation may prosecute proceedings before the
23 ~~office~~ division of hearings and appeals to compel compliance therewith.

24 **SECTION 2144.** 190.16 (4) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 2144**

1 190.16 (4) (b) Such railroad may require the person primarily to be served
2 thereby to pay the legitimate cost and expense of acquiring the necessary
3 right-of-way for such spur track, and of constructing the same, the cost to be
4 estimated in separate items by the ~~office~~ department of transportation or the division
5 of hearings and appeals, and deposited with the railroad, before it shall be required
6 to incur any expense whatever therefor; but such person, in lieu of depositing the
7 total estimated cost may offer in writing to construct such spur track, the offer to be
8 accompanied by a surety company bond, running to such railroad, and conditioned
9 upon the construction of such spur track in a good and workmanlike manner,
10 according to the plans and specifications of such railroad, approved by the ~~office~~
11 department of transportation or the division of hearings and appeals, and deposit
12 with such railroad the estimated cost of the necessary right-of-way. Provided that
13 before the railroad shall be required to incur any expense whatever in the
14 construction of such spur track, the person primarily to be served thereby shall give
15 the railroad a bond to be approved by the ~~office~~ department of transportation or the
16 division of hearings and appeals as to form, amount and surety, securing the railroad
17 against loss on account of any expense incurred beyond the estimated cost.

18 **SECTION 2145.** 190.16 (4) (c) of the statutes is amended to read:

19 190.16 (4) (c) Whenever a spur track is so constructed at the expense of the
20 owner of any industry or enterprise, and any other person shall desire a connection
21 with such spur track, application therefor shall be made to the ~~office~~ department of
22 transportation or the division of hearings and appeals, and such other person shall
23 be required to pay to such owner an equitable proportion of the cost thereof, to be
24 determined by the ~~office~~ department of transportation or the division of hearings and
25 appeals.

SENATE BILL 44**SECTION 2146**

1 **SECTION 2146.** 190.16 (5) of the statutes is amended to read:

2 190.16 (5) REMOVAL, WHEN. Except where a spur track was constructed prior
3 to June 16, 1925, at the expense of the railroad company, no spur track shall be
4 removed, dismantled or otherwise rendered unfit for service except upon order of the
5 office department of transportation or the division of hearings and appeals made
6 after hearing held upon notice to all parties interested, and for good cause shown;
7 provided that if no objection has been filed with the office department of
8 transportation or the division of hearings and appeals within 20 days from the
9 original publication of such notice, the office department of transportation or the
10 division of hearings and appeals may without hearing authorize such spur track
11 removed, dismantled or otherwise rendered unfit for service.

12 **SECTION 2147.** 191.001 of the statutes is amended to read:

13 **191.001 Definition.** In this chapter, “office” “department” means the office of
14 ~~the commissioner of railroads~~ department of transportation.

15 **SECTION 2148.** 191.01 (2) of the statutes is amended to read:

16 191.01 (2) CONSTRUCTION, CERTIFICATE FROM OFFICE DEPARTMENT PREREQUISITE.
17 No railroad corporation shall begin the construction of any proposed line of railroad
18 in this state until it shall have obtained from the office department a certificate ~~that~~
19 ~~public convenience and a necessity require~~ authorizing the construction of the
20 ~~railroad, and the certificate shall constitute the license from this state to the~~
21 ~~company to build its proposed railroad.~~

22 **SECTION 2149.** 191.02 (title) of the statutes is amended to read:

23 **191.02 (title) Application for certificate of necessity.**

24 **SECTION 2150.** 191.03 of the statutes is amended to read:

SENATE BILL 44**SECTION 2150**

1 **191.03 Articles; publication prerequisite to certificate.** No railroad
2 corporation shall make application for a certificate authorizing construction of a
3 railroad unless it has caused a copy of its corporate articles to be published as a class
4 2 notice, under ch. 985, in each county in which the railroad is proposed to be located
5 within 6 months next prior to the time of making such application, and files
6 satisfactory proof thereof with the office department.

7 **SECTION 2151.** 191.05 of the statutes is amended to read:

8 **191.05 Maps and profiles with application; changes.** Complete maps and
9 profiles of the proposed railroad shall be filed with the application for a certificate
10 ~~of convenience and necessity~~ authorizing construction. The office department may
11 permit errors, omissions or defects in the application, maps and profiles to be
12 supplied or corrected, and permit changes in the proposed route to be made.

13 **SECTION 2152.** 191.06 of the statutes is amended to read:

14 **191.06 Railroad extensions; certificate and notice necessary.** If any
15 railroad company organized prior to July 1, 1907, shall desire to extend its lines in
16 this state or to build branches connected therewith, or to construct any portion of its
17 authorized line of railroad, it shall, before beginning construction thereof, obtain a
18 certificate ~~of convenience and necessity~~ authorizing the construction; but it shall not
19 be necessary to publish the articles of such railroad.

20 **SECTION 2153.** 191.07 of the statutes is amended to read:

21 **191.07 Hearing of applicants; notice.** Upon receiving such an application
22 for a certificate authorizing construction, the office ~~shall~~ department may set a time
23 and place for a hearing, which time shall not be less than 3 weeks nor more than 8
24 weeks from the date of filing the application, and the place shall be at the city of
25 Madison, or at some place along the line of the proposed railroad, if the office

SENATE BILL 44**SECTION 2153**

1 department deems the latter more convenient, and. If the department sets a hearing,
2 the department shall give to the applicant notice thereof, which notice shall be
3 published by the applicant, as a class 2 notice, under ch. 985, in each county in which
4 the railroad, extension or branch is proposed to be located, and proof of such
5 publication shall be filed with the ~~office~~ department.

6 **SECTION 2154.** 191.09 of the statutes is repealed and recreated to read:

7 **191.09 Procedures before the department.** Chapter 227 applies to all
8 proceedings under this chapter.

9 **SECTION 2155.** 191.10 (title) of the statutes is amended to read:

10 **191.10 (title) Certificate of necessity.**

11 **SECTION 2156.** 191.10 (1) of the statutes is amended to read:

12 191.10 (1) ISSUANCE, FILING, RECORDING, CONDEMNATION. ~~If the office of the~~
13 ~~commissioner of railroads finds that the proposed railroad would be a public~~
14 ~~convenience and that a necessity requires its construction, the office of the~~
15 ~~commissioner of railroads shall enter an order to that effect and issue~~ department
16 issues to the applicant a certificate that ~~public convenience and a necessity require~~
17 ~~the construction of the railroad as proposed. The certificate shall be filed in the office~~
18 ~~of the department of financial institutions and the department of financial~~
19 ~~institutions~~ under this chapter, the applicant shall file the certificate with the
20 department of financial institutions. The department of transportation shall
21 approve the map showing the route of the railroad. The applicant shall record the
22 map certified by the ~~office of the commissioner of railroads~~ department of
23 transportation in the office of the register of deeds in each county in which the
24 railroad shall be located. The filing of the certificate with the department of financial

SENATE BILL 44**SECTION 2156**

1 institutions and the recording of the map, as above provided, are conditions
2 precedent to the right of the applicant to institute condemnation proceedings.

3 **SECTION 2157.** 191.10 (2) of the statutes is amended to read:

4 191.10 (2) CERTIFICATE FOR PART OF LINE. ~~Whenever it shall appear to the office~~
5 ~~that public convenience and a necessity do not require the construction of the~~
6 ~~railroad as proposed in the application, but do require the construction of a part~~
7 ~~thereof, the office~~ The department may issue a certificate for the construction of such
8 part of the railroad as ~~public convenience and necessity require~~ proposed in the
9 application.

10 **SECTION 2158.** 191.10 (3) of the statutes is amended to read:

11 191.10 (3) REFUSAL OF CERTIFICATE; RENEWAL OF APPLICATION. ~~If the office shall~~
12 ~~determine that the proposed railroad is not a necessity or is not required by public~~
13 ~~convenience, the office shall by order refuse to grant a certificate,~~ department denies
14 the application for a certificate, the department shall issue an order refusing the
15 certificate and stating the reasons for the refusal. The application may be renewed
16 after 2 years from the date of the refusal, but not sooner.

17 **SECTION 2159.** 191.11 of the statutes is amended to read:

18 **191.11 Revocation of certificate.** If any railroad company after obtaining
19 a certificate ~~that public convenience and a necessity require~~ authorizing the
20 construction of the whole or part of its railroad fails to begin construction within one
21 year from the date of the certificate, or having begun such construction, fails to
22 prosecute the same, the ~~office~~ department may inquire into the reasons for such
23 failure and may revoke the certificate, if the ~~office~~ department finds, after notice and
24 hearing, that such failure is unreasonable.

25 **SECTION 2160.** 191.13 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 2160**

1 191.13 (2) No railroad corporation shall exercise such power until it has
2 obtained from the office department a certificate that ~~public convenience and~~
3 ~~necessity require~~ authorizing the construction of the temporary railroad, and the
4 certificate shall constitute the license to the company to build its proposed temporary
5 railroad. The certificate shall specify the length of time the railroad may be
6 maintained and operated, and may be renewed from time to time upon application
7 by the railroad company. At the expiration of the time specified in the certificate, or
8 any renewal thereof, the railroad company shall discontinue, dismantle and remove
9 the temporary railroad; and may prior to the expiration of such time, upon order of
10 the office department, and after a hearing, upon notice to all parties interested and
11 good cause shown, discontinue, dismantle and remove the railroad.

12 **SECTION 2161.** 191.16 of the statutes is amended to read:

13 **191.16 Construction items submitted to office department.** Upon
14 receiving the certificate of ~~public convenience and necessity~~ authorizing
15 construction, the applicant shall before commencing construction submit to the office
16 department a condensed specification of the character of construction that the
17 applicant proposes to install, showing the kind, quality and weight of the rail
18 proposed to be used, the mode of construction, character, quality, and strength of all
19 bridges, culverts and viaducts, the abutments and approaches proposed to be built,
20 the grade of and proposed method of draining the roadbed, and the kind of power to
21 be used and the plant and appliances to be employed in power production, and such
22 other facts relating to the construction of the proposed railroad as the office
23 department requires.

24 **SECTION 2162.** 191.17 of the statutes is amended to read:

SENATE BILL 44**SECTION 2162**

1 **191.17 Public safety; investigation; approval of plans.** Upon receiving
2 the specification required by s. 191.16, the office department shall examine the same
3 and shall hear the applicant in support thereof, shall suggest and require
4 modifications of the specification if the public safety so demands, eliminating so far
5 as may be practicable, consistent with reasonable cost, all grade crossings of public
6 highways, shall inspect the route of the proposed railroad if deemed desirable, and
7 shall otherwise investigate and determine that the proposed construction will be
8 adequate for securing public safety in the operation of the railroad, and thereupon
9 the office department shall enter an order approving the specification and
10 authorizing the construction of the railroad in accordance therewith.

11 **SECTION 2163.** 191.19 (1) of the statutes is amended to read:

12 191.19 (1) Upon the completion of the construction of any railroad under the
13 approved specification, the company shall, before operating the same for public
14 service, report to the office department; and the office department shall inspect the
15 work. If the office department finds that the railroad has been constructed in
16 accordance with the approved specification and is otherwise suitable and properly
17 constructed so as to secure public safety in the operation thereof, the office
18 department shall enter an order authorizing its operation, which order shall be
19 presumptive evidence of the sufficiency of such construction.

20 **SECTION 2164.** 191.19 (3) of the statutes is amended to read:

21 191.19 (3) If upon inspection the office department shall deem that public
22 safety requires the installation, operation and maintenance of some protective
23 appliance at any grade crossing of railroad tracks the office department may, before
24 granting the order, after notice and hearing, require the installation, operation and
25 maintenance of suitable protective appliances, and shall apportion the expense of

SENATE BILL 44**SECTION 2164**

1 constructing, maintaining and operating such protective appliances among the
2 owners of the tracks.

3 **SECTION 2165.** 191.20 of the statutes is amended to read:

4 **191.20 Railroad routes; right to alter.** Every railroad company may, by the
5 vote of two-thirds of its directors, alter or change the route of its railroad, by making
6 and filing with the ~~office of the commissioner of railroads~~ department and the
7 department of financial institutions and also by recording in the office of the register
8 of deeds of the county or counties where the alteration or change is to be made, a
9 surveyed map and certificate of the alteration or change. The alteration or change
10 may not deviate from the original route for a greater distance than one mile at any
11 point. No city or village may be left off the railroad by the change of route. The
12 original end points of the railroad, or the route in any city or village, shall not be
13 changed without the approval of the ~~office of the commissioner of railroads~~
14 department of transportation after notice to the municipality.

15 **SECTION 2166.** 191.21 of the statutes is amended to read:

16 **191.21 Notices in counties without newspapers.** If no newspaper is
17 published in any county in which a railroad is proposed to be located, the publications
18 required by this chapter may be made in such manner and at such places as the ~~office~~
19 department shall designate.

20 **SECTION 2167.** 192.001 (1r) of the statutes is created to read:

21 192.001 (1r) "Division of hearings and appeals" means the division of hearings
22 and appeals in the department of administration.

23 **SECTION 2168.** 192.001 (2) of the statutes is repealed.

24 **SECTION 2169.** 192.14 (10) of the statutes is amended to read:

SENATE BILL 44**SECTION 2169**

1 192.14 (10) If in any particular case any temporary exemption from any
2 requirement of this section is deemed necessary by a carrier, the office department
3 shall consider the application of the carrier for temporary exemption and may grant
4 the exemption when accompanied by a full statement of the conditions existing and
5 the reasons for the exemption. Any exemption so granted will be limited to the
6 particular case specified and shall be limited to a stated period of time.

7 **SECTION 2170.** 192.14 (12) of the statutes is amended to read:

8 192.14 (12) The office department may after public hearing make rules and
9 establish the standards deemed necessary to carry out the purposes of this section.

10 **SECTION 2171.** 192.15 (14) of the statutes is amended to read:

11 192.15 (14) If in any particular case any exemption from any requirement of
12 this section is deemed necessary by a carrier, the office department shall consider the
13 application of the carrier for exemption and may grant the exemption when
14 accompanied by a full statement of the conditions existing and the reasons for the
15 exemption. Any exemption so granted shall be limited to the particular case specified
16 and shall be limited to a stated period of time.

17 **SECTION 2172.** 192.25 (3) (a) of the statutes is amended to read:

18 192.25 (3) (a) The office department, by rule, may grant an exception to sub.
19 (2) if the office department determines that the exception will not endanger the life
20 or property of any person.

21 **SECTION 2173.** 192.27 (1) of the statutes is amended to read:

22 192.27 (1) When the track of a railway corporation crosses the track of any
23 other railway corporation at grade, or when their tracks and right-of-way are
24 adjacent, except in counties having a population of at least 150,000, the corporations
25 shall, within 60 days after a written request of the office department or the council

SENATE BILL 44**SECTION 2173**

1 or board of the city, town or village within which the tracks so cross or are adjacent,
2 make a track connection within such town, city or village to afford reasonable and
3 proper facilities for the interchange of traffic between their respective lines for
4 forwarding and delivering freight, and the expense thereof shall be borne equally by
5 those corporations, unless otherwise ordered by the office department.

6 **SECTION 2174.** 192.29 (1) of the statutes is amended to read:

7 192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the office department by
8 the governing body of any city or village or by any railroad corporation alleging that
9 any railroad crossing of one or more public highways or streets in the city or village
10 is dangerous to human life and that public safety requires a designation of the
11 maximum speed of a train over such crossing or crossings, or that an order previously
12 made by the office department or, prior to the effective date of this subsection ...
13 [revisor inserts date], by the office of the commissioner of transportation under ch.
14 195, 1991 stats., or the office of the commissioner of railroads under ch. 195, 2001
15 stats., should be modified, the office department shall give notice to the parties in
16 interest and order a hearing thereon in the manner provided by s. 195.04 under ch.
17 227. If after the hearing the office ~~shall determine~~ department determines that the
18 crossing or crossings described in the petition are dangerous to human life, it may
19 by order determine what maximum speed of a train over the crossing is reasonably
20 required by public safety and is consistent with the public need for adequate and
21 expeditious passenger and freight service by railroad, having due regard for other
22 orders entered by the office department, or, prior to the effective date of this
23 subsection ... [revisor inserts date], by the office of the commissioner of
24 transportation or the office of the commissioner of railroads, and to practical railroad
25 operating conditions. Where the office department has designated the maximum

SENATE BILL 44**SECTION 2174**

1 speed of any train or trains over such crossing or crossings, or, prior to the effective
2 date of this subsection ... [revisor inserts date], the office of the commissioner of
3 transportation or the office of the commissioner of railroads has designated the
4 maximum speed of any train or trains over such crossing or crossings and the
5 designation remains unmodified by the department, the rate of speed shall be the
6 lawful maximum speed at which any train affected by the order can be operated over
7 the public highway or street crossing, until changed by subsequent order of the ~~office~~
8 department. Every railroad corporation violating any order entered under this
9 subsection shall for every violation forfeit not less than \$10 nor more than \$100. The
10 jurisdiction over train speeds hereby vested in the ~~office~~ department shall be
11 exclusive, but any order entered by the ~~office~~ department hereunder shall be subject
12 to judicial review in the manner provided by ch. 227.

13 **SECTION 2175.** 192.29 (2) of the statutes is amended to read:

14 192.29 (2) ARTERIAL STOP SIGNS. In any proceeding under sub. (1) or under s.
15 195.28, the ~~office~~ department may by order require that the state or municipality
16 install at any crossing involved in such proceeding an official stop sign.

17 **SECTION 2176.** 192.29 (4) of the statutes is amended to read:

18 192.29 (4) HIGHWAYS, WHISTLE, HORN, BELL. No railroad train or locomotive shall
19 run over any public traveled grade highway crossing outside of the limits of
20 municipalities unless the whistle or horn shall be blown 1,320 feet from such crossing
21 and the engine bell rung continuously from thence until the crossing be reached. But
22 the ~~office~~ department may order that the ringing of the bell or the blowing of the
23 whistle, or horn, or both, as required by this subsection shall be omitted at any
24 crossing.

25 **SECTION 2177.** 192.29 (5) of the statutes is amended to read:

SENATE BILL 44**SECTION 2177**

1 192.29 (5) ~~DANGER~~ WARNING SIGNS. Wherever its track crosses a public highway
2 or street, every railroad corporation shall maintain on each side of the track and near
3 such crossing a ~~large signboard with the following inscription, painted in large~~
4 ~~letters: "Railroad Crossing," in such manner as to be visible to approaching traffic~~
5 ~~on the highway or street at least 100 feet distant~~ railroad crossing sign. The sign
6 shall be constructed and erected as provided in the manual adopted by the
7 department under s. 84.02 (4) (e).

8 **SECTION 2178.** 192.31 (1) of the statutes is amended to read:

9 192.31 (1) Every railroad corporation shall maintain suitable telltales
10 wherever any overhead structure or any part thereof is less than 23 feet above the
11 top of rail; except that if the ~~office~~ department finds that the installation of a telltale
12 at any particular place would be impracticable or would result in an increased
13 hazard to either the public or an employee and that either or both such factors
14 outweigh the safety benefit which would result from the installation of a telltale, the
15 ~~office~~ department may enter an order providing an exemption from this section. The
16 exemption shall be ordered by the ~~office~~ department only after public hearing under
17 sub. (4).

18 **SECTION 2179.** 192.31 (2) of the statutes is amended to read:

19 192.31 (2) The ~~office~~ department may determine the materials for and the
20 construction and placing of such telltales.

21 **SECTION 2180.** 192.31 (4) of the statutes is amended to read:

22 192.31 (4) Upon finding that any such structure will not imperil life or limb,
23 and that the public interest requires or permits such structure to be constructed or
24 reconstructed otherwise than as permitted by sub. (3), the ~~office~~ department may
25 exempt such structure from such provision. Such findings shall be made only upon

SENATE BILL 44**SECTION 2180**

1 written application, setting forth fully the grounds therefor and shall be made only
2 after public hearing. The findings and order granting exemption shall be in writing
3 and contain complete provisions and requirements as to the vertical clearance to be
4 maintained in such construction or reconstruction. Such structure shall be
5 constructed or reconstructed only in compliance with such order.

6 **SECTION 2181.** 192.31 (5) of the statutes is amended to read:

7 192.31 (5) Prior to July 1, in each year every corporation operating a railroad
8 within the state shall file with the office department a verified statement showing
9 the location of every such bridge or other structure over any of its tracks at a height
10 of less than 23 feet above the top of rail, together with a statement showing whether
11 or not the provisions of this section have been fully complied with.

12 **SECTION 2182.** 192.324 of the statutes is amended to read:

13 **192.324 Railroad bridges to be safe for employees.** Whenever a complaint
14 is lodged with the office department by any person to the effect that a railroad bridge
15 because of its style of construction does not have walks or railings and for that reason
16 is dangerous to the life and limb of railroad employees and the safety of such
17 employees requires the alteration so as to provide for such walks and railings of such
18 bridge, the office department shall give notice to the party in interest, other than the
19 complainant, of the filing of the complaint and furnish such party with a copy thereof,
20 and order a hearing thereon, ~~in the manner provided for hearings in s. 195.31. The~~
21 ~~office under s. 85.013 (3) and ch. 227 by the division of hearings and appeals. The~~
22 department may proceed in a similar manner in the absence of a complaint when,
23 in the opinion of the office department, the safety of railroad employees requires the
24 alteration of a railroad bridge. After the hearing, the office division of hearings and

SENATE BILL 44**SECTION 2182**

1 appeals shall determine what alteration, if any, of such bridge, shall be made. The
2 expense of such alteration shall be borne by the railroad company.

3 **SECTION 2183.** 192.327 (3) of the statutes is amended to read:

4 192.327 (3) The office department shall make and enforce reasonable rules
5 relating to motor vehicles used to transport workers to and from their places of
6 employment or during the course of their employment.

7 **SECTION 2184.** 192.327 (4) of the statutes is repealed.

8 **SECTION 2185.** 192.327 (5) of the statutes is repealed.

9 **SECTION 2186.** 192.327 (6) of the statutes is amended to read:

10 192.327 (6) The office department may, in enforcing the rules, inspect any
11 motor vehicle used to transport workers to and from their places of employment or
12 during the course of their employment. ~~Upon request of the office, the department~~
13 ~~shall direct its traffic officers to assist the office in those inspections.~~

14 **SECTION 2187.** 192.327 (7) of the statutes is amended to read:

15 192.327 (7) Whenever the office department finds that a motor vehicle used to
16 transport workers to and from their places of employment or during the course of
17 their employment violates any provision of the rules, the office department shall
18 make, enter and serve upon the owner of the motor vehicle such order as may be
19 necessary to protect the safety of workers transported in the motor vehicle.

20 **SECTION 2188.** 192.33 (5) of the statutes is amended to read:

21 192.33 (5) The maintenance of cattle guards may be omitted by the railroad
22 company with the written consent of the office department specifying the particular
23 crossings.

24 **SECTION 2189.** 192.34 of the statutes is amended to read:

SENATE BILL 44**SECTION 2189**

1 **192.34 Fences; complaint of insufficient; hearing; order.** Upon
2 complaint to the division of hearings and appeals by the owner or occupant of any
3 land contiguous to the right-of-way of any railroad that the railroad company
4 operating the line has failed to construct or keep in good repair fences along its
5 right-of-way opposite to the complainant's land as required under s. 192.33, the
6 ~~office~~ division of hearings and appeals shall proceed on the complaint in the manner
7 provided ~~in s. 195.04~~ under ch. 227. If it shall appear that the complaint is well
8 founded, the ~~office~~ division of hearings and appeals may order and direct the railroad
9 company to repair the complained of fences so that the fences will be sufficient or to
10 construct legal fences.

11 **SECTION 2190.** 192.47 of the statutes is amended to read:

12 **192.47 Railroad police; oath; powers.** Any railway company may, at its own
13 expense, appoint and employ railroad police officers at the stations or other places
14 on the line of its road within this state as it deems necessary for the protection of its
15 property and the preservation of order on its premises and in and about its cars,
16 depots, depot grounds, yards, buildings or other structures. Each police officer shall
17 take an oath to support the constitution of the United States and claiming to be a
18 citizen of the United States and shall file it with the ~~office~~ department. Each police
19 officer shall, when on duty, wear a shield furnished by the company bearing the
20 words "Railroad Police" and the name of the company. These police officers may
21 arrest, with or without warrant, any person who in their presence commits upon the
22 premises of the company or in or about its cars, depots, depot grounds, yards,
23 buildings or other structures any offense against the laws of this state or the
24 ordinances of any town, city or village, and shall also have the authority of sheriffs
25 in regard to the arrest or apprehension of these offenders in or about the premises

SENATE BILL 44**SECTION 2190**

1 or appurtenances. In case of the arrest, by a railroad police officer, of any person
2 without warrant the officer shall immediately take the offender before a judge
3 having jurisdiction and make complaint against the offender. Every railway
4 company shall be responsible for the acts of its police officers.

5 **SECTION 2191.** 192.52 (3) of the statutes is amended to read:

6 192.52 (3) No railroad company operating in this state shall remove its shops
7 from the place where the same are now located to any other point within or without
8 this state or permanently close any shops in this state without first having secured
9 ~~the consent and permission of the office~~ an order for such removal from the division
10 of hearings and appeals, after due notice and public hearing, and in all other respects
11 as provided for hearings in ch. 195 227. ~~The office~~ division of hearings and appeals
12 shall render its decision within 30 days after such hearing.

13 **SECTION 2192.** 192.52 (4) of the statutes is amended to read:

14 192.52 (4) No railroad company operating in this state shall remove or transfer
15 its terminals or permanently close any terminals in this state without ~~the permission~~
16 ~~or consent of the office~~ an order for such removal, transfer or closing from the division
17 of hearings and appeals after due hearing had on the matter, in compliance with ch.
18 195 227.

19 **SECTION 2193.** 192.52 (5) of the statutes is amended to read:

20 192.52 (5) Before any railroad company operating in this state shall make any
21 removal or transfer of shops or terminals or abandons the same, it shall file notice
22 of intention so to do with the ~~office~~ division of hearings and appeals, and the ~~office~~
23 division of hearings and appeals shall have the power to investigate whether such
24 proposed removal, transfer or abandonment, as the case may be, is in the public
25 interest and is not unreasonable or unfair as to the employees of such railroad

SENATE BILL 44**SECTION 2193**

1 company. No such removal or transfer shall be made during such investigation, or
2 thereafter, if the office division of hearings and appeals finds such removal, transfer
3 or abandonment is not in the public interest or is unreasonable or unfair as to the
4 employees of such railroad.

5 **SECTION 2194.** 192.53 (4) (a) of the statutes is amended to read:

6 192.53 (4) (a) Upon finding that any structure that is subject to the provisions
7 of this section will not imperil life or limb, and that the public interest requires or
8 permits the structure to be constructed or reconstructed otherwise than as permitted
9 by the provisions of this section, the office department may exempt the structure
10 from the provisions of this section.

11 **SECTION 2195.** 192.53 (4) (b) of the statutes is amended to read:

12 192.53 (4) (b) The office department shall make the findings described in par.
13 (a) only upon written application to it to exempt the construction or reconstruction
14 of a structure from the requirements of this section, setting forth fully the grounds
15 therefor, and only after public hearing. The office's department's findings and order
16 granting the exemption shall be in writing and shall contain complete provisions and
17 requirements as to the horizontal clearance to be maintained in the construction or
18 reconstruction. The structure shall be constructed or reconstructed only in
19 compliance with the office's department's order.

20 **SECTION 2196.** 192.53 (5) (a) (intro.) of the statutes is amended to read:

21 192.53 (5) (a) (intro.) Except as otherwise provided in this section and subject
22 to the power of the office department to make exceptions to this section in a manner
23 similar to the power given it in sub. (4), no railroad or shipper may do any of the
24 following:

25 **SECTION 2197.** 192.53 (6) of the statutes is amended to read:

SENATE BILL 44**SECTION 2197**

1 192.53 (6) Any railroad or shipper to which this section applies, who violates
2 any provision of this section or who fails, neglects or refuses to obey any lawful order
3 made by the ~~office~~ department under this section, shall be fined not more than \$100
4 or imprisoned for not more than 60 days or both.

5 **SECTION 2198.** 192.55 (5) of the statutes is repealed.

6 **SECTION 2199.** 192.56 (1) of the statutes is amended to read:

7 192.56 (1) It is unlawful for any railroad company owning or operating any
8 railroad in whole or in part in this state, to abandon any station in any town, village
9 or city on its line of railroad, within this state, or to remove the depot therefrom, or
10 to withdraw agency service therefrom, without first obtaining from the ~~office~~ division
11 of hearings and appeals an order authorizing such action.

12 **SECTION 2200.** 192.56 (2) of the statutes is amended to read:

13 192.56 (2) At a station where agency service is provided the application to the
14 ~~office~~ division of hearings and appeals for such authorizing order shall set forth the
15 facts showing the necessity for such action by the railroad company, and if the ~~office~~
16 division of hearings and appeals finds that the application is sufficient
17 presumptively to justify the order prayed for, it shall enter an order fixing the time
18 and place of hearing on the application, which time shall not be less than 20 days
19 after the posting provided for in sub. (3).

20 **SECTION 2201.** 192.56 (3) of the statutes is amended to read:

21 192.56 (3) Notice of the time and place of the hearing and of the purpose thereof
22 shall be given, by the ~~office~~ division of hearings and appeals, by posting the notice
23 in 5 conspicuous places in the town or village.

24 **SECTION 2202.** 192.56 (5) of the statutes is amended to read:

SENATE BILL 44**SECTION 2202**

1 192.56 (5) The hearing shall be held as other hearings before the ~~office~~ division
2 of hearings and appeals are held as far as applicable. The ~~office~~ division of hearings
3 and appeals may dismiss the application or may grant it in whole or in part and under
4 such conditions as it may deem equitable.

5 **SECTION 2203.** 192.56 (6) of the statutes is amended to read:

6 192.56 (6) At a station where no agency service is provided, the application to
7 the ~~office~~ division of hearings and appeals for such authorizing order shall set forth
8 the facts showing the necessity for such action by the railroad company. Notice of
9 proposed removal or abandonment shall be given by the ~~office~~ division of hearings
10 and appeals by posting notice in 5 conspicuous places in the town or village
11 concerned; and if within 20 days after the posting of notice no objections in writing
12 are filed with the ~~office~~ division of hearings and appeals by persons directly affected,
13 an order authorizing the abandonment of the station may be issued by the ~~office~~
14 division of hearings and appeals. If such objections to the granting of the order are
15 filed with the ~~office~~ division of hearings and appeals, the ~~office~~ division of hearings
16 and appeals shall proceed to hold a hearing in the matter as provided in subs. (4) and
17 (5).

18 **SECTION 2204.** 194.51 of the statutes is amended to read:

19 **194.51 Suit to recover protested tax.** No suit shall be maintained in any
20 court to restrain or delay the collection or payment of the taxes levied in this chapter.
21 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,
22 may at any time within 90 days from the date of such payment, sue the state in an
23 action at law to recover the tax so paid. If it is finally determined that said tax, or
24 any part thereof, was wrongfully collected for any reason, it shall be the duty of the
25 department secretary of administration to ~~issue a warrant on the state treasurer for~~

SENATE BILL 44**SECTION 2204**

1 pay out of the transportation fund the amount of such tax so adjudged to have been
2 wrongfully collected, ~~and the treasurer shall pay the same out of the transportation~~
3 ~~fund.~~ A separate suit need not be filed for each separate payment made by any
4 taxpayer, but a recovery may be had in one suit for as many payments as may have
5 been made within any 90-day period preceding the commencement of such an action.
6 Such suits shall be commenced as provided in s. 775.01.

7 **SECTION 2205.** 195.001 (1r) of the statutes is created to read:

8 195.001 (1r) "Division of hearings and appeals" means the division of hearings
9 and appeals in the department of administration.

10 **SECTION 2206.** 195.001 (2) of the statutes is repealed.

11 **SECTION 2207.** 195.001 (3) of the statutes is created to read:

12 195.001 (3) "Secretary" means the secretary of transportation.

13 **SECTION 2208.** 195.03 (title) of the statutes is amended to read:

14 **195.03** (title) **Office Department; powers and duties, general**
15 **enumeration.**

16 **SECTION 2209.** 195.03 (1) of the statutes is amended to read:

17 195.03 (1) PRACTICE RULES. The office department may take testimony and
18 administer oaths and may promulgate rules to govern its proceedings and to regulate
19 the mode and manner of all hearings. All hearings shall be open to the public.

20 **SECTION 2210.** 195.03 (2) of the statutes is amended to read:

21 195.03 (2) ~~OFFICE~~ DEPARTMENT INITIATIVE. In any matter within its jurisdiction
22 under ch. 192 or this chapter, the office department may initiate, investigate and
23 order a hearing at its discretion upon such notice as it considers proper.

24 **SECTION 2211.** 195.03 (7) of the statutes is amended to read:

SENATE BILL 44**SECTION 2211**

1 195.03 (7) STUDY CARRIER BUSINESS, DEMAND INFORMATION. The office
2 department may inquire into the management of the business of all railroads, and
3 shall keep itself informed as to the manner in which the same is conducted, and may
4 obtain from any railroad all necessary information to enable the office department
5 to perform the duties and carry out the objects for which it is responsible.

6 **SECTION 2212.** 195.03 (8) of the statutes is amended to read:

7 195.03 (8) QUESTIONNAIRES, ANSWERS COMPULSORY. The office department shall
8 prepare forms for the purpose of obtaining the information which it may deem
9 necessary or useful to the proper exercise of its functions, which shall conform as
10 nearly as practicable to the forms prescribed by the ~~interstate commerce commission~~
11 federal surface transportation board, and shall furnish the forms to railroads, and
12 every railroad receiving the forms shall cause the forms to be properly completed and
13 verified under oath by its proper officer and returned to the office department within
14 the time fixed by the office department.

15 **SECTION 2213.** 195.03 (9) of the statutes is amended to read:

16 195.03 (9) EXAMINE BOOKS AND FILES OF CARRIERS. The ~~commissioner of railroads~~
17 secretary or any person employed by the office department for that purpose shall,
18 upon demand, have the right to inspect the books and papers of any railroad and to
19 examine under oath any officer, agent or employee of such railroad in relation to its
20 business and affairs; provided that any person other than the commissioner of
21 railroads secretary who makes such demand shall produce his or her authority under
22 the hand and seal of the office secretary.

23 **SECTION 2214.** 195.03 (10) of the statutes is amended to read:

24 195.03 (10) PRODUCTION OF RECORDS AND FILES KEPT OUT OF STATE. The office
25 department may, by an order or subpoena to be served in the manner that a circuit

SENATE BILL 44**SECTION 2214**

1 court summons is served, require the production within this state, at such time and
2 place as it may designate, of any books, papers or accounts kept by any railroad
3 without the state, or verified copies in lieu thereof, if the office department shall so
4 order.

5 **SECTION 2215.** 195.03 (11) of the statutes is amended to read:

6 195.03 (11) UNIFORM SYSTEM OF ACCOUNTING. The office department may
7 prescribe a uniform system of keeping and rendering accounts of all railroad
8 business transacted in this state, and the time within which railroads shall adopt
9 such system; provided that all forms of accounts which may be prescribed by the
10 office department shall conform as nearly as practicable to similar forms prescribed
11 by federal authority.

12 **SECTION 2216.** 195.03 (12) of the statutes is repealed.

13 **SECTION 2217.** 195.03 (13) of the statutes is repealed.

14 **SECTION 2218.** 195.03 (14) of the statutes is repealed.

15 **SECTION 2219.** 195.03 (15) of the statutes is repealed.

16 **SECTION 2220.** 195.03 (16) of the statutes is repealed.

17 **SECTION 2221.** 195.03 (17) of the statutes is amended to read:

18 195.03 (17) PRIVATE TRACKS. The office department shall have control of private
19 railroad tracks insofar as the same are used by common carriers for the
20 transportation of freight, in all respects the same as though such tracks were part
21 of a public railroad.

22 **SECTION 2222.** 195.03 (18) of the statutes is amended to read:

23 195.03 (18) SAFETY DEVICES. The office department may make reasonable rules,
24 regulations, specifications and standards for the installation, operation and
25 maintenance of all safety devices and measures.

SENATE BILL 44**SECTION 2223**

1 **SECTION 2223.** 195.03 (19) of the statutes is amended to read:

2 195.03 (19) RAILROAD STRUCTURES. The ~~office~~ department may order the repair
3 or reconstruction of any inadequate or unsafe railroad track or structure.

4 **SECTION 2224.** 195.03 (25) of the statutes is amended to read:

5 195.03 (25) DISTRIBUTION OF ORDERS. The ~~office~~ department shall upon
6 application furnish certified copies, under its seal, of any order made by it, which
7 shall be prima facie evidence of the facts stated therein.

8 **SECTION 2225.** 195.03 (28) of the statutes is amended to read:

9 195.03 (28) LEGAL ACTIONS. The ~~office may sue and be sued in that name, and~~
10 department may confer with or participate in any proceedings before any regulatory
11 agency of any other state or of the federal government.

12 **SECTION 2226.** 195.03 (29) of the statutes is amended to read:

13 195.03 (29) TRAIN PRIVILEGES. The employees authorized by the ~~office~~
14 department to perform railroad inspection duties may, in the performance of such
15 duties, ride in and upon any engine, car or train of any class, of any railroad, upon
16 payment of the lawful passenger fare, but such railroad shall not thereby be deemed
17 to become a common carrier of passengers other than on passenger cars.

18 **SECTION 2227.** 195.03 (30) (a) of the statutes is amended to read:

19 195.03 (30) (a) The ~~office~~ department shall give testimony at the hearing under
20 s. 350.138 (4) (b), or shall submit a written report for introduction into the hearing
21 record, on the factors stated in s. 350.138 (4) (d) 1., 2., 3., and 4.

22 **SECTION 2228.** 195.03 (30) (b) of the statutes is amended to read:

23 195.03 (30) (b) The ~~office~~ department shall give the department of natural
24 resources the ~~office's~~ department's opinion on whether the snowmobile crossing

SENATE BILL 44**SECTION 2228**

1 should be closed or removed in testimony at the hearing under s. 350.1395 (2) (b) 2.
2 or in a written report for introduction into the hearing record.

3 **SECTION 2229.** 195.04 of the statutes is repealed.

4 **SECTION 2230.** 195.041 of the statutes is repealed.

5 **SECTION 2231.** 195.042 of the statutes is repealed.

6 **SECTION 2232.** 195.043 of the statutes is repealed.

7 **SECTION 2233.** 195.044 of the statutes is repealed.

8 **SECTION 2234.** 195.045 of the statutes is repealed.

9 **SECTION 2235.** 195.046 of the statutes is repealed.

10 **SECTION 2236.** 195.047 of the statutes is repealed.

11 **SECTION 2237.** 195.05 of the statutes is repealed.

12 **SECTION 2238.** 195.055 of the statutes is amended to read:

13 **195.055 Judicial review.** All orders and determinations of the office
14 department under this chapter are subject to judicial review under ch. 227.

15 **SECTION 2239.** 195.06 of the statutes is repealed.

16 **SECTION 2240.** 195.07 (1) of the statutes is repealed.

17 **SECTION 2241.** 195.07 (2) of the statutes is amended to read:

18 195.07 (2) ATTORNEY GENERAL AND DISTRICT ATTORNEY TO PROSECUTE. Upon
19 request of the office department, the attorney general or the district attorney of the
20 proper county shall aid in any investigation, hearing or trial had under, and shall
21 institute and prosecute all necessary actions or proceedings for the enforcement of,
22 laws relating to railroads.

23 **SECTION 2242.** 195.08 of the statutes is repealed.

24 **SECTION 2243.** 195.09 of the statutes is repealed.

25 **SECTION 2244.** 195.10 of the statutes is repealed.

SENATE BILL 44**SECTION 2245**

1 **SECTION 2245.** 195.11 of the statutes is repealed.

2 **SECTION 2246.** 195.12 of the statutes is repealed.

3 **SECTION 2247.** 195.13 of the statutes is repealed.

4 **SECTION 2248.** 195.14 of the statutes is repealed.

5 **SECTION 2249.** 195.15 of the statutes is repealed.

6 **SECTION 2250.** 195.16 of the statutes is repealed.

7 **SECTION 2251.** 195.17 of the statutes is repealed.

8 **SECTION 2252.** 195.19 (1) of the statutes is amended to read:

9 195.19 (1) PASSENGER. Every railroad shall provide and maintain adequate
10 passenger depots equipped with proper toilet facilities at its regular stations for the
11 accommodation of passengers, and said depots shall be kept clean, well-lighted and
12 warmed, for the comfort and accommodation of the traveling public, and shall be kept
13 open continuously from not less than 20 minutes before any train carrying
14 passengers is scheduled to arrive and until such train has departed and for such
15 longer period in any case as the office department may determine is necessary for the
16 convenience and accommodation of the public. Where the office department
17 determines that the service of certain trains in making stops on signals is in excess
18 of reasonably adequate service, the provisions of this section shall not apply in
19 connection with the rendition of such service.

20 **SECTION 2253.** 195.19 (3) of the statutes is amended to read:

21 195.19 (3) UNION DEPOT. In every city, village or town in which 2 or more
22 railroads maintain passenger depots, it shall be the duty of such railroads to
23 construct, maintain and use an adequate union passenger depot, whenever practical
24 and required by public convenience and necessity. If, after investigation, the office
25 department shall determine that it is practicable and that public convenience and

SENATE BILL 44**SECTION 2253**

1 necessity required the construction, maintenance and use of a union passenger depot
2 in any such city, village or town the office department may order such railroads to
3 construct, maintain and use an adequate union passenger depot, and shall in such
4 order fix the location of such depot. If the railroads shall be unable to agree upon an
5 apportionment of the original cost of such union passenger depot, and the expense
6 of maintaining the same, within 20 days after the service of such order, the office
7 department may, after a hearing, issue a supplemental order declaring the
8 apportionment of such original cost and the expense of maintaining such depot.

9 **SECTION 2254.** 195.20 of the statutes is amended to read:

10 **195.20 Joint use of railroad property.** Whenever, upon complaint and after
11 hearing had, the office department finds that ~~public convenience and necessity~~
12 ~~require~~ the use by one or more railroads of the tracks, wires, poles, rights-of-way,
13 switches, bridges or other property belonging to another railroad over or on any
14 street, railroad, railway, right-of-way, bridge or viaduct, upon or over which said
15 railroads have a right to operate, ~~and that such use will not prevent the owners or~~
16 ~~other users thereof from performing their public duties, nor result in irreparable~~
17 ~~injury to such owners or other users thereof,~~ the office department may, by order,
18 direct that such use be permitted, and prescribe a reasonable compensation and
19 reasonable terms and conditions for such joint use.

20 **SECTION 2255.** 195.21 of the statutes is amended to read:

21 **195.21 Warehouses.** Any person proposing to erect or maintain a public
22 elevator or public warehouse for the purchase, sale, storage, receiving or shipping of
23 grain, or other personal property, to be received from or transported upon any
24 railroad, shall be furnished by such railroad at a reasonable rental, a site upon its
25 right-of-way or depot grounds, within the yard limits of any station or terminal of

SENATE BILL 44**SECTION 2255**

1 such railroad; and any private elevator or warehouse situated upon such grounds
2 may be converted into a public elevator or warehouse at the option of the owner, upon
3 notice in writing to the railroad and thereby be permitted to remain thereon under
4 the same conditions as provided herein for a public elevator or warehouse; and the
5 office department shall, upon application by such owner, if the public interest so
6 requires, by order, direct the railroad to furnish such site and the office department
7 shall make reasonable regulations therefor and in case of disagreement, the office
8 department shall determine the rental therefor. Elevators and warehouses erected
9 or maintained under the foregoing provisions of this section shall be subject to such
10 rules and regulations as to charges and the manner of conducting business as the
11 office department shall prescribe.

12 **SECTION 2256.** 195.26 of the statutes is amended to read:

13 **195.26 Safety devices; block system.** Every railroad shall adopt reasonably
14 adequate safety measures and install, operate and maintain reasonably adequate
15 safety devices for the protection of life and property. If after investigation the office
16 department shall determine that public safety requires it, the office department may
17 order the railroad to install, operate and maintain a block system or other safety
18 device or measure as may be necessary to render the operation of such railroad
19 reasonably safe.

20 **SECTION 2257.** 195.27 of the statutes is amended to read:

21 **195.27 Safe tracks and bridges.** Every railroad shall construct and
22 maintain its tracks, bridges and line structures in a reasonably adequate and safe
23 manner. ~~The office may direct the department to investigate complaints in the~~
24 ~~manner provided by s. 195.04.~~ If, upon complaint or upon its own motion and after
25 hearing, ~~the office~~ the department determines that the track or structures of any

SENATE BILL 44**SECTION 2257**

1 railroad are inadequate or unsafe for the operation of its railroad, the office
2 department shall order the railroad to reconstruct or repair the inadequate or unsafe
3 track or structures.

4 **SECTION 2258.** 195.28 (1) of the statutes is amended to read:

5 195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city a
6 city council, village board, town board, superintendent of highways or by 5 or more
7 electors in any town, village or city, or of any railroad corporation or railroad
8 historical society, to determine whether a public highway and railroad grade crossing
9 protects and promotes public safety, or upon its own motion, the office department
10 may investigate and issue an appropriate order without a public hearing. The
11 department shall issue its order on the basis of investigation and criteria
12 promulgated by rule with respect to the adequacy of grade crossing protection. The
13 rule may include programming criteria relating to the priority of grade crossings in
14 need of protection. If the petitioner, railroad, railroad historical society or any
15 interested party objects to the order and requests a hearing within 20 days after the
16 date that the order is issued, the office shall proceed under s. 195.04. ~~Notice of an~~
17 ~~investigation or hearing shall be served upon the department, which shall be an~~
18 ~~interested party, and any recommendation it may file with the office at or prior to a~~
19 ~~hearing, if there is one, regarding crossing protection shall be considered as evidence~~
20 ~~in the proceeding~~ department shall refer the order to the division of hearings and
21 appeals for review as provided in s. 195.325. The office department or the division
22 of hearings and appeals shall determine whether the existing warning devices at
23 such crossing are adequate to protect and promote public safety. If the office
24 department or division of hearings and appeals determines, ~~either without or after~~
25 ~~a hearing,~~ that protection any such warning device is not adequate, it may order the

SENATE BILL 44**SECTION 2258**

1 railroad company or railroad historical society to keep a flagman at the crossing or
2 to install automatic signals or other suitable safety device at specific locations at
3 such crossing. The office department or the division of hearings and appeals may
4 order the relocation of existing signals and devices to improve protection at a
5 crossing. Any crossing ~~protection~~ warning device installed or maintained as
6 approved by the office department or the division of hearings and appeals, whether
7 by order or otherwise, shall be deemed adequate and appropriate protection for the
8 crossing.

9 **SECTION 2259.** 195.28 (3) of the statutes is amended to read:

10 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this
11 subsection, the cost of maintaining crossing ~~protection~~ warning devices ordered
12 under sub. (1) shall be the responsibility of the railroad or railroad historical society.
13 Any railroad company or railroad historical society that incurs expenses for
14 maintenance of signals or other safety devices may file a claim for reimbursement
15 with the department regardless of the date of installation of the signals or devices.
16 At the close of each fiscal year the department shall reimburse claimants under this
17 subsection for 50% of the costs, as determined by the office department, incurred for
18 maintenance of railroad crossing ~~protection~~ warning devices from the
19 appropriations under s. 20.395 (2) (gj) and (gq). If the amount in the appropriations
20 under s. 20.395 (2) (gj) and (gq) is not adequate to fund maintenance reimbursement
21 under this subsection, the amount shall be prorated in the manner determined by
22 the office department.

23 **SECTION 2260.** 195.28 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 2260**

1 195.28 (4) ~~PREVIOUS OFFICE ORDERS.~~ Subsection (3) applies to maintenance costs
2 for all crossing protection warning devices regardless of any prior order of the office
3 apportioning maintenance costs.

4 **SECTION 2261.** 195.285 (1) of the statutes is amended to read:

5 195.285 (1) ~~Upon~~ If, upon its own motion or upon the petition of a railroad
6 corporation, ~~the department,~~ or the governing body of any city, village, town or
7 county asserting that the stopping of vehicles under s. 346.45 at a railroad crossing
8 is hazardous to human life, ~~the office shall hold a hearing on the matter as provided~~
9 ~~under s. 195.04. Notice of petition shall be served upon the department, which shall~~
10 ~~be an interested party, and any recommendations it may file with the office regarding~~
11 ~~the hazardous effect of vehicles stopping at such crossings shall be considered as~~
12 ~~evidence in the proceedings. Upon the recommendation of the department and~~
13 ~~concurrence by the office, the petition may be dismissed without holding a hearing.~~
14 ~~If, upon the public hearing, the office~~ department determines that it would be in the
15 public interest to exempt vehicles specified in s. 346.45 from stopping at such grade
16 crossing, it may, without a hearing, order the public body having jurisdiction over the
17 highway to erect signs, signals, markings or other devices exempting such vehicles
18 from stopping at the crossing. If a petitioner or interested party objects to an order
19 under this subsection within 20 days after the date that the order is issued, the
20 department shall refer the order to the division of hearings and appeals for review
21 as provided in s. 195.325.

22 **SECTION 2262.** 195.285 (2) of the statutes is amended to read:

23 195.285 (2) Signs placed upon the order of the office department or the division
24 of hearings and appeals under this section shall exempt vehicles from stopping as

SENATE BILL 44**SECTION 2262**

1 required under s. 346.45, unless a train or engine is occupying or approaching the
2 crossing.

3 **SECTION 2263.** 195.285 (3) of the statutes is amended to read:

4 195.285 (3) The department shall establish standards for the type of signs,
5 signals, markings or other devices for exempting vehicles from stopping as required
6 under s. 346.45 and their location in relation to the highway and railroad track. The
7 office department may upon petition or its own motion, with or without a hearing,
8 order the removal of a sign exempting vehicles from stopping at a crossing.

9 **SECTION 2264.** 195.286 (2) of the statutes is repealed and recreated to read:

10 195.286 (2) DESCRIPTION AND LOCATION. The signs shall be constructed, erected
11 and located as specified by the manual adopted by the department under s. 84.02 (4)
12 (e). This subsection does not apply to any sign complying with s. 195.286 (2) and (3),
13 2001 stats., on the effective date of this subsection ... [revisor inserts date], until such
14 time as the sign is replaced or relocated.

15 **SECTION 2265.** 195.286 (3) of the statutes is repealed.

16 **SECTION 2266.** 195.286 (5) of the statutes is amended to read:

17 195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or
18 appearance of the signs provided for in this section shall be placed or permitted upon
19 any highway, ~~nor any sign between such advance signs except signs or signals now~~
20 ~~required by law or permitted by the office for protection at railway crossings.~~

21 **SECTION 2267.** 195.286 (6) (title) of the statutes is amended to read:

22 195.286 (6) (title) PENALTIES RELATING TO FENCES SIGNS.

23 **SECTION 2268.** 195.286 (8) of the statutes is amended to read:

24 195.286 (8) PROSECUTIONS. The district attorney shall prosecute any person
25 violating this section, or begin and maintain any civil action necessary for its

SENATE BILL 44**SECTION 2268**

1 enforcement upon the demand of any county highway commissioner, or the
2 department, ~~or the office.~~

3 **SECTION 2269.** 195.29 (1) of the statutes is amended to read:

4 195.29 (1) ~~PETITION, HEARING, PUBLIC SAFETY;~~ ORDER. ~~Upon~~ If, upon its own
5 motion or upon petition by the common council or board of any city, village, town or
6 county within or bordering upon which a highway or street crosses a railroad, or a
7 highway or street is proposed to be laid out across a railroad, or a public highway
8 bridge across a railroad is required to connect existing streets or highways, or upon
9 petition by any railroad whose track crosses or is about to cross, or is crossed or about
10 to be crossed by a street or highway, or ~~upon petition by the department,~~ in cases
11 where provision has been made for the improvement of the highway adjacent to such
12 crossing under any state aid or federal aid law, the department determines that
13 public safety requires an alteration in such crossing, its approaches, the method of
14 crossing, the location of the highway or crossing, or the closing of the crossing, and
15 the substitution of another therefor at grade or not at grade, or the removal of
16 obstructions to the view at such crossing, the relocation of the highway, or requires
17 the determination of the manner of making such new crossing, or of making the
18 proposed improvement or promoting the public safety or public convenience through
19 any other reasonable method, ~~and praying that the same may be ordered, the office~~
20 ~~shall give notice to the parties in interest and proceed to investigate the same and~~
21 ~~to order a hearing thereon in the manner provided by s. 195.04. The office shall~~
22 determine the department may issue an appropriate order without a public hearing.
23 The department shall make its determination on the basis of investigation and the
24 criteria relating to the requirements of public safety promulgated under sub. (9). The
25 order shall state what, if anything, shall be done to promote the public safety and the

SENATE BILL 44**SECTION 2269**

1 means by which it shall be accomplished, whether by the relocation of the highway,
2 the alteration in such crossing, approaches, mode of crossing, location of highway
3 crossing, closing of highway crossing, with or without the substitution of another
4 therefor, the construction of a public highway bridge, the removal of obstructions to
5 sight at crossing, or by the use of other reasonable methods, and by whom the same
6 shall be made, and in case of new crossings the advisability of allowing such crossings
7 to be established and manner of making them.

8 **SECTION 2270.** 195.29 (2) of the statutes is amended to read:

9 195.29 (2) APPORTIONMENT OF EXPENSE. The ~~office~~ department shall fix the
10 proportion of the cost and expense of alterations, removals and new crossings, or any
11 other work ordered, including the damages to any person whose land is taken, and
12 the special damages which the owner of any land adjoining the public street or
13 highway shall sustain by reason of a change in the grade of such street or highway,
14 or by reason of the removal of obstructions to view at such crossings, to be paid or
15 borne by the railroad companies and the municipalities in interest. In fixing such
16 proportion, the ~~office~~ department may order such cost and expense so apportioned
17 to be paid by the parties against which the apportionment shall be made.

18 **SECTION 2271.** 195.29 (3) of the statutes is amended to read:

19 195.29 (3) RESTORATION OF SPUR TRACKS. Whenever the ~~office~~ department shall
20 have ordered a separation of the grade of a railway from the grade of a street or
21 highway, it may, if safe and practicable and if a necessity exists therefor, order the
22 alteration, restoration and connection of any track serving an industry. Demand for
23 such restoration shall be in writing and filed with the ~~office~~ department within 90
24 days after the date of the order for the separation of grades, and any such track for
25 which no such demand shall have been made shall be deemed abandoned. If the

SENATE BILL 44**SECTION 2271**

1 office department shall order the alteration, restoration and connection of any such
2 track, it shall by its order apportion the cost thereof between the owner of the
3 industry served and the railway company, in such proportion as to the office
4 department may seem just and equitable; and the office department shall in its order
5 prescribe the terms and conditions for securing the payment of such cost.

6 **SECTION 2272.** 195.29 (4) of the statutes is amended to read:

7 195.29 (4) GRADE SEPARATION IN MILWAUKEE COUNTY. The office department may
8 upon petition of any town, city or village, or upon its own motion, when the interests
9 of the public demand it and it is found practicable so to do, establish the grade of the
10 tracks of any railroad, or of all the railroads throughout any county having a
11 population of 500,000 or more, or any part thereof, and the grades of the streets or
12 highways, or any of them, where they cross such railroad track or tracks, in
13 anticipation of the future separation of grades of the railroad tracks from the grades
14 of such streets or highways. The office department, before making any such order,
15 shall mail notice to the railroad company or companies affected, the owners or
16 occupants of any building abutting on that part of the railroad the grade of which is
17 to be established, all 1st class cities in the county, and if the grades to be established
18 are outside the 1st class city, the towns, cities or villages in which such grades are
19 to be established, of the filing of such petition or that the office department
20 contemplates establishing such grades, and fixing a time at which the 1st class cities
21 and such other towns, cities or villages and the railroad company or companies
22 affected thereby and any other person or corporation interested therein may be
23 heard. The grades so established under this subsection shall be described by
24 reference to a base or datum line to be established by the office department, from
25 which all elevations and the height of all grades shall be measured, and the grades

SENATE BILL 44**SECTION 2272**

1 so established shall be such that when brought to the established grade the railroad
2 tracks will cross the streets and highways above or below the same. Such order shall
3 not necessarily require a present change in grade but the office department may at
4 any time order the railroad track or tracks and the street and highways brought to
5 the grade established or any street or highways closed by the order, in accordance
6 with sub. (1), and may, at the time of making the order, apportion the cost of
7 separating the grades as provided in sub. (2).

8 **SECTION 2273.** 195.29 (5) of the statutes is amended to read:

9 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. ~~Upon~~ If, upon its own motion
10 or upon petition of the ~~department, or of the~~ common council or board of any city,
11 village, town or county, alleging that one or more of them have undertaken or propose
12 to undertake to relocate or improve an existing highway or to construct a new
13 highway in such manner as to eliminate a highway grade crossing with any railroad
14 or so as to permanently divert a material portion of the highway traffic from a
15 highway grade crossing with any railroad, the office ~~shall issue notice of~~
16 ~~investigation and hearing, as provided in s. 195.04.~~ ~~If upon such hearing the office~~
17 department finds that the public safety will be promoted by the highway relocation,
18 improvement or new construction, the office department shall order the old crossings
19 closed and new crossings opened as are deemed necessary for public safety. The
20 department may issue an appropriate order without a public hearing. The order
21 shall require the railroad company or companies to pay to the interested
22 municipality or municipalities such sum as the office department finds to be an
23 equitable portion of the cost of the highway relocation, improvement or new
24 construction, if the work is performed by the municipalities; or to the state treasurer
25 if the work is performed by the state; or to the proper county treasurer if the work

SENATE BILL 44**SECTION 2273**

1 is performed by the county. The sum shall be added to the joint fund available for
2 the improvement and may be expended in like manner as the other portions of the
3 fund.

4 **SECTION 2274.** 195.29 (5) of the statutes, as affected by 2003 Wisconsin (this
5 act), is amended to read:

6 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. If, upon its own motion or
7 upon petition of the common council or board of any city, village, town, or county,
8 alleging that one or more of them have undertaken or propose to undertake to
9 relocate or improve an existing highway or to construct a new highway in such
10 manner as to eliminate a highway grade crossing with any railroad or so as to
11 permanently divert a material portion of the highway traffic from a highway grade
12 crossing with any railroad, the department finds that the public safety will be
13 promoted by the highway relocation, improvement, or new construction, the
14 department shall order the old crossings closed and new crossings opened as are
15 deemed necessary for public safety. The department may issue an appropriate order
16 without a public hearing. The order shall require the railroad company or companies
17 to pay to the interested municipality or municipalities such sum as the department
18 finds to be an equitable portion of the cost of the highway relocation, improvement,
19 or new construction, if the work is performed by the municipalities; or to the state
20 ~~treasurer~~ secretary of administration if the work is performed by the state; or to the
21 proper county treasurer if the work is performed by the county. The sum shall be
22 added to the joint fund available for the improvement and may be expended in like
23 manner as the other portions of the fund.

24 **SECTION 2275.** 195.29 (6) of the statutes is amended to read:

SENATE BILL 44**SECTION 2275**

1 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.
2 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not
3 less than 330 feet in each direction from the center of its intersection at grade with
4 any public highway, and for such further distance as is necessary to provide an
5 adequate view of approaching trains, from the highway. Every municipality shall
6 keep the public highways within its jurisdiction clear of brush and shall adequately
7 trim all trees within 330 feet of the center of any railroad highway grade crossing.
8 Every person or corporation owning or occupying any land adjacent to any railroad
9 highway grade crossing shall keep all brush cut and adequately trim all trees on the
10 land within the triangles bounded on 2 sides by the railway and the highway, and on
11 the 3rd side by a line connecting points on the center lines of the railway and the
12 highway, 330 feet from the intersection of the center lines. The office department,
13 upon its own motion, or upon any complaint to the effect that any work required by
14 this subsection has not been performed, after due notice and hearing, may order the
15 corporation, municipality or person at fault to perform the work; provided, however,
16 that if the physical conditions at any crossing are such that the performance of the
17 required work will not materially improve the view for highway traffic, or, if
18 unreasonable loss would be caused thereby, the office department may excuse the
19 party in interest from performing the same. The office department may also order
20 the cutting of brush and the trimming of trees at private farm crossings as may be
21 necessary and reasonable. If any person shall violate any provision of this section,
22 or shall fail, neglect or refuse to obey any order made by the office department under
23 this section, or any judgment, order, or decree made by the division of hearings and
24 appeals or any court upon such an order, for every such violation, failure or refusal
25 such person shall forfeit not less than \$25 nor more than \$150.

SENATE BILL 44**SECTION 2276**

1 **SECTION 2276.** 195.29 (7) of the statutes is amended to read:

2 195.29 (7) STRUCTURE REQUIREMENTS. Whenever the office department shall
3 order the construction or reconstruction of a crossing not at grade, it may direct that
4 the structure required shall be of such character and constructed of such materials
5 as it shall deem appropriate to the situation and necessary for the public interest.

6 **SECTION 2277.** 195.29 (9) of the statutes is created to read:

7 195.29 (9) RULES. The department shall promulgate a rule establishing criteria
8 for determining the requirements of public safety with respect to railroad highway
9 crossings under this section. The rule shall include criteria for apportioning
10 expenses under this section.

11 **SECTION 2278.** 195.29 (10) of the statutes is created to read:

12 195.29 (10) REVIEW OF DEPARTMENT ORDERS. If a petitioner, railroad or any
13 interested party objects to an order under this section within 20 days after the date
14 that the order is issued, the department shall refer the order to the division of
15 hearings and appeals for review as provided in s. 195.325.

16 **SECTION 2279.** 195.295 of the statutes is created to read:

17 **195.295 Highway crossings; public warning.** Notwithstanding ss. 195.28,
18 195.285, 195.286, 195.29, and 195.30, the department shall monitor and investigate
19 all railroad highway grade crossings in this state, and determine, by order, rule or
20 otherwise, for each crossing whether any warning devices, advance warning signs
21 or other warning measures shall be required to protect and promote public safety.
22 The department may make a determination under this section without a hearing.
23 Any device, sign, or other measure, installed or maintained at a crossing, that
24 conforms to a determination of the department under this section or, if no such
25 determination has been made, that was approved by the office of the commissioner

SENATE BILL 44**SECTION 2279**

1 of transportation under ch. 195, 1991 stats., or the office of the commissioner of
2 railroads under ch. 195, 2001 stats., before the effective date of this section
3 [revisor inserts date], whether by order or otherwise, shall be considered adequate
4 and appropriate warning for the crossing. If a railroad or interested party objects
5 to an order under this section within 20 days after the date that the order is issued,
6 the department shall refer the order to the division of hearings and appeals for
7 review as provided in s. 195.325.

8 **SECTION 2280.** 195.30 (1) of the statutes is amended to read:

9 195.30 (1) Upon a petition by the common council of any city, or the board of
10 any village, town or county within which a railroad crosses another railroad at grade,
11 or by any such railroad, that public safety requires an alteration in the crossing or
12 the installation of protective appliances, ~~the office shall give notice to the parties in~~
13 ~~interest, and proceed to investigate the same and may order a hearing on the matter.~~
14 The office shall determine what alteration in such crossing, if any, shall or on its own
15 motion, the department may investigate the matter and determine what alteration
16 in the crossing, if any, is necessary. The department shall make its determination
17 on the basis of the criteria for public safety requirements promulgated as rules under
18 ss. 84.05 and 195.28. The department may issue an order, with or without a hearing,
19 specifying an alteration to be made, and by whom made and maintained, or what
20 protective appliances shall be installed, operated and maintained at the crossing and
21 by whom installed, operated and maintained. The office department's order shall fix
22 the proportion of the cost and expense of such change in grade and maintenance of
23 the crossing or of the installation, operation and maintenance of the safety appliance
24 which shall be paid by the railroad companies, respectively. If an interested party
25 objects to the order and requests a hearing within 20 days after the date on which

SENATE BILL 44**SECTION 2280**

1 the order is issued, the department shall refer the matter to the division of hearings
2 and appeals for review as provided in s. 195.325.

3 **SECTION 2281.** 195.305 of the statutes is amended to read:

4 **195.305 Railroad crossings; grade; expense.** Whenever a railroad
5 proposes to cross, intersect, join or unite its track with another railroad track, the
6 surface road of the proposed track shall be above, below or at grade of the tracks
7 proposed to be crossed as the ~~office~~ division of hearings and appeals determines after
8 hearing the parties upon reasonable notice. In its determination, the ~~office~~ division
9 of hearings and appeals shall fix the proportion of the expense of originally
10 constructing, operating, and maintaining such crossing, intersecting, joining or
11 uniting which shall be paid by the owners of the tracks respectively.

12 **SECTION 2282.** 195.31 of the statutes is amended to read:

13 **195.31 Bridges made safe.** Whenever a complaint is lodged with the ~~office~~
14 department by the common council of any city, the village board of any village, a
15 member of a town board, or a supervisor of highways, or by 5 or more electors and
16 taxpayers in any town, or 5 or more electors of the county in which such bridge is
17 located, and who are users of such bridge or railway, to the effect that a bridge erected
18 over a stream intersecting a public highway or highways upon which a railway is
19 constructed and operated, is unsafe and dangerous to travelers over such highway
20 or highways or bridge or railroad, and that public safety requires the alteration, the
21 repair or reconstruction of such bridge, or the substitution of another bridge therefor,
22 ~~it shall be the duty of the office to give notice to the party or parties in interest, other~~
23 ~~than the petitioners, of the filing of such complaint, and to furnish a copy of the~~
24 ~~complaint to the party or parties in interest other than the petitioners, and to order~~
25 ~~a hearing thereon, in the manner provided for hearings in ss. 195.04 to 195.043. The~~

SENATE BILL 44**SECTION 2282**

1 ~~office~~ the department shall investigate the matter. The department may proceed in
2 a similar manner in the absence of a petition when, in the opinion of the ~~office~~
3 department, public safety requires the alteration, repair or reconstruction of a bridge
4 or the substitution of another bridge for the bridge in question. ~~After the hearing,~~
5 ~~the office~~ The department shall determine what alteration or repair or
6 reconstruction of such bridge, and the approaches thereto, shall be made, or if it ~~shall~~
7 ~~determine~~ determines that public safety requires the substitution of a new bridge,
8 it shall determine the character, manner of construction and location of such bridge
9 and the approaches thereto. ~~The office~~ department shall fix the proportion of the cost
10 and expense of such alteration, repair, reconstruction or substitution of a new bridge,
11 ~~including the damage to any person whose land is taken, and the special damage~~
12 ~~which the owner of any land adjoining the approaches to said bridge shall sustain~~
13 ~~by reason of the alteration, repair, reconstruction or substitution of a new bridge, to~~
14 ~~be paid by the railroad company and the city, village or town in interest.~~ The
15 department may issue appropriate orders incorporating its determinations and may
16 proceed without a hearing on the matter. The department shall make its
17 determinations on the basis of investigation and criteria for bridge safety
18 promulgated by rule. If a petitioner or interested party objects to an order under this
19 section within 20 days after the date that the order is issued, the department shall
20 refer the order to the division of hearings and appeals for review as provided in s.
21 195.325.

22 **SECTION 2283.** 195.32 of the statutes is amended to read:

23 **195.32 Safety gates on drawbridges.** Whenever a complaint is filed with
24 the ~~office~~ department to the effect that any drawbridge is not equipped with gates
25 or other safety devices, the ~~office~~ department may notify the proper party or parties

SENATE BILL 44**SECTION 2283**

1 in interest of the complaint, and may proceed to investigate the ~~complaint and to hold~~
2 a hearing on the matter in the manner provided for hearings in ss. 195.04 to 195.043
3 matter. If after the investigation the ~~office~~ department determines that public safety
4 requires the erection and maintenance of gates or other safety devices at the points
5 mentioned in the complaint, it may order the county, city, village, town, corporation
6 or person whose duty it is to maintain such bridge to erect and maintain at such
7 points such gates or other safety devices as the ~~office~~ department prescribes. The
8 ~~office~~ department may conduct the investigations, hold the hearings and make the
9 orders provided for in this section upon its own motion in the same manner and with
10 the same effect as though a complaint were filed. The department shall make its
11 determination on the basis of the investigation and criteria for drawbridge safety
12 promulgated by rule. If an interested party objects to an order under this section
13 within 20 days after the date that the order is issued, the department shall refer the
14 order to the division of hearings and appeals for review as provided in s. 195.325.

15 **SECTION 2284.** 195.325 of the statutes is created to read:

16 **195.325 Review of department orders on crossings and bridges.** If an
17 order of the department under s. 84.05, 195.28, 195.285, 195.29, 195.295, 195.30,
18 195.31, or 195.32 is referred to the division of hearings and appeals for review, the
19 division of hearings and appeals shall review the order under s. 85.013 (3) in light
20 of the application of the criteria relating to the matter promulgated as rules by the
21 department.

22 **SECTION 2285.** 195.33 of the statutes is repealed.

23 **SECTION 2286.** 195.34 of the statutes is amended to read:

24 **195.34 Reports of accidents, investigation.** Every railroad shall report to
25 the ~~office~~ department all collisions, derailments or other accidents resulting in injury

SENATE BILL 44**SECTION 2286**

1 to persons, equipment or roadway arising from its operation. The office department
2 may issue rules concerning the reporting of accidents and may also, if public
3 interests require, cause an investigation of any accident.

4 **SECTION 2287.** 195.36 of the statutes is amended to read:

5 **195.36 General penalty upon railroads.** If any railroad shall violate any
6 provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse
7 to perform any duty enjoined upon it, for which a penalty has not been provided, or
8 shall fail, neglect or refuse to obey any lawful requirement or order made by the office
9 department or division of hearings and appeals, or any judgment or decree made by
10 any court upon its application, for every such violation, failure or refusal in respect
11 to any matter prescribed by this chapter such railroad shall forfeit not less than \$100
12 nor more than \$10,000. The act, omission or failure of any officer, agent or other
13 person employed by any railroad, acting within the scope of his or her employment,
14 shall be deemed to be the act, omission or failure of such railroad.

15 **SECTION 2288.** 195.37 of the statutes is repealed.

16 **SECTION 2289.** 195.38 of the statutes is repealed.

17 **SECTION 2290.** 195.45 (1) of the statutes is amended to read:

18 195.45 (1) No person shall operate as a common carrier of passengers or
19 property by water except in accordance with the terms and conditions of a certificate
20 ~~of public convenience and necessity issued by the office. The office shall issue any~~
21 ~~certificate upon a finding that the service proposed to be performed is in the public~~
22 ~~interest and required by public convenience and necessity~~ department.

23 **SECTION 2291.** 195.45 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 2291**

1 195.45 (2) Application for the certificate shall be made on forms furnished by
2 the office department and shall contain such information as the office department
3 requires.

4 **SECTION 2292.** 195.45 (4) of the statutes is amended to read:

5 195.45 (4) The office department may promulgate rules for the operation of this
6 section.

7 **SECTION 2293.** 195.50 (1) of the statutes is amended to read:

8 195.50 (1) Any officer, agent or employee of any railroad who fails to fill out and
9 return any forms required by this chapter, or fails to answer any question therein,
10 or knowingly gives a false answer to any such question, or evades the answer to any
11 such question where the fact inquired of is within his or her knowledge, or who, upon
12 proper demand, fails to exhibit to the office ~~or department~~ or the division of hearings
13 and appeals or any person authorized to examine the same, any book, paper, account,
14 record or memoranda of such railroad which is in the possession or under control of
15 the officer, agent or employee, or who fails to properly use and keep the system of
16 accounting prescribed by the office department, or who refuses to do any act or thing
17 in connection with such system of accounting when so directed by the office ~~or its~~
18 department, the division of hearings and appeals, or their authorized
19 representatives, shall forfeit not less than \$100 nor more than \$1,000 for each
20 offense.

21 **SECTION 2294.** 195.60 (title) of the statutes is amended to read:

22 **195.60 (title) Payment of office department expenses by railroads.**

23 **SECTION 2295.** 195.60 (1) of the statutes is amended to read:

24 195.60 (1) Whenever the office department in a proceeding upon its own
25 motion, on complaint, or upon an application to it deems it necessary in order to carry

SENATE BILL 44**SECTION 2295**

1 out the duties imposed upon it by law to investigate the books, accounts, practices
2 and activities of, or make appraisals of the property of any railroad or to render any
3 engineering or accounting services to any railroad, the railroad shall pay the
4 expenses attributable to such investigation, appraisal or service. The ~~office~~
5 department shall ascertain such expenses, ~~including all expenses incurred by the~~
6 ~~department at the request or direction of the office~~ and shall render a bill therefor,
7 by mail, to the railroad, either at the conclusion of the investigation, appraisal or
8 services, or during its progress. The bill shall constitute notice of assessment and
9 demand of payment thereof. The railroad shall, within 30 days after the mailing
10 thereof, pay to the ~~office~~ department the amount of the special expense for which it
11 is billed. Ninety percent of the payment shall be deposited in the general fund and
12 credited to the appropriation account under s. 20.155 (2) (g) 20.395 (2) (gg). The total
13 amount, in any one calendar year, for which any railroad becomes liable, by reason
14 of costs incurred by the ~~office~~ department within such calendar year, shall not exceed
15 four-fifths of one percent of its gross operating revenues derived from intrastate
16 operations in the last preceding calendar year. Where, under this subsection, costs
17 are incurred within any calendar year, which are in excess of four-fifths of one
18 percent of such gross operating revenues, the excess costs shall not be chargeable as
19 part of the remainder under sub. (2) but shall be paid out of the general appropriation
20 to the ~~office~~ department. Nothing in this subsection shall prevent the ~~office~~
21 department from rendering bills in one calendar year for costs incurred within a
22 previous year. For the purpose of calculating the costs of investigations, appraisals
23 and other services under this subsection, 90% of the costs determined shall be costs
24 of the ~~office~~ department and 10% of the costs determined shall be costs of state
25 government operations.

SENATE BILL 44**SECTION 2296**

1 **SECTION 2296.** 195.60 (2) of the statutes is amended to read:

2 195.60 (2) The office department shall annually, within 90 days after the close
3 of each fiscal year, ascertain the total of its expenditures during such year which are
4 reasonably attributable to the performance of its duties relating to railroads. For
5 purposes of such calculation, 90% of the expenditures so determined shall be
6 expenditures of the office department and 10% of the expenditures so determined
7 shall be expenditures for state government operations. The office department shall
8 deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 201.10 (3).
9 A sum equal to the remainder plus 10% of the remainder shall be assessed by the
10 office department to the several railroads in proportion to their respective gross
11 operating revenues during the last calendar year, derived from intrastate
12 operations. Such assessment shall be paid within 30 days after the bill has been
13 mailed to the several railroads, which bill shall constitute notice of assessment and
14 demand of payment thereof. The total amount which may be assessed to the
15 railroads under authority of this subsection shall not exceed 1.85% of the total gross
16 operating revenues of such railroads, during such calendar year, derived from
17 intrastate operations. Ninety percent of the payment shall be deposited in the
18 general fund and credited to the appropriation account under s. 20.155 (2) (g) 20.395
19 (2) (gg). The railroads shall furnish such financial information as the office
20 department requires.

21 **SECTION 2297.** 195.60 (3) of the statutes is amended to read:

22 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
23 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
24 same or fails to file objections to the bill with the office division of hearings and
25 appeals, the office department shall transmit to the state treasurer a certified copy

SENATE BILL 44**SECTION 2297**

1 of the bill, together with notice of neglect or refusal to pay the bill, and on the same
2 day the ~~office~~ department shall mail to the railroad against which the bill has been
3 rendered a copy of the notice which it has transmitted to the state treasurer. Within
4 10 days after the receipt of such notice and certified copy of such bill, the state
5 treasurer shall levy the amount stated on such bill to be due, with interest, by
6 distress and sale of any goods and chattels, including stocks, securities, bank
7 accounts, evidences of debt, and accounts receivable belonging to such delinquent
8 railroad. Such levy by distress and sale shall be governed by the provisions of s.
9 74.10, 1985 stats., except that it shall be made by the state treasurer and that said
10 goods and chattels anywhere within the state may be levied upon.

11 **SECTION 2298.** 195.60 (3) of the statutes, as affected by 2003 Wisconsin Act
12 (this act), is amended to read:

13 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
14 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
15 same or fails to file objections to the bill with the division of hearings and appeals,
16 the department shall transmit to the ~~state treasurer~~ secretary of administration a
17 certified copy of the bill, together with notice of neglect or refusal to pay the bill, and
18 on the same day the department shall mail to the railroad against which the bill has
19 been rendered a copy of the notice which it has transmitted to the ~~state treasurer~~
20 secretary of administration. Within 10 days after the receipt of such notice and
21 certified copy of such bill, the ~~state treasurer~~ secretary of administration shall levy
22 the amount stated on such bill to be due, with interest, by distress and sale of any
23 goods and chattels, including stocks, securities, bank accounts, evidences of debt,
24 and accounts receivable belonging to such delinquent railroad. Such levy by distress
25 and sale shall be governed by the provisions of s. 74.10, 1985 stats., except that it

SENATE BILL 44**SECTION 2298**

1 shall be made by the ~~state treasurer~~ secretary of administration and that said goods
2 and chattels anywhere within the state may be levied upon.

3 **SECTION 2299.** 195.60 (4) (a) of the statutes is amended to read:

4 195.60 (4) (a) Within 30 days after the date of the mailing of any bill as provided
5 by subs. (1) and (2), the railroad against which such bill has been rendered may file
6 with the office division of hearings and appeals objections setting out in detail the
7 grounds upon which the objector regards the bill to be excessive, erroneous, unlawful
8 or invalid. The office division of hearings and appeals, after notice to the objector and
9 the department, shall hold a hearing upon such objections, not less than 5 nor more
10 than 10 days after such notice. If after such hearing the office division of hearings
11 and appeals finds any part of the bill to be excessive, erroneous, unlawful or invalid
12 it shall record its findings ~~upon its minutes~~ with respect to the objections and
13 transmit to the objector and the department an amended bill, in accordance with
14 such findings. The amended bill shall have in all ways the same force and effect
15 under this section as an original bill rendered under subs. (1) and (2).

16 **SECTION 2300.** 195.60 (4) (b) of the statutes is amended to read:

17 195.60 (4) (b) If after the hearing the office division of hearings and appeals
18 finds the entire bill unlawful or invalid, it shall notify the objector and the
19 department of such determination, in which case the original bill shall be deemed
20 void.

21 **SECTION 2301.** 195.60 (4) (c) of the statutes is amended to read:

22 195.60 (4) (c) If after the hearing the office division of hearings and appeals
23 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,
24 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect

SENATE BILL 44**SECTION 2301**

1 to the objections, and transmit to the objector and the department notice of such
2 finding.

3 **SECTION 2302.** 195.60 (4) (d) of the statutes is amended to read:

4 195.60 (4) (d) If any bill against which objections have been filed is not paid
5 within 10 days after notice of a finding that such objections have been overruled and
6 disallowed by the ~~office~~ division of hearings and appeals has been mailed to the
7 objector, the ~~office~~ department shall give notice of such delinquency to the state
8 treasurer and to the objector, in the manner provided in sub. (3). The state treasurer
9 shall then proceed to collect the amount of the bill as provided in sub. (3). If an
10 amended bill is not paid within 10 days after a copy thereof is mailed to the objector
11 by registered mail, the ~~office~~ department shall notify the state treasurer and the
12 objector as in the case of delinquency in the payment of an original bill. The state
13 treasurer shall then proceed to collect the amount of the bill as provided in the case
14 of an original bill.

15 **SECTION 2303.** 195.60 (4) (d) of the statutes, as affected by 2003 Wisconsin Act
16 (this act), is amended to read:

17 195.60 (4) (d) If any bill against which objections have been filed is not paid
18 within 10 days after notice of a finding that such objections have been overruled and
19 disallowed by the division of hearings and appeals has been mailed to the objector,
20 the department shall give notice of such delinquency to the ~~state treasurer~~ secretary
21 of administration and to the objector, in the manner provided in sub. (3). The state
22 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the
23 bill as provided in sub. (3). If an amended bill is not paid within 10 days after a copy
24 thereof is mailed to the objector by registered mail, the department shall notify the
25 ~~state treasurer~~ secretary of administration and the objector as in the case of

SENATE BILL 44**SECTION 2303**

1 delinquency in the payment of an original bill. The ~~state treasurer~~ secretary of
2 administration shall then proceed to collect the amount of the bill as provided in the
3 case of an original bill.

4 **SECTION 2304.** 195.60 (5) of the statutes is amended to read:

5 195.60 (5) No suit or proceeding shall be maintained in any court for the
6 purpose of restraining or in any way delaying the collection or payment of any bill
7 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
8 pay the amount thereof, and after such payment may in the manner herein provided,
9 at any time within 2 years from the date the payment was made, sue the state in an
10 action at law to recover the amount paid with legal interest thereon from the date
11 of payment, upon the ground that the assessment was excessive, erroneous,
12 unlawful or invalid in whole or in part. If it is finally determined in such action that
13 any part of the bill for which payment was made was excessive, erroneous, unlawful
14 or invalid, the state treasurer shall make a refund to the claimant as directed by the
15 court, which shall be charged to the appropriations to the ~~office~~ department.

16 **SECTION 2305.** 195.60 (5) of the statutes, as affected by 2003 Wisconsin Act
17 (this act), is amended to read:

18 195.60 (5) No suit or proceeding shall be maintained in any court for the
19 purpose of restraining or in any way delaying the collection or payment of any bill
20 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
21 pay the amount thereof, and after such payment may in the manner herein provided,
22 at any time within 2 years from the date the payment was made, sue the state in an
23 action at law to recover the amount paid with legal interest thereon from the date
24 of payment, upon the ground that the assessment was excessive, erroneous,
25 unlawful, or invalid in whole or in part. If it is finally determined in such action that

SENATE BILL 44**SECTION 2305**

1 any part of the bill for which payment was made was excessive, erroneous, unlawful,
2 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the
3 claimant as directed by the court, which shall be charged to the appropriations to the
4 department.

5 **SECTION 2306.** 195.60 (6) of the statutes is amended to read:

6 195.60 (6) No action for recovery of any amount paid under this section shall
7 be maintained in any court unless objections have been filed with the ~~office~~ division
8 of hearings and appeals as provided in this section. In any action for recovery of any
9 payments made under this section the claimant shall be entitled to raise every
10 relevant issue of law, but the ~~office's~~ findings of fact of the division of hearings and
11 appeals made pursuant to this section shall be prima facie evidence of the facts
12 therein stated.

13 **SECTION 2307.** 195.60 (7) (intro.) of the statutes is repealed.

14 **SECTION 2308.** 195.60 (7) (a) of the statutes is renumbered 195.60 (7) and
15 amended to read:

16 195.60 (7) Determinations of fact expressed in bills rendered under this
17 section; ~~and shall be considered to be findings of fact of the division of hearings and~~
18 appeals, within the meaning of this section.

19 **SECTION 2309.** 195.60 (7) (b) of the statutes is repealed.

20 **SECTION 2310.** 196.199 (3) (d) of the statutes is amended to read:

21 196.199 (3) (d) If, at any time during a proceeding under this subsection, the
22 commission determines, after notice and reasonable opportunity to be heard, that a
23 person has made a filing in violation of par. (c), the commission shall order the person
24 to pay to any party to the proceeding the amount of reasonable expenses incurred by
25 that party because of the filing, including reasonable attorney fees, and the

SENATE BILL 44**SECTION 2310**

1 commission may directly assess a forfeiture against the person of not less than \$25
2 nor more than \$5,000. A person against whom the commission assesses a forfeiture
3 under this paragraph shall pay the forfeiture to the commission within 10 days after
4 receipt of notice of the assessment or, if the person petitions for judicial review under
5 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial
6 review. The commission shall remit all forfeitures paid under this paragraph to the
7 ~~state treasurer~~ secretary of administration for deposit in the school fund. The
8 attorney general may bring an action in the name of the state to collect any forfeiture
9 assessed by the commission under this paragraph that has not been paid as provided
10 in this paragraph. The only contestable issue in such an action is whether or not the
11 forfeiture has been paid.

12 **SECTION 2311.** 196.218 (3) (a) 3. b. of the statutes is amended to read:

13 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), 20.275
14 ~~(1) and (4)~~ (s), (t), and (tm) and 20.285 (1) (q).

15 **SECTION 2312.** 196.218 (4t) of the statutes is amended to read:

16 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
17 commission, in consultation with the department of administration and the
18 ~~technology for educational achievement in Wisconsin board~~ department of public
19 instruction, shall promulgate rules specifying the telecommunications services
20 eligible for funding through the educational telecommunications access program
21 under s. 44.73 ~~115.9995~~.

22 **SECTION 2313.** 196.218 (5) (a) 5. of the statutes is amended to read:

23 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the
24 extent that these costs are not paid under s. 44.73 ~~115.9995~~ (2) (d), except that no
25 moneys in the universal service fund may be used to pay installation costs that are

SENATE BILL 44**SECTION 2313**

1 necessary for a political subdivision to obtain access to bandwidth under a shared
2 service agreement under s. ~~44.73~~ 115.9995 (2r) (a).

3 **SECTION 2314.** 196.218 (5) (a) 5. of the statutes, as affected by 2003 Wisconsin
4 Act (this act), is amended to read:

5 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971
6 (13) to (16) to the extent that these costs are not paid under s. 115.9995 (2) (d), except
7 that no moneys in the universal service fund may be used to pay installation costs
8 that are necessary for a political subdivision to obtain access to bandwidth under a
9 shared service agreement under s. 115.9995 (2r) (a).

10 **SECTION 2315.** 196.218 (5) (a) 6. of the statutes is amended to read:

11 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
12 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)
13 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
14 and Whitewater.

15 **SECTION 2316.** 196.218 (5) (a) 7. of the statutes is amended to read:

16 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
17 ~~achievement in Wisconsin board~~ department of public instruction to school districts
18 and private schools under s. ~~44.73~~ 115.9995 (6). This subdivision does not apply after
19 ~~June 30, 2002~~ December 31, 2005.

20 **SECTION 2317.** 196.218 (5) (a) 10. of the statutes is repealed.

21 **SECTION 2318.** 196.491 (2) (e) of the statutes is amended to read:

22 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,
23 municipality, town or person may submit written comments to the commission on a
24 strategic energy assessment within 90 days after copies of the draft are issued under
25 par. (b).

SENATE BILL 44**SECTION 2319**

1 **SECTION 2319.** 196.675 (1) of the statutes is renumbered 196.675 (1r).

2 **SECTION 2320.** 196.675 (1g) of the statutes is created to read:

3 196.675 (1g) In this section, “assistant district attorney” includes an
4 assignable prosecutor, as defined in s. 978.001 (1c).

5 **SECTION 2321.** 196.85 (3) of the statutes is amended to read:

6 196.85 (3) If any public utility, sewerage system, joint local water authority, or
7 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
8 days or fails to file objections to the bill with the commission, as provided in this
9 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of
10 administration a certified copy of the bill, together with notice of failure to pay the
11 bill, and on the same day the commission shall mail by registered mail to the public
12 utility, sewerage system, joint local water authority, or power district a copy of the
13 notice that it has transmitted to the state treasurer. Within 10 days after receipt of
14 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of
15 administration shall levy the amount stated on the bill to be due, with interest, by
16 distress and sale of any property, including stocks, securities, bank accounts,
17 evidences of debt, and accounts receivable belonging to the delinquent public utility,
18 sewerage system, joint local water authority, or power district. The levy by distress
19 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the
20 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere
21 within the state may be levied upon.

22 **SECTION 2322.** 196.85 (4) (d) of the statutes is amended to read:

23 196.85 (4) (d) If any bill against which objections have been filed is not paid
24 within 10 days after notice of a finding that the objections have been overruled and
25 disallowed by the commission has been mailed to the objector as provided in this

SENATE BILL 44**SECTION 2322**

1 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~
2 secretary of administration and to the objector, in the manner provided in sub. (3).
3 The ~~state treasurer~~ secretary of administration shall then proceed to collect the
4 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid
5 within 10 days after a copy of the amended bill is mailed to the objector by registered
6 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and
7 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~
8 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the
9 amended bill as provided in the case of an original bill.

10 **SECTION 2323.** 196.85 (5) of the statutes is amended to read:

11 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
12 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every
13 public utility, sewerage system, joint local water authority, or power district that is
14 billed shall pay the amount of the bill, and after payment may in the manner
15 provided under this section, at any time within 2 years from the date the payment
16 was made, sue the state to recover the amount paid plus interest from the date of
17 payment, upon the ground that the assessment was excessive, erroneous, unlawful,
18 or invalid in whole or in part. If the court finds that any part of the bill for which
19 payment was made was excessive, erroneous, unlawful, or invalid, the ~~state~~
20 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed
21 by the court. The refund shall be charged to the appropriations to the commission.

22 **SECTION 2324.** 196.858 (1) and (2) of the statutes are amended to read:

23 196.858 (1) The commission shall annually assess against local exchange and
24 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
25 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

SENATE BILL 44**SECTION 2324**

1 (2) The commission shall assess a sum equal to the annual total amount under
2 sub. (1) to local exchange and interexchange telecommunications utilities in
3 proportion to their gross operating revenues during the last calendar year. If total
4 expenditures for telephone relay service exceeded the payment made under this
5 section in the prior year, the commission shall charge the remainder to assessed
6 telecommunications utilities in proportion to their gross operating revenues during
7 the last calendar year. A telecommunications utility shall pay the assessment within
8 30 days after the bill has been mailed to the assessed telecommunication utility. The
9 bill constitutes notice of the assessment and demand of payment. Payments shall
10 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

11 **SECTION 2325.** 197.10 (4) of the statutes is amended to read:

12 197.10 (4) Insofar as the use, operation, service, management, control, sale,
13 lease, purchase, extension, improvement, rates, value or earnings of the properties
14 of the public utility or provisions looking toward the ultimate acquisition of the same
15 are made subject to the terms of any contract provided for in sub. (1), and so long as
16 said contract remains in force, the following sections of the statutes shall be
17 inapplicable to the same: ss. ~~195.05, 195.10,~~ 196.02 (1) and (2), 196.05, 196.09,
18 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,
19 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,
20 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract
21 made hereunder shall operate to prevent an appeal to the public service commission
22 by any person, other than a party to said contract, upon any complaint alleging that
23 any rate, fare, charge or classification, or any joint rate, or any regulation, act or
24 practice relating to the production, transmission, delivery or furnishing of gas, heat,
25 light or power, or any service in connection therewith, is unjustly discriminatory, or

SENATE BILL 44**SECTION 2325**

1 that any such service is inadequate or cannot be obtained. Upon said appeal the
2 commission shall, as provided by law, determine and by order fix a rate, fare, charge,
3 classification, joint rate or regulation, act or practice or service to be imposed,
4 observed or followed in the future in lieu of that found to be unjustly discriminatory
5 or inadequate.

6 **SECTION 2326.** 201.01 (1) of the statutes is amended to read:

7 201.01 (1) “Commission” means the ~~office of the commissioner of railroads in~~
8 ~~the case of railroads and the public service commission in the case of other public~~
9 ~~service corporations.~~

10 **SECTION 2327.** 201.01 (2) of the statutes is amended to read:

11 201.01 (2) “Public service corporation” means and embraces every corporation,
12 except municipalities and other political subdivisions, which is a public utility as
13 defined in s. 196.01, ~~and every corporation which is a railroad as defined in s. 195.02,~~
14 but shall not include a public utility corporation receiving an annual gross revenue
15 of less than \$1,000 for the calendar year next preceding the issuance of any securities
16 by it. “Public service corporation” includes a holding company, as defined under s.
17 196.795 (1) (h), which is a public utility, as defined under s. 196.01 (5). “Public service
18 corporation” does not include a telecommunications utility, as defined in s. 196.01
19 (10). “Public service corporation” does not include any other holding company unless
20 the holding company was formed after November 28, 1985, and unless the
21 commission has determined, under s. 196.795 (7) (a), that each nonutility affiliate,
22 as defined under s. 196.795 (1) (j), does not and cannot reasonably be expected to do
23 at least one of the items specified in s. 196.795 (7) (a). “Public service corporation”
24 does not include a company, as defined in s. 196.795 (1) (f), which owns, operates,
25 manages or controls a telecommunications utility, as defined in s. 196.01 (10), unless

SENATE BILL 44**SECTION 2327**

1 such company also owns, operates, manages or controls a public utility which is not
2 a telecommunications utility. "Public service corporation" does not include a
3 transmission company, as defined in s. 196.485 (1) (ge).

4 **SECTION 2328.** 201.10 (3) of the statutes is amended to read:

5 201.10 (3) Whenever the commission deems it necessary to make an
6 investigation of the books, accounts and practices or to make an appraisal of the
7 property of any public service corporation which has filed an application for
8 authority to issue any securities to which this chapter is applicable, such public
9 service corporation shall pay all expenses reasonably attributable to such special
10 investigation, or to such an appraisal of the property. For the purpose of calculating
11 investigative and appraisal expenses of the commission, 90% of the costs determined
12 shall be costs of the commission and 10% of the costs determined shall be costs of
13 state government operations. The procedure set up by s. ~~195.60 or 196.85, whichever~~
14 ~~is appropriate~~, for the rendering and collection of bills shall be in all ways applicable
15 to the rendering and collection of bills under this section. Ninety percent of the
16 amounts paid to the ~~public service~~ commission under authority of this subsection
17 shall be credited to the appropriation account under s. 20.155 (1) (g).

18 **SECTION 2329.** 201.13 of the statutes is amended to read:

19 **201.13 Stock.** Subject to the regulatory jurisdiction of the commission under
20 this chapter and to all other applicable provisions of law relating to ~~railroad or other~~
21 special types of corporations, all classes and series of stock of a public service
22 corporation shall be governed by the provisions of ch. 180.

23 **SECTION 2330.** 214.01 (1) (im) of the statutes is amended to read:

24 214.01 (1) (im) "Division" means the division of ~~savings institutions~~ banking.

25 **SECTION 2331.** 214.01 (1) (sr) of the statutes is amended to read:

SENATE BILL 44**SECTION 2334**

1 **SECTION 2334.** 215.01 (6) of the statutes is amended to read:

2 215.01 (6) "Division" means the division of savings institutions banking.

3 **SECTION 2335.** 215.01 (22) of the statutes is amended to read:

4 215.01 (22) "Review board" means the savings and loan institutions review
5 board.

6 **SECTION 2336.** 215.02 (title) of the statutes is repealed and recreated to read:

7 **215.02** (title) **Powers of the division.**

8 **SECTION 2337.** 215.02 (10) (a) 3. of the statutes is amended to read:

9 215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy
10 of the order shall be served upon the association and upon the officer, director, or
11 employee in the manner provided by law for service of a summons in a court of record
12 or by mailing a copy to the association and officer, director, or employee at their
13 last-known, post-office addresses. Any removal under this subsection has the same
14 effect as if made by the board of directors or the members or stockholders of the
15 association. An officer, director, or employee removed from office or employment
16 under this subsection may not be elected as an officer or director of, or be employed
17 by, an association without the approval of the division and the review board. An
18 order of removal under this subsection is a final order or determination of the review
19 board under s. 215.04 ~~(6)~~ (5).

20 **SECTION 2338.** 215.04 of the statutes is repealed and recreated to read:

21 **215.04 Review board. (1) DUTIES.** The review board shall do all of the
22 following:

23 (a) Advise the division on matters related to this chapter.

24 (b) Review the acts, orders, and determinations of the division.

SENATE BILL 44**SECTION 2338**

1 (c) Act on any matters pertaining to this chapter that are submitted to it by the
2 division.

3 (d) Perform other review functions relating to this chapter.

4 (e) Conduct hearings and take testimony, and subpoena and swear witnesses
5 at such hearings. The review board shall have the subpoena powers under s. 885.01
6 (4).

7 **(2) APPEARANCES.** An interested party may appear at a proceeding of the review
8 board and may participate in the examination of witnesses and present evidence.

9 **(3) WITNESS FEES.** A person who causes a witness to be subpoenaed shall
10 advance the fees and mileage expense of the witness. Witness fees shall be the same
11 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the
12 review board in the interests of the state shall be paid by the state upon presentation
13 of proper vouchers approved by the chairperson of the review board and charged to
14 the appropriation under s. 20.144 (1) (g).

15 **(4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS.** Any interested person or a
16 savings association aggrieved by any act, order, or determination of the division,
17 which relates to savings and loan associations, may, within 20 days after receipt or
18 service of a copy of the act, order, or determination, file a written notice requesting
19 the review board's review of the division's act, order, or determination. The review
20 of the division's decision shall be solely to determine if the division acted within the
21 scope of the division's authority and did not act in an arbitrary or capricious manner
22 and to determine if the act, order, or determination of the division is supported by
23 substantial evidence in view of the entire record as submitted. The review of
24 applications for new charters, branch offices, or relocation of offices shall be based
25 exclusively on the record and new evidence may not be taken by the review board.

SENATE BILL 44**SECTION 2338**

1 Requests for review under this subsection shall be considered and disposed of as
2 speedily as possible.

3 **(5) REVIEW.** A determination of the review board is subject to review under ch.
4 227. If an act, order, or determination of the division is reversed or modified by the
5 review board, the division shall be considered to be a person aggrieved and directly
6 affected by the decision under s. 227.53 (1).

7 **(6) BOARD MEMBER NOT TO ACT.** A member of the review board may not act on
8 any matter involving a savings and loan association or savings and loan holding
9 company of which the member is an officer, director, employee, or agent.

10 **SECTION 2339.** 215.141 of the statutes is amended to read:

11 **215.141 Financially related services tie-ins.** In any transaction conducted
12 by an association, a savings and loan holding company, or a subsidiary of either with
13 a customer who is also a customer of any other subsidiary of any of them, the
14 customer shall be given a notice in 12-point boldface type in substantially the
15 following form:

16 **NOTICE OF RELATIONSHIP**

17 This company, (insert name and address of association, savings and loan
18 holding company, or subsidiary), is related to (insert name and address of
19 association, savings and loan holding company, or subsidiary) of which you are also
20 a customer. You may not be compelled to buy any product or service from either of
21 the above companies or any other related company in order to participate in this
22 transaction.

23 If you feel that you have been compelled to buy any product or service from
24 either of the above companies or any other related company in order to participate
25 in this transaction, you should contact the management of either of the above

SENATE BILL 44**SECTION 2339**

1 companies at either of the above addresses or the division of ~~savings institutions~~
2 banking at (insert address).

3 **SECTION 2340.** 215.32 (3) of the statutes is amended to read:

4 215.32 (3) EMPLOYMENT OF COUNSEL; RETENTION OF OFFICERS AND EMPLOYEES OF
5 ASSOCIATION. ~~The division~~ On behalf of the division, the department of
6 administration may employ necessary counsel and the division may employ experts
7 in a liquidation under this section and may retain any officer or employee of the
8 association.

9 **SECTION 2341.** 215.33 (3) (b) 2. of the statutes is amended to read:

10 215.33 (3) (b) 2. The accounts of the association are insured by the deposit
11 insurance corporation or any other insurer acceptable to the division, or that
12 adequate and sufficient securities have been deposited with the ~~state treasurer~~
13 secretary of administration to assure that the association will meet its obligations
14 to the residents of this state.

15 **SECTION 2342.** 215.40 (18) of the statutes is amended to read:

16 215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.
17 If the division refuses to grant a certificate of authority to organize an association,
18 and the applicants feel aggrieved thereby, they may appeal to the review board to
19 review the division's determination under s. 215.04 (1) ~~(d)~~ (b) and (4).

20 **SECTION 2343.** 220.02 (2) (e) and (f) of the statutes are created to read:

21 220.02 (2) (e) Savings banks under ch. 214.

22 (f) Savings and loan associations under ch. 215.

23 **SECTION 2344.** 220.02 (3) of the statutes is amended to read:

24 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce
25 and carry out all laws relating to banks or banking in this state, including those

SENATE BILL 44**SECTION 2344**

1 relating to state banks, savings banks, savings and loan associations, and trust
2 company banks, and also all laws relating to small loan companies or other loan
3 companies or agencies, finance companies, motor vehicle dealers, adjustment service
4 companies, community currency exchanges, and collection agencies and those
5 relating to sellers of checks under ch. 217, whether doing business as corporations,
6 individuals, or otherwise, but to exclude laws relating to credit unions.

7 **SECTION 2345.** 220.08 (4) of the statutes is amended to read:

8 220.08 (4) The division may appoint one or more special deputies, as agent or
9 agents, to assist the division in the duty of reorganization, consolidation, liquidation
10 and distribution, the certificate of appointment to be filed with the division and a
11 certified copy in the office of the clerk of the circuit court for the county in which such
12 bank or banking corporation is located. Such special deputies may execute,
13 acknowledge and deliver any and all deeds, assignments, releases or other
14 instruments necessary and proper to effect any sale and transfer or encumbrance of
15 real estate or personal property after the same has been approved by the division,
16 and an order obtained from the circuit court of the county in which the bank
17 concerned is located. The division may from time to time authorize a special deputy
18 to perform such duties connected with such reorganization, consolidation,
19 liquidation and distribution as the division deems proper. ~~The division~~ On behalf of
20 the division, the department of administration may employ such counsel and the
21 division may procure such expert assistance and advice as may be necessary in the
22 reorganization, consolidation, liquidation and distribution of the assets of such
23 banks or banking corporations. The division may retain such of the officers or
24 employees of such banks or banking corporations as necessary.

25 **SECTION 2346.** 221.0303 (2) of the statutes is amended to read:

SENATE BILL 44**SECTION 2346**

1 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
2 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or
3 participate in the acquisition, placement, and operation of, at locations other than
4 its main or branch offices, customer bank communications terminals, in accordance
5 with rules established by the division. The rules of the division shall provide that
6 any such customer bank communications terminal shall be available for use, on a
7 nondiscriminatory basis, by any state or national bank and by all customers
8 designated by a bank using the terminal. This subsection does not authorize a bank
9 which has its principal place of business outside this state to conduct banking
10 business in this state. The customer bank communications terminals also shall be
11 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
12 association, or savings bank, if the credit union, savings and loan association, or
13 savings bank requests to share its use, subject to rules jointly established by the
14 division of banking, and the office of credit unions ~~and the division of savings~~
15 institutions. The division by order may authorize the installation and operation of
16 a customer bank communications terminal in a mobile facility, after notice and
17 hearing upon the proposed service stops of the mobile facility.

18 **SECTION 2347.** 221.0320 (3) (a) of the statutes is amended to read:

19 221.0320 (3) (a) In this subsection, "local governmental unit" has the meaning
20 given in s. ~~22.01~~ 16.97 (7).

21 **SECTION 2348.** 221.0321 (5) of the statutes is amended to read:

22 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
23 assignment or transfer of stock certificates or other evidence of the borrower's
24 ownership interest in a corporation formed for the cooperative ownership of real
25 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage

SENATE BILL 44**SECTION 2348**

1 involving a one-family residence, apply to a proceeding to enforce the lender's rights
2 in security given for a loan under this subsection. The division shall promulgate joint
3 rules with the office of credit unions ~~and the division of savings institutions~~ that
4 establish procedures for enforcing a lender's rights in security given for a loan under
5 this subsection.

6 **SECTION 2349.** 223.02 (1) (intro.) of the statutes is amended to read:

7 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the
8 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent
9 in accordance with the following provisions:

10 **SECTION 2350.** 223.02 (1) (b) of the statutes is amended to read:

11 223.02 (1) (b) The ~~state treasurer~~ secretary of administration or the ~~state~~
12 ~~treasurer's~~ secretary's agent shall pay over to the bank trust company the interest,
13 dividends, or other income on deposit or may authorize the bank trust company to
14 collect the interest, dividends, or other income. The ~~state treasurer~~ secretary of
15 administration shall issue a certificate stating that a deposit has been made with the
16 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent
17 in the manner provided in this section.

18 **SECTION 2351.** 223.02 (1) (c) of the statutes is amended to read:

19 223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~
20 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful
21 execution of any trust which may be lawfully imposed upon and accepted by the trust
22 company bank. The cash or securities shall remain in the possession of the ~~state~~
23 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until
24 otherwise ordered by a court of competent jurisdiction, unless released pursuant to
25 par. (d).

SENATE BILL 44**SECTION 2352**

1 **SECTION 2352.** 223.02 (1) (d) of the statutes is amended to read:

2 223.02 (1) (d) The securities and cash deposited by a trust company bank may
3 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~
4 secretary's agent and returned to the bank, if the division certifies to the ~~state~~
5 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers
6 and that the division is satisfied that there are no outstanding trust liabilities.

7 **SECTION 2353.** 223.02 (1) (e) of the statutes is amended to read:

8 223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate
9 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as
10 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the
11 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and
12 securities received by it. The agent shall pay the cash and securities to the ~~state~~
13 ~~treasurer~~ secretary of administration on demand without conditions.

14 **SECTION 2354.** 223.105 (3) (a) of the statutes is amended to read:

15 223.105 (3) (a) To assure compliance with such rules as may be established
16 under s. 220.04 (7), the division of banking, and the office of credit unions ~~and the~~
17 ~~division of savings institutions~~ shall, at least once every 18 months, examine the
18 fiduciary operations of each organization which is under its respective jurisdiction
19 and is subject to examination under sub. (2). If a particular organization subject to
20 examination under sub. (2) is not otherwise under the jurisdiction of one of the
21 foregoing agencies, such examination shall be conducted by the division of banking.

22 **SECTION 2355.** 223.105 (4) of the statutes is amended to read:

23 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
24 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
25 operations as defined in this section shall, as required by rule, notify the division of

SENATE BILL 44**SECTION 2355**

1 banking, ~~or the office of credit unions or the division of savings institutions~~ of that
2 fact, directing the notice to the agency then exercising regulatory authority over the
3 organization or, if there is none, to the division of banking. Any organization which
4 intends to engage in fiduciary operations shall, prior to engaging in such operations,
5 notify the appropriate agency of this intention. The notifications required under this
6 subsection shall be on forms and contain information required by the rules
7 promulgated by the division of banking.

8 **SECTION 2356.** 223.105 (5) of the statutes is amended to read:

9 223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~
10 ~~savings institutions~~ or office of credit unions shall, upon the failure of such
11 organization to submit notifications or reports required under this section or
12 otherwise to comply with the provisions of this section, or rules established by the
13 division of banking under s. 220.04 (7), upon due notice, order such defaulting
14 organization to cease and desist from engaging in fiduciary activities and may apply
15 to the appropriate court for enforcement of such order.

16 **SECTION 2357.** 223.105 (6) of the statutes is amended to read:

17 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
18 unions ~~or the division of savings institutions~~, a savings bank or savings and loan
19 association regulated by the division of banking, or an organization authorized by
20 the division of banking to operate as a bank or trust company under ch. 221 or this
21 chapter, an organization may not begin activity as a fiduciary operation under this
22 section after May 12, 1992. An organization engaged in fiduciary operations under
23 this section on May 12, 1992, may continue to engage in fiduciary operations after
24 that date.

25 **SECTION 2358.** 223.20 (3) of the statutes is amended to read:

SENATE BILL 44**SECTION 2358**

1 223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has
2 been fully discharged of all trusts committed to it, it may, by amendment to its
3 articles of incorporation, duly adopted by its stockholders and approved by the
4 division, surrender its powers to act in a fiduciary capacity. A trust company bank
5 that surrenders its trust powers under this subsection shall eliminate from its
6 corporate name the word "~~trust,~~" "trust" and may thereupon withdraw from the ~~state~~
7 ~~treasurer~~ secretary of administration all securities and cash that it has deposited
8 with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

9 **SECTION 2359.** 224.71 (3) (b) 1m. of the statutes is amended to read:

10 224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
11 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

12 **SECTION 2360.** 224.71 (4) (b) 1m. of the statutes is amended to read:

13 224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
14 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

15 **SECTION 2361.** 224.77 (1m) (c) of the statutes is amended to read:

16 224.77 (1m) (c) All forfeitures shall be paid to the division of banking within
17 10 days after receipt of notice of assessment or, if the forfeiture is contested under
18 par. (b), within 10 days after receipt of the final decision after exhaustion of
19 administrative review. The division of banking shall remit all forfeitures paid to the
20 ~~state treasurer~~ secretary of administration for deposit in the school fund.

21 **SECTION 2362.** 226.025 (3) of the statutes is amended to read:

22 226.025 (3) The appointment of the department of financial institutions or the
23 designation of a resident agent as attorney for the service of summons, notice,
24 pleadings or process under s. 180.1507 shall be applicable only to actions or
25 proceedings against the foreign corporations described in this section (unless such

SENATE BILL 44**SECTION 2362**

1 corporations have been admitted to this state for purposes other than those
2 mentioned in this section) where the cause of action or proceeding arises out of
3 transactions between such foreign corporations and public utilities operating in this
4 state with which such foreign corporations are affiliated; and to actions or
5 proceedings by or before the public service commission ~~or office of the commissioner~~
6 ~~of railroads~~ involving the transactions described in sub. (1), or involving the relation
7 between such foreign corporations and public utilities operating in this state with
8 which they are affiliated.

9 **SECTION 2363.** 227.01 (13) (s) of the statutes is amended to read:

10 227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any
11 person, including a municipality, that is regulated by the ~~office of the commissioner~~
12 ~~of railroads or the public service commission.~~

13 **SECTION 2364.** 227.01 (13) (zk) of the statutes is repealed.

14 **SECTION 2365.** 227.01 (13) (zL) of the statutes is created to read:

15 227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or
16 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

17 **SECTION 2366.** 227.01 (13) (zv) of the statutes is created to read:

18 227.01 (13) (zv) Establishes policies under subch. III of ch. 39.

19 **SECTION 2367.** 227.03 (7) of the statutes is amended to read:

20 227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply
21 to proceedings before the ~~personnel~~ employment relations commission in matters
22 that are arbitrated in accordance with s. 230.44 (4) (bm).

23 **SECTION 2368.** 227.10 (3) (e) of the statutes is amended to read:

24 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
25 division of merit recruitment and selection in the department of ~~employment~~

SENATE BILL 44**SECTION 2368**

1 relations administration from promulgating rules relating to expanded certification
2 under s. 230.25 (1n).

3 **SECTION 2369.** 227.115 (1) (a) and (b) of the statutes are amended to read:

4 227.115 (1) (a) "Department" means the department of administration
5 commerce.

6 (b) "State housing strategy plan" means the plan developed under s. ~~16.31~~
7 560.9802.

8 **SECTION 2370.** 227.115 (3) (a) 5. of the statutes is amended to read:

9 227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

10 **SECTION 2371.** 227.43 (1) (bk) of the statutes is created to read:

11 227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review
12 under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16
13 (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),
14 195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325, and 195.60.

15 **SECTION 2372.** 227.43 (4) (b) of the statutes is amended to read:

16 227.43 (4) (b) The department of transportation shall pay all costs of the
17 services of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the
18 department under sub. (1) (br), according to the fees set under sub. (3) (b).

19 **SECTION 2373.** 227.44 (2s) of the statutes is repealed.

20 **SECTION 2374.** 227.46 (2m) of the statutes is amended to read:

21 227.46 (2m) In any hearing or review assigned to a hearing examiner under
22 s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare
23 a proposed decision, including findings of fact, conclusions of law, order and opinion,
24 in a form that may be adopted as the final decision in the case. The proposed decision
25 shall be a part of the record and shall be served by the division of hearings and

SENATE BILL 44**SECTION 2374**

1 appeals in the department of administration on all parties. Each party adversely
2 affected by the proposed decision shall be given an opportunity to file objections to
3 the proposed decision within 15 days, briefly stating the reasons and authorities for
4 each objection, and to argue with respect to them before the administrator of the
5 division of hearings and appeals. The administrator of the division of hearings and
6 appeals may direct whether such argument shall be written or oral. If the decision
7 of the administrator of the division of hearings and appeals varies in any respect from
8 the decision of the hearing examiner, the decision of the administrator of the division
9 of hearings and appeals shall include an explanation of the basis for each variance.
10 The decision of the administrator of the division of hearings and appeals is a final
11 decision of the agency subject to judicial review under s. 227.52. The department of
12 transportation may petition for judicial review.

13 **SECTION 2375.** 227.46 (3) (intro.) of the statutes is amended to read:

14 227.46 (3) (intro.) With respect to contested cases except a hearing or review
15 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule
16 or in a particular case may by order:

17 **SECTION 2376.** 227.47 (2) of the statutes is amended to read:

18 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
19 decision of the ~~personnel~~ employment relations commission, hearing examiner or
20 arbitrator concerning an appeal of the decision of the secretary of employment
21 relations made under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of
22 fact or conclusions of law. If within 30 days after the commission issues a decision
23 in such an appeal either party files a petition for judicial review of the decision under
24 s. 227.53 and files a written notice with the commission that the party has filed such
25 a petition, the commission shall issue written findings of fact and conclusions of law

SENATE BILL 44**SECTION 2376**

1 within 90 days after receipt of the notice. The court shall stay the proceedings
2 pending receipt of the findings and conclusions.

3 **SECTION 2377.** 227.47 (2) of the statutes, as affected by 2003 Wisconsin Act ...
4 (this act), is amended to read:

5 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
6 decision of the employment relations commission, hearing examiner or arbitrator
7 concerning an appeal of the decision of the secretary of ~~employment relations~~
8 administration made under s. 230.09 (2) (a) or (d) shall not be accompanied by
9 findings of fact or conclusions of law. If within 30 days after the commission issues
10 a decision in such an appeal either party files a petition for judicial review of the
11 decision under s. 227.53 and files a written notice with the commission that the party
12 has filed such a petition, the commission shall issue written findings of fact and
13 conclusions of law within 90 days after receipt of the notice. The court shall stay the
14 proceedings pending receipt of the findings and conclusions.

15 **SECTION 2378.** 227.52 (3) of the statutes is amended to read:

16 227.52 (3) Those decisions of the division of banking that are subject to review,
17 prior to any judicial review, by the banking review board, and decisions of the division
18 of banking relating to savings banks or savings and loan associations, but no other
19 institutions subject to the jurisdiction of the division of banking.

20 **SECTION 2379.** 227.52 (5) of the statutes is repealed.

21 **SECTION 2380.** 227.53 (1) (a) 1. of the statutes is amended to read:

22 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition
23 therefor personally or by certified mail upon the agency or one of its officials, and
24 filing the petition in the office of the clerk of the circuit court for the county where
25 the judicial review proceedings are to be held. If the agency whose decision is sought

SENATE BILL 44**SECTION 2380**

1 to be reviewed is the office of the commissioner of tax appeals commission, the
2 banking review board, the credit union review board, or the savings and loan
3 institutions review board ~~or the savings bank review board~~, the petition shall be
4 served upon both the agency whose decision is sought to be reviewed and the
5 corresponding named respondent, as specified under par. (b) 1. to ~~5.~~ 4.

6 **SECTION 2381.** 227.53 (1) (b) 1. of the statutes is amended to read:

7 227.53 (1) (b) 1. The office of the commissioner of tax appeals commission, the
8 department of revenue.

9 **SECTION 2382.** 227.53 (1) (b) 4. of the statutes is amended to read:

10 227.53 (1) (b) 4. The savings and loan institutions review board, the division
11 of savings ~~institutions~~ banking, except if the petitioner is the division of savings
12 ~~institutions~~ banking, the prevailing parties before the savings and loan institutions
13 review board shall be the named respondents.

14 **SECTION 2383.** 227.53 (1) (b) 5. of the statutes is repealed.

15 **SECTION 2384.** 227.53 (1) (d) of the statutes is amended to read:

16 227.53 (1) (d) Except in the case of the office of the commissioner of tax appeals
17 ~~commission~~, the banking review board, the credit union review board, and the
18 savings and loan institutions review board ~~and the savings bank review board~~, the
19 agency and all parties to the proceeding before it, shall have the right to participate
20 in the proceedings for review. The court may permit other interested persons to
21 intervene. Any person petitioning the court to intervene shall serve a copy of the
22 petition on each party who appeared before the agency and any additional parties
23 to the judicial review at least 5 days prior to the date set for hearing on the petition.

24 **SECTION 2385.** 230.03 (8) of the statutes is amended to read:

SENATE BILL 44**SECTION 2385**

1 230.03 (8) “Commission” means the ~~personnel~~ employment relations
2 commission.

3 **SECTION 2386.** 230.03 (9) of the statutes is amended to read:

4 230.03 (9) “Department” means the department of ~~employment relations~~
5 administration.

6 **SECTION 2387.** 230.03 (10e) of the statutes is created to read:

7 230.03 (10e) “Division of equal rights” means the division of equal rights in the
8 department of workforce development.

9 **SECTION 2388.** 230.04 (1) of the statutes is amended to read:

10 230.04 (1) The secretary is charged with the effective administration of this
11 chapter. All powers and duties, necessary to that end, which are not exclusively
12 vested by statute in the commission, the division of equal rights, the administrator
13 or appointing authorities, are reserved to the secretary.

14 **SECTION 2389.** 230.04 (1m) of the statutes is amended to read:

15 230.04 (1m) The secretary may delegate, in writing, any of his or her functions
16 set forth in this chapter to an appointing authority, within prescribed standards if
17 the secretary finds that the agency has personnel management capabilities to
18 perform such functions effectively and has indicated its approval and willingness to
19 accept such responsibility by written agreement. If the secretary determines that
20 any agency is not performing such delegated function within prescribed standards,
21 the secretary shall forthwith withdraw such delegated function. Subject to the
22 approval of the joint committee on finance, the secretary may order transferred to
23 the department from the agency to which delegation was made such agency staff and
24 other resources as necessary to perform such functions if increased staff was
25 authorized to that agency as a consequence of such delegation or if the department

SENATE BILL 44**SECTION 2389**

1 reduced staff or shifted staff to new responsibilities as a result of such delegation.
2 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an
3 appointing authority may be appealed to the ~~personnel~~ commission under s. 230.44
4 (1) (b). The secretary shall be a party in such an appeal.

5 **SECTION 2390.** 230.04 (7) of the statutes is repealed.

6 **SECTION 2391.** 230.05 (2) (a) of the statutes is amended to read:

7 230.05 (2) (a) Except as provided under par. (b), the administrator may
8 delegate, in writing, any of his or her functions set forth in this subchapter to an
9 appointing authority, within prescribed standards if the administrator finds that the
10 agency has personnel management capabilities to perform such functions effectively
11 and has indicated its approval and willingness to accept such responsibility by
12 written agreement. If the administrator determines that any agency is not
13 performing such delegated function within prescribed standards, the administrator
14 shall withdraw such delegated function. The administrator may order transfer to
15 the division from the agency to which delegation was made such agency staff and
16 other resources as necessary to perform such functions if increased staff was
17 authorized to that agency as a consequence of such delegation or if the division
18 reduced staff or shifted staff to new responsibilities as a result of such delegation
19 subject to the approval of the joint committee on finance. Any delegatory action
20 taken under this subsection by any appointing authority may be appealed to the
21 ~~personnel~~ commission under s. 230.44 (1) (a). The administrator shall be a party in
22 such appeal.

23 **SECTION 2392.** 230.08 (2) (e) 1. of the statutes is amended to read:

24 230.08 (2) (e) 1. Administration — ~~10~~ 13.

25 **SECTION 2393.** 230.08 (2) (e) 2. of the statutes is amended to read:

SENATE BILL 44**SECTION 2393**

1 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 5.

2 **SECTION 2394.** 230.08 (2) (e) 3. of the statutes is amended to read:

3 230.08 (2) (e) 3. Commerce — ~~7~~ 6.

4 **SECTION 2395.** 230.08 (2) (e) 3r. of the statutes is repealed.

5 **SECTION 2396.** 230.08 (2) (e) 4. of the statutes is repealed.

6 **SECTION 2397.** 230.08 (2) (e) 4f. of the statutes is amended to read:

7 230.08 (2) (e) 4f. Financial institutions — ~~4~~ 3.

8 **SECTION 2398.** 230.08 (2) (e) 7. of the statutes is amended to read:

9 230.08 (2) (e) 7. Justice — ~~4~~ 3.

10 **SECTION 2399.** 230.08 (2) (L) 4. of the statutes is repealed.

11 **SECTION 2400.** 230.08 (2) (sm) of the statutes is created to read:

12 230.08 (2) (sm) Assignable prosecutors, as defined in s. 978.001 (1c), in the
13 department of administration.

14 **SECTION 2401.** 230.08 (2) (x) of the statutes is repealed.

15 **SECTION 2402.** 230.08 (2) (xe) of the statutes is amended to read:

16 230.08 (2) (xe) The director of Indian gaming in the department of
17 administration, and the attorney in the department of administration, appointed
18 under s. 569.015 (2).

19 **SECTION 2403.** 230.08 (2) (xt) of the statutes is created to read:

20 230.08 (2) (xt) A position in the office of the secretary of administration to
21 advise and assist the secretary on matters related to affirmative action, equal
22 employment opportunity, diversity, and other state employment relation matters.

23 **SECTION 2404.** 230.08 (2) (y) of the statutes is amended to read:

24 230.08 (2) (y) The director and staff assistant of the federal-state relations
25 office of the department of administration.

SENATE BILL 44**SECTION 2405**

1 **SECTION 2405.** 230.08 (2) (yr) of the statutes is amended to read:

2 230.08 (2) (yr) The executive director of the governor's work-based learning
3 board council.

4 **SECTION 2406.** 230.08 (4) (c) of the statutes is amended to read:

5 230.08 (4) (c) Any proposal of a board, department or commission, as defined
6 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
7 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall
8 first be submitted by the board, department or commission or by the historical society
9 for a separate review by the ~~department of administration and by the secretary~~. The
10 ~~department of administration's~~ secretary's review shall include information on the
11 appropriateness of the proposed change with regard to a board's, department's,
12 commission's or society's current or proposed internal organizational structure
13 under s. 15.02 (4). ~~The secretary's review~~ and shall include information on whether
14 the existing classified or existing or proposed unclassified division administrator
15 position involved is or would be assigned to pay range 1-18 or above in schedule 1,
16 or a comparable level, of the compensation plan under s. 230.12. The results of ~~these~~
17 ~~reviews~~ this review shall be provided by the ~~department of administration and by the~~
18 secretary to the joint committee on finance and the joint committee on employment
19 relations at the same time that the board's, department's, commission's or society's
20 proposal is presented to either committee.

21 **SECTION 2407.** 230.08 (7) of the statutes is amended to read:

22 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The ~~administrator~~ secretary
23 shall provide, by rule, for exceptional methods and kinds of employment to meet the
24 needs of the service during periods of disaster or national emergency, and for other

SENATE BILL 44**SECTION 2407**

1 exceptional employment situations such as to employ the mentally disabled, the
2 physically disabled and the disadvantaged.

3 **SECTION 2408.** 230.09 (2) (g) of the statutes is amended to read:

4 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
5 that the classification for a position is different than that provided for by the
6 legislature as established by law or in budget determinations, or as authorized by the
7 joint committee on finance under s. 13.10, or as specified by the governor creating
8 positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and
9 Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the
10 University of Wisconsin System creating positions under s. 16.505 (2m), or is
11 different than that of the previous incumbent, the secretary shall notify the
12 administrator ~~and the secretary of administration~~. The administrator shall
13 withhold action on the selection and certification process for filling the position. The
14 secretary ~~of administration~~ shall review the position to determine that sufficient
15 funds exist for the position and that the duties and responsibilities of the proposed
16 position reflect the intent of the legislature as established by law or in budget
17 determinations, the intent of the joint committee on finance acting under s. 13.10,
18 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the
19 University of Wisconsin Hospitals and Clinics Board creating positions under s.
20 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System
21 creating positions under s. 16.505 (2m). The administrator may not proceed with the
22 selection and certification process until the secretary ~~of administration~~ has
23 authorized the position to be filled.

24 **SECTION 2409.** 230.12 (7m) of the statutes is amended to read:

SENATE BILL 44**SECTION 2409**

1 230.12 **(7m)** PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
2 rules of the secretary and in the compensation plan, pay increases shall be made only
3 on the dates prescribed under sub. (8). Appointing authorities shall at such times
4 each year as specified by the secretary file with the ~~secretary and with the~~
5 ~~department of administration~~ a list of employees showing their then existing pay
6 rates and their proposed new pay rates.

7 **SECTION 2410.** 230.14 (4) of the statutes is amended to read:

8 230.14 **(4)** The administrator may charge an agency a fee to announce any
9 vacancy to be filled in a classified or unclassified position in that agency. Funds
10 received under this subsection shall be credited to the appropriation account under
11 s. ~~20.512 (1) (ka)~~ 20.505 (1) (kp).

12 **SECTION 2411.** 230.143 (3) of the statutes is repealed.

13 **SECTION 2412.** 230.147 (3) of the statutes is amended to read:

14 230.147 **(3)** Notwithstanding subs. (1) and (2), the state fair park board shall
15 make every reasonable effort to employ in permanent full-time equivalent positions
16 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
17 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
18 department of employment relations to assure that its efforts under this subsection
19 comply with ch. 230.

20 **SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

21 230.215 **(3)** (a) An agency may, with the approval of the secretary ~~and with the~~
22 ~~approval of the secretary of administration under s. 16.50~~, restructure budgeted
23 permanent positions as such positions become vacant or if an employee voluntarily
24 requests a job-sharing or permanent part-time employment opportunity. No
25 employee occupying a full-time permanent position may be involuntarily

SENATE BILL 44**SECTION 2413**

1 terminated, demoted, transferred or reassigned in order to restructure that position
2 for permanent part-time employment and no such employee may be required to
3 accept a permanent part-time position as a condition of continued employment.

4 **SECTION 2414.** 230.34 (1) (a) of the statutes is renumbered 230.34 (1) (ah).

5 **SECTION 2415.** 230.34 (1) (ac) of the statutes is created to read:

6 230.34 (1) (ac) In this section, "assistant district attorney" includes an
7 assignable prosecutor, as defined in s. 978.001 (1c).

8 **SECTION 2416.** 230.34 (1) (ar) of the statutes is amended to read:

9 230.34 (1) (ar) Paragraphs ~~(a)~~ (ah) and (am) apply to all employees with
10 permanent status in class in the classified service and all employees who have served
11 with the state as an assistant district attorney for a continuous period of 12 months
12 or more, except that for employees specified in s. 111.81 (7) (a) in a collective
13 bargaining unit for which a representative is recognized or certified, or for employees
14 specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a
15 representative is certified, if a collective bargaining agreement is in effect covering
16 employees in the collective bargaining unit, the determination of just cause and all
17 aspects of the appeal procedure shall be governed by the provisions of the collective
18 bargaining agreement.

19 **SECTION 2417.** 230.44 (1) (c) of the statutes is amended to read:

20 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* ~~If an employee has~~
21 ~~permanent status in class, or an employee has served with the state as an assistant~~
22 ~~district attorney for a continuous period of 12 months or more, the An employee~~
23 described in s. 230.34 (1) (ah) may appeal a demotion, layoff, suspension, discharge
24 or reduction in base pay to the commission, if the appeal alleges that the decision was
25 not based on just cause.

SENATE BILL 44**SECTION 2418**

1 **SECTION 2418.** 230.45 (title) of the statutes is amended to read:

2 **230.45 (title) Powers and duties of personnel commission and division**
3 **of equal rights.**

4 **SECTION 2419.** 230.45 (1) (b) of the statutes is repealed.

5 **SECTION 2420.** 230.45 (1) (e) of the statutes is amended to read:

6 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
7 under s. ~~49.33~~ 49.78 (4), from any interested party.

8 **SECTION 2421.** 230.45 (1) (g) of the statutes is repealed.

9 **SECTION 2422.** 230.45 (1) (gm) of the statutes is repealed.

10 **SECTION 2423.** 230.45 (1) (j) of the statutes is repealed.

11 **SECTION 2424.** 230.45 (1) (k) of the statutes is repealed.

12 **SECTION 2425.** 230.45 (1) (L) of the statutes is repealed.

13 **SECTION 2426.** 230.45 (1) (m) of the statutes is repealed.

14 **SECTION 2427.** 230.45 (1e) of the statutes is created to read:

15 230.45 (1e) The division of equal rights shall:

16 (a) Receive and process complaints of discrimination of state employees under
17 s. 111.375. In the course of investigating or otherwise processing such a complaint,
18 the division of equal rights may require that an interview with any state employee,
19 except a management or supervisory employee who is a party to or immediately
20 involved in the subject matter of the complaint, be conducted outside the presence
21 of the appointing authority or any representative or agent thereof unless the
22 employee voluntarily requests that presence. An appointing authority shall permit
23 an employee to be interviewed without loss of pay and to have an employee
24 representative present at the interview. An appointing authority of an employee to

SENATE BILL 44**SECTION 2427**

1 be interviewed may require the division of equal rights to give the appointing
2 authority reasonable notice prior to the interview.

3 (b) Receive and process complaints of retaliatory disciplinary action under s.
4 230.85.

5 (c) Keep minutes of its own proceedings and other official actions relating to
6 this chapter. All such records shall, subject to reasonable rules, be open to public
7 inspection. Records of the secretary or the administrator which are confidential shall
8 be kept confidential by the division of equal rights.

9 (d) Adopt rules necessary to carry out this section. Notice of the contents of such
10 rules and amendments thereto shall be given promptly to the secretary, the
11 administrator, and appointing authorities affected thereby.

12 **SECTION 2428.** 230.81 (1) (b) of the statutes is amended to read:

13 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which
14 governmental unit is appropriate to receive the information, disclose the information
15 in writing only to the governmental unit that the ~~commission~~ division of equal rights
16 determines is appropriate. The ~~commission~~ division of equal rights may not
17 designate the department of justice, the courts, the legislature or a service agency
18 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.
19 Each appropriate governmental unit shall designate an employee to receive
20 information under this section.

21 **SECTION 2429.** 230.85 (1) of the statutes is amended to read:

22 230.85 (1) An employee who believes that a supervisor or appointing authority
23 has initiated or administered, or threatened to initiate or administer, a retaliatory
24 action against that employee in violation of s. 230.83 may file a written complaint
25 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory

SENATE BILL 44**SECTION 2429**

1 action or threat thereof and requesting relief, within 60 days after the retaliatory
2 action allegedly occurred or was threatened or after the employee learned of the
3 retaliatory action or threat thereof, whichever occurs last.

4 **SECTION 2430.** 230.85 (2) of the statutes is amended to read:

5 230.85 (2) ~~The commission~~ division of equal rights shall receive and, except as
6 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course
7 of investigating or otherwise processing such a complaint, the ~~commission~~ division
8 of equal rights may require that an interview with any employee described in s.
9 230.80 (3), except a management or supervisory employee who is a party to or is
10 immediately involved in the subject matter of the complaint, be conducted outside
11 the presence of the appointing authority or any representative or agent thereof
12 unless the employee voluntarily requests that presence. An appointing authority
13 shall permit an employee to be interviewed without loss of pay and to have an
14 employee representative present at the interview. An appointing authority of an
15 employee to be interviewed may require the ~~commission~~ division of equal rights to
16 give the appointing authority reasonable notice prior to the interview. If the
17 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory
18 action has occurred or was threatened, it may endeavor to remedy the problem
19 through conference, conciliation or persuasion. If that endeavor is not successful, the
20 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,
21 specifying the nature of the retaliatory action which has occurred or was threatened,
22 and requiring the person named, in this section called the "respondent", to answer
23 the complaint at a hearing. The notice shall specify the place of hearing and a time
24 of hearing not less than 30 days after service of the complaint upon the respondent
25 nor less than 10 days after service of the notice of hearing. If, however, the

SENATE BILL 44**SECTION 2430**

1 ~~commission~~ division of equal rights determines that an emergency exists with
2 respect to a complaint, the notice of hearing may specify a time of hearing within 30
3 days after service of the complaint upon the respondent, but not less than 10 days
4 after service of the notice of hearing. The testimony at the hearing shall be recorded
5 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

6 **SECTION 2431.** 230.85 (3) (a) (intro.) of the statutes is amended to read:

7 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights
8 shall make written findings and orders. If the ~~commission~~ division of equal rights
9 finds that the respondent engaged in or threatened a retaliatory action, it shall order
10 the employee's appointing authority to insert a copy of the findings and orders into
11 the employee's personnel file and, if the respondent is a natural person, order the
12 respondent's appointing authority to insert such a copy into the respondent's
13 personnel file. In addition, the ~~commission~~ division of equal rights may take any
14 other appropriate action, including but not limited to the following:

15 **SECTION 2432.** 230.85 (3) (a) 4. of the statutes is amended to read:

16 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by
17 a governmental unit respondent, or by a governmental unit employing a respondent
18 who is a natural person if that governmental unit received notice and an opportunity
19 to participate in proceedings before the ~~commission~~ division of equal rights.

20 **SECTION 2433.** 230.85 (3) (b) of the statutes is amended to read:

21 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds
22 that the respondent did not engage in or threaten a retaliatory action it shall order
23 the complaint dismissed. The ~~commission~~ division of equal rights shall order the
24 employee's appointing authority to insert a copy of the findings and orders into the
25 employee's personnel file and, if the respondent is a natural person, order the

SENATE BILL 44**SECTION 2433**

1 respondent's appointing authority to insert such a copy into the respondent's
2 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote
3 that the employee filed a frivolous complaint it may order payment of the
4 respondent's reasonable actual attorney fees and actual costs. Payment may be
5 assessed against either the employee or the employee's attorney, or assessed so that
6 the employee and the employee's attorney each pay a portion. To find a complaint
7 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)
8 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

9 **SECTION 2434.** 230.85 (3) (c) of the statutes is amended to read:

10 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
11 rights of any complaint under this section, the ~~commission~~ division of equal rights
12 may make interlocutory orders.

13 **SECTION 2435.** 230.85 (4) of the statutes is amended to read:

14 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
15 of the findings and order on the respondent and, if the respondent is a natural person,
16 upon the respondent's appointing authority.

17 **SECTION 2436.** 230.85 (5) (a) of the statutes is amended to read:

18 230.85 (5) (a) If a respondent does not comply with any lawful order by the
19 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit
20 a sum of not less than \$10 nor more than \$100. Every day during which a respondent
21 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
22 a separate violation of that order.

23 **SECTION 2437.** 230.85 (5) (b) of the statutes is amended to read:

24 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
25 rights may enforce an order by a suit in equity.

SENATE BILL 44**SECTION 2438**

1 **SECTION 2438.** 230.87 (1) of the statutes is amended to read:

2 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
3 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
4 any enforcement action, the department of justice shall represent the ~~commission~~
5 division of equal rights unless a conflict of interest results from that representation.
6 A court may order payment of a prevailing appellant employee's reasonable attorney
7 fees by a governmental unit respondent, or by a governmental unit employing a
8 respondent who is a natural person if that governmental unit received notice and an
9 opportunity to appear before the court.

10 **SECTION 2439.** 230.88 (2) of the statutes is amended to read:

11 230.88 (2) EFFECT. (a) A final order issued under s. 230.85 or 230.87 which has
12 not been appealed and for which the time of appeal has passed binds all parties who
13 were subjected to the jurisdiction of the ~~commission~~ division of equal rights or the
14 court and who received an opportunity to be heard. With respect to these parties, the
15 decree is conclusive as to all issues of law and fact decided.

16 (b) No collective bargaining agreement supersedes the rights of an employee
17 under this subchapter. However, nothing in this subchapter affects any right of an
18 employee to pursue a grievance procedure under a collective bargaining agreement
19 under subch. V of ch. 111, and if the ~~commission~~ division of equal rights determines
20 that a grievance arising under such a collective bargaining agreement involves the
21 same parties and matters as a complaint under s. 230.85, it shall order the
22 arbitrator's final award on the merits conclusive as to the rights of the parties to the
23 complaint, on those matters determined in the arbitration which were at issue and
24 upon which the determination necessarily depended.

SENATE BILL 44**SECTION 2439**

1 (c) No later than 10 days before the specified time of hearing under s. 230.85
2 (2), an employee shall notify the ~~commission~~ division of equal rights orally or in
3 writing if he or she has commenced or will commence an action in a court of record
4 alleging matters prohibited under s. 230.83 (1). If the employee does not
5 substantially comply with this requirement, the ~~commission~~ division of equal rights
6 may assess against the employee any costs attributable to the failure to notify.
7 Failure to notify the ~~commission~~ division of equal rights does not affect a court's
8 jurisdiction to proceed with the action. Upon commencement of such an action in a
9 court of record, the ~~commission~~ division of equal rights has no jurisdiction to process
10 a complaint filed under s. 230.85 except to dismiss the complaint and, if appropriate,
11 to assess costs under this paragraph.

12 **SECTION 2440.** 230.89 of the statutes is amended to read:

13 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal
14 rights shall promulgate rules to carry out its responsibilities under this subchapter.

15 (2) Every 2 years, the ~~commission~~ division of equal rights shall submit a report
16 to the chief clerk of each house of the legislature, for distribution to the appropriate
17 standing committees under s. 13.172 (3), regarding complaints filed, hearings held
18 and actions taken under this subchapter, including the dollar amount of any
19 monetary settlement or final monetary award which has become binding on the
20 parties.

21 **SECTION 2441.** 233.10 (3) (c) 4. of the statutes is amended to read:

22 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
23 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
24 and (4) (e) and, to the extent applicable, rules of the department of employment
25 relations administration governing such leaves for employees in the classified

SENATE BILL 44**SECTION 2441**

1 service as of the last day of the employee's employment as a state employee if the
2 employee was entitled to those benefits on that day.

3 **SECTION 2442.** 233.10 (4) of the statutes is amended to read:

4 233.10 (4) Notwithstanding the requirement that an employee be a state
5 employee, a carry-over employee of the authority who was employed in a position in
6 the classified service immediately prior to beginning employment with the authority
7 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
8 230.29 and the rules of the department of ~~employment relations~~ administration
9 governing transfers as a person who holds a position in the classified service.

10 **SECTION 2443.** 234.02 (1) of the statutes is amended to read:

11 234.02 (1) There is created a public body corporate and politic to be known as
12 the "Wisconsin Housing and Economic Development Authority." The members of the
13 authority shall be the secretary of commerce or his or her designee, the secretary of
14 agriculture, trade and consumer protection or his or her designee, and the secretary
15 of administration or his or her designee, and 6 public members nominated by the
16 governor, and with the advice and consent of the senate appointed, for staggered
17 4-year terms commencing on the dates their predecessors' terms expire. In addition,
18 one senator of each party and one representative to the assembly of each party
19 appointed as are the members of standing committees in their respective houses
20 shall serve as members of the authority. A member of the authority shall receive no
21 compensation for services but shall be reimbursed for necessary expenses, including
22 travel expenses, incurred in the discharge of duties. Subject to the bylaws of the
23 authority respecting resignations, each member shall hold office until a successor
24 has been appointed and has qualified. A certificate of appointment or reappointment

SENATE BILL 44**SECTION 2443**

1 of any member shall be filed with the authority and the certificate shall be conclusive
2 evidence of the due and proper appointment.

3 **SECTION 2444.** 234.034 of the statutes is amended to read:

4 **234.034 Consistency with state housing strategy plan.** Subject to
5 agreements with bondholders or noteholders, the authority shall exercise its powers
6 and perform its duties related to housing consistent with the state housing strategy
7 plan under s. ~~16.31~~ 560.9802.

8 **SECTION 2445.** 234.06 (1) of the statutes is amended to read:

9 234.06 (1) The authority may, as authorized in the state housing strategy plan
10 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
11 make temporary loans to eligible sponsors, with or without interest, and with such
12 security for repayment, if any, as the authority determines reasonably necessary and
13 practicable, solely from the housing development fund, to defray development costs
14 for the construction of proposed housing projects for occupancy by persons and
15 families of low and moderate income. No temporary loan may be made unless the
16 authority may reasonably anticipate that satisfactory financing may be obtained by
17 the eligible sponsor for the permanent financing of the housing project.

18 **SECTION 2446.** 234.06 (3) of the statutes is amended to read:

19 234.06 (3) The authority may, as authorized in the state housing strategy plan
20 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
21 establish and administer programs of grants to counties, municipalities and eligible
22 sponsors of housing projects for persons of low and moderate income, to pay
23 organizational expenses, administrative costs, social services, technical services,
24 training expenses or costs incurred or expected to be incurred by counties,
25 municipalities or sponsors for land and building acquisition, construction,

SENATE BILL 44**SECTION 2446**

1 improvements, renewal, rehabilitation, relocation or conservation under a plan to
2 provide housing or related facilities, if the costs are not reimbursable from other
3 private or public loan, grant or mortgage sources.

4 **SECTION 2447.** 234.165 (2) (b) 2. of the statutes is amended to read:

5 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
6 governor a plan for expending or encumbering the actual surplus reported under
7 subd. 1. The part of the plan related to housing shall be consistent with the state
8 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this
9 subdivision may be attached to and submitted as a part of the report filed under subd.
10 1.

11 **SECTION 2448.** 234.25 (1) (e) of the statutes is amended to read:

12 234.25 (1) (e) An evaluation of its progress in implementing within its own
13 housing programs the goals, policies and objectives of the state housing strategy plan
14 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability
15 to carry out its programs consistent with the state housing strategy plan.

16 **SECTION 2449.** 253.06 (4) (c) 2. of the statutes is amended to read:

17 253.06 (4) (c) 2. If a fine or forfeiture is imposed by a court of record, after a
18 determination by the court of the amount due, the clerk of the court shall collect and
19 transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The
20 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
21 administration as provided in s. 59.25 (3) (f) 2.

22 **SECTION 2450.** 253.06 (5) (e) of the statutes is amended to read:

23 253.06 (5) (e) The suspension or termination of authorization of a vendor or
24 eligibility of a participant shall be effective beginning on the 15th day after receipt
25 of the notice of suspension or termination. All forfeitures, recoupments, and

SENATE BILL 44**SECTION 2450**

1 enforcement assessments shall be paid to the department within 15 days after
2 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
3 assessment is contested under sub. (6), within 10 days after receipt of the final
4 decision after exhaustion of administrative review, unless the final decision is
5 adverse to the department or unless the final decision is appealed and the decision
6 is stayed by court order under sub. (7). The department shall remit all forfeitures
7 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.
8 The department shall deposit all enforcement assessments in the appropriation
9 under s. 20.435 (1) (gr).

10 **SECTION 2451.** 254.45 (4) (b) of the statutes is amended to read:

11 254.45 (4) (b) The department shall remit all forfeitures paid to the ~~state~~
12 ~~treasurer~~ secretary of administration for deposit in the school fund.

13 **SECTION 2452.** 254.59 (2) of the statutes is amended to read:

14 254.59 (2) If a human health hazard is found on private property, the local
15 health officer shall notify the owner and the occupant of the property, by registered
16 mail with return receipt requested, of the presence of the human health hazard and
17 order its abatement or removal within 30 days of receipt of the notice. If the human
18 health hazard is not abated or removed by that date, the local health officer shall
19 immediately enter upon the property and abate or remove the human health hazard
20 or may contract to have the work performed. The human health hazard shall be
21 abated in a manner which is approved by the local health officer. The cost of the
22 abatement or removal may be recovered from the person permitting the violation or
23 may be paid by the municipal treasurer and the account, after being paid by the
24 treasurer, shall be filed with the municipal clerk, who shall enter the amount
25 chargeable to the property in the next tax roll in a column headed "For Abatement

SENATE BILL 44**SECTION 2452**

1 of a Nuisance” as a special tax on the lands upon which the human health hazard was
2 abated, and the tax shall be collected as are other taxes. In case of railroads or other
3 lands not taxed in the usual way, the amount chargeable shall be certified by the
4 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
5 designated in the certificate to the sum due from the company owning, occupying, or
6 controlling the land specified, and the ~~state treasurer~~ secretary of administration
7 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount
8 collected to the town, city, or village from which the certificate was received. Anyone
9 maintaining such a human health hazard may also be fined not more than \$300 or
10 imprisoned for not more than 90 days or both. The only defenses an owner may have
11 against the collection of a tax under this subsection are that no human health hazard
12 existed on the owner’s property, that no human health hazard was corrected on the
13 owner’s property, that the procedure outlined in this subsection was not followed or
14 any applicable defense under s. 74.33.

15 **SECTION 2453.** 254.59 (5) of the statutes is amended to read:

16 254.59 (5) The cost of abatement or removal of a human health hazard under
17 this section may be at the expense of the municipality and may be collected from the
18 owner or occupant, or person causing, permitting, or maintaining the human health
19 hazard, or may be charged against the premises and, upon certification of the local
20 health officer, assessed as are other special taxes. In cases of railroads or other lands
21 not taxed in the usual way, the amount chargeable shall be certified by the clerk to
22 the ~~state treasurer~~ secretary of administration who shall add the amount designated
23 in the certificate to the sum due from the company owning, occupying, or controlling
24 the land specified, and the ~~state treasurer~~ secretary of administration shall collect
25 the amount as prescribed in subch. I of ch. 76 and return the amount collected to the

SENATE BILL 44**SECTION 2453**

1 town, city, or village from which the certificate was received. Anyone maintaining
2 such a human health hazard may also be fined not more than \$300 or imprisoned for
3 not more than 90 days or both. The only defenses an owner may have against the
4 collection of a tax under this subsection are that no human health hazard existed on
5 the owner's property, that no human health hazard was corrected on the owner's
6 property, that the procedure outlined in this subsection was not followed, or any
7 applicable defense under s. 74.33.

8 **SECTION 2454.** 254.89 of the statutes is renumbered 97.24 (5) and amended to
9 read:

10 97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS. The department shall
11 conduct evaluation surveys of grade A dairy operations in this state to the extent
12 necessary to certify to the federal food and drug administration, out-of-state
13 markets, ~~the department of agriculture, trade and consumer protection,~~ the federal
14 public health service, and local health departments, the compliance rating of the
15 grade A dairy operations based upon the sanitation and enforcement requirements
16 of the grade A pasteurized milk ordinance of the federal public health service and its
17 related documents. The department may promulgate rules establishing fees which
18 may be charged to dairy plants to fund these activities.

19 **SECTION 2455.** Subchapter VIII (title) of chapter 254 [precedes 254.89] of the
20 statutes is repealed.

21 **SECTION 2456.** 255.15 (1) of the statutes is repealed.

22 **SECTION 2457.** 255.15 (1m) (intro.) of the statutes is amended to read:

23 255.15 (1m) DUTIES. (intro.) ~~The board~~ department shall do all of the following:

24 **SECTION 2458.** 255.15 (1m) (a) of the statutes is repealed.

25 **SECTION 2459.** 255.15 (1m) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 2459**

1 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
2 awarded under sub. (3), including performance-based standards for grant recipients
3 that propose to use the grant for media efforts. The board department shall ensure
4 that programs or projects conducted under the grants are culturally sensitive.

5 **SECTION 2460.** 255.15 (3) (a) (intro.) of the statutes is amended to read:

6 255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),
7 the board department shall distribute the following amounts to or for all of the
8 following:

9 **SECTION 2461.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

10 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),
11 the board department may distribute grants for any of the following:

12 **SECTION 2462.** 255.15 (4) of the statutes is amended to read:

13 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the
14 board department shall submit to the governor and to the chief clerk of each house
15 of the legislature for distribution under s. 13.172 (2) a report that evaluates the
16 success of the grant program under sub. (3). The report shall specify the number of
17 grants awarded during the immediately preceding fiscal year and the purpose for
18 which each grant was made. The report shall also specify donations and grants
19 accepted by the board department under sub. (5).

20 **SECTION 2463.** 255.15 (5) of the statutes is amended to read:

21 255.15 (5) FUNDS. The board department may accept for any of its the purposes
22 under this section any donations and grants of money, equipment, supplies,
23 materials and services from any person. The board department shall include in the
24 report under sub. (4) any donation or grant accepted by the board department under

SENATE BILL 44**SECTION 2463**

1 this subsection, including the nature, amount and conditions, if any, of the donation
2 or grant and the identity of the donor.

3 **SECTION 2464.** 255.15 (6) of the statutes is amended to read:

4 255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~
5 ~~to assist in its work.~~ If the board department creates subcommittees committees to
6 assist in its work under this section, one of the subcommittees committees shall
7 address the issue of populations most adversely affected by tobacco.

8 **SECTION 2465.** 281.36 (1) (cr) of the statutes is amended to read:

9 281.36 (1) (cr) "State transportation agency" means the department of
10 transportation ~~or the office of the commissioner of railroads.~~

11 **SECTION 2466.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

12 281.59 (3e) (b) 1. Equal to \$90,000,000 \$92,400,000 during the 2001-03
13 2003-05 biennium.

14 3. Equal to \$1,000 for any biennium after the 2001-03 2003-05 biennium.

15 **SECTION 2467.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

16 281.59 (3m) (b) 1. Equal to \$9,110,000 \$12,000,000 during the 2001-03
17 2003-05 biennium.

18 2. Equal to \$1,000 for any biennium after the 2001-03 2003-05 biennium.

19 **SECTION 2468.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

20 281.59 (3s) (b) 1. Equal to \$10,900,000 \$12,800,000 during the 2001-03
21 2003-05 biennium.

22 2. Equal to \$1,000 for any biennium after the 2001-03 2003-05 biennium.

23 **SECTION 2469.** 281.59 (4) (f) of the statutes is amended to read:

24 281.59 (4) (f) Revenue obligations may be contracted by the building
25 commission when it reasonably appears to the building commission that all

SENATE BILL 44**SECTION 2469**

1 obligations incurred under this subsection can be fully paid on a timely basis from
2 moneys received or anticipated to be received. Revenue obligations issued under this
3 subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~
4 \$1,658,025,000 in principal amount, excluding obligations issued to refund
5 outstanding revenue obligation notes.

6 **SECTION 2470.** 281.65 (10) of the statutes is repealed.

7 **SECTION 2471.** 281.99 (4) of the statutes is amended to read:

8 281.99 (4) All forfeitures shall be paid to the department within 60 days after
9 receipt of the order or according to a schedule agreed to by the department and the
10 water system owner or operator or, if the forfeiture is contested under sub. (3), within
11 10 days after receipt of the final decision after exhaustion of administrative review,
12 unless the final decision is appealed and the order is stayed by court order. The
13 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
14 administration for deposit in the school fund.

15 **SECTION 2472.** 283.84 (1) (c) of the statutes is amended to read:

16 283.84 (1) (c) Reaches an agreement with the department or a local
17 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays
18 money to the department or local governmental unit and the department or local
19 governmental unit uses the money to reduce water pollution in the project area.

20 **SECTION 2473.** 285.69 (3) of the statutes is renumbered 285.69 (3) (a) and
21 amended to read:

22 285.69 (3) (a) The department may promulgate rules for the payment and
23 collection of fees for inspecting nonresidential asbestos demolition and renovation
24 projects regulated by the department. The fees under this subsection for an
25 inspection may not exceed ~~\$210 per~~ \$450 if the combined square and linear footage

SENATE BILL 44**SECTION 2473**

1 of friable asbestos-containing material involved in the project is less than 5,000. The
2 fees under this subsection for an inspection may not exceed \$750 if the combined
3 square and linear footage of friable asbestos-containing material involved in the
4 project is 5,000 or more. The fees collected under this subsection shall be credited
5 to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of
6 conducting inspections of nonresidential asbestos demolition and ~~inspection~~
7 renovation projects regulated by the department.

8 **SECTION 2474.** 285.69 (3) (b) and (c) of the statutes are created to read:

9 285.69 (3) (b) In addition to the fees under par. (a), the department may charge
10 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and
11 renovation project.

12 (c) For the purpose of par. (a), combined square and linear footage shall be
13 determined by adding the number of square feet of friable asbestos-containing
14 material on areas other than pipes to the number of linear feet of friable
15 asbestos-containing material on pipes.

16 **SECTION 2475.** 289.33 (13) of the statutes is created to read:

17 289.33 (13) DIVISION OF HEARINGS AND APPEALS. The division of hearings and
18 appeals created under s. 15.103 (1) shall provide staff to assist the board in
19 performing its duties.

20 **SECTION 2476.** 292.255 of the statutes is amended to read:

21 **292.255 Report on brownfield efforts.** The department of natural
22 resources, and the department of administration ~~and the department of commerce~~
23 shall submit a report evaluating the effectiveness of this state's efforts to remedy the
24 contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

25 **SECTION 2477.** 292.74 of the statutes is created to read:

SENATE BILL 44**SECTION 2477**

1 **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

2 (a) “Eligible site or facility” means an abandoned, idle, or underused industrial
3 or commercial facility or site the expansion or redevelopment of which is adversely
4 affected by actual or perceived environmental contamination.

5 (b) “Local governmental unit” means a city, village, town, county,
6 redevelopment authority created under s. 66.1333, community development
7 authority created under s. 66.1335, or housing authority.

8 **(2) GRANTS.** (a) The department shall administer a program to award grants
9 from the appropriation under s. 20.370 (6) (es) for the following purposes:

10 1. The investigation of an eligible site or facility to determine the existence and
11 extent of environmental contamination of the eligible site or facility.

12 2. Removing or containing environmental contamination and restoring the
13 environment at an eligible site or facility.

14 (b) The department may award a grant under this section to an individual,
15 partnership, limited liability company, corporation, nonprofit organization, or local
16 governmental unit.

17 (c) The department may only award a grant under this section if the person that
18 caused the environmental contamination that is the basis for the grant request is
19 unknown, cannot be located or is financially unable to pay the cost of the eligible
20 activities.

21 **(3) DEPARTMENT DUTIES.** (a) The department shall promulgate rules for the
22 program under this section that include all of the following:

23 1. A competitive scoring system for evaluating grant applications that, for
24 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
25 by the contamination, the potential for economic development, the contribution to

SENATE BILL 44**SECTION 2477**

1 remediation of contamination affecting more than one property, and the potential for
2 the creation of green spaces or the use for public facilities.

3 2. Provisions specifying the activities that may be covered by grants under this
4 section.

5 3. Provisions for ensuring distribution of grant funds throughout the state.

6 4. Provisions for determining the percentage of costs to be paid through a grant,
7 which may vary based on the financial circumstances of the applicant.

8 (b) The department shall inform applicants of other potential sources of
9 funding for activities proposed in grant applications.

10 **SECTION 2478.** 292.75 of the statutes is repealed.

11 **SECTION 2479.** 292.77 of the statutes is repealed.

12 **SECTION 2480.** 292.79 of the statutes is repealed.

13 **SECTION 2481.** 292.94 of the statutes is created to read:

14 **292.94 Fees related to enforcement actions.** The department may assess
15 and collect fees from a person who is subject to an order or other enforcement action
16 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
17 review the planning and implementation of any environmental investigation or
18 environmental cleanup that the person is required to conduct. The department shall
19 promulgate rules for the assessment and collection of fees under this section. Fees
20 collected under this section shall be credited to the appropriation account under s.
21 20.370 (2) (dh).

22 **SECTION 2482.** 299.93 (3) of the statutes is amended to read:

23 299.93 (3) If any deposit is made for an offense to which this section applies,
24 the person making the deposit shall also deposit a sufficient amount to include the
25 environmental assessment prescribed in this section. If the deposit is forfeited, the

SENATE BILL 44**SECTION 2482**

1 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~
2 secretary of administration under sub. (4). If the deposit is returned, the
3 environmental assessment shall also be returned.

4 **SECTION 2483.** 299.93 (4) of the statutes is amended to read:

5 299.93 (4) The clerk of the court shall collect and transmit to the county
6 treasurer the environmental assessment and other amounts required under s. 59.40
7 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
8 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
9 secretary of administration shall deposit the amount of the assessment in the
10 environmental fund.

11 **SECTION 2484.** 301.025 of the statutes is amended to read:

12 **301.025 Division of juvenile corrections.** The division of juvenile
13 corrections shall exercise the powers and perform the duties of the department that
14 relate to juvenile correctional services and institutions, juvenile offender review,
15 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the
16 serious juvenile offender program under s. 938.538, and youth aids.

17 **SECTION 2485.** 301.03 (18) (d) of the statutes is amended to read:

18 301.03 (18) (d) Compromise or waive all or part of the liability for services
19 received as the department considers necessary to efficiently administer this
20 subsection, subject to such conditions as the department considers appropriate. The
21 sworn statement of ~~the~~ any collection and deportation counsel appointed under s.
22 301.12 (7), the department's legal counsel, or the secretary, shall be evidence of the
23 services provided and the fees charged for those services.

24 **SECTION 2486.** 301.105 (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 2486**

1 **301.105 Telephone company commissions.** (intro.) The department shall
2 collect moneys for commissions from telephone companies for contracts to provide
3 telephone services to inmates. The department shall transmit those moneys to the
4 ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of
5 administration shall do all of the following:

6 **SECTION 2487.** 301.12 (6) of the statutes is amended to read:

7 301.12 (6) The sworn statement of the any collection and deportation counsel
8 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall
9 be evidence of the fee and of the care and services received by the resident.

10 **SECTION 2488.** 301.12 (7) of the statutes is amended to read:

11 301.12 (7) The department of corrections shall administer and enforce this
12 section. ~~The department~~ On behalf of the department of corrections, the department
13 of administration shall appoint an attorney to be designated "collection and
14 deportation counsel" ~~and.~~ The department of corrections may appoint other
15 necessary assistants. The department of corrections may delegate to the collection
16 and deportation counsel such other powers and duties as the department considers
17 advisable. The collection and deportation counsel or any of the assistants may
18 administer oaths, take affidavits and testimony, examine public records, subpoena
19 witnesses and the production of books, papers, records, and documents material to
20 any matter of proceeding relating to payments for the cost of maintenance. The
21 department of corrections shall encourage agreements or settlements with the liable
22 person, having due regard to ability to pay and the present needs of lawful
23 dependents.

24 **SECTION 2489.** 301.16 (1o) (b) of the statutes is amended to read:

SENATE BILL 44**SECTION 2489**

1 301.16 (1o) (b) In the selection of classified service employees of the institution
2 specified in par. (a), the appointing authority shall, whenever possible, use the
3 expanded certification program under rules of the administrator of the division of
4 merit recruitment and selection in the department of ~~employment relations~~
5 administration to ensure that employees of the institution reflect the general
6 population of either the county in which the institution is located or the most
7 populous county contiguous to the county in which the institution is located,
8 whichever population is greater. The administrator of the division of merit
9 recruitment and selection in the department of ~~employment relations~~
10 administration shall provide guidelines for the administration of this selection
11 procedure.

12 **SECTION 2490.** 301.16 (1r) of the statutes is amended to read:

13 301.16 (1r) In addition to the institutions under sub. (1), the department shall
14 establish a medium security correctional institution for persons 15 years of age or
15 over, but not more than ~~21~~ 24 years of age, who have been placed in a state prison
16 under s. 302.01. The medium security correctional institution under this subsection
17 shall be known as the Racine Youthful Offender Correctional Facility and shall be
18 located at the intersection of Albert Street and North Memorial Drive in the city of
19 Racine. The department shall limit the number of prisoners who may be placed at
20 the Racine Youthful Offender Correctional Facility to no more than 400 450 at any
21 one time.

22 **SECTION 2491.** 301.21 (2m) (b) of the statutes is amended to read:

23 301.21 (2m) (b) While in an institution in another state covered by a contract
24 under this subsection, Wisconsin prisoners are subject to all provisions of law and
25 regulation concerning the confinement of persons in that institution under the laws

SENATE BILL 44**SECTION 2491**

1 of that state, except as otherwise provided for by any contract entered into under this
2 subsection.

3 **SECTION 2492.** 301.26 (4) (d) 2. of the statutes is amended to read:

4 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~
5 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$190 for care
6 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$190 for
7 care for juveniles transferred from a juvenile correctional institution under s. 51.35
8 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142
9 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for
10 care in a treatment foster home, ~~\$82.56~~ \$88 for departmental corrective sanctions
11 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

12 **SECTION 2493.** 301.26 (4) (d) 3. of the statutes is amended to read:

13 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~
14 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$194 for care
15 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$194 for
16 care for juveniles transferred from a juvenile correctional institution under s. 51.35
17 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
18 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
19 care in a treatment foster home, ~~\$84.50~~ \$89 for departmental corrective sanctions
20 services and ~~\$22.66~~ \$26 for departmental aftercare services.

21 **SECTION 2494.** 301.26 (7) (intro.) of the statutes is amended to read:

22 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
23 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
24 department shall allocate funds for community youth and family aids for the period

SENATE BILL 44**SECTION 2494**

1 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in
2 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

3 **SECTION 2495.** 301.26 (7) (a) of the statutes is amended to read:

4 301.26 (7) (a) For community youth and family aids under this section,
5 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001~~,
6 ~~\$87,760,300 for 2002~~ 2003, ~~\$88,290,200 for 2004~~, and \$44,145,100 for the first 6
7 months of ~~2003~~ 2005.

8 **SECTION 2496.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

9 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
10 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
11 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
12 following factors weighted equally:

13 **SECTION 2497.** 301.26 (7) (c) of the statutes is amended to read:

14 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
15 \$523,300 for the last 6 months of ~~2001~~ 2003, \$1,576,600 for ~~2002~~ 2004, and
16 \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties based on each of the factors
17 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
18 allocation under this paragraph that is less than 93% nor more than 115% of the
19 amount that the county would have received under this paragraph if the allocation
20 had been distributed only on the basis of the factor specified in par. (b) 3.

21 **SECTION 2498.** 301.26 (7) (e) of the statutes is amended to read:

22 301.26 (7) (e) For emergencies related to community youth and family aids
23 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
24 2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A

SENATE BILL 44**SECTION 2498**

1 county is eligible for payments under this paragraph only if it has a population of not
2 more than 45,000.

3 **SECTION 2499.** 301.26 (7) (h) of the statutes is amended to read:

4 301.26 (7) (h) For counties that are participating in the corrective sanctions
5 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,
6 \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the
7 provision of corrective sanctions services for juveniles from that county. In
8 distributing funds to counties under this paragraph, the department shall determine
9 a county's distribution by dividing the amount allocated under this paragraph by the
10 number of slots authorized for the program under s. 938.533 (2) and multiplying the
11 quotient by the number of slots allocated to that county by agreement between the
12 department and the county. The department may transfer funds among counties as
13 necessary to distribute funds based on the number of slots allocated to each county.

14 **SECTION 2500.** 301.26 (8) of the statutes is amended to read:

15 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
16 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
17 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months
18 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

19 **SECTION 2501.** 302.01 (1) (d) of the statutes is amended to read:

20 302.01 (1) (d) The correctional institution at Prairie du Chien authorized under
21 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u).~~

22 **SECTION 2502.** 302.045 (title) of the statutes is amended to read:

23 **302.045 (title) Challenge incarceration program for youthful offenders.**

24 **SECTION 2503.** 302.045 (1) of the statutes is amended to read:

SENATE BILL 44**SECTION 2503**

1 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
2 program for inmates selected to participate under sub. (2). The program shall
3 provide participants with ~~strenuous physical exercise~~, manual labor, personal
4 development counseling, substance abuse treatment and education, military drill
5 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~
6 have not attained the age of 30 as of the date on which they begin participating in
7 the program, or age-appropriate strenuous physical exercise, for all other
8 participants, in preparation for release on parole or extended supervision. The
9 department shall design the program to include not less than 50 participants at a
10 time and so that a participant may complete the program in not more than 180 days.
11 The department may restrict participant privileges as necessary to maintain
12 discipline.

13 **SECTION 2504.** 302.045 (2) (b) of the statutes is amended to read:

14 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
15 inmate will begin participating in the program.

16 **SECTION 2505.** 302.05 (3) of the statutes is created to read:

17 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
18 all of the following apply:

19 1. The inmate is incarcerated regarding a violation other than a crime specified
20 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
21 948.08, or 948.095.

22 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
23 sentencing court decided under par. (e) or s. 973.01 (3g) that the inmate is eligible
24 to participate in the earned release program described in this subsection.

SENATE BILL 44**SECTION 2505**

1 (b) Except as provided in par. (d), if the department determines that an eligible
2 inmate serving a sentence other than one imposed under s. 973.01 has successfully
3 completed the treatment program described in sub. (1), the parole commission shall
4 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
5 has served. If the parole commission grants parole under this paragraph, it shall
6 require the parolee to participate in an intensive supervision program for drug
7 abusers as a condition of parole.

8 (c) 1. Except as provided in par. (d), if the department determines that an
9 eligible inmate serving the term of confinement in prison portion of a bifurcated
10 sentence imposed under s. 973.01 has successfully completed the treatment program
11 described in sub. (1), the department shall inform the court that sentenced the
12 inmate.

13 2. Upon being informed by the department under subd. 1. that an inmate whom
14 the court sentenced under s. 973.01 has successfully completed the treatment
15 program described in sub. (1), the court shall modify the inmate's bifurcated sentence
16 as follows:

17 a. The court shall reduce the term of confinement in prison portion of the
18 inmate's bifurcated sentence in a manner that provides for the release of the inmate
19 to extended supervision within 30 days of the date on which the court receives the
20 information from the department under subd. 1.

21 b. The court shall lengthen the term of extended supervision imposed so that
22 the total length of the bifurcated sentence originally imposed does not change.

23 (d) The department may place intensive sanctions program participants in the
24 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
25 participants.

SENATE BILL 44**SECTION 2505**

1 (e) If an inmate is serving the term of confinement portion of a bifurcated
2 sentence imposed under s. 973.01, the sentence was imposed before the effective date
3 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
4 par. (a) 1., the inmate may, with the department's approval, petition the sentencing
5 court to determine whether he or she is eligible or ineligible to participate in the
6 earned release program under this subsection during the term of confinement. The
7 inmate shall serve a copy of the petition on the district attorney who prosecuted him
8 or her, and the district attorney may file a written response. The court shall exercise
9 its discretion in granting or denying the inmate's petition but must do so no later
10 than 90 days after the inmate files the petition. If the court determines under this
11 paragraph that the inmate is eligible to participate in the earned release program,
12 the court shall inform the inmate of the provisions of par. (c).

13 **SECTION 2506.** 302.113 (2) of the statutes is amended to read:

14 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
15 section is entitled to release to extended supervision after he or she has served the
16 term of confinement in prison portion of the sentence imposed under s. 973.01, as
17 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
18 (c) 2. a., or 973.195 (1r), if applicable.

19 **SECTION 2507.** 303.066 of the statutes is repealed.

20 **SECTION 2508.** 304.06 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
21 109, is amended to read:

22 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
23 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
24 an inmate of the Wisconsin state prisons or any felon or any person serving at least
25 one year or more in a county house of correction or a county reforestation camp

SENATE BILL 44**SECTION 2508**

1 organized under s. 303.07, when he or she has served 25% of the sentence imposed
2 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
3 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
4 inmate serving a life term when he or she has served 20 years, as modified by the
5 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
6 applicable. The person serving the life term shall be given credit for time served prior
7 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
8 secretary may grant special action parole releases under s. 304.02. The department
9 or the parole commission shall not provide any convicted offender or other person
10 sentenced to the department's custody any parole eligibility or evaluation until the
11 person has been confined at least 60 days following sentencing.

12 **SECTION 2509.** 304.073 of the statutes is repealed.

13 **SECTION 2510.** 304.074 (1) of the statutes is repealed.

14 **SECTION 2511.** 304.074 (4) of the statutes is repealed.

15 **SECTION 2512.** 340.01 (7m) of the statutes is amended to read:

16 340.01 (7m) "Commercial driver license" means a license issued to a person by
17 this state or another jurisdiction which is in accordance with the requirements of the
18 federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, and the
19 federal Motor Carrier Safety Improvement Act of 1999, P.L. 106-159, or by Canada
20 or Mexico, and which authorizes the licensee to operate certain commercial motor
21 vehicles.

22 **SECTION 2513.** 340.01 (13m) of the statutes is amended to read:

23 340.01 (13m) "Disqualification" means the loss or withdrawal of a person's
24 privilege to operate a commercial motor vehicle relating to certain offenses

SENATE BILL 44**SECTION 2513**

1 committed by the person while driving or operating a motor vehicle or while on duty
2 time with respect to a commercial motor vehicle.

3 **SECTION 2514.** 340.01 (46m) (a) of the statutes is amended to read:

4 340.01 (**46m**) (a) If the person has ~~one or no~~ 2 or fewer prior convictions,
5 suspensions, or revocations, as counted under s. 343.307 (1), an alcohol
6 concentration of ~~0.1~~ 0.08 or more.

7 **SECTION 2515.** 340.01 (46m) (b) of the statutes is repealed.

8 **SECTION 2516.** 341.25 (1) (a) of the statutes is amended to read:

9 341.25 (**1**) (a) For each automobile, a fee of \$~~45~~ \$55, except that an automobile
10 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
11 registered at such lesser fee plus an additional fee of \$2.

12 **SECTION 2517.** 341.43 (2) of the statutes is amended to read:

13 341.43 (**2**) Any person feeling aggrieved by a notice under this section of
14 additional assessment, refund or denial of refund may, within 30 days after the
15 receipt of the notice, petition the department for a redetermination. A person feeling
16 aggrieved by a redetermination may appeal to the office of the commissioner of tax
17 appeals commission in the manner provided for appeals of tax determinations under
18 s. 73.01 (5). If an appeal of a redetermination is not filed within the time period
19 provided under s. 73.01 (5), the redetermination is final and conclusive.

20 **SECTION 2518.** 342.14 (1) of the statutes is amended to read:

21 342.14 (**1**) For filing an application for the first certificate of title, \$~~8.50~~ \$18.50,
22 by the owner of the vehicle.

23 **SECTION 2519.** 342.14 (1r) of the statutes is amended to read:

24 342.14 (**1r**) Upon filing an application under sub. (1) or (3), an environmental
25 impact fee of \$~~9~~ \$10.50, by the person filing the application. All moneys collected

SENATE BILL 44**SECTION 2519**

1 under this subsection shall be credited to the environmental fund for environmental
2 management. ~~This subsection does not apply after December 31, 2003.~~

3 **SECTION 2520.** 342.14 (3) of the statutes is amended to read:

4 342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner
5 of the vehicle.

6 **SECTION 2521.** 343.02 (1) of the statutes is amended to read:

7 343.02 (1) The department shall administer and enforce this chapter and may
8 promulgate for that purpose such rules as the secretary considers necessary. Rules
9 promulgated under this chapter may not conflict with and shall be at least as
10 stringent as standards set by the federal commercial motor vehicle safety act, 49
11 USC 31301 to 31317, and the federal Motor Carrier Safety Improvement Act of 1999,
12 P.L. 106-159, and the regulations adopted under ~~that act~~ those acts.

13 **SECTION 2522.** 343.03 (1) (a) of the statutes is amended to read:

14 343.03 (1) (a) The department shall institute a classified driver license system
15 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
16 other applicable provision of federal law.

17 **SECTION 2523.** 343.03 (3) (a) of the statutes is amended to read:

18 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a
19 readily recognizable abbreviation thereof. The regular license, without any express
20 endorsements or restrictions as provided in this chapter, authorizes the licensee to
21 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
22 provided in this subsection. The license may be endorsed to permit operation of Type
23 1 motorcycles or school buses that are not commercial motor vehicles. A regular
24 license may be subject to restrictions, including the attachment of a special
25 restrictions card as provided in s. 343.17 (4).

SENATE BILL 44**SECTION 2524**

1 **SECTION 2524.** 343.03 (3) (e) of the statutes is amended to read:

2 343.03 **(3)** (e) *Occupational license.* A license issued under s. 343.10
3 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or
4 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses~~ No license may
5 be issued under s. 343.10 authorizing the operation of “Class A”, “Class B” or “Class
6 C” vehicles shall be labeled “CDL-Occupational”. An occupational license may
7 authorize the operation of “Class D” or “Class M” vehicles, or both, but may not be
8 endorsed to permit operation of the vehicle types described in s. 343.04 (2). The
9 license may be subject to restrictions in addition to those provided in s. 343.10,
10 including the attachment of a special restrictions card as provided in s. 343.17 (4).

11 **SECTION 6m.** 343.03 (5) (title) of the statutes is amended to read:

12 343.03 **(5)** (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

13 **SECTION 2525.** 343.03 (5) of the statutes is renumbered 343.03 (5) (a) and
14 amended to read:

15 343.03 **(5)** (a) Before issuing ~~a~~ or renewing any license under this chapter, the
16 department shall obtain driver record information from the national driver registry
17 and commercial driver license information system to determine whether the
18 applicant holds a commercial driver license, or a license that is revoked, suspended
19 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
20 another state, the department shall obtain information on the applicant’s license
21 status with the state of licensure before issuing a license.

22 **SECTION 2526.** 343.03 (5) (b) of the statutes is created to read:

23 343.03 **(5)** (b) 1. Before issuing or renewing a commercial driver license, the
24 department shall, within the time period specified in 49 CFR 384.232, request from

SENATE BILL 44**SECTION 2526**

1 any other state that has issued an operator's license or commercial driver license to
2 the person within the previous 10 years the complete driving record of the person.

3 2. Subdivision 1. does not apply to a renewal of a person's commercial driver
4 license if the department has previously issued a renewal of the commercial driver
5 license after the effective date of this subdivision [revisor inserts date], and, in
6 connection with the previous renewal, the department recorded on the person's
7 driving record under s. 343.23 (2) (a) the date on which the operator's record check
8 under subd. 1. was performed.

9 **SECTION 2527.** 343.03 (6) of the statutes is renumbered 343.03 (6) (a).

10 **SECTION 2528.** 343.03 (6) (b) of the statutes is created to read:

11 343.03 (6) (b) The department shall, upon request and within 30 days of the
12 request, provide to the driver licensing agencies of other states the complete driving
13 record of any person currently or previously licensed by the department.

14 **SECTION 2529.** 343.03 (6) (c) of the statutes is created to read:

15 343.03 (6) (c) 1. The department shall, upon request and within the time period
16 specified in s. 343.23 (2) (am) 2. and 4., provide the operating record file information
17 specified in s. 343.23 (2) (am) 2. and 4. to any of the following requesters:

18 a. The person holding the commercial driver license.

19 b. The U.S. secretary of transportation.

20 c. Any employer or prospective employer of the person holding the commercial
21 driver license, after notice to such person.

22 d. Any driver licensing agency of another state or law enforcement agency.

23 e. Any governmental entity having access to the commercial driver license
24 information system.

25 f. Any authorized agent of a requester specified in subd. 1. a. to e.

SENATE BILL 44**SECTION 2529**

1 2. The department shall not provide the operating record file information
2 specified in s. 343.23 (2) (am) 2. and 4. to any requester other than those specified
3 in subd. 1.

4 **SECTION 2530.** 343.03 (7) (title) of the statutes is amended to read:

5 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
6 CERTAIN VIOLATIONS.

7 **SECTION 2531.** 343.03 (7) of the statutes is renumbered 343.03 (7) (a).

8 **SECTION 2532.** 343.03 (7) (b) of the statutes is created to read:

9 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
10 commercial driver license from operating a commercial motor vehicle for at least 60
11 days, or after the revocation, suspension, or cancellation of a commercial driver
12 license for at least 60 days, the department shall notify the commercial driver license
13 information system and, if the license was not issued by the department, the state
14 that issued the license of the disqualification, revocation, suspension, or cancellation
15 and the violation that resulted in the disqualification, revocation, suspension, or
16 cancellation.

17 **SECTION 2533.** 343.03 (7) (c) of the statutes is created to read:

18 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
19 driver license issued by another state for violating any state or local law of this state
20 or any law of a federally recognized American Indian tribe or band in this state in
21 conformity with any state law relating to motor vehicle traffic control, other than
22 parking violations, or after a conviction of the holder of an operator's license issued
23 by another state, other than a commercial driver license, for operating a commercial
24 motor vehicle without a commercial driver license, the department shall notify the
25 driver licensing agency of the state that issued the license of the conviction.

SENATE BILL 44**SECTION 2534**

1 **SECTION 2534.** 343.03 (7) (c) of the statutes, as created by 2003 Wisconsin Act
2 (this act), is amended to read:

3 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
4 driver license issued by another state for violating any state or local law of this state
5 or any law of a federally recognized American Indian tribe or band in this state in
6 conformity with any state law relating to motor vehicle traffic control, other than
7 parking violations, or after a conviction of the holder of an operator's license issued
8 by another state, other than a commercial driver license, for operating a commercial
9 motor vehicle without a commercial driver license, the department shall notify the
10 driver licensing agency of the state that issued the license of the conviction.

11 **SECTION 2535.** 343.06 (2) of the statutes is amended to read:

12 343.06 (2) The department shall not issue a commercial driver license,
13 including a renewal, occupational, or reinstated license, to any person during any
14 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
15 jurisdiction in substantial conformity therewith, as the result of one or more
16 disqualifying offenses committed on or after July 1, 1987, or to any person whose
17 operator's license or operating privilege is revoked, suspended, or canceled. Any
18 person who is known to the department to be subject to disqualification as described
19 in s. 343.44 (1) (d) shall be disqualified by the department as provided in s. 343.315.

20 **SECTION 2536.** 343.07 (1m) (intro.) of the statutes is amended to read:

21 343.07 (1m) COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS;
22 ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 18
23 years of age who holds a valid operator's license issued under this chapter and who,
24 except for lack of training in the operation of a commercial motor vehicle or school
25 bus, is qualified to obtain authorization for the operation of such vehicle including

SENATE BILL 44**SECTION 2536**

1 having passed the applicable knowledge tests, the department may issue an
2 instruction permit for commercial motor vehicle or school bus operation or a
3 combination instruction permit. A permit limited to commercial motor vehicle
4 instructional operation entitles the permittee to operate only a commercial motor
5 vehicle other than a school bus upon the highways. A permit limited to school bus
6 instructional operation entitles the permittee to operate only a school bus that is not
7 a commercial motor vehicle upon the highways. ~~Both~~ A combination commercial
8 motor vehicle and school bus instruction permit entitles the permittee to operate a
9 school bus that is a commercial motor vehicle upon the highways. These permits are
10 subject to the following restrictions:

11 **SECTION 2537.** 343.10 (1) (b) of the statutes is amended to read:

12 343.10 (1) (b) The application shall be in a form established by the department
13 and shall identify the specific motor vehicle that the applicant seeks authorization
14 to operate, including the vehicle classification and any required endorsements. The
15 application shall include an explanation of why operating the motor vehicle is
16 essential to the person's livelihood and identify the person's occupation or trade. The
17 application shall identify the applicant's employer, and include proof of financial
18 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the
19 applicant requests authorization to operate. The application shall identify the hours
20 of operation and routes of travel being requested by the applicant in accord with the
21 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
22 ~~knowledge, he or she is disqualified under s. 343.315.~~

23 **SECTION 2538.** 343.10 (1) (d) of the statutes is repealed.

24 **SECTION 2539.** 343.10 (1) (e) of the statutes is repealed.

25 **SECTION 2540.** 343.10 (1) (f) of the statutes is repealed.

SENATE BILL 44**SECTION 2541**

1 **SECTION 2541.** 343.10 (2) (c) of the statutes is amended to read:

2 343.10 (2) (c) No occupational license permitting the operation of a commercial
3 motor vehicle may be granted to a person ~~during a period of disqualification under~~
4 ~~s. 343.315.~~

5 **SECTION 2542.** 343.10 (7) (e) of the statutes is amended to read:

6 343.10 (7) (e) The occupational license issued by the department shall contain
7 the restrictions required by sub. (5). The occupational license authorizes the licensee
8 to operate a motor vehicle only when that operation is an essential part of the
9 licensee's occupation or trade. If the department determines that the applicant is
10 eligible under sub. (2), the department may impose such conditions and limitations
11 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
12 in the secretary's judgment are necessary in the interest of public safety and welfare,
13 including reexamination of the person's qualifications to operate a ~~commercial or~~
14 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
15 such authorization to include, without limitation, the operation of particular
16 vehicles, particular kinds of operation and particular traffic conditions.

17 **SECTION 2543.** 343.10 (7) (g) of the statutes is repealed.

18 **SECTION 2544.** 343.12 (2) (intro.) of the statutes is amended to read:

19 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
20 person, authorizing operation of a school bus that is not a commercial motor vehicle,
21 only if such person meets all of the following requirements:

22 **SECTION 2545.** 343.12 (2m) of the statutes is created to read:

23 343.12 (2m) The department shall issue a school bus endorsement to a person,
24 authorizing operation of a school bus that is a commercial motor vehicle, only if such

SENATE BILL 44**SECTION 2545**

1 person meets all of the requirements specified in sub. (2) and, in addition, meets all
2 of the following requirements:

3 (a) Holds a valid commercial driver license.

4 (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing
5 the knowledge and driving skills tests required for obtaining such an endorsement.

6 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
7 383.123 (a) (2).

8 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
9 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16
10 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
11 is required.

12 **SECTION 2546.** 343.12 (3) of the statutes is amended to read:

13 343.12 (3) The department may issue a school bus endorsement to a person who
14 is more than 70 years of age, authorizing the operation of a school bus other than a
15 commercial motor vehicle, if the person meets the requirements specified in sub. (2)
16 (c) to (f) and (h) before issuance of the endorsement and annually takes and passes
17 a physical examination prior to issuance or renewal of the endorsement to determine
18 that the person meets the physical standards established under sub. (2) (g).

19 **SECTION 2547.** 343.12 (3m) of the statutes is created to read:

20 343.12 (3m) Notwithstanding sub. (2) (a) and (g), the department may issue
21 a school bus endorsement to a person who is more than 70 years of age, authorizing
22 the operation of a school bus that is a commercial motor vehicle, if the person meets
23 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement
24 and annually takes and passes a physical examination prior to issuance or renewal

SENATE BILL 44**SECTION 2547**

1 of the endorsement to determine that the person meets the physical standards
2 established under sub. (2) (g).

3 **SECTION 2548.** 343.12 (4) (a) 1. of the statutes is amended to read:

4 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
5 license with a "P" passenger endorsement and any additional endorsements required
6 by the person's home jurisdiction for the operation of a school bus, if the school bus
7 is not a commercial motor vehicle, or is a nonresident holding a valid commercial
8 driver license with an "S" endorsement if the school bus is a commercial motor
9 vehicle, and the origin or destination of the trip is in another state.

10 **SECTION 2549.** 343.12 (4) (a) 2. of the statutes is repealed.

11 **SECTION 2550.** 343.12 (4) (a) 3. of the statutes is amended to read:

12 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
13 Minnesota and holds a valid operator's license authorizing the operation of ~~a~~ the
14 type of school bus being operated.

15 **SECTION 2551.** 343.12 (4) (b) of the statutes is amended to read:

16 343.12 (4) (b) The department may, by rule, establish standards for the
17 employment by an employer of a person under par. (a) 3. as an operator of a school
18 bus in this state. The rules may require the person to meet the qualifications
19 contained in sub. (2) ~~or~~, (2m), (3), or (3m) and any rules of the department applicable
20 to residents.

21 **SECTION 2552.** 343.17 (3) (b) of the statutes is amended to read:

22 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
23 restriction codes or endorsement abbreviations used on the front of the license, in
24 sufficient detail to identify the nature of the restrictions or endorsements to a law
25 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~

SENATE BILL 44**SECTION 2552**

1 driver license or a license labeled “CDL-Occupational” as described in s. 343.03 (3)
2 (b) and (e), a A part of the reverse side of each license shall be printed to serve as a
3 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
4 anatomical gift under s. 157.06 (2) (i).

5 **SECTION 2553.** 343.175 (2) (ag) of the statutes is amended to read:

6 343.175 (2) (ag) The department shall print a separate document to be issued
7 to all persons issued a commercial driver license or a license labeled
8 “CDL-Occupational” as described in s. 343.03 (3) (b) and (e) and make provisions so
9 that the document may be attached to the reverse side of the license document along
10 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
11 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

12 **SECTION 2554.** 343.20 (1) (d) of the statutes is amended to read:

13 343.20 (1) (d) The department shall cancel an operator’s license that is
14 endorsed for the operation of school buses under s. 343.12 (3) or (3m), regardless of
15 the license expiration date, if the licensee fails to provide proof to the department of
16 an annual physical examination determining that the person meets the physical
17 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
18 the license under s. 343.265 (1m).

19 **SECTION 2555.** 343.22 (2) (b) of the statutes is amended to read:

20 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
21 notify the department in writing of his or her change of address. This paragraph does
22 not apply to persons issued a commercial driver license or a license labeled
23 “CDL-Occupational” as described in s. 343.03 (3) (b) and (e).

24 **SECTION 2556.** 343.23 (2) (am) of the statutes is created to read:

25 343.23 (2) (am) The file specified in par. (a) shall include the following:

SENATE BILL 44**SECTION 2556**

1 1. For a person holding a commercial driver license issued by the department,
2 a record of any disqualification by another state or jurisdiction of the person from
3 operating a commercial motor vehicle for at least 60 days or of the revocation,
4 suspension, or cancellation by another state or jurisdiction of the person's
5 commercial driver license for at least 60 days, and the violation that resulted in the
6 disqualification, revocation, suspension, or cancellation, as specified in any notice
7 received from the state or other jurisdiction in conformity with 49 USC 31311 (a) (8).

8 2. For a person holding a commercial driver license issued by the department,
9 a record of any violation in another state of any state or local law of that state or any
10 law of a federally recognized American Indian tribe or band in that state in
11 conformity with any state law relating to motor vehicle traffic control, other than a
12 parking violation, as specified in any notice received from the state in conformity
13 with 49 USC 31311 (a) (9). The department shall record this information within 10
14 days after receipt of the notice. The department may not conceal, withhold, or mask
15 from the department's file, or otherwise allow in any way a person to avoid the
16 department's recording in the department's file of, any information of which the
17 department has notice that is required to be recorded under this subdivision,
18 regardless of whether the person has obtained deferral of imposition of judgment,
19 been allowed to enter a diversion program, or otherwise obtained delayed or
20 suspended judgment or alternative sentencing from a court.

21 3. For a person holding an operator's license, other than a commercial driver
22 license, issued by the department, a record of any violation in another state or
23 jurisdiction of operating a commercial motor vehicle without a commercial driver
24 license, as specified in any notice received from the state or other jurisdiction in
25 conformity with 49 USC 31311 (a) (9).

SENATE BILL 44**SECTION 2556**

1 4. For a person holding a commercial driver license issued by any state, a record
2 of each violation, while operating any motor vehicle, of any state or local law of this
3 state or any law of a federally recognized American Indian tribe or band in this state
4 in conformity with any state law relating to motor vehicle traffic control, other than
5 a parking violation. The department shall record the information under this
6 subdivision within 10 days after the date of conviction.

7 **SECTION 2557.** 343.23 (2) (b) of the statutes is amended to read:

8 343.23 (2) (b) The information specified in ~~par.~~ pars. (a) and (am) must be filed
9 by the department so that the complete operator's record is available for the use of
10 the secretary in determining whether operating privileges of such person shall be
11 suspended, revoked, canceled, or withheld in the interest of public safety. The record
12 of suspensions, revocations, and convictions that would be counted under s. 343.307
13 (2) shall be maintained permanently. The record of convictions for disqualifying
14 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
15 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
16 specified in par. (am), shall be maintained for at least 3 years. The record of
17 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
18 maintained permanently, except that 5 years after a licensee transfers residency to
19 another state such record may be transferred to another state of licensure of the
20 licensee if that state accepts responsibility for maintaining a permanent record of
21 convictions for disqualifying offenses. Such reports and records may be cumulative
22 beyond the period for which a license is granted, but the secretary, in exercising the
23 power of suspension granted under s. 343.32 (2) may consider only those reports and
24 records entered during the 4-year period immediately preceding the exercise of such
25 power of suspension.

SENATE BILL 44**SECTION 2558**

1 **SECTION 2558.** 343.307 (2) (d) of the statutes is amended to read:

2 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
3 substantial conformity with 49 CFR 383.51 (b) ~~(2) (i) or (ii) or both~~ Table 1, items (1)
4 to (4).

5 **SECTION 2559.** 343.31 (1) (ar) of the statutes is amended to read:

6 343.31 (1) (ar) Injury by the operation of a commercial motor vehicle while the
7 person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08 and which
8 is criminal under s. 346.63 (6).

9 **SECTION 2560.** 343.31 (2) of the statutes is amended to read:

10 343.31 (2) The department shall revoke the operating privilege of any resident
11 upon receiving notice of the conviction of such person in another jurisdiction for an
12 offense therein which, if committed in this state, would have been cause for
13 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
14 shall include violation of any law of another jurisdiction that prohibits use of a motor
15 vehicle while intoxicated or under the influence of a controlled substance or
16 controlled substance analog, or a combination thereof, or with an excess or specified
17 range of alcohol concentration, or under the influence of any drug to a degree that
18 renders the person incapable of safely driving, as those or substantially similar
19 terms are used in that jurisdiction's laws. Upon receiving similar notice with respect
20 to a nonresident, the department shall revoke the privilege of the nonresident to
21 operate a motor vehicle in this state. ~~Such revocation shall not apply to the operation~~
22 ~~of a commercial motor vehicle by a nonresident who holds a valid commercial driver~~
23 ~~license issued by another state.~~

24 **SECTION 2561.** 343.31 (2m) of the statutes is amended to read:

SENATE BILL 44**SECTION 2561**

1 343.31 **(2m)** The department may suspend or revoke, respectively, the
2 operating privilege of any resident upon receiving notice of the conviction of that
3 person under a law of another jurisdiction or a federally recognized American Indian
4 tribe or band in this state for an offense which, if the person had committed the
5 offense in this state and been convicted of the offense under the laws of this state,
6 would have permitted suspension or revocation of the person's operating privilege
7 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
8 department may suspend or revoke the privilege of the nonresident to operate a
9 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
10 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~
11 ~~commercial driver license issued by another state.~~ A suspension or revocation under
12 this subsection shall be for any period not exceeding 6 months.

13 **SECTION 2562.** 343.315 (2) (a) (intro.) of the statutes is amended to read:

14 343.315 **(2)** (a) (intro.) Except as provided in par. (b), a person shall be
15 disqualified from operating a commercial motor vehicle for a one-year period upon
16 a first conviction of any of the following offenses, committed on or after July 1, 1987,
17 ~~while driving or operating a commercial motor vehicle:~~

18 **SECTION 2563.** 343.315 (2) (a) 7. of the statutes is created to read:

19 343.315 **(2)** (a) 7. Operating a commercial motor vehicle when the person's
20 commercial driver license is revoked, suspended, or canceled based on the person's
21 operation of a commercial motor vehicle or when the person is disqualified from
22 operating a commercial motor vehicle based on the person's operation of a
23 commercial motor vehicle.

24 **SECTION 2564.** 343.315 (2) (a) 8. of the statutes is created to read:

SENATE BILL 44**SECTION 2564**

1 343.315 (2) (a) 8. Causing a fatality through negligent or criminal operation
2 of a commercial motor vehicle.

3 **SECTION 2565.** 343.315 (2) (e) of the statutes is amended to read:

4 343.315 (2) (e) A person is disqualified for life from operating a commercial
5 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
6 July 1, 1987, in the commission of a felony involving the manufacture, distribution,
7 delivery or dispensing of a controlled substance or controlled substance analog, or
8 possession with intent to manufacture, distribute, deliver or dispense a controlled
9 substance or controlled substance analog. No person who is disqualified under this
10 paragraph is eligible for reinstatement under par. (d).

11 **SECTION 2566.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

12 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
13 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
14 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
15 committed within a 3-year period while driving or operating a ~~commercial~~ any motor
16 vehicle. The 120-day period of disqualification under this paragraph shall be in
17 addition to any other period of disqualification imposed under this paragraph. In
18 this paragraph, “serious traffic violations” means any of the following offenses
19 committed while operating a commercial motor vehicle, or any of the following
20 offenses committed while operating any motor vehicle if the offense results in the
21 revocation, cancellation, or suspension of the person’s operator’s license or operating
22 privilege:

23 **SECTION 2567.** 343.315 (2) (f) 2. of the statutes is amended to read:

24 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
25 federally recognized American Indian tribe or band in this state in conformity with

SENATE BILL 44**SECTION 2567**

1 any state law or any law of another jurisdiction relating to motor vehicle traffic
2 control, arising in connection with a fatal accident, other than parking, vehicle
3 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

4 **SECTION 2568.** 343.315 (2) (f) 6. of the statutes is created to read:

5 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
6 not obtained a commercial driver license.

7 **SECTION 2569.** 343.315 (2) (f) 7. of the statutes is created to read:

8 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
9 not have in his or her immediate possession the person's commercial driver license
10 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
11 343.17 (4), unless the person produces in court or in the office of the law enforcement
12 officer that issued the citation, by the date that the person must appear in court or
13 pay any fine or forfeiture with respect to the citation, a commercial driver license
14 document issued to the person prior to the date of the citation and valid at the time
15 of the citation.

16 **SECTION 2570.** 343.315 (2) (f) 8. of the statutes is created to read:

17 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper
18 class of commercial driver license or endorsements for the specific vehicle group
19 being operated or for the passengers or type of cargo being transported.

20 **SECTION 2571.** 343.315 (2) (k) of the statutes is created to read:

21 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
22 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a
23 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
24 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle

SENATE BILL 44**SECTION 2571**

1 for the period of disqualification determined by the federal authority upon receipt by
2 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

3 **SECTION 2572.** 343.44 (1) (d) of the statutes is amended to read:

4 343.44 (1) (d) *Operating while disqualified.* No person may operate a
5 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
6 under the law of another jurisdiction or Mexico that provides for disqualification of
7 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
8 by the federal ~~highway~~ motor carrier safety administration under the federal rules
9 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
10 longer qualified to operate a vehicle under 49 CFR 391.

11 **SECTION 2573.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

12 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
13 sub. (1) (b), ~~(e)~~ or (d) shall be fined not more than \$2,500 or imprisoned for not more
14 than one year in the county jail or both. In imposing a sentence under this
15 paragraph, or a local ordinance in conformity with this paragraph, the court shall
16 review the record and consider the following:

17 **SECTION 2574.** 343.44 (2) (bm) of the statutes is created to read:

18 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
19 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county
20 jail or both. In imposing a sentence under this paragraph, the court shall review the
21 record and consider the factors specified in par. (b) 1. to 5.

22 **SECTION 2575.** 344.185 (2) (e) 2. of the statutes is amended to read:

23 344.185 (2) (e) 2. All other proceeds of the sale remaining after the payments
24 under subd. 1. shall be retained by the secretary of transportation and applied as
25 security for payment of judgments and assignments as provided under s. 344.20 (2).

SENATE BILL 44**SECTION 2575**

1 Any amounts not used to pay judgments or assignments shall be transmitted to the
2 state treasurer secretary of administration for deposit in the school fund.

3 **SECTION 2576.** 344.576 (3) (a) 5. of the statutes is amended to read:

4 344.576 (3) (a) 5. The address and telephone number of the department of
5 agriculture, trade and consumer protection justice.

6 **SECTION 2577.** 344.576 (3) (c) of the statutes is amended to read:

7 344.576 (3) (c) The department of agriculture, trade and consumer protection
8 justice shall promulgate rules specifying the form of the notice required under par.
9 (a), including the size of the paper and the type size and any highlighting of the
10 information described in par. (a). The rule may specify additional information that
11 must be included in the notice and the precise language that must be used.

12 **SECTION 2578.** 344.579 (2) (intro.) of the statutes is amended to read:

13 344.579 (2) ENFORCEMENT. (intro.) The department of agriculture, trade and
14 consumer protection justice shall investigate violations of ss. 344.574, 344.576 (1),
15 (2) and (3) (a) and (b), 344.577 and 344.578. The department of agriculture, trade
16 and consumer protection justice may on behalf of the state:

17 **SECTION 2579.** 345.08 of the statutes is amended to read:

18 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained
19 in any court to restrain or delay the collection or payment of the taxes levied or the
20 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax
21 or fee as and when due and, if paid under protest, may at any time within 90 days
22 from the date of such payment sue the state in an action at law to recover the tax or
23 fee so paid. If it is finally determined that such tax or fee or any part thereof was
24 wrongfully collected for any reason, the department secretary of administration
25 shall issue a warrant on the state treasurer for pay from the transportation fund the

SENATE BILL 44**SECTION 2579**

1 amount of such tax or fee so adjudged to have been wrongfully collected ~~and the state~~
2 ~~treasurer shall pay the same out of the transportation fund.~~ A separate suit need not
3 be filed for each separate payment made by any taxpayer, but a recovery may be had
4 in one suit for as many payments as were made within the 90-day period preceding
5 the commencement of the action. Such suits shall be commenced as provided in s.
6 775.01.

7 **SECTION 2580.** 346.177 (3) of the statutes is amended to read:

8 346.177 (3) If any deposit is made for an offense to which this section applies,
9 the person making the deposit shall also deposit a sufficient amount to include the
10 railroad crossing improvement assessment under this section. If the deposit is
11 forfeited, the amount of the railroad crossing improvement assessment shall be
12 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
13 deposit is returned, the amount of the railroad crossing improvement assessment
14 shall also be returned.

15 **SECTION 2581.** 346.177 (4) of the statutes is amended to read:

16 346.177 (4) The clerk of the circuit court shall collect and transmit to the county
17 treasurer the railroad crossing improvement assessment as required under s. 59.40
18 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
19 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
20 administration shall deposit all amounts received under this subsection in the
21 transportation fund to be appropriated under s. 20.395 (2) (gj).

22 **SECTION 2582.** 346.45 (3) (d) of the statutes is amended to read:

23 346.45 (3) (d) A railroad grade crossing which is marked with a sign in
24 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining

SENATE BILL 44**SECTION 2582**

1 authority only upon order of the ~~office of the commissioner of railroads as set forth~~
2 ~~in department or the division of hearings and appeals in accordance with~~ s. 195.285.

3 **SECTION 2583.** 346.495 (3) of the statutes is amended to read:

4 346.495 (3) If any deposit is made for an offense to which this section applies,
5 the person making the deposit shall also deposit a sufficient amount to include the
6 railroad crossing improvement assessment under this section. If the deposit is
7 forfeited, the amount of the railroad crossing improvement assessment shall be
8 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
9 deposit is returned, the amount of the railroad crossing improvement assessment
10 shall also be returned.

11 **SECTION 2584.** 346.495 (4) of the statutes is amended to read:

12 346.495 (4) The clerk of the circuit court shall collect and transmit to the county
13 treasurer the railroad crossing improvement assessment as required under s. 59.40
14 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
15 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
16 administration shall deposit all amounts received under this subsection in the
17 transportation fund to be appropriated under s. 20.395 (2) (gj).

18 **SECTION 2585.** 346.63 (2m) of the statutes is amended to read:

19 346.63 (2m) If a person has not attained the legal drinking age, as defined in
20 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she
21 has an alcohol concentration of more than 0.0 but not more than ~~0.1~~ 0.08. One
22 penalty for violation of this subsection is suspension of a person's operating privilege
23 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
24 at any time. If a person arrested for a violation of this subsection refuses to take a

SENATE BILL 44**SECTION 2585**

1 test under s. 343.305, the refusal is a separate violation and the person is subject to
2 revocation of the person's operating privilege under s. 343.305 (10) (em).

3 **SECTION 2586.** 346.63 (5) (a) of the statutes is amended to read:

4 346.63 (5) (a) No person may drive or operate a commercial motor vehicle while
5 the person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08.

6 **SECTION 2587.** 346.63 (6) (a) of the statutes is amended to read:

7 346.63 (6) (a) No person may cause injury to another person by the operation
8 of a commercial motor vehicle while the person has an alcohol concentration of 0.04
9 or more but less than ~~0.1~~ 0.08.

10 **SECTION 2588.** 346.65 (4r) (c) of the statutes is amended to read:

11 346.65 (4r) (c) If any deposit is made for an offense to which this subsection
12 applies, the person making the deposit shall also deposit a sufficient amount to
13 include the railroad crossing improvement assessment under this subsection. If the
14 deposit is forfeited, the amount of the railroad crossing improvement assessment
15 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
16 If the deposit is returned, the amount of the railroad crossing improvement
17 assessment shall also be returned.

18 **SECTION 2589.** 346.65 (4r) (d) of the statutes is amended to read:

19 346.65 (4r) (d) The clerk of the circuit court shall collect and transmit to the
20 county treasurer the railroad crossing improvement assessment as required under
21 s. 59.40 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary
22 of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
23 administration shall deposit all amounts received under this paragraph in the
24 transportation fund to be appropriated under s. 20.395 (2) (gj).

25 **SECTION 2590.** 346.655 (2) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 2590**

1 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
2 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
3 (2) (m). The county treasurer shall then make payment of 38.5% of the amount to
4 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

5 **SECTION 2591.** 346.655 (2) (b) of the statutes is amended to read:

6 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
7 transmit the amount to the treasurer of the county, city, town, or village, and that
8 treasurer shall make payment of 38.5% of the amount to the ~~state treasurer~~
9 secretary of administration as provided in s. 66.0114 (1) (bm). The treasurer of the
10 city, town, or village shall transmit the remaining 61.5% of the amount to the
11 treasurer of the county.

12 **SECTION 2592.** 346.655 (3) of the statutes is amended to read:

13 346.655 (3) All moneys collected from the driver improvement surcharge that
14 are transmitted to the county treasurer under sub. (2) (a) or (b), except the amounts
15 that the county treasurer is required to transmit to the ~~state treasurer~~ secretary of
16 administration under sub. (2) (a) or (b), shall be retained by the county treasurer and
17 disbursed to the county department under s. 51.42 for services under s. 51.42 for
18 drivers referred through assessment.

19 **SECTION 2593.** 348.25 (8) (a) (intro.) of the statutes is amended to read:

20 348.25 (8) (a) (intro.) Except as provided under par. (dm), the department shall
21 charge the following fees for each permit issued under s. 348.26 or 348.27:

22 **SECTION 2594.** 348.25 (8) (a) 1. of the statutes is amended to read:

23 348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length
24 limitations, \$15, except that if the application for a permit for a vehicle described in

SENATE BILL 44**SECTION 2594**

1 this subdivision is submitted to the department after December 31, 1999, and before
2 July 1, ~~2003~~ 2005, the fee is \$17.

3 **SECTION 2595.** 348.25 (8) (a) 2. of the statutes is amended to read:

4 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
5 width limitations or height limitations, \$20, except that if the application for a
6 permit for a vehicle described in this subdivision is submitted to the department
7 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$22.

8 **SECTION 2596.** 348.25 (8) (a) 2m. of the statutes is amended to read:

9 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
10 width and height limitations, \$25, except that if the application for a permit for a
11 vehicle described in this subdivision is submitted to the department after
12 December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$28.

13 **SECTION 2597.** 348.25 (8) (b) 1. of the statutes is amended to read:

14 348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length
15 limitations, \$60, except that if the application for a permit for a vehicle described in
16 this subdivision is submitted to the department after December 31, 1999, and before
17 July 1, ~~2003~~ 2005, the fee is \$66.

18 **SECTION 2598.** 348.25 (8) (b) 2. of the statutes is amended to read:

19 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
20 limitations or height limitations or both, \$90, except that if the application for a
21 permit for a vehicle described in this subdivision is submitted to the department
22 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$99.

23 **SECTION 2599.** 348.25 (8) (b) 3. a. of the statutes is amended to read:

24 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
25 if the application for a permit for a vehicle described in this subd. 3. a. is submitted

SENATE BILL 44**SECTION 2599**

1 to the department after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is
2 \$220.

3 **SECTION 2600.** 348.25 (8) (b) 3. b. of the statutes is amended to read:

4 348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more
5 than 100,000 pounds, \$350, except that if the application for a permit for a vehicle
6 described in this subd. 3. b. is submitted to the department after December 31, 1999,
7 and before July 1, ~~2003~~ 2005, the fee is \$385.

8 **SECTION 2601.** 348.25 (8) (b) 3. c. of the statutes is amended to read:

9 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
10 \$100 for each 10,000-pound increment or fraction thereof by which the gross weight
11 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
12 described in this subd. 3. c. is submitted to the department after December 31, 1999,
13 and before July 1, ~~2003~~ 2005, the fee is \$385 plus \$110 for each 10,000-pound
14 increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

15 **SECTION 2602.** 348.25 (8) (bm) 1. of the statutes is amended to read:

16 348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a
17 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
18 permit times the number of months for which the permit is desired, plus \$15 for each
19 permit issued. This subdivision does not apply to applications for permits submitted
20 after December 31, 1999, and before July 1, ~~2003~~ 2005.

21 **SECTION 2603.** 348.25 (8) (bm) 2. of the statutes is amended to read:

22 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
23 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
24 permit times the number of months for which the permit is desired, plus \$16.50 for
25 each permit issued, rounded to the nearest whole dollar. This subdivision does not

SENATE BILL 44**SECTION 2603**

1 apply to applications submitted before January 1, 2000, or submitted after
2 June 30, 2003 2005.

3 **SECTION 2604.** 348.25 (8) (e) of the statutes is amended to read:

4 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
5 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
6 cost of any special investigation undertaken to determine whether a permit should
7 be approved or denied and to pay an additional fee of \$5 per permit if a department
8 telephone call-in procedure is used. If the department permits the payment of the
9 fee under par. (a) by telephone or Internet with use of a credit card, the department
10 shall charge a fee to be established by rule for each transaction. The fee shall
11 approximate the cost to the department for providing this service to persons so
12 requesting.

13 **SECTION 2605.** 349.04 (3) of the statutes is amended to read:

14 349.04 (3) If any deposit is made for an offense to which this section applies,
15 the person making the deposit shall also deposit a sufficient amount to include the
16 truck driver education assessment under this section. If the deposit is forfeited, the
17 amount of the truck driver education assessment shall be transmitted to the state
18 ~~treasurer~~ secretary of administration under sub. (4). If the deposit is returned, the
19 amount of the truck driver education assessment shall also be returned.

20 **SECTION 2606.** 349.04 (4) of the statutes is amended to read:

21 349.04 (4) The clerk of the circuit court shall collect and transmit to the county
22 treasurer the truck driver education assessment as required under s. 59.40 (2) (m).
23 The county treasurer shall then pay the ~~state treasurer~~ secretary of administration
24 as provided in s. 59.25 (3) (f) 2. ~~The state treasurer~~ secretary of administration shall

SENATE BILL 44**SECTION 2606**

1 deposit all amounts received under this subsection in the general fund to be credited
2 to the appropriation account under s. 20.292 (1) (hm).

3 **SECTION 2607.** 350.115 (1) (c) of the statutes is amended to read:

4 350.115 (1) (c) If any deposit is made for an offense to which this section applies,
5 the person making the deposit shall also deposit a sufficient amount to include the
6 snowmobile registration restitution payment prescribed in this section. If the
7 deposit is forfeited, the amount of the snowmobile registration restitution payment
8 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
9 If the deposit is returned, the snowmobile registration restitution payment shall also
10 be returned.

11 **SECTION 2608.** 350.115 (1) (d) of the statutes is amended to read:

12 350.115 (1) (d) The clerk of the court shall collect and transmit to the county
13 treasurer the snowmobile registration restitution payment and other amounts
14 required under s. 59.40 (2) (m). The county treasurer shall then make payment to
15 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

16 **SECTION 2609.** 350.137 (1) of the statutes is amended to read:

17 350.137 (1) The department, after having consulted with each rail authority,
18 as defined in s. 350.138 (1) (b), in this state, that has furnished the department with
19 the information required under s. 350.138 (2m), an established snowmobile
20 association that represents snowmobile clubs, as defined in s. 350.138 (1) (e), in this
21 state, and the ~~office of the commissioner of railroads~~ department of transportation,
22 shall promulgate rules to establish uniform maintenance standards and uniform
23 design and construction standards for snowmobile rail crossings under ss. 350.138
24 and 350.139.

25 **SECTION 2610.** 350.138 (4) (c) of the statutes is amended to read:

SENATE BILL 44**SECTION 2610**

1 350.138 (4) (c) The department shall give notice of any hearing scheduled
2 under par. (b) to the applicant, to the applicable rail authority, and to the office of the
3 ~~commissioner of railroads~~ department of transportation. The hearing shall be a
4 contested case hearing under ch. 227. The department's department of natural
5 resources' order issuing or denying a permit is a final order subject to judicial review
6 under ch. 227.

7 **SECTION 2611.** 350.138 (9) of the statutes is amended to read:

8 350.138 (9) INSPECTION AUTHORIZED. The department or the office of the
9 ~~commissioner of railroads~~ department of transportation may inspect the site of a
10 proposed snowmobile rail crossing or the site of a snowmobile rail crossing for which
11 a permit has been issued to determine whether there are grounds to refuse to issue
12 a permit under sub. (4) or to revoke a permit under sub. (8).

13 **SECTION 2612.** 350.139 (5) of the statutes is amended to read:

14 350.139 (5) INSPECTION AUTHORIZED. The department or the office of the
15 ~~commissioner of railroads~~ department of transportation may inspect an established
16 snowmobile rail crossing to determine whether the snowmobile organization
17 maintaining the crossing is in compliance with the requirements imposed under sub.
18 (4).

19 **SECTION 2613.** 350.1395 (2) (b) 2. of the statutes is amended to read:

20 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
21 subd. 1. after giving notice of the hearing to the rail authority, the snowmobile
22 organization, and the office of the ~~commissioner of railroads~~ department of
23 transportation. The hearing shall be a contested case hearing under ch. 227. The
24 department's department of natural resources' order shall be a final order subject to
25 judicial review under ch. 227.

SENATE BILL 44**SECTION 2614**

1 **SECTION 2614.** 350.1395 (2) (b) 3. (intro.) of the statutes is amended to read:

2 350.1395 (2) (b) 3. (intro.) The department shall grant a rail authority's petition
3 under subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under
4 subd. 2., and after giving substantial weight to the ~~office of the commissioner of~~
5 ~~railroads' department of transportation's~~ testimony or report given under s. 195.03
6 (30) (b), the department of natural resources finds that any of the following applies:

7 **SECTION 2615.** 350.1395 (4) (b) of the statutes is amended to read:

8 350.1395 (4) (b) The department may not promulgate a rule under this
9 subsection without first consulting with each rail authority in this state that has
10 furnished the department with the information required under s. 350.138 (2m), an
11 established snowmobile association that represents snowmobile clubs, as defined in
12 s. 350.138 (1) (e), in this state, and the ~~office of the commissioner of railroads~~
13 department of transportation.

14 **SECTION 2616.** 351.07 (1g) of the statutes is amended to read:

15 351.07 (1g) No person may file a petition for an occupational license under sub.
16 (1) unless he or she first pays a fee of \$40 to the clerk of the circuit court. The clerk
17 of the circuit court shall give the person a receipt and forward the fee to the county
18 treasurer. That treasurer shall pay 50% of the fee to the ~~state treasurer~~ secretary
19 of administration under s. 59.25 (3) (m) and retain the balance for the use of the
20 county.

21 **SECTION 2617.** 445.125 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin
22 Act 16, is amended to read:

23 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
24 irrevocable as to the first \$3,000 \$1,500 of the funds paid under the agreement by
25 each depositor.

SENATE BILL 44**SECTION 2618**

1 **SECTION 2618.** 552.23 (1) of the statutes is amended to read:

2 552.23 (1) If the target company is an insurance company subject to regulation
3 by the commissioner of insurance, a banking corporation ~~subject to regulation by the~~
4 ~~division of banking, a~~, savings bank, or savings and loan association subject to
5 regulation by the division of ~~savings institutions~~ banking, or a company subject to
6 regulation by the public service commission, or the department of transportation ~~or~~
7 ~~the office of the commissioner of railroads~~, the division of securities shall promptly
8 furnish a copy of the registration statement filed under this chapter to the regulatory
9 agency having supervision of the target company. Any hearing under this chapter
10 involving any such target company shall be held jointly with the regulatory agency
11 having supervision, and any determination following the hearing shall be made
12 jointly with that regulatory agency.

13 **SECTION 2619.** 560.045 (1) of the statutes is amended to read:

14 560.045 (1) ~~Notwithstanding s. 16.54 (2) (a), from moneys received under a~~
15 ~~community development block grant, 42 USC 5301 to 5320, the department shall~~
16 ~~contract with the department of administration for the administration of housing~~
17 ~~programs, including the housing improvement grant program and the initial~~
18 ~~rehabilitation grant program.~~ To the extent allowed under federal law or regulation,
19 the department shall give priority in the awarding of grants under ~~the~~ housing
20 programs to grants for projects related to the redevelopment of brownfields, as
21 defined in s. 560.60 (1v).

22 **SECTION 2620.** 560.13 of the statutes is repealed.

23 **SECTION 2621.** 560.138 (1) (ac) of the statutes is amended to read:

24 560.138 (1) (ac) "Brownfields" has the meaning given in s. ~~560.13 (1) (a)~~ 560.60
25 (1v).

SENATE BILL 44**SECTION 2622**

1 **SECTION 2622.** 560.139 (1) (c) of the statutes is repealed.

2 **SECTION 2623.** 560.18 of the statutes is repealed.

3 **SECTION 2624.** 560.25 of the statutes, as affected by 2001 Wisconsin Act 16, is
4 repealed.

5 **SECTION 2625.** 560.41 (1) of the statutes is repealed.

6 **SECTION 2626.** 560.44 of the statutes is repealed.

7 **SECTION 2627.** 560.605 (1) (i) of the statutes is amended to read:

8 560.605 (1) (i) The eligible recipient has not received a grant under s. 560.25,
9 2001 stats.

10 **SECTION 2628.** 560.62 (2m) of the statutes is repealed.

11 **SECTION 2629.** 562.02 (1) (g) of the statutes is amended to read:

12 562.02 (1) (g) At least once every 3 months, file a written report on the operation
13 of racing in this state with the governor, the attorney general, the ~~state treasurer~~
14 secretary of administration, the secretary of state, the legislative audit bureau, the
15 president of the senate, and the speaker of the assembly. The report shall include
16 information on racetrack operations, race attendance, and private, state, and local
17 revenues derived from racing in this state.

18 **SECTION 2630.** 565.25 (1m) of the statutes is amended to read:

19 565.25 (1m) SCOPE OF AUTHORITY. Subject to approval by the secretary of
20 revenue, the administrator may determine whether lottery functions shall be
21 performed by ~~department of revenue employees or~~ by one or more persons under
22 contract with the department of administration, ~~except that no contract may provide~~
23 ~~for the entire management of the lottery or for the entire operation of the lottery by~~
24 ~~any private person.~~ The department of administration may contract for
25 ~~management consultation services to assist in the management or operation of the~~

SENATE BILL 44**SECTION 2630**

1 lottery. ~~The department of administration may not contract for financial auditing~~
2 ~~or security monitoring services, except that, if for financial auditing services and~~
3 procurement functions relating to the state lottery. If the department of
4 administration delegates under s. 16.71 (1) to the department of revenue the
5 authority to make a major procurement, the department of revenue may contract
6 with the department of administration for warehouse and building protection
7 services relating to the state lottery. If the department of administration delegates
8 under s. 16.71 (1) to the department of revenue the authority to make a major
9 procurement, the department of revenue shall assume the powers and duties of the
10 department of administration and the administrator shall assume the powers and
11 duties of the secretary of administration under this section and ss. 16.70 to 16.77,
12 except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

13 **SECTION 2631.** 565.25 (2) (a) 4. of the statutes is repealed and recreated to read:

14 565.25 (2) (a) 4. The administrator shall develop specifications for major
15 procurements. If security is a factor in the materials, supplies, equipment, property,
16 or services to be purchased in any major procurement, then invitations for bids or
17 competitive sealed proposals shall include specifications related to security. The
18 administrator shall submit specifications for major procurement to the secretary of
19 revenue for review and approval before the department releases the specifications
20 in invitations for bids or competitive sealed proposals. The department shall require
21 separate bids or separate competitive sealed proposals for management consultation
22 services if the services are provided under contract as provided in sub. (1m).

23 **SECTION 2632.** 565.37 (3) of the statutes is amended to read:

24 565.37 (3) DEPARTMENT REPORT. The department shall submit quarterly reports
25 on the operation of the lottery to the chief clerk of each house of the legislature, for

SENATE BILL 44**SECTION 2632**

1 distribution to the legislature under s. 13.172 (2) and to the governor, attorney
2 general, ~~state treasurer~~ secretary of administration, secretary of state, and state
3 auditor.

4 **SECTION 2633.** 569.06 of the statutes is renumbered 569.06 (1) and amended
5 to read:

6 569.06 (1) GENERAL ALLOCATION. Except as provided in sub. (2), Indian gaming
7 receipts received in any fiscal year, up to \$24,352,500, shall be credited to the
8 appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm) as
9 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm). Except as provided
10 under sub. (2), Indian gaming receipts received in any fiscal year in excess of the
11 amount specified in this subsection shall be paid into the general fund.

12 **SECTION 2634.** 569.06 (2) of the statutes is created to read:

13 569.06 (2) LIMITATIONS ON PAYMENTS TO GENERAL FUND. (a) *Fiscal year 2003-04.*
14 Not more than \$112,000,000 may be paid into the general fund under sub. (1) during
15 the 2003-04 fiscal year. Indian gaming receipts in excess of this amount that would
16 otherwise be required to be paid into the general fund under sub. (1) shall be credited
17 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
18 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

19 (b) *Fiscal year 2004-05 and thereafter.* Not more than \$125,000,000 may be
20 paid into the general fund under sub. (1) during the 2004-05 fiscal year and any fiscal
21 year thereafter. Indian gaming receipts in excess of this amount that would
22 otherwise be required to be paid into the general fund under sub. (1) shall be credited
23 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
24 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

25 **SECTION 2635.** 601.13 (1) (intro.) of the statutes is amended to read:

SENATE BILL 44**SECTION 2635**

1 601.13 (1) RECEIPT OF DEPOSITS. (intro.) Subject to the approval of the
2 commissioner, the ~~state treasurer~~ secretary of administration shall accept deposits
3 or control of acceptable book-entry accounts from insurers and other licensees of the
4 office as follows:

5 **SECTION 2636.** 601.13 (3) (intro.) of the statutes is amended to read:

6 601.13 (3) SECURITIES ELIGIBLE. (intro.) All deposits may consist of any of the
7 securities authorized in this subsection. Each security must be approved by the
8 commissioner, must be subject to disposition by the ~~state treasurer~~ secretary of
9 administration, and must not be available to any other person except as expressly
10 provided by law. The authorized securities are:

11 **SECTION 2637.** 601.13 (5) of the statutes is amended to read:

12 601.13 (5) RECEIPT, INSPECTION, AND RECORD. The ~~state treasurer~~ secretary of
13 administration shall deliver to the depositor a receipt for all securities deposited or
14 held under the control of the ~~state treasurer~~ secretary of administration and shall
15 permit the depositor to inspect its physically held securities at any reasonable time.
16 On application of the depositor the ~~treasurer~~ secretary of administration shall certify
17 when required by any law of the United States or of any other state or foreign country
18 or by the order of any court of competent jurisdiction that the deposit was made. The
19 ~~treasurer~~ secretary of administration and the commissioner shall each keep a
20 permanent record of securities deposited or held under the control of the ~~state~~
21 ~~treasurer~~ secretary of administration and of any substitutions or withdrawals and
22 shall compare records at least annually.

23 **SECTION 2638.** 601.13 (6) of the statutes is amended to read:

SENATE BILL 44**SECTION 2638**

1 601.13 (6) TRANSFER OF SECURITIES. No transfer of a deposited security, whether
2 voluntary or by operation of law, is valid unless approved in writing by the
3 commissioner and countersigned by the ~~treasurer~~ secretary of administration.

4 **SECTION 2639.** 601.13 (8) (intro.) of the statutes is amended to read:

5 601.13 (8) INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.401
6 (11), a depositor shall, while solvent and complying with the laws of this state, be
7 entitled:

8 **SECTION 2640.** 601.13 (11) of the statutes is amended to read:

9 601.13 (11) ADVANCE DEPOSIT OF FEES. With the approval of the commissioner,
10 any person required to pay fees or assessments to the state through the
11 commissioner may make a deposit with the ~~treasurer~~ secretary of administration
12 from which the fees or assessments shall be paid on order of the commissioner not
13 less than twice each year. Upon request by the depositor, any balance remaining
14 shall be returned on the certificate of the commissioner that all fees and assessments
15 have been paid to date.

16 **SECTION 2641.** 601.17 of the statutes is repealed.

17 **SECTION 2642.** 601.34 of the statutes is repealed.

18 **SECTION 2643.** 601.45 (3) of the statutes is amended to read:

19 601.45 (3) DEPOSIT. The commissioner may require any examinee, before or
20 from time to time during an examination, to deposit with the ~~state treasurer~~
21 secretary of administration such deposits as the commissioner deems necessary to
22 pay the costs of the examination. Any deposit and any payment made under subs.
23 (1) and (2) shall be credited to the appropriation under s. 20.145 (1) (g) in the
24 percentage specified in that paragraph.

25 **SECTION 2644.** 601.62 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 2644**

1 601.62 (4) FEES IN INVESTIGATIONS AND HEARINGS. The fees for stenographic
2 services in investigations, examinations, and hearings may not exceed the sum
3 provided for like services in the circuit court. The fees of officers, witnesses,
4 interpreters, and stenographers on behalf of the commissioner or the state shall be
5 paid by the ~~state treasurer upon the warrant of the department~~ secretary of
6 administration, authorized by the certificate of the commissioner, and shall be
7 charged to the appropriation under s. 20.145 (1) (g).

8 **SECTION 2645.** 604.04 (4) of the statutes is amended to read:

9 604.04 (4) PAYMENT PROCEDURE. Any charges against a fund under sub. (3) shall
10 be certified by the commissioner, audited by the department of administration under
11 s. 16.53, and paid by the ~~treasurer~~ secretary of administration out of the appropriate
12 fund in accordance with procedures of the department of administration.

13 **SECTION 2646.** 604.05 of the statutes is amended to read:

14 **604.05 Investments.** Assets of all funds under chs. 605 to 607 shall be
15 invested by the state investment board under s. 25.17. Each January 1 the state
16 ~~treasurer~~ secretary of administration shall credit each fund with earnings on the
17 invested assets in each fund for the preceding 12 months. If any fund is indebted to
18 the general fund of the state, the fund shall be charged, at the end of each calendar
19 year, with interest on the indebtedness at the average rate earned by the state upon
20 its deposits in public depositories during the period of indebtedness and that sum
21 shall be credited to the general fund.

22 **SECTION 2647.** 604.06 (1) of the statutes is amended to read:

23 604.06 (1) CUSTODY. The ~~state treasurer~~ secretary of administration has sole
24 custody of all assets of funds under chs. 605 to 607.

25 **SECTION 2648.** 604.07 of the statutes is amended to read:

SENATE BILL 44**SECTION 2648**

1 **604.07 Bonds.** The commissioner as manager of the funds and the ~~treasurer~~
2 secretary of administration shall file surety bonds, specifically conditioned on the
3 performance of their duties under chs. 605 to 607, in amounts required by, and with
4 sureties approved by, the governor.

5 **SECTION 2649.** 605.30 of the statutes is amended to read:

6 **605.30 Inadequacy of fund.** If the property fund does not have sufficient
7 assets to pay claims that are due, the ~~department~~ secretary of administration shall
8 ~~issue a warrant as a~~ transfer from the general fund to the property fund an amount
9 sufficient to pay the losses and ~~the state treasurer~~ shall pay the ~~warrant~~ losses. The
10 property fund shall thereafter repay the general fund this amount and the
11 ~~department~~ secretary of administration shall ~~issue warrants for such~~ transfer the
12 amount as soon as there are assets in the property fund.

13 **SECTION 2650.** 611.76 (4) (e) of the statutes is amended to read:

14 611.76 (4) (e) That no policyholder, other than a policyholder of a mutual life
15 insurance company, may receive a distribution of shares valued in excess of the
16 amount to which he or she is entitled under s. 645.72 (4). Any excess over that
17 amount shall be distributed in shares to the state treasury for the benefit of the
18 common school fund. After 5 years the shares may be sold by the ~~treasurer~~ secretary
19 of administration at his or her discretion and the proceeds credited to the common
20 school fund; and

21 **SECTION 2651.** 632.746 (7m) of the statutes is created to read:

22 632.746 (7m) (a) In this subsection, “terms of the group health benefit plan”
23 does not include any requirements under the group health benefit plan related to
24 enrollment periods or waiting periods.

SENATE BILL 44**SECTION 2651**

1 (b) An insurer offering a group health benefit plan shall permit, as provided in
2 par. (c), an employee who is not enrolled but who is eligible for coverage under the
3 terms of the group health benefit plan, or a participant's or employee's dependent
4 who is not enrolled but who is eligible for coverage under the terms of the group
5 health benefit plan, to enroll for coverage under the terms of the plan if all of the
6 following apply:

7 1. The employee or dependent is eligible for benefits under the Medical
8 Assistance program under s. 49.472 or for coverage under the Badger Care health
9 care program under s. 49.665.

10 2. The department of health and family services will purchase coverage under
11 the group health benefit plan on behalf of the employee or dependent because the
12 department of health and family services has determined that paying the portion of
13 the premium for which the employee is responsible will not be more costly than
14 providing the medical assistance or the coverage under the Badger Care health care
15 program, whichever is applicable.

16 (c) An insurer permitting an employee or dependent to enroll under this
17 subsection shall provide for an enrollment period of not less than 30 days, beginning
18 on the date on which the department of health and family services makes the
19 determination under par. (b) 2.

20 **SECTION 2652.** 655.26 (2) of the statutes is amended to read:

21 655.26 (2) By the 15th day of each month, the board of governors shall report
22 the information specified in sub. (1) to the medical examining board for each claim
23 paid by the fund or from the appropriation under s. 20.145 (2) (a) during the previous
24 month for damages arising out of the rendering of health care services by a health
25 care provider or an employee of a health care provider.

SENATE BILL 44**SECTION 2653**

1 **SECTION 2653.** 655.27 (3) (am) of the statutes is amended to read:

2 655.27 (3) (am) *Assessments for peer review council.* The fund, a mandatory
3 health care liability risk-sharing plan established under s. 619.04, and a private
4 health care liability insurer shall be assessed, as appropriate, fees sufficient to cover
5 the costs of the patients compensation fund peer review council, including costs of
6 administration, for reviewing claims paid by the fund, or from the appropriation
7 under s. 20.145 (2) (a), by the plan, and by the insurer, respectively, under s. 655.275
8 (5). The fees shall be set by the commissioner by rule, after approval by the board
9 of governors, and shall be collected by the commissioner for deposit in the fund. The
10 costs of the patients compensation fund peer review council shall be funded from the
11 appropriation under s. 20.145 (2) (um).

12 **SECTION 2654.** 655.27 (4) (a) of the statutes is amended to read:

13 655.27 (4) (a) Moneys shall be withdrawn from the fund, or paid from the
14 appropriation under s. 20.145 (2) (a), by the commissioner only upon vouchers
15 approved and authorized by the board of governors.

16 **SECTION 2655.** 655.27 (5) (e) of the statutes is amended to read:

17 655.27 (5) (e) Claims filed against the fund shall be paid in the order received
18 within 90 days after filing unless appealed by the fund. If the amounts in the fund
19 are not sufficient to pay all of the claims, claims received after the funds are
20 exhausted shall be ~~immediately payable the following year in the order in which they~~
21 ~~were received~~ paid from the appropriation under s. 20.145 (2) (a).

22 **SECTION 2656.** 655.275 (5) (a) (intro.) of the statutes is amended to read:

23 655.275 (5) (a) (intro.) The council shall review, within one year of the date of
24 first payment on the claim, each claim that is paid by the fund, or from the
25 appropriation under s. 20.145 (2) (a), by a mandatory health care liability

SENATE BILL 44**SECTION 2656**

1 risk-sharing plan established under s. 619.04, by a private health care liability
2 insurer, or by a self-insurer for damages arising out of the rendering of medical care
3 by a health care provider or an employee of the health care provider and shall make
4 recommendations to all of the following:

5 **SECTION 2657.** Subchapter VIII of chapter 655 [precedes 655.75] of the statutes
6 is created to read:

7 **CHAPTER 655**

8 **SUBCHAPTER VIII**

9 **HEALTH CARE PROVIDER AVAILABILITY**

10 **AND COST CONTROL FUND**

11 **655.75 Health care provider availability and cost control fund. (1)**

12 There is created a health care provider availability and cost control fund for the
13 purposes of ensuring the availability of health care providers in the state and
14 controlling the cost of health care services to state taxpayers, workers, and
15 employers. The fund may be used for all of the following purposes:

16 (a) To assist in the education and training of health care providers.

17 (b) To ensure that health care providers who serve recipients under the Medical
18 Assistance program or other health care programs established by the state receive
19 levels of payment sufficient to retain their participation in the programs and to
20 reduce the risk of shifting costs to private sector employers.

21 (c) To defray the cost of other health-related programs that the secretary of
22 health and family services determines are effective in ensuring the availability of
23 health care providers in the state and controlling the cost of health care services to
24 state taxpayers, workers, and employers.

SENATE BILL 44**SECTION 2657**

1 **(2)** The health care provider availability and cost control fund shall be
2 administered by the commissioner.

3 **(3)** The health care provider availability and cost control fund shall be funded
4 with the transfer of moneys from the patients compensation fund under 2003
5 Wisconsin Act (this act), section 9228 (1).

6 **SECTION 2658.** 704.05 (5) (a) 2. of the statutes is amended to read:

7 704.05 **(5)** (a) 2. Give the tenant notice, personally or by ordinary mail
8 addressed to the tenant's last-known address, of the landlord's intent to dispose of
9 the personal property by sale or other appropriate means if the property is not
10 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
11 after the date of personal service or the date of the mailing of the notice, the landlord
12 may dispose of the property by private or public sale or any other appropriate means.
13 The landlord may deduct from the proceeds of sale any costs of sale and any storage
14 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
15 minus the costs of sale and minus any storage charges are not claimed within 60 days
16 after the date of the sale of the personalty, the landlord is not accountable to the
17 tenant for any of the proceeds of the sale or the value of the property. The landlord
18 shall send the proceeds of the sale minus the costs of the sale and minus any storage
19 charges to the department of administration for deposit in the appropriation under
20 s. ~~20.505 (7)~~ 20.143 (2) (h).

21 **SECTION 2659.** 704.90 (9) of the statutes is amended to read:

22 704.90 **(9)** RULES. The department of ~~agriculture, trade and consumer~~
23 ~~protection~~ justice may promulgate rules necessary to carry out the purposes of this
24 section.

25 **SECTION 2660.** 704.90 (11) (title) of the statutes is amended to read:

SENATE BILL 44**SECTION 2660**

1 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, ~~TRADE AND~~
2 ~~CONSUMER PROTECTION~~ JUSTICE.

3 **SECTION 2661.** 704.90 (11) (a) of the statutes is amended to read:

4 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
5 ~~trade and consumer protection~~ justice shall investigate alleged violations of this
6 section and rules promulgated under sub. (9). To facilitate its investigations, the
7 department may subpoena persons and records and may enforce compliance with the
8 subpoenas as provided in s. 885.12.

9 **SECTION 2662.** 707.49 (4) of the statutes is amended to read:

10 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
11 escrow account, a developer may obtain a surety bond issued by a company
12 authorized to do business in this state, an irrevocable letter of credit or a similar
13 arrangement, in an amount which at all times is not less than the amount of the
14 deposits otherwise subject to the escrow requirements of this section. The bond,
15 letter of credit or similar arrangement shall be filed with the department of
16 ~~agriculture, trade and consumer protection~~ justice and made payable to the
17 department of ~~agriculture, trade and consumer protection~~ justice for the benefit of
18 aggrieved parties.

19 **SECTION 2663.** 707.57 (2) of the statutes is amended to read:

20 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
21 JUSTICE AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~
22 ~~protection~~ justice, or any district attorney upon informing the department of
23 ~~agriculture, trade and consumer protection~~ justice, may commence an action in
24 circuit court in the name of the state to restrain by temporary or permanent
25 injunction any violation of this chapter. Before entry of final judgment, the court may

SENATE BILL 44**SECTION 2663**

1 make such orders or judgments as may be necessary to restore to any person any
2 pecuniary loss suffered because of the acts or practices involved in the action if proof
3 of these acts or practices is submitted to the satisfaction of the court.

4 (b) The department of ~~agriculture, trade and consumer protection~~ justice may
5 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
6 investigation of violations of this chapter.

7 **SECTION 2664.** 707.57 (3) of the statutes is amended to read:

8 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
9 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
10 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~
11 ~~and consumer protection~~ justice or by the district attorney of the county where the
12 violation occurs.

13 **SECTION 2665.** 753.061 (5) of the statutes is amended to read:

14 753.061 (5) The state shall reimburse the county for the costs of operating one
15 of the 2 circuit court branches designated under sub. (2m) that begin to primarily
16 handle violent crime cases on September 1, 1991, including the one-time cost of
17 courtroom construction. The costs reimbursable under this subsection shall be paid
18 by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant
19 to a voucher submitted by the clerk of circuit court to the director of state courts and
20 shall be paid from the appropriation under s. 20.625 (1) (as). The amount
21 reimbursable under this subsection may not exceed \$383,100 in the 1991-92 fiscal
22 year and \$0 in the 1992-93 fiscal year.

23 **SECTION 2666.** 753.07 (2) (a) of the statutes is amended to read:

24 753.07 (2) (a) The persons shall continue to receive salaries directly payable
25 from the state in the same amount as they were receiving on July 31, 1978, and such

SENATE BILL 44**SECTION 2666**

1 salaries are subject to s. 40.05. The balance of the salaries authorized under ss.
2 230.12 and 751.02 for the judges and reporters shall be paid by the ~~state treasurer~~
3 secretary of administration to the county treasurer pursuant to a voucher submitted
4 by the clerk of circuit court to the director of state courts. The county treasurer shall
5 pay the amounts directly to the judges and reporters and the amounts paid are
6 subject to the retirement system established under chapter 201, laws of 1937.

7 **SECTION 2667.** 753.07 (3) (a) of the statutes is amended to read:

8 753.07 (3) (a) The salaries authorized under ss. 230.12 and 751.02 for the
9 judges and reporters shall be paid by the ~~state treasurer~~ secretary of administration
10 to the county treasurer pursuant to a voucher submitted by the clerk of circuit court
11 to the director of state courts. The county treasurer shall pay the amounts directly
12 to the judges and reporters and the amounts paid shall be subject to the retirement
13 system established under chapter 201, laws of 1937.

14 **SECTION 2668.** 753.07 (4) of the statutes is amended to read:

15 753.07 (4) COURT PERSONNEL; OPTIONS. As state employees, county court judges,
16 county court reporters, and assistant county court reporters, as specified in sub. (1),
17 who are denominated or become circuit court judges and reporters on August 1, 1978,
18 and persons serving as circuit court judges and circuit court reporters for Milwaukee
19 County on July 31, 1978, shall have the option of remaining as participants under
20 county life and health insurance programs to the extent of their participation in such
21 programs on February 1, 1978. The ~~state treasurer~~ secretary of administration shall
22 semiannually pay to the county treasurer, pursuant to a voucher submitted by the
23 clerk of circuit court to the director of state courts, an amount equal to the state
24 contribution for life and health insurance for other comparable state employees. The
25 county shall pay the cost of any premiums for life and health insurance exceeding the

SENATE BILL 44**SECTION 2668**

1 sum of the state contribution and the employee contribution as required under the
2 county programs.

3 **SECTION 2669.** 757.05 (1) (b) of the statutes is amended to read:

4 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
5 determination by the court of the amount due, the clerk of the court shall collect and
6 transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The
7 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
8 administration as provided in s. 59.25 (3) (f) 2.

9 **SECTION 2670.** 757.05 (1) (c) of the statutes is amended to read:

10 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
11 determination by the court of the amount due, the court shall collect and transmit
12 the amount to the treasurer of the county, city, town, or village, and that treasurer
13 shall make payment to the ~~state treasurer~~ secretary of administration as provided
14 in s. 66.0114 (1) (bm).

15 **SECTION 2671.** 757.05 (1) (d) of the statutes is amended to read:

16 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
17 this subsection applies, the person making the deposit shall also deposit a sufficient
18 amount to include the assessment prescribed in this subsection for forfeited bail. If
19 bail is forfeited, the amount of the assessment shall be transmitted monthly to the
20 ~~state treasurer~~ secretary of administration under this subsection. If bail is returned,
21 the assessment shall also be returned.

22 **SECTION 2672.** 758.19 (7) of the statutes is amended to read:

23 758.19 (7) The director of state courts shall adopt, revise biennially and submit
24 to the cochairpersons of the joint committee on information policy and technology, the
25 governor and the ~~department of electronic government~~ secretary of administration,

SENATE BILL 44**SECTION 2672**

1 no later than September 15 of each even-numbered year, a strategic plan for the
2 utilization of information technology to carry out the functions of the courts and
3 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
4 business needs of the courts and judicial branch agencies and shall identify all
5 resources relating to information technology which the courts and judicial branch
6 agencies desire to acquire, contingent upon funding availability, the priority for such
7 acquisitions and the justification for such acquisitions. The plan shall also identify
8 any changes in the functioning of the courts and judicial branch agencies under the
9 plan.

10 **SECTION 2673.** 767.027 (1) (intro.) of the statutes is amended to read:

11 767.027 (1) (intro.) In any action under s. 767.02 (1) (i) to enforce or modify a
12 judgment or order with respect to child support, due process requirements related
13 to notice and service of process are satisfied to the extent that the court finds all of
14 the following:

15 **SECTION 2674.** 767.045 (1) (c) 1. of the statutes is amended to read:

16 767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19, or
17 49.45 on behalf of the child, or wages or a stipend are paid to or benefits are provided
18 to the child's custodial parent under ss. 49.141 to 49.161, but the state and its
19 delegate under s. 49.22 (7) are barred by a statute of limitations from commencing
20 an action under s. 767.45 on behalf of the child.

21 **SECTION 2675.** 767.075 (1) (c) of the statutes is amended to read:

22 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
23 is provided on behalf of a dependent child or benefits are provided to the child's
24 custodial parent under s. 49.79 or under ss. 49.141 to 49.161.

SENATE BILL 44**SECTION 2676**

1 **SECTION 2676.** 767.075 (1) (c) of the statutes, as affected by 2003 Wisconsin Act
2 (this act), is amended to read:

3 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
4 is provided on behalf of a dependent child or wages or a stipend are paid to benefits
5 are provided to the child's custodial parent under s. 49.79 or under ss. 49.141 to
6 49.161.

7 **SECTION 2677.** 767.075 (1) (cm) of the statutes is amended to read:

8 767.075 (1) (cm) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or
9 49.45 has, in the past, been provided on behalf of a dependent child, or wages or a
10 stipend have, in the past, been paid to benefits have, in the past, been provided
11 to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is
12 eligible for continuing child support services under 45 CFR 302.33.

13 **SECTION 2678.** 767.15 (1) of the statutes is amended to read:

14 767.15 (1) In any action affecting the family in which either party is a recipient
15 of wages, a stipend, or benefits under ss. 49.141 to 49.161 or aid under s. 46.261,
16 49.19, or 49.45, each party shall, either within 20 days after making service on the
17 opposite party of any motion or pleading requesting the court or circuit court
18 commissioner to order, or to modify a previous order, relating to child support,
19 maintenance, or family support, or before filing the motion or pleading in court, serve
20 a copy of the motion or pleading upon the county child support agency under s. 59.53
21 (5) of the county in which the action is begun.

22 **SECTION 2679.** 767.24 (6) (c) of the statutes is amended to read:

23 767.24 (6) (c) In making an order of joint legal custody and periods of physical
24 placement, the court may specify one parent as the primary caretaker of the child and
25 one home as the primary home of the child, for the purpose of determining eligibility

SENATE BILL 44**SECTION 2679**

1 for aid under s. 49.19 or wages, a stipend, or benefits under ss. 49.141 to 49.161 or
2 for any other purpose the court considers appropriate.

3 **SECTION 2680.** 767.29 (1) (dm) 1m. of the statutes is amended to read:

4 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
5 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
6 payment and collection system on December 31, 1998, and shall deposit all fees
7 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
8 The department or its designee may collect unpaid fees under this subdivision
9 through income withholding under s. 767.265 (2m). If the department or its designee
10 determines that income withholding is inapplicable, ineffective, or insufficient for
11 the collection of any unpaid fees under this subdivision, the department or its
12 designee may move the court for a remedial sanction under ch. 785. The department
13 or its designee may contract with or employ a collection agency or other person for
14 the collection of any unpaid fees under this subdivision and, notwithstanding s.
15 20.930, ~~may contract with or employ~~ retain an attorney to appear in any action in
16 state or federal court to enforce the payment obligation. The department or its
17 designee may not deduct the amount of unpaid fees from any maintenance, child or
18 family support, or arrearage payment.

19 **SECTION 2681.** 767.47 (6) (a) of the statutes is amended to read:

20 767.47 (6) (a) Whenever the state brings the action to determine paternity
21 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4)
22 (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or benefits or wages
23 under s. 49.148, 49.155, or 49.157 ~~or 49.159~~, the natural mother of the child may not
24 be compelled to testify about the paternity of the child if it has been determined that
25 the mother has good cause for refusing to cooperate in establishing paternity as

SENATE BILL 44**SECTION 2681**

1 provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated
2 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated
3 by the department which define good cause in accordance with the federal
4 regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

5 **SECTION 2682.** 767.47 (6) (b) of the statutes is amended to read:

6 767.47 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
7 determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
8 2., 49.19 (4) (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or
9 benefits or wages under s. 49.148, 49.155, or 49.157 ~~or 49.159~~, where evidence other
10 than the testimony of the mother may establish the paternity of the child.

11 **SECTION 2683.** 778.135 of the statutes is amended to read:

12 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding
13 s. 778.13, whenever any action or proposed action by the elections board under s. 5.05
14 (1) (c) is settled as a result of agreement between the parties without approval of the
15 court, the moneys accruing to the state on account of such settlement shall be paid
16 to the board and deposited with the ~~state treasurer~~ secretary of administration.
17 Whenever any proposed action by a county board of election commissioners under s.
18 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys
19 accruing to the county on account of such settlement shall be paid to the board of
20 election commissioners and deposited with the county treasurer in the same manner
21 as provided for forfeitures under s. 778.13.

22 **SECTION 2684.** 778.136 of the statutes is amended to read:

23 **778.136 Ethics and lobbying forfeitures; how recovered.**

24 Notwithstanding s. 778.13, whenever any moneys are received by the ethics board
25 or attorney general in settlement of a civil action or other civil matter for violation

SENATE BILL 44**SECTION 2684**

1 of the lobbying law or code of ethics for state public officials and employees under s.
2 19.545, the moneys shall accrue to the state and be deposited with the ~~state treasurer~~
3 secretary of administration.

4 **SECTION 2685.** 778.17 of the statutes is amended to read:

5 **778.17 Statement to county board; payment to state.** Every county
6 treasurer shall, on the first day of the annual meeting of the county board, submit
7 to it a verified statement of all moneys received by the county treasurer during the
8 year next preceding from town, village, and city treasurers under this chapter,
9 containing the names of such treasurers, the amount received from each, and the
10 date of receipt. The county clerk shall deduct all expenses incurred by the county in
11 recovering such forfeitures from the aggregate amount so received, and shall
12 immediately certify to the county treasurer the amount of clear proceeds of such
13 forfeitures, so ascertained, who shall pay the same to the ~~state treasurer~~ secretary
14 of administration.

15 **SECTION 2686.** 779.41 (1m) of the statutes is amended to read:

16 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~
17 ~~consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1)
18 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
19 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

20 **SECTION 2687.** 779.93 (title) of the statutes is amended to read:

21 **779.93 (title) Duties of the department of ~~agriculture, trade and~~**
22 **~~consumer protection justice~~.**

23 **SECTION 2688.** 779.93 (1) of the statutes is amended to read:

24 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
25 justice shall investigate violations of this subchapter and attempts to circumvent

SENATE BILL 44**SECTION 2688**

1 this subchapter. The department of ~~agriculture, trade and consumer protection~~
2 justice may subpoena persons and records to facilitate its investigations, and may
3 enforce compliance with such subpoenas as provided in s. 885.12.

4 **SECTION 2689.** 779.93 (2) (intro.) of the statutes is amended to read:

5 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
6 ~~protection~~ justice may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
7 a prepaid maintenance lien:

8 **SECTION 2690.** 809.25 (2) (a) 1. of the statutes is amended to read:

9 809.25 (2) (a) 1. For filing an appeal, cross-appeal, petition for review, petition
10 to bypass, or other proceeding, ~~\$150~~ \$195.

11 **SECTION 2691.** 812.42 (2) (c) of the statutes is amended to read:

12 812.42 (2) (c) In addition to the \$15 garnishee fee, the garnishee shall receive
13 a \$3 fee for each payment delivered to the creditor under s. 812.39 after the first
14 payment. That additional fee shall be deducted from the moneys delivered to the
15 creditor. Those fees become part of the funds of the state if the department of
16 administration is the garnishee, or funds of the appropriate governmental
17 subdivision if any other governmental entity is the garnishee. The judgment creditor
18 shall pay the initial garnishee fee to the ~~treasurer of the state~~ secretary of
19 administration or other governmental subdivision, as applicable.

20 **SECTION 2692.** 813.16 (7) of the statutes is amended to read:

21 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
22 is a savings and loan association or savings bank supervised by the division of
23 banking or a corporation supervised by the division of savings institutions, home
24 loan bank board, U.S. federal office of thrift supervision, federal deposit insurance
25 corporation, or resolution trust corporation, the court, unless the opposing party

SENATE BILL 44**SECTION 2692**

1 objects, shall appoint an officer of such corporation as receiver to act without
2 compensation and to give such bond as the court requires.

3 **SECTION 2693.** 813.31 (1) of the statutes is amended to read:

4 813.31 (1) In each case of termination of receivership as provided in s. 813.28,
5 the court, except in cases where the proceedings have been certified to the proper
6 court under s. 813.26 (1), shall set aside the sum there named and direct its payment
7 by the receiver, to the ~~state treasurer~~ secretary of administration.

8 **SECTION 2694.** 813.31 (2) of the statutes is amended to read:

9 813.31 (2) The ~~state treasurer~~ secretary of administration shall retain or invest
10 the funds thus paid in.

11 **SECTION 2695.** 813.31 (3) of the statutes is amended to read:

12 813.31 (3) If at any time thereafter an absentee whose estate has been
13 distributed under a final finding and judgment made as herein provided shall appear
14 and make claim for reimbursement, the court may in a proceeding by the claimant
15 against the ~~state treasurer~~ secretary of administration order payment to the
16 claimant as in its opinion may be fair and adequate under the circumstances.

17 **SECTION 2696.** 814.60 (1) of the statutes is amended to read:

18 814.60 (1) In a criminal action, the clerk of circuit court shall collect a fee of \$20
19 for all necessary filing, entering, or recording, to be paid by the defendant when
20 judgment is entered against the defendant. Of the fees received by the clerk of circuit
21 court under this subsection, the county treasurer shall pay 50% to the ~~state treasurer~~
22 secretary of administration for deposit in the general fund and shall retain the
23 balance for the use of the county.

24 **SECTION 2697.** 814.61 (1) (a) of the statutes is amended to read:

SENATE BILL 44**SECTION 2697**

1 814.61 (1) (a) Except as provided under pars. (c), (d), and (e), at the
2 commencement of all civil actions and special proceedings not specified in ss. 814.62
3 to 814.66, \$75. Of the fees received by the clerk under this paragraph, the county
4 treasurer shall pay \$45 to the ~~state treasurer~~ secretary of administration for deposit
5 in the general fund and shall retain the balance for the use of the county. The ~~state~~
6 ~~treasurer~~ secretary of administration shall credit \$15 of the \$45 to the appropriation
7 under s. 20.680 (2) (j).

8 **SECTION 2698.** 814.61 (3) of the statutes is amended to read:

9 814.61 (3) THIRD-PARTY COMPLAINT. When any defendant files a 3rd-party
10 complaint, the defendant shall pay a fee of \$45. The defendant shall pay only one
11 such \$45 fee in an action. Of the fees received by the clerk under this subsection, the
12 county treasurer shall pay \$25 to the ~~state treasurer~~ secretary of administration for
13 deposit in the general fund and shall retain the balance for the use of the county. The
14 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$25 to the
15 appropriation under s. 20.680 (2) (j).

16 **SECTION 2699.** 814.61 (7) (a) of the statutes is amended to read:

17 814.61 (7) (a) Except as provided in par. (b), upon the filing of any petition
18 under s. 767.32 (1) or any motion, by either party, for the revision of a judgment or
19 order in an action affecting the family, \$30. No fee may be collected under this
20 paragraph for any petition or motion by either party for the revision of a judgment
21 or order involving child support, family support, or maintenance if both parties have
22 stipulated to the revision of the judgment or order. Of the fees received by the clerk
23 under this paragraph, the county treasurer shall pay 50% to the ~~state treasurer~~
24 secretary of administration for deposit in the general fund and shall retain the
25 balance for the use of the county.

SENATE BILL 44**SECTION 2700**

1 **SECTION 2700.** 814.61 (7) (b) of the statutes is amended to read:

2 814.61 (7) (b) Upon the filing of any petition, motion, or order to show cause
3 by either party under s. 767.325 or 767.327, \$50. Of the fees received by the clerk
4 under this paragraph, the county treasurer shall pay 25% to the ~~state treasurer~~
5 secretary of administration for deposit in the general fund, retain 25% for the use of
6 the county, and deposit 50% in a separate account to be used by the county exclusively
7 for the purposes specified in s. 767.11.

8 **SECTION 2701.** 814.61 (8) (c) of the statutes is amended to read:

9 814.61 (8) (c) Of the fees received by the clerk under par. (am) 1., the county
10 treasurer shall pay \$22.50 to the ~~state treasurer~~ secretary of administration for
11 deposit in the general fund and shall retain the balance for the use of the county. The
12 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$22.50 to the
13 appropriation under s. 20.680 (2) (j).

14 **SECTION 2702.** 814.61 (8) (d) of the statutes is amended to read:

15 814.61 (8) (d) Of the fees received by the clerk under par. (am) 2., the county
16 treasurer shall pay \$30 to the ~~state treasurer~~ secretary of administration for deposit
17 in the general fund and shall retain the balance for the use of the county. The state
18 treasurer shall credit \$5 of the \$30 to the appropriation under s. 20.680 (2) (j).

19 **SECTION 2703.** 814.61 (13) of the statutes is amended to read:

20 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
21 whenever a person not receiving a stipend under s. 49.147 (3m) (g), benefits or wages
22 under s. 49.148 or 49.155, or aid under s. 49.19, 49.46, 49.465, 49.468, or 49.47 files
23 a petition requesting child support, maintenance, or family support payments, \$10
24 in addition to any other fee required under this section. This subsection does not
25 apply to a petition filed by the state or its delegate.

SENATE BILL 44**SECTION 2704**

1 **SECTION 2704.** 814.62 (1) of the statutes is amended to read:

2 814.62 (1) GARNISHMENT ACTIONS. The fee for commencing a garnishment action
3 under ch. 812, including actions under s. 799.01 (1) (d) 2., is \$20. Of the fees received
4 by the clerk under this subsection, the county treasurer shall pay \$12.50 to the ~~state~~
5 ~~treasurer~~ secretary of administration for deposit in the general fund and shall retain
6 the balance for the use of the county. The ~~state treasurer~~ secretary of administration
7 shall credit \$5 of the \$12.50 to the appropriation under s. 20.680 (2) (j).

8 **SECTION 2705.** 814.62 (3) (d) 2. of the statutes is amended to read:

9 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
10 treasurer shall pay \$11.80 to the ~~state treasurer~~ secretary of administration for
11 deposit in the general fund and shall retain the balance for the use of the county. The
12 ~~state treasurer~~ secretary of administration shall credit the \$11.80 to the
13 appropriation under s. 20.680 (2) (j).

14 **SECTION 2706.** 814.62 (3) (d) 3. of the statutes is amended to read:

15 814.62 (3) (d) 3. Of the fees received by the clerk under par. (b), the county
16 treasurer shall pay \$27.20 to the ~~state treasurer~~ secretary of administration for
17 deposit in the general fund and shall retain the balance for the use of the county. The
18 ~~state treasurer~~ secretary of administration shall credit \$10 of the \$27.20 to the
19 appropriation under s. 20.680 (2) (j).

20 **SECTION 2707.** 814.63 (5) of the statutes is amended to read:

21 814.63 (5) Of the fees received by the clerk under sub. (1) (b), the county
22 treasurer shall pay \$17.50 to the ~~state treasurer~~ secretary of administration for
23 deposit in the general fund and shall retain the balance for the use of the county. The
24 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$17.50 to the
25 appropriation under s. 20.680 (2) (j).

SENATE BILL 44**SECTION 2708**

1 **SECTION 2708.** 814.634 (1) (a) of the statutes is amended to read:

2 814.634 (1) (a) Except for an action for a safety belt use violation under s.
3 347.48 (2m), the clerk of circuit court shall charge and collect a \$52 \$67.60 court
4 support services fee from any person, including any governmental unit as defined in
5 s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

6 **SECTION 2709.** 814.634 (1) (b) of the statutes is amended to read:

7 814.634 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge
8 and collect a \$130 \$169 court support services fee from any person, including any
9 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or
10 (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
11 the amount claimed exceeds the amount under s. 799.01 (1) (d).

12 **SECTION 2710.** 814.634 (1) (c) of the statutes is amended to read:

13 814.634 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge
14 and collect a \$39 \$50.70 court support services fee from any person, including any
15 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or
16 (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying
17 the fee seeks the recovery of money and the amount claimed is equal to or less than
18 the amount under s. 799.01 (1) (d).

19 **SECTION 2711.** 814.634 (2) of the statutes is amended to read:

20 814.634 (2) The clerk shall pay the moneys collected under sub. (1) to the
21 county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys
22 to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (p).

23 **SECTION 2712.** 814.635 (1m) of the statutes is amended to read:

24 814.635 (1m) Beginning on October 1, 1995, whenever the clerk of circuit court
25 for Milwaukee County charges and collects a fee under sub. (1), he or she shall also

SENATE BILL 44**SECTION 2712**

1 charge and collect a ~~\$2~~ \$3.50 special prosecution clerks fee. The special prosecution
2 clerks fee is in addition to the other fees listed in sub. (1).

3 **SECTION 2713.** 814.635 (2) of the statutes is amended to read:

4 814.635 (2) The clerk shall pay the moneys collected under subs. (1) and (1m)
5 to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those
6 moneys to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (p).

7 **SECTION 2714.** 814.65 (1) of the statutes is amended to read:

8 814.65 (1) COURT COSTS. In a municipal court action, except an action for
9 violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall
10 collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether
11 it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant
12 or summons, or the action is tried as a contested matter. Of each fee received by the
13 judge under this subsection, the municipal treasurer shall pay monthly \$5 to the
14 ~~state treasurer~~ secretary of administration for deposit in the general fund and shall
15 retain the balance for the use of the municipality.

16 **SECTION 2715.** 814.66 (3) of the statutes is amended to read:

17 814.66 (3) The register in probate shall, on the first Monday of each month, pay
18 into the office of the county treasurer all fees collected by him or her and in his or her
19 hands and still unclaimed as of that day. Each county treasurer shall make a report
20 under oath to the ~~state treasurer~~ secretary of administration on or before the 5th day
21 of January, April, July, and October of all fees received by him or her under sub. (1)
22 (a) to (f) up to the first day of each of those months and shall at the same time pay
23 66.67% of the fees to the ~~state treasurer~~ secretary of administration for deposit in the
24 general fund. Each county treasurer shall retain the balance of fees received by him
25 or her under this section for the use of the county.

SENATE BILL 44**SECTION 2716**

1 **SECTION 2716.** 885.235 (1g) (a) 1. of the statutes is renumbered 885.235 (1g)
2 (a).

3 **SECTION 2717.** 885.235 (1g) (a) 2. of the statutes is repealed.

4 **SECTION 2718.** 885.235 (1g) (b) of the statutes is amended to read:

5 885.235 (1g) (b) Except with respect to the operation of a commercial motor
6 vehicle as provided in par. (d), the fact that the analysis shows that the person had
7 an alcohol concentration of more than 0.04 but less than ~~0.1~~ 0.08 is relevant evidence
8 on the issue of intoxication or an alcohol concentration of ~~0.1~~ 0.08 or more but is not
9 to be given any prima facie effect.

10 **SECTION 2719.** 885.235 (1g) (bd) of the statutes is repealed.

11 **SECTION 2720.** 885.235 (1g) (c) of the statutes is amended to read:

12 885.235 (1g) (c) The In cases involving persons who have 2 or fewer prior
13 convictions, suspensions, or revocations, as counted under s. 343.307 (1), the fact
14 that the analysis shows that the person had an alcohol concentration of ~~0.1~~ 0.08 or
15 more is prima facie evidence that he or she was under the influence of an intoxicant
16 and is prima facie evidence that he or she had an alcohol concentration of ~~0.1~~ 0.08
17 or more.

18 **SECTION 2721.** 885.235 (1g) (cd) of the statutes is repealed.

19 **SECTION 2722.** 885.38 (2) of the statutes is amended to read:

20 885.38 (2) The supreme court shall establish the procedures and policies for the
21 recruitment, training, and certification of persons to act as qualified interpreters in
22 a court proceeding and for the fees imposed for the training and certification, and for
23 the coordination, discipline, retention, and training of those interpreters. Any fees
24 collected under this subsection shall be credited to the appropriation under s. 20.680
25 (2) (gc).

SENATE BILL 44**SECTION 2723**

1 **SECTION 2723.** 885.38 (3) (a) (intro.) of the statutes is amended to read:

2 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
3 ~~51, 55, or 938, if~~ If the court determines that the person has limited English
4 proficiency and that an interpreter is necessary, the court shall advise the person
5 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
6 ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one
7 of the following:

8 **SECTION 2724.** 893.965 of the statutes is created to read:

9 **893.965 Housing, public accommodations, and employment**
10 **discrimination; civil remedies. (1) HOUSING DISCRIMINATION.** Any civil action
11 arising under s. 106.50 (6m) is subject to the limitations of s. 106.50 (6m) (b).

12 **(2) PUBLIC ACCOMMODATIONS DISCRIMINATION.** Any civil action arising under s.
13 106.52 (4) (e) is subject to the limitations of s. 106.52 (4) (e) 2.

14 **(3) EMPLOYMENT DISCRIMINATION.** Any civil action arising under s. 111.40 is
15 subject to the limitations of s. 111.40 (2).

16 **SECTION 2725.** 895.48 (1m) (intro.) of the statutes, as affected by 2001
17 Wisconsin Act 74, is amended to read:

18 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
19 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
20 medical technician licensed under s. 146.50, first responder certified under s. 146.50
21 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch.
22 441, or a massage therapist or bodyworker issued a certificate under ch. 460 who
23 renders voluntary health care to a participant in an athletic event or contest
24 sponsored by a nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~ 66.0129 (6) (b),
25 a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. ~~46.93~~

SENATE BILL 44**SECTION 2725**

1 ~~(1m)~~(e) 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil
2 liability for his or her acts or omissions in rendering that care if all of the following
3 conditions exist:

4 **SECTION 2726.** 895.65 (2) of the statutes is amended to read:

5 895.65 (2) An employee may bring an action in circuit court against his or her
6 employer or employer's agent, including this state, if the employer or employer's
7 agent retaliates, by engaging in a disciplinary action, against the employee because
8 the employee exercised his or her rights under the first amendment to the U.S.
9 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
10 information or because the employer or employer's agent believes the employee so
11 exercised his or her rights. The employee shall bring the action within 2 years after
12 the action allegedly occurred or after the employee learned of the action, whichever
13 occurs last. No employee may bring an action against the department of ~~employment~~
14 ~~relations~~ administration as an employer's agent.

15 **SECTION 2727.** 938.02 (15m) of the statutes is amended to read:

16 938.02 (15m) "Secured correctional facility" means a correctional institution
17 operated or contracted for by the department of corrections or operated by the
18 department of health and family services for holding in secure custody persons
19 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile
20 treatment center under s. 46.057, ~~the facility at which the juvenile boot camp~~
21 ~~program under s. 938.532 is operated~~ and a facility authorized under s. 938.533 (3)
22 (b), 938.538 (4) (b), or 938.539 (5).

23 **SECTION 2728.** 938.275 (2) (d) of the statutes is amended to read:

24 938.275 (2) (d) Reimbursement payments shall be made to the clerk of courts
25 of the county where the proceedings took place. Each payment shall be transmitted

SENATE BILL 44**SECTION 2728**

1 to the county treasurer, who shall deposit 25% of the amount paid for state-provided
2 counsel in the county treasury and transmit the remainder to the state treasurer
3 secretary of administration. Payments transmitted to the state treasurer secretary
4 of administration shall be deposited in the general fund and credited to the
5 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
6 100% of the amount paid for county-provided counsel in the county treasury.

7 **SECTION 2729.** 938.34 (4n) (intro.) of the statutes is amended to read:

8 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. ~~938.532 (3)~~ and to any
9 arrangement between the department and a county department regarding the
10 provision of aftercare supervision for juveniles who have been released from a
11 secured correctional facility, a secured child caring institution, or a secured group
12 home, designate one of the following to provide aftercare supervision for the juvenile
13 following the juvenile's release from the secured correctional facility, secured child
14 caring institution, or secured group home:

15 **SECTION 2730.** 938.34 (8d) (b) of the statutes is amended to read:

16 938.34 (8d) (b) The clerk of court shall collect and transmit the amount to the
17 county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
18 payment to the state treasurer secretary of administration under s. 59.25 (3) (f) 2.

19 **SECTION 2731.** 938.34 (8d) (c) of the statutes is amended to read:

20 938.34 (8d) (c) If a juvenile placed in a secured correctional facility or a secured
21 child caring institution fails to pay the surcharge under par. (a), the department shall
22 assess and collect the amount owed from the juvenile's wages or other moneys. If a
23 juvenile placed in a secured group home fails to pay the surcharge under par. (a), the
24 county department shall assess and collect the amount owed from the juvenile's

SENATE BILL 44**SECTION 2731**

1 wages or other moneys. Any amount collected shall be transmitted to the state
2 treasurer secretary of administration.

3 **SECTION 2732.** 938.532 of the statutes is repealed.

4 **SECTION 2733.** 938.538 (6m) (b) of the statutes is amended to read:

5 938.538 (6m) (b) In the selection of classified service employees for a secured
6 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
7 the appointing authority shall make every effort to use the expanded certification
8 program under s. 230.25 (1n) or rules of the administrator of the division of merit
9 recruitment and selection in the department of ~~employment relations~~
10 administration to ensure that the percentage of employees who are minority group
11 members approximates the percentage of the juveniles placed at that secured
12 correctional facility who are minority group members. The administrator of the
13 division of merit recruitment and selection in the department of ~~employment~~
14 ~~relations~~ administration shall provide guidelines for the administration of this
15 selection procedure.

16 **SECTION 2734.** 940.09 (1) (bm) of the statutes is amended to read:

17 940.09 (1) (bm) Causes the death of another by the operation of a commercial
18 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
19 than ~~0.1~~ 0.08.

20 **SECTION 2735.** 940.09 (1) (e) of the statutes is amended to read:

21 940.09 (1) (e) Causes the death of an unborn child by the operation of a
22 commercial motor vehicle while the person has an alcohol concentration of 0.04 or
23 more but less than ~~0.1~~ 0.08.

24 **SECTION 2736.** 940.25 (1) (bm) of the statutes is amended to read:

SENATE BILL 44**SECTION 2736**

1 940.25 (1) (bm) Causes great bodily harm to another human being by the
2 operation of a commercial motor vehicle while the person has an alcohol
3 concentration of 0.04 or more but less than ~~0.1~~ 0.08.

4 **SECTION 2737.** 940.25 (1) (e) of the statutes is amended to read:

5 940.25 (1) (e) Causes great bodily harm to an unborn child by the operation of
6 a commercial motor vehicle while the person has an alcohol concentration of 0.04 or
7 more but less than ~~0.1~~ 0.08.

8 **SECTION 2738.** 945.06 of the statutes is amended to read:

9 **945.06 Public utilities to cease service.** When any public utility, common
10 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service
11 commission, ~~office of the commissioner of railroads~~ or department of transportation
12 of this state, is notified in writing by a federal, state or local law enforcement agency,
13 acting within its jurisdiction, that any facility furnished by it is being used or will be
14 used for the purpose of transmitting or receiving gambling information in violation
15 of the laws of this state it shall discontinue or refuse the leasing, furnishing or
16 maintaining of such facility, after reasonable notice to the subscriber, but no
17 damages, penalty or forfeiture, civil or criminal, shall be found against any such
18 public utility, common carrier, contract carrier or railroad, for any act done in
19 compliance with any notice received from a law enforcement agency under this
20 section. Nothing in this section shall be deemed to prejudice the right of any person
21 affected thereby to secure an appropriate determination as otherwise provided by
22 law in any court or tribunal or agency, that such facility should not be discontinued
23 or removed, or should be restored.

24 **SECTION 2739.** 949.02 of the statutes is amended to read:

SENATE BILL 44**SECTION 2739**

1 **949.02 Administration.** The department shall administer this chapter. The
2 department shall appoint a program director to assist in administering this chapter.
3 The department shall promulgate rules for the implementation and operation of this
4 chapter. The rules shall include procedures to ensure that any limitation of an award
5 ~~under s. 949.06 (5) (e)~~ is calculated in a fair and equitable manner.

6 **SECTION 2740.** 949.06 (5) of the statutes is repealed.

7 **SECTION 2741.** 949.08 (2) (em) of the statutes is amended to read:

8 949.08 (2) (em) Is an adult passenger in the offender's commercial motor
9 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger
10 knew the offender was under the influence of an intoxicant, a controlled substance,
11 a controlled substance analog or any combination of an intoxicant, controlled
12 substance and controlled substance analog, or had an alcohol concentration of 0.04
13 or more but less than ~~0.1~~ 0.08. This paragraph does not apply if the victim is also a
14 victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30.

15 **SECTION 2742.** 949.15 (1) of the statutes is amended to read:

16 949.15 (1) Whenever the department orders the payment of an award under
17 this chapter as a result of the occurrence of an event that creates a cause of action
18 on the part of a claimant against any person, the department is subrogated to the
19 rights of the claimant and may bring an action against the person for the amount of
20 the damages sustained by the claimant. If an amount greater than that paid under
21 the award order is recovered and collected in any such action, the department shall
22 pay the balance to the claimant. If the person responsible for the injury or death has
23 previously made restitution payments ~~to the general fund~~ under s. 973.20 (9) (b), any
24 judgment obtained by the department under this section shall be reduced by the

SENATE BILL 44**SECTION 2742**

1 amount of the restitution payments ~~to the general fund~~ that the person made under
2 s. 973.20 (9) (b).

3 **SECTION 2743.** 961.01 (20g) of the statutes is amended to read:

4 961.01 **(20g)** "Public housing project" means any housing project or
5 development administered by a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

6 **SECTION 2744.** 961.41 (5) (b) of the statutes is amended to read:

7 961.41 **(5)** (b) The clerk of the court shall collect and transmit the amount to
8 the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then
9 make payment to the ~~state treasurer~~ secretary of administration as provided in s.
10 59.25 (3) (f) 2.

11 **SECTION 2745.** 961.41 (5) (c) of the statutes is amended to read:

12 961.41 **(5)** (c) All moneys collected from drug surcharges shall be deposited by
13 the ~~state treasurer~~ secretary of administration in and utilized in accordance with s.
14 20.435 (6) (gb).

15 **SECTION 2746.** 967.03 of the statutes is repealed.

16 **SECTION 2747.** 971.14 (2) (am) of the statutes is amended to read:

17 971.14 **(2)** (am) Notwithstanding par. (a), if the court orders the defendant to
18 be examined by the department or a department facility, the department shall
19 determine where the examination will be conducted, who will conduct the
20 examination and whether the examination will be conducted on an inpatient or
21 outpatient basis. The department's responsibility for conducting examinations is
22 limited to inpatient examinations and those outpatient examinations that are for
23 defendants in custody in jail or in a locked unit of a facility. Any such outpatient
24 examination shall be conducted in a jail or a locked unit of a facility. In any case
25 under this paragraph in which the department determines that an inpatient

SENATE BILL 44**SECTION 2747**

1 examination is necessary, the 15-day period under par. (c) begins upon the arrival
2 of the defendant at the inpatient facility. If an outpatient examination is begun by
3 or through the department, and the department later determines that an inpatient
4 examination is necessary, the sheriff shall transport the defendant to the inpatient
5 facility designated by the department, unless the defendant has been released on
6 bail.

7 **SECTION 2748.** 972.15 (2b) of the statutes is created to read:

8 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
9 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
10 presentence investigation report shall include in the report a recommendation as to
11 whether the defendant should be eligible to participate in the earned release
12 program under s. 302.05 (3).

13 **SECTION 2749.** 973.01 (3g) of the statutes is created to read:

14 973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated
15 sentence under this section on a person convicted of a crime other than a crime
16 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
17 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
18 discretion, decide whether the person being sentenced is eligible or ineligible to
19 participate in the earned release program under s. 302.05 (3) during the term of
20 confinement in prison portion of the bifurcated sentence.

21 **SECTION 2750.** 973.01 (4) of the statutes is amended to read:

22 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
23 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
24 confinement in prison portion of the sentence without reduction for good behavior.
25 The term of confinement in prison portion is subject to extension under s. 302.113 (3)

SENATE BILL 44**SECTION 2750**

1 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
2 or 973.195 (1r).

3 **SECTION 2751.** 973.01 (8) (ag) of the statutes is created to read:

4 973.01 (8) (ag) If the court provides under sub. (3g) that the person is eligible
5 to participate in the earned release program under s. 302.05 (3), the court shall also
6 inform the person of the provisions of s. 302.05 (3) (c).

7 **SECTION 2752.** 973.015 of the statutes is amended to read:

8 **973.015 Misdemeanors, special disposition.** (1) When a person is under
9 the age of 21 at the time of the commission of an offense for which the person has been
10 found guilty in a court for violation of a law for which the maximum penalty is
11 imprisonment for one year or less in the county jail, the court may order at the time
12 of sentencing that the record be expunged upon successful completion of the sentence
13 if the court determines the person will benefit and society will not be harmed by this
14 disposition. This subsection does not apply to information maintained by the
15 department of transportation regarding a conviction that is required to be included
16 in a record kept under s. 343.23 (2) (a).

17 **SECTION 2753.** 973.017 (title) of the statutes, as created by 2001 Wisconsin Act
18 109, is amended to read:

19 **973.017 (title) ~~Bifurcated sentences; use~~ Use of guidelines;**
20 **consideration of aggravating and mitigating factors.**

21 **SECTION 2754.** 973.017 (1) of the statutes, as created by 2001 Wisconsin Act
22 109, is renumbered 973.017 (1) (intro.) and amended to read:

23 973.017 (1) DEFINITION. (intro.) In this section, "sentencing decision" means
24 the following:

SENATE BILL 44**SECTION 2754**

1 (a) With respect to a crime for which the court may impose a bifurcated sentence
2 under s. 973.01, a decision as to whether to impose a bifurcated sentence under s.
3 973.01 or place a person on probation and a decision as to the length of a bifurcated
4 sentence, including the length of each component of the bifurcated sentence, the
5 amount of a fine, and the length of a term of probation.

6 **SECTION 2755.** 973.017 (1) (b) of the statutes is created to read:

7 973.017 (1) (b) With respect to any other crime, a decision as to whether to
8 impose a jail sentence or place a person on probation and a decision as to the length
9 of a jail sentence, the amount of a fine, and the length of a term of probation.

10 **SECTION 2756.** 973.017 (2) (a) of the statutes, as created by 2001 Wisconsin Act
11 109, is renumbered 973.017 (2g) and amended to read:

12 973.017 (2g) USE OF ADVISORY GUIDELINES. ~~If the offense is a felony~~ When a court
13 makes a sentencing decision concerning a person convicted of a felony committed on
14 or after February 1, 2003, the court shall consider the sentencing guidelines adopted
15 by the sentencing commission under s. 973.30 or, if the sentencing commission has
16 not adopted a guideline for the offense, any applicable temporary sentencing
17 guideline adopted by the criminal penalties study committee created under 1997
18 Wisconsin Act 283. This subsection does not apply if the sentencing commission has
19 adopted mandatory sentencing guidelines for the felony under s. 973.31.

20 **SECTION 2757.** 973.017 (2r) of the statutes is created to read:

21 973.017 (2r) USE OF MANDATORY GUIDELINES. If the sentencing commission has
22 adopted mandatory sentencing guidelines for a crime under s. 973.31, the court,
23 when making a sentencing decision concerning a person convicted of that crime,
24 shall impose a sentence of the kind and within the range described in the applicable
25 sentencing guideline unless the court finds that there is an aggravating or mitigating

SENATE BILL 44**SECTION 2757**

1 factor that warrants the imposition of a different kind of sentence or a sentence
2 outside of the range described in the guideline.

3 **SECTION 2758.** 973.017 (10) of the statutes, as created by 2001 Wisconsin Act
4 109, is amended to read:

5 973.017 (10) USE OF ADVISORY GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The
6 requirement under sub. (2)~~(a)~~ (2g) that a court consider sentencing guidelines
7 adopted by the sentencing commission or the criminal penalties study committee
8 does not require a court to make a sentencing decision that is within any range or
9 consistent with a recommendation specified in the guidelines, and there is no right
10 to appeal a court's sentencing decision based on the court's decision to depart in any
11 way from any guideline. This subsection does not apply to a sentencing decision that
12 is made in connection with a crime for which the sentencing commission has adopted
13 mandatory sentencing guidelines under s. 973.31.

14 **SECTION 2759.** 973.045 (2) of the statutes is amended to read:

15 973.045 (2) After the clerk determines the amount due, the clerk of court shall
16 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
17 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
18 administration under s. 59.25 (3) (f) 2.

19 **SECTION 2760.** 973.045 (3) (a) (intro.) of the statutes is amended to read:

20 973.045 (3) (a) (intro.) The clerk shall record the crime victim and witness
21 surcharge in 2 parts. Part A is the portion that the ~~state treasurer~~ secretary of
22 administration shall credit to the appropriation account under s. 20.455 (5) (g) and
23 part B is the portion that the ~~state treasurer~~ secretary of administration shall credit
24 to the appropriation account under s. 20.455 (5) (gc), as follows:

25 **SECTION 2761.** 973.045 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 2761**

1 973.045 (4) If an inmate in a state prison or a person sentenced to a state prison
2 has not paid the crime victim and witness assistance surcharge under this section,
3 the department shall assess and collect the amount owed from the inmate's wages
4 or other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
5 secretary of administration.

6 **SECTION 2762.** 973.046 (2) of the statutes is amended to read:

7 973.046 (2) After the clerk of court determines the amount due, the clerk shall
8 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
9 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
10 administration under s. 59.25 (3) (f) 2.

11 **SECTION 2763.** 973.046 (3) of the statutes is amended to read:

12 973.046 (3) All moneys collected from deoxyribonucleic acid analysis
13 surcharges shall be deposited by the ~~state treasurer~~ secretary of administration as
14 specified in s. 20.455 (2) (Lm) and utilized under s. 165.77.

15 **SECTION 2764.** 973.046 (4) of the statutes is amended to read:

16 973.046 (4) If an inmate in a state prison or a person sentenced to a state prison
17 has not paid the deoxyribonucleic acid analysis surcharge under this section, the
18 department shall assess and collect the amount owed from the inmate's wages or
19 other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
20 secretary of administration.

21 **SECTION 2765.** 973.055 (2) (a) of the statutes is amended to read:

22 973.055 (2) (a) If the assessment is imposed by a court of record, after the court
23 determines the amount due, the clerk of the court shall collect and transmit the
24 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer

SENATE BILL 44**SECTION 2765**

1 shall then make payment to the ~~state treasurer~~ secretary of administration as
2 provided in s. 59.25 (3) (f) 2.

3 **SECTION 2766.** 973.055 (2) (b) of the statutes is amended to read:

4 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
5 determination by the court of the amount due, the court shall collect and transmit
6 the amount to the treasurer of the county, city, town, or village, and that treasurer
7 shall make payment to the ~~state treasurer~~ secretary of administration as provided
8 in s. 66.0114 (1) (bm).

9 **SECTION 2767.** 973.055 (3) of the statutes is amended to read:

10 973.055 (3) All moneys collected from domestic abuse assessments shall be
11 deposited by the ~~state treasurer~~ secretary of administration in s. 20.435 (3) (hh) and
12 utilized in accordance with s. 46.95.

13 **SECTION 2768.** 973.09 (3) (bm) 1. of the statutes is amended to read:

14 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
15 period of probation, the department may notify the sentencing court and the district
16 attorney that a probationer owes unpaid fees to the department under s. ~~304.073 or~~
17 304.074.

18 **SECTION 2769.** 973.09 (3) (bm) 3. of the statutes is amended to read:

19 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
20 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073 or~~
21 304.074 and the amount of the unpaid fees. If the department proves by a
22 preponderance of the evidence that the probationer owes unpaid fees under s.
23 ~~304.073 or~~ 304.074, the court may, by order, extend the period of probation for a
24 stated period or modify the terms and conditions of probation.

25 **SECTION 2770.** 973.09 (3) (c) 1. of the statutes is amended to read:

SENATE BILL 44**SECTION 2770**

1 973.09 (3) (c) 1. The probationer has not made a good faith effort to discharge
2 court-ordered payment obligations or to pay fees owed under s. ~~304.073~~ or 304.074.

3 **SECTION 2771.** 973.11 (1) (intro.) of the statutes is amended to read:

4 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
5 no contest to one or more misdemeanors for which mandatory periods of
6 imprisonment are not required, if the chief judge of the judicial administrative
7 district has approved a volunteers in probation program established in the
8 applicable county, and if the court decides that volunteer supervision under the
9 program will likely benefit the person and the community and subject to the
10 limitations under sub. (3), the court may withhold sentence or judgment of conviction
11 and order that the person be placed with that volunteers in probation program. A
12 person's participation in the program may not be used to conceal, withhold, or mask
13 information regarding the judgment of conviction if the conviction is required to be
14 included in a record kept under s. 343.23 (2) (a). Except as provided in sub. (3), the
15 order shall provide any conditions that the court determines are reasonable and
16 appropriate and may include, but need not be limited to, one or more of the following:

17 **SECTION 2772.** 973.20 (9) (b) of the statutes is amended to read:

18 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
19 under this section, the court shall inquire to see if an award has been made under
20 ch. 949 and if the department of justice is subrogated to the cause of action under s.
21 949.15. If the restitution defendant is ordered to pay restitution in an amount that
22 is less than or equal to the award under ch. 949, the defendant shall pay the
23 restitution shall be paid only to the general fund department of justice and the
24 restitution payments shall be credited to the appropriation account under s. 20.455
25 (5) (hm). If the ~~restitution~~ defendant is ordered to pay restitution in an amount that

SENATE BILL 44**SECTION 2772**

1 is greater than the award under ch. 949, the ~~general fund shall receive~~ defendant
2 shall pay the department of justice an amount equal to the award under ch. 949,
3 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),
4 and the defendant shall pay the balance ~~shall be paid~~ to the victim.

5 **SECTION 2773.** 973.30 (1) (c) of the statutes is amended to read:

6 973.30 (1) (c) Adopt and, as necessary, update advisory sentencing guidelines
7 for felonies committed on or after July 30, 2002, to promote public safety in a
8 cost-effective manner, to ~~reflect changes~~ promote consistency in sentencing
9 practices, and to preserve the integrity of the criminal justice and correctional
10 systems.

11 **SECTION 2774.** 973.30 (1) (cm) of the statutes is created to read:

12 973.30 (1) (cm) Develop advisory guidelines regarding the appropriate use of
13 alternatives to incarceration.

14 **SECTION 2775.** 973.31 of the statutes is created to read:

15 **973.31 Mandatory sentencing guidelines.** (1) In this section,
16 “commission” means the sentencing commission.

17 (2) If the commission determines in the report required under 2003 Wisconsin
18 Act (this act), section 9110 (1) that temporary sentencing guidelines adopted by
19 the criminal penalties study committee created under 1997 Wisconsin Act 283 are
20 not adequately promoting the objectives listed in s. 973.30 (1) (c), the commission
21 shall adopt mandatory guidelines for sentencing decisions, as defined in s. 973.017
22 (1), for felonies and misdemeanors for which a court may impose a bifurcated
23 sentence.

24 (3) When adopting a mandatory sentencing guideline for a crime, the
25 commission, subject to sub. (4), shall assign suggested ranges of punishment to

SENATE BILL 44**SECTION 2775**

1 promote the objectives listed in s. 973.30 (1) (c). The ranges of punishment shall be
2 based upon the combination of offense and defendant characteristics in each case.
3 The commission may also include any of the following as part of a mandatory
4 sentencing guideline:

5 (a) Conditions of extended supervision or probation to be imposed.

6 (b) The length of a term of imprisonment to be imposed if, after the court
7 withholds a sentence and places a defendant on probation, the court revokes
8 probation.

9 (c) Whether penalties should be imposed concurrently or consecutively if the
10 defendant is convicted of more than one crime.

11 (4) The commission may not adopt a mandatory sentencing guideline for a
12 crime that calls for a range of punishment that conflicts with any provision of the
13 statutes relating to penalties for that crime.

14 (5) In general, in developing mandatory sentencing guidelines, the commission
15 shall begin with crimes that result in the greatest number of bifurcated sentences
16 being imposed. In general, the commission shall develop mandatory sentencing
17 guidelines for Class G to I felonies, unclassified felonies, and misdemeanors for
18 which a court may impose a bifurcated sentence before developing them for Class B
19 to F felonies. Beginning with the crimes that are committed most frequently, the
20 commission shall develop mandatory sentencing guidelines for crimes based on the
21 frequency with which they are committed.

22 **SECTION 2776.** 977.01 of the statutes is renumbered 977.01 (intro.) and
23 amended to read:

24 **977.01 Definitions.** (intro.) In this chapter, unless the context requires
25 otherwise, "board";

SENATE BILL 44**SECTION 2776**

1 **(1)** “Board” means the public defender board.

2 **SECTION 2777.** 977.01 (2) of the statutes, as affected by 2003 Wisconsin Act
3 (this act), is amended to read:

4 977.01 **(2)** “Public assistance” means relief provided by counties under s. 59.53
5 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.
6 IV of ch. 49, low-income energy assistance under s. ~~16.385~~ 16.27, weatherization
7 assistance under s. ~~16.39~~ 16.26, and the food stamp program under 7 USC 2011 to
8 2029.

9 **SECTION 2778.** 977.06 (1) (a) of the statutes is amended to read:

10 977.06 **(1)** (a) Verify the information necessary to determine indigency under
11 s. 977.07 (2). The information provided by a person seeking assigned counsel that
12 is subject to verification shall include any social security numbers provided on an
13 application under sub. (1m), income records, value of assets, eligibility for public
14 assistance, ~~as defined in s. 106.215 (1) (fm)~~, and claims of expenses.

15 **SECTION 2779.** 978.001 (1c) of the statutes is created to read:

16 978.001 **(1c)** “Assignable prosecutor” means an attorney employed by the state
17 prosecutors board whom the board may assign to a prosecutorial unit under s. 978.14
18 (1) (d).

19 **SECTION 2780.** 978.03 (1) of the statutes is amended to read:

20 978.03 **(1)** The district attorney of any prosecutorial unit having a population
21 of 500,000 or more may appoint 5 deputy district attorneys and such assistant
22 district attorneys as may be requested by the department of administration and
23 authorized in accordance with s. 16.505. The district attorney shall rank the deputy
24 district attorneys for purposes of carrying out duties under this section. The
25 deputies, according to rank, may perform any duty of the district attorney who

SENATE BILL 44**SECTION 2780**

1 appointed him or her, under the district attorney's direction, or any duty of the
2 district attorney to whose prosecutorial unit he or she is assigned by the state
3 prosecutors board under s. 978.14 (1) (c). In the absence or disability of the district
4 attorney, the deputies, according to rank, may perform any act required by law to be
5 performed by the district attorney. Any such deputy must have practiced law in this
6 state for at least 2 years prior to appointment under this section.

7 **SECTION 2781.** 978.03 (1m) of the statutes is amended to read:

8 978.03 (1m) The district attorney of any prosecutorial unit having a population
9 of 200,000 or more but not more than 499,999 may appoint 3 deputy district
10 attorneys and such assistant district attorneys as may be requested by the
11 department of administration and authorized in accordance with s. 16.505. The
12 district attorney shall rank the deputy district attorneys for purposes of carrying out
13 duties under this section. The deputies, according to rank, may perform any duty
14 of the district attorney who appointed him or her, under the district attorney's
15 direction, or any duty of the district attorney to whose prosecutorial unit he or she
16 is assigned by the state prosecutors board under s. 978.14 (1) (c). In the absence or
17 disability of the district attorney, the deputies, according to rank, may perform any
18 act required by law to be performed by the district attorney. Any such deputy must
19 have practiced law in this state for at least 2 years prior to appointment under this
20 section.

21 **SECTION 2782.** 978.03 (2) of the statutes is amended to read:

22 978.03 (2) The district attorney of any prosecutorial unit having a population
23 of 100,000 or more but not more than 199,999 may appoint one deputy district
24 attorney and such assistant district attorneys as may be requested by the
25 department of administration and authorized in accordance with s. 16.505. The

SENATE BILL 44**SECTION 2782**

1 deputy may perform any duty of the district attorney who appointed him or her,
2 under the district attorney's direction, or any duty of the district attorney to whose
3 prosecutorial unit he or she is assigned by the state prosecutors board under s. 978.14
4 (1) (c). In the absence or disability of the district attorney, the deputy may perform
5 any act required by law to be performed by the district attorney. The deputy must
6 have practiced law in this state for at least 2 years prior to appointment under this
7 section.

8 **SECTION 2783.** 978.03 (3) of the statutes is amended to read:

9 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
10 an attorney admitted to practice law in this state and, except as provided in ss.
11 978.043 and 978.044, may exercise any power of, or perform any duty required by law
12 to be performed by, the district attorney.~~The appointing him or her or a district~~
13 attorney to whose prosecutorial unit he or she is assigned by the state prosecutors
14 board under s. 978.14 (1) (c). In consultation with the state prosecutors board, the
15 district attorney of the prosecutorial unit under sub. (1), (1m), or (2) may appoint
16 such temporary counsel as may be authorized by the department of administration.

17 **SECTION 2784.** 978.04 of the statutes is amended to read:

18 **978.04 Assistants in certain prosecutorial units.** The district attorney of
19 any prosecutorial unit having a population of less than 100,000 may appoint one or
20 more assistant district attorneys as necessary to carry out the duties of his or her
21 office and as may be requested by the department of administration authorized in
22 accordance with s. 16.505. Any such assistant district attorney must be an attorney
23 admitted to practice law in this state and, except as provided in s. 978.043, may
24 exercise any power of, or perform any duty required by law to be performed by, the

SENATE BILL 44**SECTION 2784**

1 district attorney appointing him or her or a district attorney to whose prosecutorial
2 unit he or she is assigned by the state prosecutors board under s. 978.14 (1) (c).

3 **SECTION 2785.** 978.043 of the statutes is amended to read:

4 **978.043 Assistants for prosecution of sexually violent person**
5 **commitment cases.** The district attorney of the prosecutorial unit that consists of
6 Brown County and the district attorney of the prosecutorial unit that consists of
7 Milwaukee County shall each assign one assistant district attorney in his or her
8 prosecutorial unit to be a sexually violent person commitment prosecutor. An
9 assistant district attorney assigned under this section to be a sexually violent person
10 commitment prosecutor may engage only in the prosecution of sexually violent
11 person commitment proceedings under ch. 980 and, ~~at the request of the district~~
12 ~~attorney of the prosecutorial unit~~ as permitted or required under rules adopted by
13 the state prosecutors board under s. 978.14 (1) (c), may file and prosecute sexually
14 violent person commitment proceedings under ch. 980 in any prosecutorial unit in
15 this state.

16 **SECTION 2786.** 978.044 (2) (b) of the statutes is amended to read:

17 978.044 (2) (b) Provide assistance to the district attorney in other counties
18 relating to the establishment of restorative justice programs, ~~as described in par. (a)~~
19 as permitted or required under rules adopted by the state prosecutors board under
20 s. 978.14 (1) (c).

21 **SECTION 2787.** 978.045 (1g) of the statutes is amended to read:

22 978.045 (1g) A court on its own motion may appoint a special prosecutor under
23 sub. (1r) or a district attorney may request a court to appoint a special prosecutor
24 under that subsection. Before a court appoints a special prosecutor on its own motion
25 or at the request of a district attorney for an appointment that exceeds 6 hours per

SENATE BILL 44**SECTION 2787**

1 case, the court or, subject to any applicable rule issued under s. 978.14 (1) (c), the
2 district attorney shall request do all of the following:

3 1. Request assistance from a district attorney, deputy district attorney, or
4 assistant district attorney from other prosecutorial units or an assistant attorney
5 general. ~~A district attorney requesting the appointment of a special prosecutor, or~~
6 ~~a court if the court is appointing a special prosecutor on its own motion, shall notify~~
7 ~~the department of administration~~

8 2. Notify the state prosecutors board, on a form provided by the department
9 board, of the ~~district attorney's or the court's inability~~ basis for the proposed
10 appointment and the efforts to obtain assistance from another prosecutorial unit or
11 from an assistant attorney general.

12 **SECTION 2788.** 978.046 of the statutes is created to read:

13 **978.046 Assignable prosecutors.** An assignable prosecutor who has been
14 assigned to a prosecutorial unit may exercise any power of, or perform any duty
15 required by law to be performed by, the district attorney of the prosecutorial unit.

16 **SECTION 2789.** 978.05 (1) of the statutes is amended to read:

17 978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
18 all criminal actions before any court within his or her prosecutorial unit. In
19 determining whether to prosecute a case, the district attorney shall consider the
20 guidelines adopted by the state prosecutors board under s. 978.14 (1) (b). The district
21 attorney, however, is not bound by those guidelines, and there is no right to appeal
22 based on a prosecutor's decision to depart in any way from any guideline.

23 **SECTION 2790.** 978.05 (8) (b) of the statutes is amended to read:

24 978.05 (8) (b) Hire, employ, and supervise his or her staff and assignable
25 prosecutors assigned to his or her prosecutorial unit under s. 978.14 (1) (d) and,

SENATE BILL 44**SECTION 2790**

1 subject to ss. 978.043 and 978.044, make appropriate assignments of the staff and
2 assignable prosecutors throughout the prosecutorial unit. The district attorney may
3 request the assistance of district attorneys, deputy district attorneys, or assistant
4 district attorneys from other prosecutorial units, subject to any rules promulgated
5 under s. 978.14 (1) (c), or assistant attorneys general, who then may appear and
6 assist in the investigation and prosecution of any matter for which a district attorney
7 is responsible under this chapter in like manner as assistants in the prosecutorial
8 unit and with the same authority as the district attorney in the unit in which the
9 action is brought. Nothing in this paragraph limits the authority of counties to
10 regulate the hiring, employment, and supervision of county employees.

11 **SECTION 2791.** 978.06 (1) of the statutes is amended to read:

12 978.06 (1) No district attorney, deputy district attorney ~~or~~, assistant district
13 attorney, or assignable prosecutor may receive any fee or reward from or on behalf
14 of any prosecutor or any other individual for services in any prosecution or business
15 to which it is the district attorney's official duty to attend.

16 **SECTION 2792.** 978.06 (2) of the statutes is amended to read:

17 978.06 (2) No district attorney, deputy district attorney ~~or~~, assistant district
18 attorney, or assignable prosecutor may be concerned as attorney or counsel for either
19 party, other than for the state or county, in any civil action depending upon the same
20 state of facts upon which any criminal prosecution commenced but undetermined
21 depends.

22 **SECTION 2793.** 978.06 (3) (a) of the statutes is amended to read:

23 978.06 (3) (a) No district attorney, deputy district attorney ~~or~~, assistant district
24 attorney, or assignable prosecutor while in office may hold any judicial office. No
25 assignable prosecutor and no full-time district attorney, deputy district attorney, or

SENATE BILL 44**SECTION 2793**

1 assistant district attorney may hold the office of or act as corporation counsel or city,
2 village, or town attorney. A part-time district attorney, deputy district attorney, or
3 assistant district attorney may hold the office of or act as corporation counsel or city,
4 village, or town attorney or otherwise serve as legal counsel to any governmental
5 unit.

6 **SECTION 2794.** 978.06 (4) of the statutes is amended to read:

7 978.06 (4) No person who acted as district attorney, deputy district attorney
8 or, assistant district attorney, or assignable prosecutor, or special prosecutor under
9 s. 978.045, for a county at the time of an arrest, examination, or indictment of any
10 person charged with a crime in that county may thereafter appear for, or defend that
11 person against the crime charged in the complaint, information, or indictment.

12 **SECTION 2795.** 978.06 (5) (a) of the statutes is amended to read:

13 978.06 (5) (a) No full-time district attorney, deputy district attorney, or
14 assistant district attorney may engage in a private practice of law, but he or she is
15 authorized to complete all civil cases, not in conflict with the interest of the county
16 or counties of his or her prosecutorial unit, in which he or she is counsel, pending in
17 court before he or she takes office. No assignable prosecutor may engage in a private
18 practice of law. A part-time district attorney, deputy district attorney, or assistant
19 district attorney may engage in a private practice of law.

20 **SECTION 2796.** 978.12 (title) of the statutes is amended to read:

21 **978.12 (title) ~~Salaries~~ Prosecutor salaries and benefits of district**
22 **~~attorney and state employees in office of district attorney.~~**

23 **SECTION 2797.** 978.12 (1) (c) of the statutes is amended to read:

24 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
25 district attorneys and assignable prosecutors shall be employed outside the

SENATE BILL 44**SECTION 2797**

1 classified service. For purposes of salary administration, the secretary of
2 employment relations shall establish one or more classifications for assistant district
3 attorneys and assignable prosecutors in accordance with the classification or
4 classifications allocated to assistant attorneys general. Except as provided in s.
5 111.93 (3), the salaries of assistant district attorneys and assignable prosecutors
6 shall be established and adjusted in accordance with the state compensation plan for
7 assistant attorneys general whose positions are allocated to the classification or
8 classifications established by the secretary of employment relations.

9 **SECTION 2798.** 978.12 (1) (c) of the statutes, as affected by 2003 Wisconsin Act
10 (this act), is amended to read:

11 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
12 district attorneys and assignable prosecutors shall be employed outside the
13 classified service. For purposes of salary administration, the secretary of
14 ~~employment relations~~ administration shall establish one or more classifications for
15 assistant district attorneys and assignable prosecutors in accordance with the
16 classification or classifications allocated to assistant attorneys general. Except as
17 provided in s. 111.93 (3), the salaries of assistant district attorneys and assignable
18 prosecutors shall be established and adjusted in accordance with the state
19 compensation plan for assistant attorneys general whose positions are allocated to
20 the classification or classifications established by the secretary of ~~employment~~
21 ~~relations~~ administration.

22 **SECTION 2799.** 978.12 (4) of the statutes is amended to read:

23 978.12 (4) ANNUAL LEAVE. Annual leave for the district attorney is governed by
24 s. 230.35 (1r). Annual leave for other state employees of the office of district attorney
25 shall be accrued at the rate provided in s. 230.35 using the employee's state service

SENATE BILL 44**SECTION 2799**

1 computed under sub. (2). Annual leave shall be earned on a calendar year basis
2 prorated from the effective date of the employee's transfer for the balance of the
3 calendar year. This subsection does not apply to assignable prosecutors.

4 **SECTION 2800.** 978.12 (5) (c) 1. of the statutes is amended to read:

5 978.12 (5) (c) 1. The salaries authorized under this section for the district
6 attorney and the state employees of the office of district attorney shall be paid by the
7 ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a
8 voucher submitted by the district attorney to the department of administration. The
9 county treasurer shall pay the amounts directly to the district attorney and state
10 employees of the office of district attorney and the amounts paid shall be subject to
11 the retirement system established under chapter 201, laws of 1937.

12 **SECTION 2801.** 978.12 (5) (d) of the statutes is created to read:

13 978.12 (5) (d) *Applicability.* This subsection does not apply to assignable
14 prosecutors.

15 **SECTION 2802.** 978.13 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
16 109, is amended to read:

17 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
18 and fringe benefit costs of 2 clerk positions providing clerical services to the
19 prosecutors in the district attorney's office handling cases involving felony violations
20 under ch. 961. The ~~state treasurer~~ secretary of administration shall pay the amount
21 authorized under this subsection to the county treasurer pursuant to a voucher
22 submitted by the district attorney to the department of administration from the
23 appropriation under s. 20.475 (1) (i).

24 **SECTION 2803.** 978.13 (1) (c) of the statutes, as affected by 2001 Wisconsin Act
25 109, is amended to read:

SENATE BILL 44**SECTION 2803**

1 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
2 fringe benefit costs of clerk positions in the district attorney's office necessary for the
3 prosecution of violent crime cases primarily involving felony violations under s.
4 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
5 940.06, 940.225, 943.23 (1g), and 943.32 (2). The ~~state treasurer~~ secretary of
6 administration shall pay the amount authorized under this subsection to the county
7 treasurer pursuant to a voucher submitted by the district attorney to the secretary
8 of administration from the appropriation under s. 20.475 (1) (i).

9 **SECTION 2804.** 978.13 (1) (d) of the statutes, as affected by 2001 Wisconsin Act
10 109, is amended to read:

11 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
12 and fringe benefit costs of 2 clerk positions providing clerical services to the
13 prosecutors in the district attorney's office handling cases involving the unlawful
14 possession or use of firearms. The ~~state treasurer~~ secretary of administration shall
15 pay the amount authorized under this subsection to the county treasurer from the
16 appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district
17 attorney to the department of administration.

18 **SECTION 2805.** 978.14 of the statutes is created to read:

19 **978.14 State prosecutors board. (1)** The state prosecutors board shall do
20 all of the following:

21 (b) Adopt advisory guidelines or standards for district attorneys to use in
22 determining when criminal cases should be prosecuted or diverted to
23 nonprosecutorial programs.

SENATE BILL 44**SECTION 2805**

1 (c) Promulgate and administer rules regarding the temporary assignment of
2 district attorneys and deputy and assistant district attorneys from one prosecutorial
3 unit to another.

4 (d) Hire and assign assignable prosecutors to prosecutorial units as and for as
5 long as it sees fit.

6 (e) Supervise the office within the department of administration that is
7 responsible for providing personnel, budget, and other types of management
8 assistance to district attorney offices.

9 **(2)** Subject to authorization under s. 16.505, the state prosecutors board may
10 hire staff to assist it in the performance of its duties.

11 **SECTION 2806.** 1997 Wisconsin Act 4, section 4 (1) (title) is repealed.

12 **SECTION 2807.** 1997 Wisconsin Act 4, section 4 (1) (a), as last affected by 2001
13 Wisconsin Act 16, section 4035, is renumbered 301.16 (1u) of the statutes and
14 amended to read:

15 301.16 **(1u)** Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and
16 (26v), the department of corrections may, ~~from July 1, 1997, until July 1, 2003, shall~~
17 ~~operate the secured correctional facility, as defined in s. 938.02 (15m) of the statutes,~~
18 ~~authorized under 1995 Wisconsin Act 27, section 9126 (26v), as a state prison named~~
19 ~~in section 302.01 of the statutes, as affected by this act, for the placement of~~
20 ~~prisoners, as defined in section 301.01 (2) of the statutes, who are not more than 21~~
21 ~~years of age and who are not violent offenders, as determined by the department of~~
22 ~~corrections.~~

23 **SECTION 2808.** 1997 Wisconsin Act 4, section 4 (1) (b) is repealed.

24 **SECTION 2809.** 1997 Wisconsin Act 27, section 9101 (11m) is amended to read:

SENATE BILL 44**SECTION 2809**

1 [1997 Wisconsin Act 27] Section 9101 (11m) REPORT BY LAND INFORMATION
2 BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, ~~2002~~ 2004, the land
3 information board and Wisconsin land council shall report to the legislature in the
4 manner provided under section 13.172 (2) of the statutes and to the governor
5 concerning the issue of continuation of their functions, including the feasibility of
6 combination of their functions.

7 **SECTION 2810.** 1997 Wisconsin Act 27, section 9111 (2u) is repealed.

8 **SECTION 2811.** 1997 Wisconsin Act 27, section 9456 (3m), as last affected by
9 2001 Wisconsin Act 16, is amended to read:

10 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
11 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
12 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
13 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
14 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and (5) and 92.10
15 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
16 (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of
17 the statutes and SECTION 9101 (1) of this act take effect on September 1, ~~2003~~ 2005.

18 **SECTION 2812.** 1999 Wisconsin Act 9, section 9401 (2zt) is amended to read:

19 [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The
20 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on
21 September 1, ~~2003~~ 2005.

22 **SECTION 2813.** 1999 Wisconsin Act 9, section 9401 (2zu) is amended to read:

23 [1999 Wisconsin Act 9] Section 9401 (2zu) SOIL SURVEYS AND MAPPING. The
24 repeal of sections 16.967 (11) and 20.505 (1) (ik) and of the statutes, the treatment
25 of sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353n) of the

SENATE BILL 44**SECTION 2813**

1 statutes and the repeal of section 16.965 (3) and (5) of the statutes take effect on
2 September1, 2003 2005.

3 **SECTION 2814.** 2001 Wisconsin Act 16, section 9152 (5y) is amended to read:

4 [2001 Wisconsin Act 16] Section 9152 (5y) REQUEST ON WEST CANAL STREET
5 RECONSTRUCTION AND EXTENSION PROJECT FUNDING. A request for additional funds in
6 the 2003-05 fiscal biennium to complete the West Canal Street reconstruction and
7 extension project specified under section 84.03 (3) of the statutes, as created by this
8 act, shall require the city of Milwaukee to make a matching contribution to the
9 amount of the grant to be awarded.

10 **SECTION 9101. Nonstatutory provisions; administration.**

11 (1) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program
12 revenue moneys appropriated to the department of administration for the office of
13 justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
14 department of administration shall expend \$90,600 in fiscal year 2003-04 and
15 \$95,900 in fiscal year 2004-05 to provide the multijurisdictional enforcement group
16 serving Dane County with funding for one assistant district attorney to prosecute
17 criminal violations of chapter 961 of the statutes.

18 (2) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and
19 program revenue moneys appropriated to the department of administration for the
20 office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
21 department of administration shall expend \$286,300 in fiscal year 2003-04 and
22 \$294,900 in fiscal year 2004-05 to provide the multijurisdictional enforcement group
23 serving Milwaukee County with funding for 3 assistant district attorneys to
24 prosecute criminal violations of chapter 961 of the statutes.

SENATE BILL 44**SECTION 9101**

1 (3) STATE PROSECUTORS BOARD; INITIAL TERMS. Notwithstanding section 15.105

2 (6) (b) 1. of the statutes, as created by this act, the first 4 members of the state
3 prosecutors board shall be appointed for 2-year terms, subject to section 15.105 (6)

4 (b) 2. of the statutes, as created by this act.

5 (4) TRANSFER OF HOUSING OPERATIONS TRANSITIONAL PROVISIONS.

6 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
7 liabilities of the department of administration primarily related to the
8 administration of subchapter II of chapter 16, 2001 stats., other than sections 16.385
9 and 16.39, 2001 stats., as determined by the secretary of administration, shall
10 become the assets and liabilities of the department of commerce.

11 (b) *Position and employee transfers.* All incumbent employees holding
12 positions in the department of administration performing duties primarily related
13 to the administration of subchapter II of chapter 16, 2001 stats., other than sections
14 16.385 and 16.39, 2001 stats., as determined by the secretary of administration, are
15 transferred on the effective date of this paragraph to the department of commerce.

16 (c) *Employee status.* Employees transferred under paragraph (b) have all the
17 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
18 statutes in the department of commerce that they enjoyed in the department of
19 administration immediately before the transfer. Notwithstanding section 230.28 (4)
20 of the statutes, no employee so transferred who has attained permanent status in
21 class is required to serve a probationary period.

22 (d) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of administration
24 that is primarily related to the administration of subchapter II of chapter 16, 2001

SENATE BILL 44**SECTION 9101**

1 stats., other than sections 16.385 and 16.39, 2001 stats., as determined by the
2 secretary of administration, is transferred to the department of commerce.

3 (e) *Contracts.* All contracts entered into by the department of administration
4 in effect on the effective date of this paragraph that are primarily related to the
5 administration of subchapter II of chapter 16, 2001 stats., other than sections 16.385
6 and 16.39, 2001 stats., as determined by the secretary of administration, remain in
7 effect and are transferred to the department of commerce. The department of
8 commerce shall carry out any obligations under such a contract until the contract is
9 modified, rescinded by the department of commerce to the extent allowed under the
10 contract, or expires.

11 (f) *Rules and orders.* All rules promulgated by the department of
12 administration in effect on the effective date of this paragraph that are primarily
13 related to the administration of subchapter II of chapter 16, 2001 stats., other than
14 sections 16.385 and 16.39, 2001 stats., remain in effect until their specified
15 expiration date or until amended or repealed by the department of commerce. Any
16 orders issued by the department of administration or the division of housing in the
17 department of administration that are in effect on the effective date of this
18 paragraph and that are primarily related to the administration of subchapter II of
19 chapter 16, 2001 stats., other than sections 16.385 and 16.39, 2001 stats., remain in
20 effect until their specified expiration date or until modified or rescinded by the
21 department of commerce.

22 (g) *Pending matters.* Any matter pending with the department of
23 administration or the division of housing in the department of administration that
24 is primarily related to the administration of subchapter II of chapter 16, 2001 stats.,
25 other than sections 16.385 and 16.39, 2001 stats., is transferred to the department

SENATE BILL 44**SECTION 9101**

1 of commerce and all materials submitted to or actions taken by the department of
2 administration or the division of housing in the department of administration with
3 respect to such a matter are considered as having been submitted to or taken by the
4 department of commerce.

5 (5) HIGHER EDUCATIONAL AIDS. The authorized FTE positions for the department
6 of administration, funded from the appropriation under section 20.505 (1) (a) of the
7 statutes, as affected by this act, are increased by 2.0 GPR positions on the effective
8 date of this subsection for the purpose of assisting the Board of Regents of the
9 University of Wisconsin System in administering higher educational aids under
10 subchapter III of chapter 39 of the statutes, as affected by this act.

11 (6) SALE OR LEASE OF CERTAIN STATE PROPERTY.

12 (a) Except as provided in paragraph (b), no later than July 1, 2004, the
13 secretary of administration shall review all holdings of state-owned real and
14 personal property for potential sale or lease.

15 (b) Paragraph (a) does not apply to any facility or institution the closure or sale
16 of which is not authorized by law.

17 (7) POSITION TRANSFER; EMPLOYEE STATUS. The incumbent employee holding the
18 position specified in SECTION 9159 (8) is transferred on July 1, 2003, to the
19 department of administration and has all the rights and the same status under
20 subchapter V of chapter 111 and chapter 230 of the statutes in the department of
21 administration that he or she enjoyed in the department of workforce development
22 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
23 no employee so transferred who has attained permanent status in class is required
24 to serve a probationary period.

25 (8) ESTIMATE OF MEDICAL ASSISTANCE TRUST FUND REVENUE.

SENATE BILL 44**SECTION 9101**

1 (a) *Estimate for fiscal year 2003-04.* Before January 1, 2004, the secretary of
2 administration shall estimate the total amount that will be deposited into the
3 Medical Assistance trust fund for state fiscal year 2003-04 that will exceed
4 \$550,000,000.

5 (b) *Estimate for fiscal year 2004-05.* Before January 1, 2005, the secretary of
6 administration shall estimate the total amount that will be deposited into the
7 Medical Assistance trust fund for state fiscal year 2004-05 that will exceed
8 \$80,000,000.

9 (9) STATE AGENCY PAYMENTS RELATING TO UNFUNDED PRIOR SERVICE LIABILITY UNDER
10 THE WISCONSIN RETIREMENT SYSTEM.

11 (a) The definitions in section 20.001 of the statutes are applicable in this
12 subsection, except that "state agency" does not include the department of employee
13 trust funds or the investment board.

14 (b) If obligations are issued under section 16.526 or 16.527 of the statutes, or
15 both, during the 2003-05 fiscal biennium, the secretary of administration shall
16 determine for each state agency the amount that the agency would have been
17 required to expend under section 40.05 (2) (b) of the statutes during the 2003-05
18 fiscal biennium had the obligations not been issued, and from each appropriation
19 from which the moneys would have been expended.

20 (c) From each sum certain appropriation of general purpose revenue identified
21 in paragraph (b), the secretary of administration shall lapse to the general fund the
22 amount specified in paragraph (b) that would otherwise have been expended from
23 each of the appropriations. The secretary of administration shall make the lapse on
24 the day on which the state agency would have been required to make the
25 expenditure. After the secretary of administration makes the lapse, each of the sum

SENATE BILL 44**SECTION 9101**

1 certain appropriations is decreased by the amount specified in paragraph (b) for that
2 appropriation.

3 (d) For each sum sufficient appropriation of general purpose revenue identified
4 in paragraph (b), the expenditure estimate for the appropriation during the 2003–05
5 fiscal biennium is reestimated to subtract the amount specified in paragraph (b) for
6 that appropriation.

7 (e) 1. Except as provided in subdivision 2., from each appropriation of program
8 revenues or program revenues–service identified in paragraph (b), the secretary of
9 administration shall lapse to the general fund the amount specified in paragraph (b)
10 that would otherwise have been expended from each of the appropriations. The
11 secretary of administration shall make the lapse on the day on which the state
12 agency would have been required to make the expenditure. After the secretary of
13 administration makes the lapse, each of the sum certain program revenues or
14 program revenues–service appropriations is decreased by the amount specified in
15 paragraph (b) for that appropriation.

16 2. From each appropriation of federal revenues, the secretary of administration
17 shall determine the amount that is lapsed to the general fund.

18 (f) 1. Except as provided in subdivision 2., from each appropriation of
19 segregated fund revenues or segregated fund revenues — service identified in
20 paragraph (b), the secretary of administration shall lapse to the underlying fund the
21 amount specified in paragraph (b) that would otherwise have been expended from
22 each of the appropriations. The secretary of administration shall make the lapse on
23 the day on which the state agency would have been required to make the
24 expenditure. After the secretary of administration makes the lapse, each of the sum
25 certain segregated revenues or segregated revenues — service appropriations is

SENATE BILL 44**SECTION 9101**

1 decreased by the amount specified in paragraph (b) for that appropriation, and the
2 expenditure estimate for each of the appropriations that are not sum certain
3 appropriations is reestimated to subtract the amount specified in paragraph (b) for
4 that appropriation. The secretary of administration shall then transfer the lapsed
5 amounts and an amount equal to the amount subtracted from the estimates to the
6 general fund.

7 2. From each appropriation of segregated federal revenues, the secretary of
8 administration shall determine the amount that is transferred to the general fund.

9 (10) TRANSITIONAL FUNDING OF HOUSING OPERATIONS. Notwithstanding the
10 requirement under section 20.001 (3) (a) of the statutes that annual appropriations
11 are expendable only up to the amount shown in the schedule and only for the fiscal
12 year for which made, and notwithstanding the requirement under section 20.001 (3)
13 (b) of the statutes that biennial appropriations are expendable only up to the total
14 amount shown in the schedule for both years and only for the biennium for which
15 made, during the period that begins on the effective date of this subsection and ends
16 on the 30th day after the effective date of this subsection, the annual and biennial
17 appropriations to the department of administration under section 20.505 (7) of the
18 statutes provided for the 2002-03 fiscal year shall remain in effect until the 30th day
19 after the effective date of this subsection, except that, for the annual appropriations,
20 the department of administration may not expend or encumber more than
21 one-twelfth of the amounts appropriated for the 2002-03 fiscal year from each such
22 appropriation and, for the biennial appropriations, the department of
23 administration may not expend or encumber more than one-twelfth of the amounts
24 shown in the schedule for the 2002-03 fiscal year from each such appropriation.

SENATE BILL 44**SECTION 9102**

1 **SECTION 9102. Nonstatutory provisions; adolescent pregnancy**
2 **prevention and pregnancy services board.**

3 **SECTION 9103. Nonstatutory provisions; aging and long-term care**
4 **board.**

5 **SECTION 9104. Nonstatutory provisions; agriculture, trade and**
6 **consumer protection.**

7 (1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

8 (a) *Assets and liabilities.* All assets and liabilities of the department of
9 agriculture, trade and consumer protection that are primarily related to consumer
10 protection programs or functions that are being transferred to the department of
11 justice under this act shall become the assets and liabilities of the department of
12 justice. The departments of justice and agriculture, trade and consumer protection
13 shall jointly determine these assets and liabilities and shall jointly develop and
14 implement a plan for their orderly transfer. In the event of any disagreement
15 between the departments, the secretary of administration shall resolve the
16 disagreement.

17 (b) *Employee transfers.* The departments of justice and agriculture, trade and
18 consumer protection shall jointly determine which positions that are primarily
19 related to consumer protection programs or functions that are being transferred to
20 the department of justice under this act shall be transferred to the department of
21 justice. In the event of any disagreement between the departments, the secretary
22 of administration shall resolve the disagreement. The positions determined to be
23 transferred under this paragraph, and the incumbent employees in those positions,
24 shall be transferred to the department of justice.

SENATE BILL 44**SECTION 9104**

1 (c) *Employee status.* Employees transferred under paragraph (b) have all the
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the department of justice that they enjoyed in the department of
4 agriculture, trade and consumer protection immediately before the transfer.
5 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
6 has attained permanent status in class is required to serve a probationary period.

7 (d) *Supplies and equipment.* All tangible personal property, including records,
8 of the department of agriculture, trade and consumer protection that are primarily
9 related to consumer protection programs or functions that are being transferred to
10 the department of justice under this act are transferred to the department of justice.
11 The departments of justice and agriculture, trade and consumer protection shall
12 jointly identify the tangible personal property, including records, and shall jointly
13 develop and implement a plan for their orderly transfer. In the event of any
14 disagreement between the departments, the secretary of administration shall
15 resolve the disagreement.

16 (e) *Pending matters.* Any matter pending with the department of agriculture,
17 trade and consumer protection that is primarily related to a consumer protection
18 program or function that is being transferred to the department of justice under this
19 act is being transferred to the department of justice. All materials submitted to or
20 actions taken by the department of agriculture, trade and consumer protection with
21 respect to the pending matter are considered as having been submitted to or taken
22 by the department of justice.

23 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
24 and consumer protection or by the department of justice that are primarily related
25 to consumer protection programs or functions that are being transferred to the

SENATE BILL 44**SECTION 9104**

1 department of justice under this act, and that are in effect on the effective date of this
2 paragraph, remain in effect and those contracts entered into by the department of
3 agriculture, trade and consumer protection are transferred to the department of
4 justice. The departments of justice and agriculture, trade and consumer protection
5 shall jointly identify these contracts and shall jointly develop and implement a plan
6 for their orderly transfer. In the event of any disagreement between the
7 departments, the secretary of administration shall resolve the disagreement. The
8 department of justice shall carry out the obligations under these contracts until the
9 obligations are modified or rescinded by the department of justice to the extent
10 allowed under the contract.

11 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
12 trade and consumer protection that are in effect on the effective date of this
13 paragraph and that are primarily related to consumer protection programs or
14 functions that are being transferred to the department of justice under this act
15 remain in effect until their specified expiration date or until amended or repealed by
16 the department of justice. All orders issued by the department of agriculture, trade
17 and consumer protection that are in effect on the effective date of this paragraph and
18 that are primarily related to consumer protection programs or functions that are
19 being transferred to the department of justice under this act remain in effect until
20 their specified expiration date or until modified or rescinded by the department of
21 justice.

22 (2) NAME CHANGE. Wherever “agriculture, trade and consumer protection”
23 appears in the following sections of the statutes, as affected by this act, “agriculture,
24 trade, and rural resources” is substituted: 15.05 (1) (d), 15.07 (5) (d), 15.105 (12) (a)
25 1. and (16) (b) 1., 15.107 (16) (b) 2., 15.13, 15.135 (4) (am) and (b) 1., 15.137 (1) (a)

SENATE BILL 44**SECTION 9104**

1 (intro.) and (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1., 15.347 (13) (b) 3. and
2 (18) (b) 3., 15.405 (5g), 15.445 (2) (e) and (4) (a) 6., 15.915 (1) (b) 1. and (2) (a), 16.023
3 (1) (g) (intro.), 16.045 (3), 16.967 (6), 20.115 (intro.), 20.866 (2) (we) and (wf), 20.923
4 (4) (f) 2., 23.235 (3m), 25.463, 26.30 (2) and (5), 26.36, 27.019 (3) and (12), 29.424 (2)
5 (b), 29.705 (4) (b), 29.875 (2), 30.12 (4m) (a) and (b), 30.20 (1) (d), 30.46 (1) (a) and (2),
6 31.02 (7m), 32.035 (1) (a), 36.25 (7) and (11) (c), 36.58 (2) (a) 3. and (c), (3) (b), and (5),
7 41.41 (4) (c) and (5) (e), 42.10, 59.70 (17) (a), 61.72, 66.0217 (9) (b), 66.0307 (4) (a) 1.,
8 66.0417 (1), 69.66, 84.01 (17), 86.19 (1m), 88.11 (1) (intro.), (1m), (3) (intro.), (4), (5)
9 (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.),
10 88.32 (3m), 88.35 (7), 88.77 (2), 91.01 (3), 92.03 (3), 92.14 (6) (d) and (m) and (14m),
11 92.15 (3), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.20 (1), 93.75
12 (3m) (b), (c), and (d), 94.72 (1) (d), 94.73 (2m) (b), (c), and (e), (4) (b), and (9), 95.22 (1)
13 and (3), 95.45 (4) (b), 95.55 (5) (a) and (c), 97.01 (4), 97.24 (3), 97.41 (1m), 98.04, 101.58
14 (2) (i), 101.586, 126.01 (8), 134.71 (12), 146.60 (1) (c), (2) (b), (3) (c) 1. and 2., and (5),
15 160.01 (7), 165.065 (2), 169.01 (7) and (35) (a), 169.03, 169.04 (2) (d) and (3) (a), 169.06
16 (1) (d) 1., 169.11 (1) (a) (intro.), 169.38 (title), 169.42 (1) (i), 173.01 (1), 174.001 (2),
17 174.11 (1) and (2), 182.01 (6), 196.857 (1g) (e), 227.14 (1s), 230.08 (2) (e) 2., 234.02 (1),
18 235.02 (2) (c), 235.04 (6), 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.), 254.58, 254.64
19 (1) (d), 254.69 (2) (am), 281.16 (3) (a) (intro.), (b), (c), and (e), 281.20 (1) (a) and (3) (c)
20 and (d) 3., 281.65 (3) (f), (3m) (a) 1. and (b) 1., (4) (as), (dr), (e), (g) (intro.), 2., and 4.,
21 (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (11),
22 and (12), 281.67, 281.695 (5), 281.75 (1) (e) 1., 287.11 (2s) (a) and (b), 292.11 (2) (d)
23 and (9) (d) 1. d., 292.33 (6), 299.11 (2) and (5) (a), 348.01 (2) (am), 348.15 (5) (intro.),
24 348.17 (4) (a) and (b) (intro.), 348.27 (11m) (a), 440.92 (7), 560.03 (1) and (18), 560.07

SENATE BILL 44**SECTION 9104**

1 (6), 560.17 (7) (am), 560.92 (1), 562.02 (2) (fm), 710.02 (4) (a) (intro.), 823.08 (3) (c)
2 1., 885.01 (4), 895.57 (3), 943.75 (3), and 943.76 (3) (c).

3 (3) **MEMBERSHIP OF THE BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.**
4 Notwithstanding section 15.13 of the statutes, as affected by this act, any member
5 of the board of agriculture, trade and consumer protection who is serving on the
6 board of agriculture, trade and consumer protection as a consumer representative
7 on the day before the effective date of this subsection shall be entitled to continue to
8 serve as a member of the board under section 15.13 of the statutes, as affected by this
9 act, until his or her successor is appointed and qualified.

10 (4) **MILK CERTIFICATION.** The authorized FTE positions for the department of
11 agriculture, trade and consumer protection are increased by 4.8 PR positions on the
12 effective date of this subsection, to be funded from the appropriation under section
13 20.115 (1) (gb) of the statutes, for the purpose of performing milk certification.

14 **SECTION 9105. Nonstatutory provisions; arts board.**

15 **SECTION 9106. Nonstatutory provisions; building commission.**

16 **SECTION 9107. Nonstatutory provisions; child abuse and neglect**
17 **prevention board.**

18 **SECTION 9108. Nonstatutory provisions; circuit courts.**

19 **SECTION 9109. Nonstatutory provisions; commerce.**

20 **SECTION 9110. Nonstatutory provisions; corrections.**

21 (1) **REPORT REGARDING TEMPORARY SENTENCING GUIDELINES.** No later than
22 January 1, 2004, the sentencing commission shall analyze whether the temporary
23 sentencing guidelines adopted by the criminal penalties study committee created
24 under 1997 Wisconsin Act 283 are adequately promoting the objectives listed in

SENATE BILL 44**SECTION 9110**

1 section 973.30 (1) (c) of the statutes, as affected by this act, and submit a report to
2 the governor, the legislature, and the supreme court explaining its conclusions.

3 **SECTION 9111. Nonstatutory provisions; court of appeals.**

4 **SECTION 9112. Nonstatutory provisions; district attorneys.**

5 **SECTION 9113. Nonstatutory provisions; educational communications**
6 **board.**

7 **SECTION 9114. Nonstatutory provisions; elections board.**

8 **SECTION 9115. Nonstatutory provisions; electronic government.**

9 (1) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

10 (a) *Assets and liabilities.* Except as provided in SECTION 9215 (1) of this act, on
11 the effective date of this paragraph, the assets and liabilities of the department of
12 electronic government shall become assets and liabilities of the department of
13 administration.

14 (b) *Positions and employees.*

15 1. On the effective date of this subdivision, all full-time equivalent positions
16 in the department of electronic government, except the positions occupied by the
17 secretary, the deputy secretary, the executive assistant, and 2 division administrator
18 positions determined by the secretary of administration, are transferred to the
19 department of administration.

20 2. All incumbent employees holding positions that are transferred under
21 subdivision 1. are transferred on the effective date of this subdivision to the
22 department of administration.

23 3. Employees transferred under subdivision 2. have all of the rights and the
24 same status under subch. V of ch. 111 and chapter 230 of the statutes in the
25 department of administration that they enjoyed in the department of electronic

SENATE BILL 44**SECTION 9115**

1 government immediately before the transfer. Notwithstanding section 230.28 (4) of
2 the statutes, no employee so transferred who has attained permanent status in class
3 is required to serve a probationary period.

4 (c) *Tangible personal property.* On the effective date of this paragraph, all
5 tangible personal property, including records, of the department of electronic
6 government is transferred to the department of administration.

7 (d) *Contracts.* All contracts entered into by the department of electronic
8 government that are in effect on the effective date of this paragraph remain in effect
9 and are transferred to the department of administration. The department of
10 administration shall carry out any contractual obligations under such a contract
11 until the contract is modified or rescinded by the department of administration to the
12 extent allowed under the contract.

13 (e) *Rules and orders.* All rules promulgated by the department of electronic
14 government that are in effect on the effective date of this paragraph remain in effect
15 until their specified expiration dates or until amended or repealed by the department
16 of administration. All orders issued by the department of electronic government that
17 are in effect on the effective date of this paragraph remain in effect until their
18 specified expiration dates or until modified or rescinded by the department of
19 administration.

20 (f) *Pending matters.* Any matter pending with the department of electronic
21 government on the effective date of this paragraph is transferred to the department
22 of administration, and all materials submitted to or actions taken by the department
23 of electronic government with respect to the pending matter are considered as having
24 been submitted to or taken by the department of administration.

SENATE BILL 44**SECTION 9115**

1 (2) FUNDING OF OPERATIONS AND PROGRAMS AT THE DEPARTMENT OF ELECTRONIC
2 GOVERNMENT. Notwithstanding the requirement under section 20.001 (3) (a) of the
3 statutes that annual appropriations are expendable only up to the amount shown in
4 the schedule and only for the fiscal year for which made, during the period that
5 begins on the effective date of this subsection and ends on the 30th day after the
6 effective date of this subsection, the annual appropriations to the department of
7 electronic government under section 20.530 of the statutes provided for the 2002-03
8 fiscal year shall remain in effect until the 30th day after the effective date of this
9 subsection, except that the department of electronic government may not expend or
10 encumber more than one-twelfth of the amounts appropriated for the 2002-03 fiscal
11 year from each appropriation.

12 **SECTION 9116. Nonstatutory provisions; employee trust funds.**

13 **SECTION 9117. Nonstatutory provisions; employment relations**
14 **commission.**

15 **SECTION 9118. Nonstatutory provisions; employment relations**
16 **department.**

17 (1) TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF EMPLOYMENT RELATIONS TO THE
18 DEPARTMENT OF ADMINISTRATION.

19 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
20 liabilities of the department of employment relations shall become the assets and
21 liabilities of the department of administration.

22 (b) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of employment
24 relations is transferred to the department of administration.

SENATE BILL 44**SECTION 9118**

1 (c) *Contracts.* All contracts entered into by the department of employment
2 relations that are in effect on the effective date of this paragraph remain in effect and
3 are transferred to the department of administration. The department of
4 administration shall carry out any obligations under such a contract until the
5 contract is modified or rescinded by the department of administration to the extent
6 allowed under the contract.

7 (d) *Employee transfers and status.* On the effective date of this paragraph, all
8 incumbent employees holding classified positions in the department of employment
9 relations are transferred to the department of administration. Employees
10 transferred under this paragraph have all the rights and the same status under
11 subchapter V of chapter 111 and chapter 230 of the statutes in the department of
12 administration that they enjoyed in the department of employment relations
13 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
14 no employee so transferred who has attained permanent status in class may be
15 required to serve a probationary period.

16 (e) *Rules and orders.* All rules promulgated by the department of employment
17 relations that are in effect on the effective date of this paragraph remain in effect
18 until their specified expiration dates or until amended or repealed by the department
19 of administration. All orders issued by the department of employment relations that
20 are in effect on the effective date of this paragraph remain in effect until their
21 specified expiration dates or until modified or rescinded by the department of
22 administration.

23 (f) *Pending matters.* Any matter pending with the department of employment
24 relations on the effective date of this paragraph is transferred to the department of
25 administration and all materials submitted to or actions taken by the department

SENATE BILL 44**SECTION 9118**

1 of employment relations with respect to the pending matter are considered as having
2 been submitted to or taken by the department of administration.

3 (2) FUNDING OF OPERATIONS AND PROGRAMS AT THE DEPARTMENT OF EMPLOYMENT
4 RELATIONS. Notwithstanding the requirement under section 20.001 (3) (a) of the
5 statutes that annual appropriations are expendable only up to the amount shown in
6 the schedule and only for the fiscal year for which made, during the period that
7 begins on the effective date of this subsection and ends on the 30th day after the
8 effective date of this subsection, the annual appropriations to the department of
9 employment relations under section 20.512 of the statutes provided for the 2002-03
10 fiscal year shall remain in effect until the 30th day after the effective date of this
11 subsection, except that the department of employment relations may not expend or
12 encumber more than one-twelfth of the amounts appropriated for the 2002-03 fiscal
13 year from each appropriation.

14 **SECTION 9119. Nonstatutory provisions; ethics board.**

15 **SECTION 9120. Nonstatutory provisions; financial institutions.**

16 (1) LIMITED LIABILITY COMPANY ANNUAL REPORTS. Notwithstanding section
17 183.0120 (3) of the statutes, as affected by this act, a domestic limited liability
18 company in existence on the effective date of this subsection shall deliver its initial
19 annual report under section 183.0120 of the statutes to the department of financial
20 institutions during the first calendar quarter of 2004.

21 (2) REVIEW BOARD TRANSITIONAL PROVISIONS.

22 (a) *Current members of savings bank review board and savings and loan review*
23 *board.* Notwithstanding section 15.07 (1) (c) of the statutes and section 15.185 (3)
24 and (4), 2001 stats., the terms of office of all members of the savings bank review

SENATE BILL 44**SECTION 9120**

1 board and all members of the savings and loan review board terminate on the
2 effective date of this paragraph.

3 (b) *Initial members of savings institutions review board.* Notwithstanding
4 section 15.185 (3) of the statutes, as affected by this act, the terms of office of the
5 members initially appointed to the savings institutions review board terminate as
6 follows:

- 7 1. Two members, on May 1, 2007.
- 8 2. Three members, on May 1, 2009.

9 (c) *Rules and orders.* All rules promulgated by the division of savings
10 institutions that are in effect on the effective date of this paragraph shall become
11 rules of the division of banking and shall remain in effect until their specified
12 expiration dates or until amended or repealed by the division of banking. All orders
13 issued by the division of savings institutions that are in effect on the effective date
14 of this paragraph shall become orders of the division of banking and shall remain in
15 effect until their specified expiration dates or until modified or rescinded by the
16 division of banking.

17 (d) *Contracts.* All contracts entered into by the division of savings institutions
18 in effect on the effective date of this paragraph remain in effect and are transferred
19 to the division of banking. The division of banking shall carry out any obligations
20 under such a contract until the contract expires or is modified or rescinded by the
21 division of banking to the extent allowed under the contract.

22 (e) *Pending matters.* Any matter pending with the division of savings
23 institutions on the effective date of this paragraph is transferred to the division of
24 banking and all materials submitted to or actions taken by the division of savings

SENATE BILL 44**SECTION 9120**

1 institutions with respect to the pending matter are considered as having been
2 submitted to or taken by the division of banking.

3 **SECTION 9121. Nonstatutory provisions; Fox River Navigational**
4 **System Authority.**

5 **SECTION 9122. Nonstatutory provisions; governor.**

6 **SECTION 9123. Nonstatutory provisions; Health and Educational**
7 **Facilities Authority.**

8 **SECTION 9124. Nonstatutory provisions; health and family services.**

9 (1) TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT
10 SYSTEM. No later than March 1, 2004, the department of health and family services
11 and the department of workforce development shall submit a proposal to the
12 secretary of administration for expenditure and position authority necessary to
13 transfer, effective July 1, 2004, agreed upon administrative functions related to the
14 client assistance for reemployment and economic support system from the
15 department of workforce development to the department of health and family
16 services. If the secretary of administration finds that the proposal would increase
17 the costs of administering the client assistance for reemployment and economic
18 support system, the secretary shall disapprove the plan, and the department of
19 health and family services and the department of workforce development shall
20 resubmit a proposal to the secretary of administration for consideration in the
21 2005-07 biennial budget bill. If the secretary of administration finds that the
22 proposal would not increase the costs of administering the client assistance for
23 reemployment and economic support system and approves the plan, the secretary
24 shall submit the proposal to the cochairpersons of the joint committee on finance.
25 If the cochairpersons of the committee do not notify the secretary of administration

SENATE BILL 44**SECTION 9124**

1 within 14 working days after receiving the proposal that the cochairpersons have
2 scheduled a meeting for the purpose of reviewing the proposal, the secretary of
3 administration shall approve the proposed expenditure and position authority, as
4 authorized under current law. If, within 14 working days after receiving the proposal
5 the cochairpersons notify the secretary of administration that the cochairpersons
6 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of
7 administration may not approve the proposed expenditure and position authority,
8 except as approved by the committee and as authorized under current law.

9 (2) MENTAL HEALTH AND ALCOHOL OR OTHER DRUG ABUSE MANAGED CARE
10 DEMONSTRATION PROJECTS.

11 (a) From the appropriation under section 20.435 (6) (jm) of the statutes, as
12 affected by this act, the department of health and family services shall expend
13 \$362,100 in state fiscal year 2003-04 and \$224,600 in state fiscal year 2004-05 to
14 contract with counties to provide up to 6 demonstration projects. The demonstration
15 projects shall be to provide mental health and alcohol or other drug abuse services
16 under managed care programs to persons who suffer from mental illness, alcohol or
17 other drug dependency, or both mental illness and alcohol or other drug dependency.

18 (b) The department of health and family services shall submit for approval by
19 the secretary of the federal department of health and human services any requests
20 for waiver of federal medical assistance laws that are necessary to secure federal
21 financial participation for the managed care demonstration projects under this
22 subsection. Regardless of whether a waiver is approved, the department of health
23 and family services may contract for the provision of the managed care
24 demonstration projects under this subsection.

25 (3) ASSESSMENT OF FACILITY LICENSED BEDS; REVISED RULES.

SENATE BILL 44**SECTION 9124**

1 (a) The department of health and family services shall submit in proposed form
2 a revision of rules required under section 50.14 (5) (b) of the statutes to the legislative
3 council staff under section 227.15 (1) of the statutes no later than the first day of the
4 4th month beginning after the effective date of this paragraph.

5 (b) Using the procedure under section 227.24 of the statutes, the department
6 of health and family services may promulgate as emergency rules a revision of rules
7 required under section 50.14 (5) (b) of the statutes for the period before the effective
8 date of the revised rules submitted under paragraph (a), but not to exceed the period
9 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
10 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health and
11 family services is not required to provide evidence that promulgating a rule under
12 this paragraph as an emergency rule is necessary for the preservation of the public
13 peace, health, safety, or welfare and is not required to provide a finding of emergency
14 for a rule promulgated under this paragraph.

15 (4) MEDICAL ASSISTANCE MANAGED CARE WAIVER REQUEST. By January 1, 2004, the
16 department of health and family services shall request from the secretary of the
17 federal department of health and human services, under 42 USC 1396n (c), any
18 waivers of federal Medical Assistance Program laws necessary to authorize the
19 department of health and family services to require that those recipients of Medical
20 Assistance who are eligible for the Supplemental Security Income Program under 42
21 USC 1382 to 1383f enroll for services in managed care plans, including recipients
22 who are in a geographic service region that contains no more than a single managed
23 care organization as service provider.

24 (5) TRANSFER OF GRADE A DAIRY OPERATIONS CERTIFICATION.

SENATE BILL 44**SECTION 9124**

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of health and family services primarily related to the
3 certification of grade A dairy operations, as determined by the secretary of
4 administration, shall become the assets and liabilities of the department of
5 agriculture, trade and consumer protection.

6 (b) *Employee transfers.* All positions and all incumbent employees holding
7 those positions in the department of health and family services performing duties
8 primarily related to the certification of grade A dairy operations, as determined by
9 the secretary of administration, are transferred on the effective date of this
10 paragraph to the department of agriculture, trade and consumer protection.

11 (c) *Employee status.* Employees transferred under paragraph (b) have all the
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
13 statutes in the department of agriculture, trade and consumer protection that they
14 enjoyed in the department of health and family services immediately before the
15 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
16 transferred who has attained permanent status in class is required to serve a
17 probationary period.

18 (d) *Tangible personal property.* On the effective date of this paragraph, all
19 tangible personal property, including records, of the department of health and family
20 services that is primarily related to the certification of grade A dairy operations, as
21 determined by the secretary of administration, is transferred to the department of
22 agriculture, trade and consumer protection.

23 (e) *Contracts.* All contracts entered into by the department of health and family
24 services in effect on the effective date of this paragraph that are primarily related
25 to the certification of grade A dairy operations, as determined by the secretary of

SENATE BILL 44**SECTION 9124**

1 administration, remain in effect and are transferred to the department of
2 agriculture, trade and consumer protection. The department of agriculture, trade
3 and consumer protection shall carry out any obligations under such a contract until
4 the contract is modified or rescinded by the department of agriculture, trade and
5 consumer protection to the extent allowed under the contract.

6 (f) *Pending matters.* Any matter pending with the department of health and
7 family services on the effective date of this paragraph that is primarily related to the
8 certification of grade A dairy operations is transferred to the department of
9 agriculture, trade and consumer protection and all materials submitted to or actions
10 taken by the department of health and family services with respect to the pending
11 matter are considered as having been submitted to or taken by the department of
12 agriculture, trade and consumer protection.

13 (6) MILK CERTIFICATION. The authorized FTE positions for the department of
14 health and family services, funded from the appropriation under section 20.435 (1)
15 (a) of the statutes for the purpose of performing milk certification, are decreased by
16 4.8 GPR positions on the effective date of this subsection.

17 (7) FEASIBILITY OF FAMILY CARE EXPANSION; REPORT. The secretary of health and
18 family services shall assess the feasibility of expanding, under section 46.281 (1) (e)
19 of the statutes, the Family Care Program to include 2 counties in addition to the
20 counties or other entities participating in the program on the effective date of this
21 subsection. By July 1, 2004, the secretary of health and family services shall report
22 to the secretary of administration and the governor concerning the feasibility and
23 whether the expansion should be included as part of the biennial budget bill for the
24 2005-07 fiscal biennium.

SENATE BILL 44**SECTION 9124**

1 (8) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING DEFICIT
2 REDUCTION.

3 (a) If an amendment to the state medical assistance plan that provides for a
4 revised payment methodology for medical assistance services that are provided by
5 a local government is approved by the federal center for medicare and medicaid
6 services before July 1, 2005, no county department under section 46.215, 46.22,
7 46.23, or 51.42 of the statutes and no local health department, as defined in section
8 250.01 (4) of the statutes, may receive a distribution of an allocation under section
9 49.45 (6t) of the statutes, as affected by this act.

10 (b) If paragraph (a) applies, any county department or local health department
11 that has received distribution of an allocation under section 49.45 (6t) of the statutes,
12 as affected by this act, for any year after 2002 shall, upon demand by the department
13 of health and family services, return to the department of health and family services
14 all those moneys so distributed.

15 (9) ADVISORY COMMITTEE ON HUMAN SERVICES AND SOCIAL SERVICES; REPORT.

16 (a) The secretary of health and family services shall, under section 15.04 (1) (c)
17 of the statutes, appoint an advisory committee to develop recommendations
18 concerning restructuring the system under which publicly administered human
19 services and social services programs are funded. The advisory committee shall
20 consist of all of the following:

21 1. Consumers of human services and social services and family members of
22 consumers.

23 2. Human services and social services advocacy organizations.

24 3. Representatives of county governments and associations.

SENATE BILL 44**SECTION 9124**

1 4. Representatives of human services and social services provider
2 organizations.

3 5. State residents.

4 (b) The advisory committee under paragraph (a) shall consider all of the
5 following goals in developing its recommendations:

6 1. Achieving greater equity and consistency of human services and social
7 services access across the state.

8 2. Affirming a human services and social services system that is publicly
9 administered at the local level.

10 3. Fostering human services and social services consumer-directed care.

11 4. Enhancing accountability for effective, efficient delivery of human services
12 and social services within available resources.

13 (c) By October 1, 2004, the secretary of health and family services shall submit
14 to the appropriate standing committees of the legislature, in the manner provided
15 under section 13.72 (3) of the statutes, and to the governor a report that specifies the
16 considerations and recommendations of the advisory committee appointed under
17 paragraph (a).

18 **SECTION 9125. Nonstatutory provisions; higher educational aids**
19 **board.**

20 (1) TRANSFER OF DUTIES TO BOARD OF REGENTS.

21 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
22 liabilities of the higher educational aids board shall become the assets and liabilities
23 of the Board of Regents of the University of Wisconsin System.

24 (b) *Positions and employees.*

SENATE BILL 44**SECTION 9125**

1 1. The authorized FTE positions for the higher educational aids board, funded
2 from the appropriation under section 20.235 (2) (aa), 2001 stats., are decreased by
3 2.0 GPR positions on the effective date of this subdivision for the purpose of
4 eliminating that board.

5 2. The authorized FTE positions for the higher educational aids board, funded
6 from the appropriation under section 20.235 (2) (aa), 2001 stats., are decreased by
7 1.36 GPR positions on the effective date of this subdivision for the purpose of
8 eliminating that board.

9 3. The authorized FTE positions for the higher educational aids board, funded
10 from the appropriation under section 20.235 (2) (qb), 2001 stats., are decreased by
11 0.64 SEG position on the effective date of this subdivision for the purpose of
12 eliminating that board.

13 4. On the effective date of this subdivision, all incumbent employees holding
14 the positions specified in subdivision 2. are transferred to the department of
15 administration.

16 5. On the effective date of this subdivision, all incumbent employees holding
17 the positions specified in subdivisions 2. and 3. are transferred to the Board of
18 Regents of the University of Wisconsin System.

19 (c) *Employee status.* Employees transferred under paragraph (b) 4. and 5. have
20 all the rights and the same status under subchapter V of chapter 111 and chapter 230
21 of the statutes in the department of administration and the Board of Regents of the
22 University of Wisconsin System that they enjoyed in the higher educational aids
23 board immediately before the transfer. Notwithstanding section 230.28 (4) of the
24 statutes, no transferred employee who has attained permanent status in class is
25 required to serve a probationary period.

SENATE BILL 44**SECTION 9125**

1 (d) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the higher educational aids board
3 is transferred to the Board of Regents of the University of Wisconsin System.

4 (e) *Contracts.* All contracts entered into by the higher educational aids board
5 in effect on the effective date of this paragraph remain in effect and are transferred
6 to the Board of Regents of the University of Wisconsin System. The Board of Regents
7 of the University of Wisconsin System shall carry out any such contractual
8 obligations until modified or rescinded by that board to the extent allowed under the
9 contract.

10 (f) *Rules and orders.* All rules promulgated by the higher educational aids
11 board that are in effect on the effective date of this paragraph remain in effect until
12 their specified expiration date or until amended or repealed by the Board of Regents
13 of the University of Wisconsin System. All orders issued by the higher educational
14 aids board that are in effect on the effective date of this paragraph remain in effect
15 until their specified expiration date or until modified or rescinded by the Board of
16 Regents of the University of Wisconsin System.

17 (g) *Pending matters.* Any matter pending with the higher educational aids
18 board on the effective date of this paragraph is transferred to the Board of Regents
19 of the University of Wisconsin System and all materials submitted to or actions taken
20 by the higher educational aids board with respect to the pending matter are
21 considered as having been submitted to or taken by the Board of Regents of the
22 University of Wisconsin System.

23 **SECTION 9126. Nonstatutory provisions; historical society.**

24 **SECTION 9127. Nonstatutory provisions; Housing and Economic**
25 **Development Authority.**

SENATE BILL 44**SECTION 9128**

1 **SECTION 9128. Nonstatutory provisions; insurance.**

2 **SECTION 9129. Nonstatutory provisions; investment board.**

3 **SECTION 9130. Nonstatutory provisions; joint committee on finance.**

4 **SECTION 9131. Nonstatutory provisions; judicial commission.**

5 **SECTION 9132. Nonstatutory provisions; justice.**

6 (1) TRANSFER OF COUNTY-TRIBAL LAW ENFORCEMENT GRANT PROGRAM.

7 (a) *Positions and employees.*

8 1. On the effective date of this subdivision, all full-time equivalent positions
9 in the department of justice having duties primarily related to the department's
10 county-tribal law enforcement grant program, as determined by the secretary of
11 administration, are transferred to the office of justice assistance.

12 2. All incumbent employees holding positions specified in subdivision 1. are
13 transferred on the effective date of this subdivision to the office of justice assistance.

14 3. Employees transferred under subdivision 2. have all the rights and the same
15 status under subchapter V of chapter 111 and chapter 230 of the statutes in the office
16 of justice assistance that they enjoyed in the department of justice immediately
17 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
18 so transferred who has attained permanent status in class is required to serve a
19 probationary period.

20 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
21 liabilities of the department of justice primarily related to the department's
22 county-tribal law enforcement grant program, as determined by the secretary of
23 administration, shall become the assets and liabilities of the office of justice
24 assistance.

SENATE BILL 44**SECTION 9132**

1 (c) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of justice that is
3 primarily related to the department's county-tribal law enforcement grant program,
4 as determined by the secretary of administration, is transferred to the office of justice
5 assistance.

6 (d) *Contracts.* All contracts entered into by the department of justice in effect
7 on the effective date of this paragraph that are primarily related to the department's
8 county-tribal law enforcement grant program, as determined by the secretary of
9 administration, remain in effect and are transferred to the office of justice
10 assistance. The office of justice assistance shall carry out any obligations under such
11 a contract until the contract is modified or rescinded by the office of justice assistance
12 to the extent allowed under the contract.

13 (e) *Rules and orders.* All rules promulgated by the department of justice
14 primarily related to the department's county-tribal law enforcement grant program
15 that are in effect on the effective date of this paragraph shall become rules of the
16 office of justice assistance and shall remain in effect until their specified expiration
17 dates or until amended or repealed by the office of justice assistance. All orders
18 issued by the department of justice primarily related to the department's
19 county-tribal law enforcement grant program that are in effect on the effective date
20 of this paragraph shall become orders of the office of justice assistance and shall
21 remain in effect until their specified expiration dates or until modified or rescinded
22 by the office of justice assistance.

23 (f) *Pending matters.* Any matter pending with the department of justice on the
24 effective date of this paragraph that is primarily related to the department's
25 county-tribal law enforcement grant program, as determined by the secretary of

SENATE BILL 44**SECTION 9132**

1 administration, is transferred to the office of justice assistance, and all materials
2 submitted to or actions taken by the department of justice with respect to the pending
3 matter are considered as having been submitted to or taken by the office of justice
4 assistance.

5 **SECTION 9133. Nonstatutory provisions; legislature.**

6 (1) FUNDING OF AUTHORIZED POSITIONS FOR THE LEGISLATURE AND LEGISLATIVE
7 SERVICE AGENCIES DURING THE 2003-05 FISCAL BIENNIUM. Notwithstanding section
8 16.505 (4) of the statutes, all authorized positions for the legislature and for each
9 legislative service agency, as defined in section 16.70 (6) of the statutes, that are
10 funded from an appropriation under section 20.765 (1), (2), (3) (a) to (fa), or (4) of the
11 statutes, as affected by this act, shall be funded from the appropriation under section
12 20.765 (5) of the statutes, as created by this act, before the effective date of the
13 biennial budget act for the 2005-07 fiscal biennium.

14 (2) ALLOCATION OF APPROPRIATED FUNDS BY THE JOINT COMMITTEE ON LEGISLATIVE
15 ORGANIZATION. Before the effective date of the biennial budget act for the 2005-07
16 fiscal biennium, the joint committee on legislative organization shall allocate
17 moneys from the appropriation under section 20.765 (5) (a) of the statutes, as created
18 by this act, to be used for the purposes provided in the appropriations under section
19 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as affected by this act.

20 (3) CONTINUATION OF EXISTING EXPENDITURE AUTHORITY. Notwithstanding
21 subsection (2), if on the effective date of this subsection the joint committee on
22 legislative organization has not acted to fully allocate for expenditure the moneys
23 shown in the schedule under section 20.005 (3) of the statutes for the appropriation
24 under section 20.765 (5) (a) of the statutes, as created by this act, the officers who
25 were permitted to authorize expenditures to be made from the appropriations under

SENATE BILL 44**SECTION 9133**

1 section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as affected by this act, on
2 the day before the effective date of this subsection may, during the period prior to the
3 effective date of the 2005-07 biennial budget act, continue to authorize expenditures
4 to be made for the same purposes for which they were previously authorized from the
5 appropriation under section 20.765 (5) (a) of the statutes, as created by this act, until
6 such time as the joint committee on legislative organization acts under subsection
7 (2). Unless otherwise determined by the joint committee on legislative organization
8 under subsection (2), no expenditures authorized under this subsection may exceed
9 90% of the amounts shown for the 2001-03 fiscal biennium for the appropriation to
10 which the expenditures were previously charged, as published in the schedule under
11 section 20.005 (3) of the statutes in the 2001-02 Wisconsin Statutes.

12 **SECTION 9134. Nonstatutory provisions; lieutenant governor.**

13 **SECTION 9135. Nonstatutory provisions; lower Wisconsin state**
14 **riverway board.**

15 **SECTION 9136. Nonstatutory provisions; Medical College of Wisconsin.**

16 **SECTION 9137. Nonstatutory provisions; military affairs.**

17 **SECTION 9138. Nonstatutory provisions; natural resources.**

18 (1) BROWNFIELDS GRANT RULES. The department of natural resources may use
19 the procedure under section 227.24 of the statutes to promulgate rules under section
20 292.74 (3) of the statutes, as created by this act, for the period before the effective date
21 of the permanent rules, but not to exceed the period authorized under section 227.24
22 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
23 of the statutes, the department is not required to provide evidence that promulgating
24 a rule under this subsection as an emergency rule is necessary for the preservation

SENATE BILL 44**SECTION 9138**

1 of the public peace, health, safety, or welfare and is not required to provide a finding
2 of emergency for a rule promulgated under this subsection.

3 (2) **OUTSTANDING BROWNFIELDS GRANTS.** The department of natural resources
4 shall oversee projects awarded grants under section 560.13, 2001 stats., for which
5 funds have been encumbered but grants have not been paid on the effective date of
6 this subsection.

7 (3) **FUNDING TO MAINTAIN AND DEVELOP HISTORIC SITES.** Notwithstanding section
8 20.370 (7) (fa) of the statutes, the requirements that the department of natural
9 resources expend at least \$150,000 in each fiscal year from the appropriation under
10 section 20.370 (7) (fa) of the statutes for maintaining and developing historic sites
11 and that the department of natural resources expend at least \$10,000 of these
12 amounts in each fiscal year for maintaining and developing Heritage Hill State Park
13 do not apply in fiscal year 2003-04.

14 **SECTION 9139. Nonstatutory provisions; personnel commission.**

15 (1) **ABOLITION OF PERSONNEL COMMISSION.**

16 (a) *Assets and liabilities.*

17 1. On the effective date of this subdivision, all assets and liabilities of the
18 personnel commission relating to the performance of its duties under section 230.45
19 (1) (a), (c), (d), and (e), 2001 stats., as determined by the secretary of administration,
20 shall become the assets and liabilities of the employment relations commission.

21 2. On the effective date of this subdivision, all assets and liabilities of the
22 personnel commission relating to the performance of its duties under section 230.45
23 (1) (b), (g), (gm), (j), (k), (L), and (m), 2001 stats., as determined by the secretary of
24 administration, shall become the assets and liabilities of the department of
25 workforce development.

SENATE BILL 44**SECTION 9139**

1 (b) *Tangible personal property.*

2 1. On the effective date of this subdivision, all tangible personal property,
3 including records, of the personnel commission relating to the performance of its
4 duties under section 230.45 (1) (a), (c), (d), and (e), 2001 stats., as determined by the
5 secretary of administration, are transferred to the employment relations
6 commission.

7 2. On the effective date of this subdivision, all tangible personal property,
8 including records, of the personnel commission relating to the performance of its
9 duties under section 230.45 (1) (b), (g), (gm), (j), (k), (L), and (m), 2001 stats., as
10 determined by the secretary of administration, are transferred to the department of
11 workforce development.

12 (c) *Contracts.*

13 1. On the effective date of this subdivision, all contracts entered into by the
14 personnel commission relating to the performance of its duties under section 230.45
15 (1) (a), (c), (d), and (e), 2001 stats., as determined by the secretary of administration,
16 which are in effect on the effective date of this subdivision remain in effect and are
17 transferred to the employment relations commission. The employment relations
18 commission shall carry out any such contractual obligations until modified or
19 rescinded by the employment relations commission to the extent allowed under the
20 contract.

21 2. On the effective date of this subdivision, all contracts entered into by the
22 personnel commission relating to the performance of its duties under section 230.45
23 (1) (b), (g), (gm), (j), (k), (L), and (m), 2001 stats., as determined by the secretary of
24 administration, which are in effect on the effective date of this subdivision remain
25 in effect and are transferred to the department of workforce development. The

SENATE BILL 44**SECTION 9139**

1 department of workforce development shall carry out any such contractual
2 obligations until modified or rescinded by the department of workforce development
3 to the extent allowed under the contract.

4 (d) *Pending matters.*

5 1. On the effective date of this subdivision, any matter pending with the
6 personnel commission relating to the performance of its duties under section 230.45
7 (1) (a), (c), (d), and (e), 2001 stats., is transferred to the employment relations
8 commission, and all materials submitted to or actions taken by the personnel
9 commission with respect to the pending matter are considered as having been
10 submitted to or taken by the employment relations commission.

11 2. On the effective date of this subdivision, any matter pending with the
12 personnel commission relating to the performance of its duties under section 230.45
13 (1) (b), (g), (gm), (j), (k), (L), and (m), 2001 stats., is transferred to the department of
14 workforce development, and all materials submitted to or actions taken by the
15 personnel commission with respect to the pending matter are considered as having
16 been submitted to or taken by the department of workforce development.

17 (e) *Rules and orders.*

18 1. All rules promulgated, and all orders issued, by the personnel commission
19 that are in effect on the effective date of this subdivision and that relate to the
20 performance of its duties under section 230.45 (1) (a), (c), (d), and (e), 2001 stats.,
21 remain in effect until their specified expiration date or until amended or repealed or
22 modified or rescinded, whichever is appropriate, by the employment relations
23 commission.

24 2. All rules promulgated, and all orders issued, by the personnel commission
25 that are in effect on the effective date of this subdivision and that relate to the

SENATE BILL 44**SECTION 9139**

1 performance of its duties under section 230.45 (1) (b), (g), (gm), (j), (k), (L), and (m),
2 2001 stats., remain in effect until their specified expiration date or until amended
3 or repealed or modified or rescinded, whichever is appropriate, by the department
4 of workforce development.

SECTION 9140. Nonstatutory provisions; public defender board.**SECTION 9141. Nonstatutory provisions; public instruction.****(1) TRANSFER OF EDUCATIONAL TECHNOLOGY PROGRAMS.**

8 (a) The authorized FTE positions for the department of public instruction,
9 funded from the appropriation under section 20.255 (1) (jr) of the statutes are
10 increased by 0.5 PR position on the effective date of this subsection for the
11 administration of technology for educational achievement programs under
12 subchapter VIII of chapter 115 of the statutes, as created by this act.

13 (b) The authorized FTE positions for the department of public instruction,
14 funded from the appropriation under section 20.255 (4) (mp) of the statutes, as
15 affected by this act, are increased by 0.5 FED position on the effective date of this
16 subsection for the administration of technology for educational achievement
17 programs under subchapter VIII of chapter 115 of the statutes, as created by this act.

18 (c) The authorized FTE positions for the department of public instruction,
19 funded from the appropriation under section 20.255 (4) (s) of the statutes, as affected
20 by this act, are increased by 1.0 SEG position on the effective date of this subsection
21 for the administration of technology for educational achievement programs under
22 subchapter VIII of chapter 115 of the statutes, as created by this act.

**SECTION 9142. Nonstatutory provisions; public lands, board of
24 commissioners of.****SECTION 9143. Nonstatutory provisions; public service commission.**

SENATE BILL 44**SECTION 9143**

1 (1) ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS; TRANSITIONAL
2 PROVISIONS.

3 (a) *Definitions.* In this subsection:

4 1. “Department” means the department of transportation.

5 2. “Division” means the division of hearings and appeals in the department of
6 administration.

7 3. “Office” means the office of the commissioner of railroads.

8 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
9 liabilities of the office shall become the assets and liabilities of the department.

10 (c) *Staff.*

11 1. On the effective date of this subdivision, the position of the commissioner of
12 railroads is abolished.

13 2. On the effective date of this subdivision, the following 4.0 FTE PR positions
14 and the incumbent employees, identified by the secretary of transportation, holding
15 those positions in the office are transferred to the department:

16 a. One program assistant position.

17 b. Three regulation compliance investigator positions.

18 3. Employees transferred under subdivision 2. to the department have all of
19 the rights and the same status under subchapter V of chapter 111 and chapter 230
20 of the statutes in the department that they enjoyed in the office immediately before
21 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
22 transferred who has attained permanent status in class is required to serve a
23 probationary period.

SENATE BILL 44**SECTION 9143**

1 4. On the effective date of this subdivision, the remaining FTE PR positions of
2 the office not transferred under subdivision 2. or abolished under subdivision 1. are
3 deauthorized.

4 (d) *Tangible personal property.* On the effective date of this paragraph, all
5 tangible personal property, including records, of the office is transferred to the
6 department.

7 (e) *Contracts.* All contracts entered into by the office in effect on the effective
8 date of this paragraph remain in effect and are transferred to the department. The
9 department shall carry out any obligations under such a contract until the contract
10 is modified or rescinded by the department to the extent allowed under the contract.

11 (f) *Rules and orders.*

12 1. All rules promulgated by the office that are in effect on the effective date of
13 this subdivision remain in effect until their specified expiration date or until
14 amended or repealed by the department.

15 2. All orders issued by the office that are in effect on the effective date of this
16 subdivision remain in effect until their specified expiration date or until modified or
17 rescinded by the department.

18 (g) *Pending matters.* Any matter pending with the office on the effective date
19 of this paragraph is transferred to the department and all materials submitted to or
20 actions taken by the office with respect to the pending matter are considered as
21 having been submitted to or taken by the department.

22 (h) *Department of administration to arbitrate disputes.* In the case of
23 disagreement between the secretary of transportation and the commissioner of
24 railroads with respect to any matter specified in paragraph (d), (e), (f), or (g), the

SENATE BILL 44**SECTION 9143**

1 department of administration shall determine the matter and shall develop a plan
2 for an orderly transfer.

3 **SECTION 9144. Nonstatutory provisions; regulation and licensing.**

4 **SECTION 9145. Nonstatutory provisions; revenue.**

5 (1) TAX APPEALS COMMISSIONER. All of the following apply to the tax appeals
6 commission under section 15.105 (1) of the statutes, as affected by this act, and the
7 office of the commissioner of tax appeals under section 15.105 (1m) of the statutes,
8 as created by this act:

9 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the tax appeals commission shall become the assets and liabilities of the
11 office of the commissioner of tax appeals.

12 (b) *Employee transfers.* All incumbent employees holding positions in the tax
13 appeals commission are transferred on the effective date of this paragraph to the
14 office of the commissioner of tax appeals.

15 (c) *Employee status.* Employees transferred under paragraph (b) have all the
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the office of the commissioner of tax appeals that they enjoyed in the tax
18 appeals commission immediately before the transfer. Notwithstanding section
19 230.28 (4) of the statutes, no employee so transferred who has attained permanent
20 status in class is required to serve a probationary period.

21 (d) *Tangible personal property.* On the effective date of this paragraph, all
22 tangible personal property, including records, of the tax appeals commission is
23 transferred to the office of the commissioner of tax appeals.

24 (e) *Contracts.* All contracts entered into by the tax appeals commission in effect
25 on the effective date of this paragraph remain in effect and are transferred to the

SENATE BILL 44**SECTION 9145**

1 office of the commissioner of tax appeals. The office of the commissioner of tax
2 appeals shall carry out any obligations under such a contract until the contract is
3 modified or rescinded by the office of the commissioner of tax appeals to the extent
4 allowed under the contract.

5 (f) *Rules and orders.* All rules promulgated by the tax appeals commission that
6 are in effect on the effective date of this paragraph remain in effect until their
7 specified expiration date or until amended or repealed by the office of the
8 commissioner of tax appeals. All orders issued by the tax appeals commission that
9 are in effect on the effective date of this paragraph remain in effect until their
10 specified expiration date or until modified or rescinded by the office of the
11 commissioner of tax appeals.

12 (g) *Pending matters.* Any matter pending with the tax appeals commission on
13 the effective date of this paragraph is transferred to the office of the commissioner
14 of tax appeals, and all materials submitted to or actions taken by the tax appeals
15 commission with respect to the pending matter are considered as having been
16 submitted to or taken by the office of the commissioner of tax appeals.

17 **SECTION 9146. Nonstatutory provisions; secretary of state.**

18 **SECTION 9147. Nonstatutory provisions; state fair park board.**

19 **SECTION 9148. Nonstatutory provisions; supreme court.**

20 **SECTION 9149. Nonstatutory provisions; technical college system.**

21 **SECTION 9150. Nonstatutory provisions; technology for educational**
22 **achievement in Wisconsin board.**

23 (1) TRANSFER OF DUTIES FROM THE TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN
24 WISCONSIN BOARD.

SENATE BILL 44**SECTION 9150**

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of administration primarily related to the functions of
3 the technology for educational achievement in Wisconsin board, as determined by
4 the secretary of administration, shall become the assets and liabilities of the
5 department of public instruction.

6 (b) *Outstanding loans.* On the effective date of this paragraph, all loans made
7 under section 44.72 (4) (b), 2001 stats., shall be assigned to the department of public
8 instruction. The department of public instruction shall take all actions that are
9 necessary for the effective assignment of those loans, including providing
10 notification of that assignment to all persons liable for repayment of those loans.

11 (c) *Positions and employees.*

12 1. The authorized FTE positions for the technology for educational
13 achievement in Wisconsin board, funded from the appropriation under section
14 20.275 (1) (a), 2001 stats., are decreased by 1.0 GPR position on the effective date of
15 this subdivision for the purpose of eliminating that board.

16 2. The authorized FTE positions for the technology for educational
17 achievement in Wisconsin board, funded from the appropriation under section
18 20.275 (1) (g), 2001 stats., are decreased by .5 PR position on the effective date of this
19 subdivision for the purpose of eliminating that board.

20 3. The authorized FTE positions for the technology for educational
21 achievement in Wisconsin board, funded from the appropriation under section
22 20.275 (1) (m), 2001 stats., are decreased by 0.5 FED position on the effective date
23 of this subdivision for the purpose of eliminating that board.

SENATE BILL 44**SECTION 9150**

1 4. On the effective date of this subdivision, all incumbent employees holding
2 the positions specified in subdivisions 1., 2., and 3. are transferred to the department
3 of public instruction.

4 (d) *Employee status.* Employees transferred under paragraph (c) 4. have all the
5 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
6 statutes in the department of public instruction that they enjoyed in the technology
7 for educational achievement in Wisconsin board immediately before the transfer.
8 Notwithstanding section 230.28 (4) of the statutes, no transferred employee who has
9 attained permanent status in class is required to serve a probationary period.

10 (e) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of administration
12 that is primarily related to the functions of the technology for educational
13 achievement in Wisconsin board, as determined by the secretary of administration,
14 is transferred to the department of public instruction.

15 (f) *Contracts.*

16 1. All contracts entered into by the technology for educational achievement in
17 Wisconsin board in effect on the effective date of this subdivision remain in effect and
18 are transferred to the department of public instruction. The department of public
19 instruction shall carry out any obligations under a transferred contract until the
20 department of public instruction modifies or rescinds the contract.

21 2. All contracts entered into by the department of administration in effect on
22 the effective date of this subdivision that are primarily related to the functions of the
23 technology for educational achievement in Wisconsin board, as determined by the
24 secretary of administration, remain in effect and are transferred to the department
25 of public instruction. The department of public instruction shall carry out any

SENATE BILL 44**SECTION 9150**

1 obligations under a transferred contract until the department of public instruction
2 modifies or rescinds the contract.

3 (g) *Rules and orders.* All rules promulgated by the technology for educational
4 achievement in Wisconsin board that are in effect on the effective date of this
5 paragraph remain in effect until their specified expiration date or until the
6 department of public instruction amends or repeals them. All orders issued by the
7 technology for educational achievement in Wisconsin board that are in effect on the
8 effective date of this paragraph remain in effect until their specified expiration date
9 or until the department of public instruction modifies or rescinds them.

10 (h) *Pending matters.* Any matter pending with the technology for educational
11 achievement in Wisconsin board on the effective date of this paragraph is transferred
12 to the department of public instruction, and all materials submitted to or actions
13 taken by the technology for educational achievement in Wisconsin board concerning
14 the pending matter are considered to have been submitted to or taken by the
15 department of public instruction.

16 **SECTION 9151. Nonstatutory provisions; tobacco control board.**

17 (1) ELIMINATION OF THE TOBACCO CONTROL BOARD.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the tobacco control board shall become the assets and liabilities of the
20 department of health and family services.

21 (b) *Contracts.*

22 1. All contracts entered into by the tobacco control board in effect on the
23 effective date of this subdivision remain in effect and are transferred to the
24 department of health and family services. The department of health and family
25 services shall carry out any obligations under such a contract until the contract is

SENATE BILL 44**SECTION 9151**

1 modified or rescinded by the department of health and family services to the extent
2 allowed under the contract.

3 2. All contracts entered into by the department of health and family services
4 in effect on the effective date of this subdivision that are primarily related to the
5 functions of the tobacco control board, as determined by the secretary of
6 administration, remain in effect. The department of health and family services shall
7 carry out any obligations under such a contract until the contract is modified or
8 rescinded by the department of health and family services to the extent allowed
9 under the contract.

10 (c) *Rules and orders.* All rules promulgated by the tobacco control board that
11 are in effect on the effective date of this paragraph remain in effect until their
12 specified expiration date or until amended or repealed by the department of health
13 and family services. All orders issued by the tobacco control board that are in effect
14 on the effective date of this paragraph remain in effect until their specified expiration
15 date or until modified or rescinded by the department of health and family services.

16 **SECTION 9152. Nonstatutory provisions; tourism.**

17 **SECTION 9153. Nonstatutory provisions; transportation.**

18 **SECTION 9154. Nonstatutory provisions; treasurer.**

19 (1) TRANSFER OF THE CASH MANAGEMENT FUNCTIONS OF THE OFFICE OF THE STATE
20 TREASURER.

21 (a) *Assets and liabilities.* On July 1, 2004, all assets and liabilities of the office
22 of the state treasurer relating to the performance of its cash management functions,
23 other than its performance of such functions under section 25.50 and chapter 177 of
24 the statutes, as determined by the secretary of administration, shall become the
25 assets and liabilities of the department of administration.

SENATE BILL 44**SECTION 9154**

1 (b) *Tangible personal property.* On July 1, 2004, all tangible personal property,
2 including records, of the office of the state treasurer relating to the performance of
3 its cash management functions, other than its performance of such functions under
4 section 25.50 and chapter 177 of the statutes, as determined by the secretary of
5 administration, are transferred to the department of administration.

6 (c) *Contracts.* All contracts entered into by the office of the state treasurer
7 relating to the performance of its cash management functions, other than its
8 performance of such functions under section 25.50 and chapter 177 of the statutes,
9 as determined by the secretary of administration, which are in effect on July 1, 2004,
10 remain in effect and are transferred to the department of administration on July 1,
11 2004. The department of administration shall carry out any such contractual
12 obligations until modified or rescinded by the department of administration to the
13 extent allowed under the contract.

14 (d) *Employee transfers and status.* Before July 1, 2004, all incumbent
15 employees holding positions in the office of the state treasurer who perform cash
16 management functions, other than functions under section 25.50 and chapter 177 of
17 the statutes, as determined by the secretary of administration, are transferred to the
18 department of administration. The secretary shall determine the date on which each
19 such employee is transferred. Employees transferred under this paragraph have all
20 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
21 statutes that they enjoyed in the office of the state treasurer. Notwithstanding
22 section 230.28 (4) of the statutes, no employee so transferred who has attained
23 permanent status in class may be required to serve a probationary period.

24 (e) *Pending matters.* Any matter pending with the office of the state treasurer
25 relating to the performance of its cash management functions, other than its

SENATE BILL 44**SECTION 9154**

1 performance of such functions under section 25.50 and chapter 177 of the statutes,
2 as determined by the secretary of administration, on July 1, 2004, is transferred to
3 the department of administration on July 1, 2004, and all materials submitted to or
4 actions taken by the office of the state treasurer with respect to the pending matter
5 are considered as having been submitted to or taken by the department of
6 administration.

7 **SECTION 9155. Nonstatutory provisions; University of Wisconsin**
8 **Hospitals and Clinics Authority.**

9 **SECTION 9156. Nonstatutory provisions; University of Wisconsin**
10 **Hospitals and Clinics Board.**

11 **SECTION 9157. Nonstatutory provisions; University of Wisconsin**
12 **System.**

13 (1) UNIVERSITY OF WISCONSIN SYSTEM RESIDENT UNDERGRADUATE TUITION.
14 Notwithstanding section 36.27 (1) (am) of the statutes, as affected by this act, the
15 Board of Regents of the University of Wisconsin System may not increase academic
16 fees for a resident undergraduate student enrolled at any of the following:

17 (a) The University of Wisconsin-Madison or University of
18 Wisconsin-Milwaukee by more than \$350 a semester in the 2003-04 academic year
19 over academic fees charged for the 2002-03 academic year and by more than \$350
20 a semester in the 2004-05 academic year over academic fees charged for the 2003-04
21 academic year.

22 (b) Any other University of Wisconsin System institution by more than \$250
23 a semester in the 2003-04 academic year over academic fees charged for the 2002-03
24 academic year and by more than \$250 a semester in the 2004-05 academic year over
25 academic fees charged for the 2003-04 academic year.

SENATE BILL 44**SECTION 9157**

1 (2) HIGHER EDUCATIONAL AIDS.

2 (a) The authorized FTE positions for the Board of Regents of the University of
3 Wisconsin System, funded from the appropriation under section 20.285 (3) (a) of the
4 statutes, are increased by 1.36 GPR positions on the effective date of this paragraph
5 for the purpose of administering higher educational aids under subchapter III of
6 chapter 39 of the statutes, as affected by this act.

7 (b) The authorized FTE positions for the Board of Regents of the University of
8 Wisconsin System, funded from the appropriation under the section 20.285 (3) (qb)
9 of the statutes, as affected by this act, are increased by 0.64 SEG position on the
10 effective date of this paragraph for the purpose of administering higher educational
11 aids under subchapter III of chapter 39 of the statutes, as affected by this act.

12 **SECTION 9158. Nonstatutory provisions; veterans affairs.**

13 (1) EDUCATIONAL STIPEND PROGRAM; RULES. If the department of veterans affairs
14 develops a stipend program under section 45.365 (7) of the statutes, as created by this
15 act, the department shall, using the procedure under section 227.24 of the statutes,
16 promulgate the rule required under section 45.365 (7) of the statutes, as created by
17 this act, for the period before the effective date of the permanent rule promulgated
18 under section 45.365 (7) of the statutes, as created by this act, but not to exceed the
19 period authorized under section 227.24 (1) (c) and (2) of the statutes.
20 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
21 is not required to provide evidence that promulgating a rule under this subsection
22 as an emergency rule is necessary for the preservation of the public peace, health,
23 safety, or welfare and is not required to provide a finding of emergency for a rule
24 promulgated under this subsection.

25 **SECTION 9159. Nonstatutory provisions; workforce development.**

SENATE BILL 44**SECTION 9159**

1 (1) RULES RELATED TO INCOME MAINTENANCE TRAINING. All rules of the department
2 of workforce development that are primarily related to competency standards,
3 including training requirements, for income maintenance workers and that are in
4 effect on the effective date of this subsection are transferred to the department of
5 health and family services and remain in effect until their specified expiration dates
6 or until amended or repealed by the department of health and family services.

7 (2) COMMUNITY REINVESTMENT FUNDS. The department of workforce development
8 may not pay to Wisconsin Works agencies any community reinvestment funds
9 earned under contracts that were entered into under section 49.143 of the statutes
10 and that had terms beginning on January 1, 2000, and ending on December 31, 2001.

11 (3) USES FOR OTHER FEDERAL FUNDING. The department of workforce
12 development shall investigate ways in which federal funding other than Temporary
13 Assistance for Needy Families block grants, including but not limited to Workforce
14 Investment Act funding, may be used by the state to create a more seamless system
15 of employment and education and training services for low-income adults in the
16 state. The department of workforce development shall submit a report on the
17 findings of its investigation to the department of administration no later than
18 December 31, 2003.

19 (4) STUDY ON ASSISTANCE WITH LABOR MARKET PARTICIPATION. The department of
20 workforce development shall conduct a study to determine the best ways to assist
21 low-income custodial parents and other at-risk low-income adults in entering and
22 successfully participating in the labor market. The department of workforce
23 development is encouraged, in conducting the study, to consult with other state
24 agencies, public and private organizations, and individuals with expertise in the
25 subject area. The department of workforce development shall, no later than June 30,

SENATE BILL 44**SECTION 9159**

1 2004, submit a report on the results of the study, including the department's findings
2 and recommendations, to the legislature in the manner provided in section 13.172
3 (2) of the statutes and to the governor.

4 (5) CONSOLIDATION OF WORKFORCE INVESTMENT APPROPRIATIONS.

5 (a) The unencumbered balance in the appropriation account under section
6 20.445 (1) (ma), 2001 stats., is transferred to the appropriation account under section
7 20.445 (1) (m) of the statutes, as affected by this act.

8 (b) The unencumbered balance in the appropriation account under section
9 20.445 (1) (mb), 2001 stats., is transferred to the appropriation account under section
10 20.445 (1) (m) of the statutes, as affected by this act.

11 (c) The unencumbered balance in the appropriation account under section
12 20.445 (1) (mc), 2001 stats., is transferred to the appropriation account under section
13 20.445 (1) (m) of the statutes, as affected by this act.

14 (6) ELIMINATION OF GOVERNOR'S WORK-BASED LEARNING BOARD.

15 (a) *Contracts.* All contracts entered into by the governor's work-based learning
16 board in effect on the effective date of this paragraph remain in effect and are
17 transferred to the department of workforce development. The department of
18 workforce development shall carry out any obligations under such a contract until
19 the contract is modified or rescinded by the department of workforce development
20 to the extent allowed under the contract.

21 (b) *Rules and orders.* All rules promulgated by the governor's work-based
22 learning board that are in effect on the effective date of this paragraph remain in
23 effect until their specified expiration date or until amended or repealed by the
24 department of workforce development. All orders issued by the governor's
25 work-based learning board that are in effect on the effective date of this paragraph

SENATE BILL 44**SECTION 9159**

1 remain in effect until their specified expiration date or until modified or rescinded
2 by the department of workforce development.

3 (c) *Pending matters.* Any matter pending with the governor's work-based
4 learning board on the effective date of this paragraph is transferred to the
5 department of workforce development, and all materials submitted to or actions
6 taken by the governor's work-based learning board with respect to the pending
7 matter are considered as having been submitted to or taken by the department of
8 workforce development.

9 (7) ELIMINATION OF WISCONSIN CONSERVATION CORPS.

10 (a) *Contracts.* All contracts entered into by the Wisconsin conservation corps
11 board in effect on the effective date of this paragraph remain in effect and are
12 transferred to the department of workforce development.

13 (b) *Rules and orders.* All rules promulgated by the Wisconsin conservation
14 corps that are in effect on the effective date of this paragraph remain in effect until
15 their specified expiration date or until amended or repealed by the department of
16 workforce development. All orders issued by the Wisconsin conservation corps that
17 are in effect on the effective date of this paragraph remain in effect until their
18 specified expiration date or until modified or rescinded by the department of
19 workforce development.

20 (c) *Pending matters.* Any matter pending with the Wisconsin conservation
21 corps on the effective date of this paragraph is transferred to the department of
22 workforce development and all materials submitted to or actions taken by the
23 Wisconsin conservation corps with respect to the pending matter are considered as
24 having been submitted to or taken by the department of workforce development.

SENATE BILL 44**SECTION 9159**

1 (d) *Employee transfer.* The secretary of administration shall designate one or
2 more incumbent employees of the department of commerce to be transferred to the
3 department of workforce development to administer the youth employment project
4 grants under section 106.215 of the statutes, as affected by this act. If either
5 department is dissatisfied with the secretary's determination, that department may
6 bring the matter to the cochairpersons of the joint committee on finance for
7 consideration by the committee, and the committee shall affirm or modify the
8 decision.

9 (e) *Employee status.* Employees transferred under paragraph (d) shall have the
10 same rights and status under subchapter V of chapter 111 and chapter 230 of the
11 statutes in the department of workforce development that they enjoyed in the
12 department of commerce immediately before the transfer. Notwithstanding section
13 230.28 (4) of the statutes, no employee so transferred who has attained permanent
14 status in class is required to serve a probationary period.

15 (8) POSITION TRANSFER TO DEPARTMENT OF ADMINISTRATION. The authorized FTE
16 positions for the department of workforce development, funded from the
17 appropriation under section 20.445 (5) (kx) of the statutes, are decreased by 1.0 PR
18 position on July 1, 2003.

SECTION 9160. Nonstatutory provisions; other.

19 (1) TRANSFER OF ATTORNEY POSITIONS.

20 (a) In this subsection, "state agency" means an office, commission, department,
21 independent agency, or board in the executive branch of state government, except the
22 following:
23

- 24 1. The public service commission.
- 25 2. The public defender board.

SENATE BILL 44

1 3. The Board of Regents of the University of Wisconsin System.

2 4. The University of Wisconsin Hospitals and Clinics Board.

3 5. The state of Wisconsin investment board.

4 6. The office of the governor.

5 7. The elections board.

6 8. The ethics board.

7 9. The department of regulation and licensing.

8 10. The department of justice.

9 (b) Except as provided in paragraph (c), on the effective date of this paragraph
10 all attorney positions in state agencies are transferred to the department of
11 administration.

12 (c) Paragraph (b) does not apply to any of the following:

13 1. A position identified by the secretary of administration as a hearing officer,
14 hearing examiner, or administrative law judge.

15 2. State employees working in an office of a district attorney under section
16 978.12 (1) (b) of the statutes or section 978.12 (1) (c) of the statutes, as affected by this
17 act.

18 3. One attorney position in each of the following state agencies, identified by
19 the secretary of administration as the chief counsel position:

20 a. Department of agriculture, trade, and rural resources.

21 b. Department of commerce.

22 c. Department of corrections.

23 d. Department of employee trust funds.

24 e. Department of financial institutions.

25 f. Department of health and family services.

SENATE BILL 44**SECTION 9160**

1 g. Department of natural resources.

2 h. Department of public instruction.

3 i. Department of revenue.

4 j. Department of veterans affairs.

5 k. Department of workforce development.

6 l. Department of transportation.

7 m. Office of the commissioner of insurance.

8 (d) All incumbent employees holding positions that are transferred under
9 paragraph (b) are transferred on the effective date of this paragraph to the
10 department of administration. Employees transferred under this paragraph have
11 all the rights and the same status under subchapter V of chapter 111 and chapter 230
12 of the statutes in the department of administration that they enjoyed in their
13 respective state agencies immediately before the transfer. Notwithstanding section
14 230.28 (4) of the statutes, no employee so transferred who has attained permanent
15 status in class is required to serve a probationary period.

16 (2) REPAYMENT OF LOAN FROM THE OFFICE OF THE COMMISSIONER OF INSURANCE.
17 Notwithstanding sections 20.515 (2) (g), 2001 stats., 20.855 (1) (ch), 2001 stats.,
18 40.98 (6m), 2001 stats., and 601.34, 2001 stats., the general fund is not required to
19 repay the loan made under section 601.34 (1), 2001 stats.

20 **SECTION 9201. Appropriation changes; administration.**

21 **SECTION 9202. Appropriation changes; adolescent pregnancy**
22 **prevention and pregnancy services board.**

23 **SECTION 9203. Appropriation changes; aging and long-term care**
24 **board.**

SENATE BILL 44**SECTION 9204**

1 **SECTION 9204. Appropriation changes; agriculture, trade and**
2 **consumer protection.**

3 **SECTION 9205. Appropriation changes; arts board.**

4 **SECTION 9206. Appropriation changes; building commission.**

5 **SECTION 9207. Appropriation changes; child abuse and neglect**
6 **prevention board.**

7 **SECTION 9208. Appropriation changes; circuit courts.**

8 **SECTION 9209. Appropriation changes; commerce.**

9 (1) PETROLEUM INSPECTION FUND TRANSFER. There is transferred from the
10 petroleum inspection fund to the general fund \$1,657,400 in fiscal year 2003-04 and
11 \$1,657,400 in fiscal year 2004-05.

12 **SECTION 9210. Appropriation changes; corrections.**

13 **SECTION 9211. Appropriation changes; court of appeals.**

14 **SECTION 9212. Appropriation changes; district attorneys.**

15 **SECTION 9213. Appropriation changes; educational communications**
16 **board.**

17 (1) INSTRUCTIONAL MATERIAL AND COPYRIGHTS. The unencumbered balance in the
18 appropriation account under section 20.225 (1) (h), 2001 stats., immediately before
19 the effective date of the repeal of section 20.225 (1) (h), 2001 stats., is transferred to
20 the appropriation account under section 20.225 (1) (g) of the statutes, as affected by
21 this act.

22 **SECTION 9214. Appropriation changes; elections board.**

23 **SECTION 9215. Appropriation changes; electronic government.**

24 (1) APPROPRIATION ACCOUNT BALANCE TRANSFERS; ELECTRONIC GOVERNMENT.

SENATE BILL 44**SECTION 9215**

1 (a) The unencumbered balance in the appropriation account under section
2 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to gifts,
3 grants and bequests received by the department of electronic government, as
4 determined by the secretary of administration, is transferred to the appropriation
5 account under section 20.505 (1) (j) of the statutes.

6 (b) The unencumbered balance in the appropriation account under section
7 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the sources
8 specified in sections 16.972 (2) (b) and (c) and 16.974 (2) of the statutes, as affected
9 by this act, and section 115.9995 (2) (d) of the statutes, as affected by this act, for the
10 provision of computer services, telecommunications services, and supercomputer
11 services to state authorities, units of the federal government, local governmental
12 units, and entities in the private sector, as determined by the secretary of
13 administration, is transferred to the appropriation account under section 20.505 (1)
14 (is) of the statutes, as created by this act.

15 (c) The unencumbered balance in the appropriation account under section
16 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source
17 specified in section 16.974 (3) of the statutes, as affected by this act, for the provision
18 of electronic communications services to state authorities, units of the federal
19 government, local governmental units, and entities in the private sector, as
20 determined by the secretary of administration, is transferred to the appropriation
21 account under section 20.505 (1) (is) of the statutes, as created by this act.

22 (d) The unencumbered balance in the appropriation account under section
23 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source
24 specified in section 16.974 (3) of the statutes, as affected by this act, for the provision
25 of electronic communications services to state agencies, as determined by the

SENATE BILL 44**SECTION 9215**

1 secretary of administration, is transferred to the appropriation account under
2 section 20.505 (1) (kL) of the statutes, as created by this act.

3 (e) The unencumbered balance in the appropriation account under section
4 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the sources
5 specified in sections 16.972 and 16.973 of the statutes, as affected by this act, for the
6 provision of printing, mail processing, and information technology processing
7 services to state agencies, as determined by the secretary of administration, is
8 transferred to the appropriation account under section 20.505 (1) (kL) of the statutes,
9 as created by this act.

10 (f) The unencumbered balance in the appropriation account under section
11 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source
12 specified in section 16.971 (11) of the statutes, as affected by this act, for the provision
13 of information technology development and management services to executive
14 branch agencies, as determined by the secretary of administration, is transferred to
15 the appropriation account under section 20.505 (1) (kL) of the statutes, as created by
16 this act.

17 (g) The unencumbered balance in the appropriation account under section
18 20.530 (1) (kp) of the statutes, as affected by this act, is transferred to the
19 appropriation account under section 20.505 (1) (kq) of the statutes, as affected by this
20 act.

21 (h) The unencumbered balance in the appropriation account under section
22 20.530 (1) (m) of the statutes, as affected by this act, is transferred to the
23 appropriation account under section 20.505 (1) (mb) of the statutes.

24 **SECTION 9216. Appropriation changes; employee trust funds.**

SENATE BILL 44**SECTION 9217**

1 **SECTION 9217. Appropriation changes; employment relations**
2 **commission.**

3 **SECTION 9218. Appropriation changes; employment relations**
4 **department.**

5 **SECTION 9219. Appropriation changes; ethics board.**

6 **SECTION 9220. Appropriation changes; financial institutions.**

7 **SECTION 9221. Appropriation changes; Fox River Navigational System**
8 **Authority.**

9 **SECTION 9222. Appropriation changes; governor.**

10 **SECTION 9223. Appropriation changes; Health and Educational**
11 **Facilities Authority.**

12 **SECTION 9224. Appropriation changes; health and family services.**

13 (1) **MEDICAL ASSISTANCE REDUCTION.** In the schedule under section 20.005 (3) of
14 the statutes for the appropriation to the department of health and family services
15 under section 20.435 (4) (b) of the statutes, as affected by the acts of 2003, the dollar
16 amount is decreased for fiscal year 2003-04 by the amount estimated under SECTION
17 9101 (8) (a), and the dollar amount is decreased for fiscal year 2004-05 by the amount
18 estimated under SECTION 9101 (8) (b), to decrease funding for the purposes for which
19 the appropriation is made.

20 (2) **MEDICAL ASSISTANCE TRUST FUND.** In the schedule under section 20.005 (3)
21 of the statutes for the appropriation to the department of health and family services
22 under section 20.435 (4) (w) of the statutes, as affected by the acts of 2003, the dollar
23 amount is increased for fiscal year 2003-04 by the amount estimated under SECTION
24 9101 (8) (a) for fiscal year 2003-04, and the dollar amount is increased for fiscal year
25 2004-05 by the amount estimated under SECTION 9101 (8) (b) for fiscal year 2004-05.

SENATE BILL 44**SECTION 9225****1 SECTION 9225. Appropriation changes; higher educational aids board.**

2 (1) TRANSFER OF DUTIES TO BOARD OF REGENTS. On the effective date of this
3 subsection, the unencumbered balance in the appropriation account under section
4 20.235 (2) (aa), 2001 stats., is transferred to the appropriation account under section
5 20.285 (3) (a) of the statutes.

6 SECTION 9226. Appropriation changes; historical society.**7 SECTION 9227. Appropriation changes; Housing and Economic
8 Development Authority.****9 SECTION 9228. Appropriation changes; insurance.**

10 (1) PATIENTS COMPENSATION FUND TRANSFER. There is transferred from the
11 patients compensation fund to the health care provider availability and cost control
12 fund \$200,000,000 in fiscal year 2003-04.

13 (2) PATIENTS COMPENSATION FUND TRANSFER. Notwithstanding section 655.27 (6)
14 of the statutes, there is transferred from the patients compensation fund to the
15 general fund, \$83,600 in fiscal year 2003-04 and \$83,600 in fiscal year 2004-05.

16 (3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND TRANSFER. Notwithstanding
17 section 604.03 (2) of the statutes, there is transferred from the local government
18 property insurance fund to the general fund, \$75,100 in fiscal year 2003-04 and
19 \$75,100 in fiscal year 2004-05.

20 (4) STATE LIFE INSURANCE FUND TRANSFER. Notwithstanding sections 604.03 (2)
21 and 607.15 of the statutes, there is transferred from the state life insurance fund to
22 the general fund, \$59,500 in fiscal year 2003-04 and \$59,500 in fiscal year 2004-05.

23 SECTION 9229. Appropriation changes; investment board.**24 SECTION 9230. Appropriation changes; joint committee on finance.****25 SECTION 9231. Appropriation changes; judicial commission.**

SENATE BILL 44**SECTION 9232**

1 **SECTION 9232. Appropriation changes; justice.**

2 **SECTION 9233. Appropriation changes; legislature.**

3 **SECTION 9234. Appropriation changes; lieutenant governor.**

4 **SECTION 9235. Appropriation changes; lower Wisconsin state riverway**
5 **board.**

6 **SECTION 9236. Appropriation changes; Medical College of Wisconsin.**

7 **SECTION 9237. Appropriation changes; military affairs.**

8 **SECTION 9238. Appropriation changes; natural resources.**

9 (1) ENVIRONMENTAL FUND TRANSFER. There is transferred from the
10 environmental fund to the general fund \$2,118,500 in fiscal year 2003-04 and
11 \$3,118,500 in fiscal year 2004-05.

12 (2) RECYCLING FUND TRANSFER. There is transferred from the recycling fund to
13 the general fund \$3,158,000 in fiscal year 2003-04 and \$158,100 in fiscal year
14 2004-05.

15 (3) TRANSFER OF GAMING REVENUES TO THE CONSERVATION FUND. There is
16 transferred from the appropriation account to the department of administration
17 under section 20.505 (8) (hm) of the statutes to the conservation fund, \$1,300,000 in
18 fiscal year 2003-04 and \$1,300,000 in fiscal year 2004-05.

19 **SECTION 9239. Appropriation changes; personnel commission.**

20 **SECTION 9240. Appropriation changes; public defender board.**

21 **SECTION 9241. Appropriation changes; public instruction.**

22 **SECTION 9242. Appropriation changes; public lands, board of**
23 **commissioners of.**

24 **SECTION 9243. Appropriation changes; public service commission.**

25 **SECTION 9244. Appropriation changes; regulation and licensing.**

SENATE BILL 44**SECTION 9245**

1 **SECTION 9245. Appropriation changes; revenue.**

2 **SECTION 9246. Appropriation changes; secretary of state.**

3 **SECTION 9247. Appropriation changes; state fair park board.**

4 **SECTION 9248. Appropriation changes; supreme court.**

5 (1) APPROPRIATION LAPSES AND REESTIMATES. The chief justice of the supreme
6 court, acting as the administrative head of the judicial system, shall take actions
7 during the 2003-05 fiscal biennium to ensure that from general purpose revenue
8 appropriations for state operations to the circuit courts under section 20.625 of the
9 statutes, to the court of appeals under section 20.660 of the statutes, and to the
10 supreme court under section 20.680 of the statutes an amount equal to \$750,000 in
11 each fiscal year is lapsed from sum certain appropriation accounts or is subtracted
12 from the expenditure estimates for any other types of appropriations, or both.

13 **SECTION 9249. Appropriation changes; technical college system.**

14 **SECTION 9250. Appropriation changes; technology for educational**
15 **achievement in Wisconsin board.**

16 **SECTION 9251. Appropriation changes; tobacco control board.**

17 **SECTION 9252. Appropriation changes; tourism.**

18 **SECTION 9253. Appropriation changes; transportation.**

19 (1) TRANSPORTATION FUND TRANSFER TO GENERAL FUND. There is transferred from
20 the transportation fund to the general fund, \$15,000,000 in fiscal year 2003-04 and
21 \$15,000,000 in fiscal year 2004-05.

22 **SECTION 9254. Appropriation changes; treasurer.**

23 **SECTION 9255. Appropriation changes; University of Wisconsin**
24 **Hospitals and Clinics Authority.**

SENATE BILL 44**SECTION 9256**

1 **SECTION 9256. Appropriation changes; University of Wisconsin**
2 **Hospitals and Clinics Board.**

3 **SECTION 9257. Appropriation changes; University of Wisconsin**
4 **System.**

5 **SECTION 9258. Appropriation changes; veterans affairs.**

6 (1) VETERANS MORTGAGE LOAN REPAYMENT FUND TRANSFER TO THE GENERAL FUND.
7 There is transferred from the veterans mortgage loan repayment fund to the general
8 fund \$900,300 in the 2003-04 fiscal year and \$900,300 in the 2004-05 fiscal year.

9 **SECTION 9259. Appropriation changes; workforce development.**

10 (1) FEDERAL PROJECT AIDS TRANSFER. The unencumbered balance in the
11 appropriation account under section 20.445 (3) (m) of the statutes, as affected by this
12 act, is transferred to the appropriation account under section 20.445 (3) (ma) of the
13 statutes, as affected by this act.

14 (2) FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM TRANSFER. The
15 unencumbered balances in the appropriation accounts under section 20.445 (3) (ky),
16 (pm), and (ps) of the statutes, as affected by this act, are transferred to the
17 appropriation account under section 20.445 (3) (kx) of the statutes, as affected by this
18 act.

19 (3) ELIMINATION OF GOVERNOR'S WORK-BASED LEARNING BOARD.

20 (a) The unencumbered balance in the appropriation account under section
21 20.445 (7) (ga), 2001 stats., is transferred to the appropriation account under section
22 20.445 (1) (ga) of the statutes, as affected by this act.

23 (b) The unencumbered balance in the appropriation account under section
24 20.445 (7) (m), 2001 stats., is transferred to the appropriation account under section
25 20.445 (1) (m) of the statutes, as affected by this act.

SENATE BILL 44**SECTION 9260**1 **SECTION 9260. Appropriation changes; other.**

2 (1) STATE AGENCY APPROPRIATION LAPSES TO THE GENERAL FUND.

3 (a) *Appropriation lapses to the general fund.* Subject to paragraph (b), in the
4 fiscal years indicated, from the following appropriation accounts, the secretary of
5 administration shall lapse to the general fund the amounts indicated:

	Agency	2003-04 Fiscal Year	2004-05 Fiscal Year
8	20.505 <i>Administration, department of</i>		
9	(1) (ka)	\$ 700,000	\$ 700,000
10	(1) (kb)	695,000	695,000
11	(1) (kc)	555,000	555,000
12	(1) (ke)	750,000	750,000
13	(1) (kj)	850,000	850,000
14	(8) (j)	50,000	50,000
15	20.115 <i>Agriculture, trade and consumer</i>		
16	<i>protection, department of</i>		
17	(1) (gb)	425,900	425,900
18	20.433 <i>Child abuse and neglect prevention</i>		
19	<i>board</i>		
20	(1) (g)	16,400	16,400
21	20.143 <i>Commerce, department of</i>		
22	(1) (L)	1,200,000	1,200,000
23	(3) (j)	2,098,500	2,098,500
24	(4) (kd)	449,000	449,000

SENATE BILL 44**SECTION 9260**

1 **20.435** *Health and family services,*
 2 *department of*

3	(4) (hg)	162,500	162,500
4	(4) (hi)	50,000	50,000
5	(6) (jm)	275,000	275,000

6 **20.145** *Insurance, office of the commissioner*
 7 *of*

8	(1) (g)	1,226,800	1,226,800
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9 **20.455** *Justice, department of*

10	(2) (ja)	161,500	161,500
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11 **20.165** *Regulation and licensing, department*
 12 *of*

13	(1) (g)	1,969,900	1,969,900
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14 (b) *Prohibited appropriation lapses and transfers.* The secretary of
 15 administration may not lapse or transfer moneys to the general fund from any
 16 appropriation account specified in paragraph (a) if the lapse or transfer would violate
 17 a condition imposed by the federal government on the expenditure of the moneys or
 18 if the lapse or transfer would violate the federal or state constitution.

19 **SECTION 9301. Initial applicability; administration.**

20 **SECTION 9302. Initial applicability; adolescent pregnancy prevention**
 21 **and pregnancy services board.**

22 **SECTION 9303. Initial applicability; aging and long-term care board.**

23 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
 24 **protection.**

SENATE BILL 44**SECTION 9304**

1 (1) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
2 of section 94.73 (6) (b) and (c) (intro.) of the statutes first applies to costs incurred on
3 the effective date of this subsection.

4 (2) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261 (3)
5 (d) of the statutes first applies to violations of chapter 133 of the statutes, or rules
6 promulgated under chapter 133 of the statutes, that are committed on the effective
7 date of this subsection.

8 **SECTION 9305. Initial applicability; arts board.**

9 **SECTION 9306. Initial applicability; building commission.**

10 **SECTION 9307. Initial applicability; child abuse and neglect prevention**
11 **board.**

12 **SECTION 9308. Initial applicability; circuit courts.**

13 (1) INTERPRETERS IN CIVIL AND CRIMINAL COURT CASES. The treatment of section
14 885.38 (3) (a) (intro.) of the statutes first applies to actions commenced on the
15 effective date of this subsection.

16 (2) COURT SUPPORT FEES. The treatment of section 814.634 (1) (a), (b), and (c)
17 of the statutes first applies to actions commenced on the effective date of this
18 subsection.

19 (3) SPECIAL PROSECUTION CLERKS FEE. The treatment of section 814.635 (1m) of
20 the statutes first applies to pleadings filed on the effective date of this subsection.

21 **SECTION 9309. Initial applicability; commerce.**

22 **SECTION 9310. Initial applicability; corrections.**

23 (1) ADULT BOOT CAMP AGE LIMIT. The treatment of section 302.045 (1) and (2) (b)
24 of the statutes first applies to persons sentenced on the effective date of this
25 subsection.

SENATE BILL 44**SECTION 9310**

1 (2) EARNED RELEASE PROGRAM. The treatment of section 973.01 (3g) and (8) (ag)
2 of the statutes first applies to persons sentenced on the effective date of this
3 subsection.

4 **SECTION 9311. Initial applicability; court of appeals.**

5 **SECTION 9312. Initial applicability; district attorneys.**

6 **SECTION 9313. Initial applicability; educational communications**
7 **board.**

8 **SECTION 9314. Initial applicability; elections board.**

9 **SECTION 9315. Initial applicability; electronic government.**

10 **SECTION 9316. Initial applicability; employee trust funds.**

11 (1) ACCUMULATED UNUSED SICK LEAVE CREDITS. The treatment of sections 40.02
12 (25) (b) 6e. and 40.05 (4) (b), (bc), (bf) and (bm) of the statutes first applies to state
13 employees who are participating employees under the Wisconsin Retirement System
14 on the effective date of this subsection.

15 (2) STATE EMPLOYEE HEALTH INSURANCE PREMIUM CONTRIBUTIONS. The treatment
16 of sections 40.03 (6) (c), 40.05 (4) (ag), and 40.51 (6) of the statutes first applies to
17 premiums paid by state employees for health care coverage for the period that begins
18 on January 1, 2004.

19 (3) RECEIPT OF AN ANNUITY UNDER THE WISCONSIN RETIREMENT SYSTEM. The
20 amendment of sections 40.23 (1) (a) and 40.25 (2) of the statutes and the creation of
21 section 40.23 (1) (a) 3. of the statutes first apply to individuals who are participating
22 employees, as defined in section 40.02 (46) of the statutes, on the effective date of this
23 subsection.

24 **SECTION 9317. Initial applicability; employment relations commission.**

SENATE BILL 44**SECTION 9317**

1 (1) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (b), (dm),
2 (fm), and (nc) and (4) (cm) 5., 5s., 6. a. and am., 7., 7g., 7r. (intro.), ie., and ir., 8m. a.,
3 b., and c., 8p., and 8s. and (d) 2. a. of the statutes first applies to petitions for
4 arbitration that relate to collective bargaining agreements that cover periods
5 beginning on or after July 1, 2003, and that are filed under section 111.70 (4) (cm)
6 6. of the statutes, as affected by this act, on the effective date of this subsection.

7 (2) SCHOOL DISTRICT COLLECTIVE BARGAINING SUBJECTS AND FACTORS. The
8 treatment of sections 111.70 (1) (a) and (4) (cm) 7r. hm. and (p) of the statutes first
9 applies to collective bargaining agreements that cover periods beginning on or after
10 July 1, 2003.

11 **SECTION 9318. Initial applicability; employment relations department.**

12 **SECTION 9319. Initial applicability; ethics board.**

13 **SECTION 9320. Initial applicability; financial institutions.**

14 **SECTION 9321. Initial applicability; Fox River Navigational System**
15 **Authority.**

16 **SECTION 9322. Initial applicability; governor.**

17 **SECTION 9323. Initial applicability; Health and Educational Facilities**
18 **Authority.**

19 **SECTION 9324. Initial applicability; health and family services.**

20 (1) SPECIAL ENROLLMENT PERIOD. The treatment of section 632.746 (7m) of the
21 statutes first applies with respect to determinations of the department of health and
22 family services to purchase coverage under employer-sponsored health care plans
23 that are made on the effective date of this subsection.

24 (2) APPLYING FOR CHRONIC DISEASE AIDS PROGRAM. The treatment of sections 49.68
25 (3) (a) and (d) 1., 49.683 (1), and 49.687 (1m) of the statutes first applies to persons

SENATE BILL 44**SECTION 9324**

1 who apply for benefits under section 49.68, 49.683, or 49.685 of the statutes on the
2 effective date of this subsection.

3 (3) LONG-TERM SUPPORT COMMUNITY OPTIONS PROGRAM COUNTY CARRY-OVER. The
4 treatment of section 46.27 (7) (fm) of the statutes first applies to funds carried
5 forward from calendar year 2004 to calendar year 2005.

6 (4) ASSESSMENT OF FACILITY LICENSED BEDS. The treatment of sections 25.77 (3)
7 and 50.14 (title), (1) (a), (3), and (4) of the statutes, the renumbering and amendment
8 of section 50.14 (2) of the statutes, and the creation of section 50.14 (2) (b) of the
9 statutes first apply to assessments that are due on the first day of the 2nd full
10 calendar month after the effective date of this subsection.

11 (5) PREADMISSION SCREENING AND RESIDENT REVIEW. The treatment of section
12 49.45 (6c) (b) and (c) (intro.), 1., 2., and 3. of the statutes first applies to a screening
13 or resident review performed on April 1, 2004.

14 (6) PETITIONS FOR PROTECTIVE PLACEMENT. The treatment of section 55.06 (5), (8)
15 (intro.), and (9) (a) of the statutes first applies to petitions for protective placement
16 filed on April 1, 2004.

17 (7) TRANSFERS OF PROTECTIVELY PLACED PERSONS. The treatment of section 55.06
18 (9) (b) and (c) of the statutes first applies to transfers of protectively placed
19 individuals that are made on April 1, 2004.

20 (8) ANNUAL REVIEWS OF PROTECTIVELY PLACED INDIVIDUALS. The renumbering of
21 section 55.06 (10) (a) of the statutes and the creation of section 55.06 (10) (a) 2. of the
22 statutes first apply to reviews that are due on April 1, 2004.

23 (9) TEMPORARY PROTECTIVE PLACEMENTS. The treatment of section 55.06 (11) (c)
24 of the statutes first applies to temporary protective placements that occur on April
25 1, 2004.

SENATE BILL 44**SECTION 9324**

1 (10) **REQUIRED COUNTY FUNDING OF SERVICES.** The creation of section 49.45 (30m)
2 (a) 2. and (c) of the statutes first applies to services provided to an individual who is
3 initially placed in a facility under a petition for protective placement that is filed on,
4 a transfer under section 55.06 (9) of the statutes that is made on, or a temporary
5 protective placement under section 55.06 (11) (c) of the statutes that occurs on, April
6 1, 2004, or to a person who is initially placed in a facility before April 1, 2004, with
7 respect to whom a review under section 55.06 (10) of the statutes is due on April 1,
8 2004.

9 (11) **LIMITATION ON PAYMENT.** The creation of section 49.45 (30m) (b) of the
10 statutes first applies with respect to services under section 49.45 (30m) (a) 1. and 3.
11 of the statutes that are provided to an individual on April 1, 2004.

12 (12) **EXTENDED INTENSIVE TREATMENT SURCHARGE.** The treatment of sections
13 20.435 (2) (gL), 46.275 (5) (e), 51.06 (1m) (d) and (5), 51.20 (13) (c) (intro.), 1., and 2.
14 and (f), 51.35 (1) (bm), 51.437 (4rm) (c) 2m., and 51.67 (intro.) of the statutes, the
15 renumbering of section 51.06 (3) of the statutes, and the creation of section 51.06 (3)
16 (b) of the statutes first apply to services under section 51.06 (1m) (d) of the statutes
17 that are provided on the effective date of this subsection.

18 (13) **PRESCRIPTION DRUG ASSISTANCE; ENROLLMENT FEE AND DEDUCTIBLE.** The
19 treatment of section 49.688 (3) (b) 2. b. of the statutes, the renumbering and
20 amendment of section 49.688 (5) (a) and (b) 1. of the statutes, and the creation of
21 section 49.688 (3) (a) 1. and 2. and (b) 1. a., b., and c. of the statutes first apply to a
22 person who is determined to be eligible under section 49.688 (2) of the statutes on the
23 effective date of this subsection.

SENATE BILL 44**SECTION 9324**

1 (14) ASSESSMENTS ON HEALTH MAINTENANCE ORGANIZATIONS. The treatment of
2 section 49.45 (2) (a) 25. of the statutes first applies to annual statements for 2002 that
3 were due on March 1, 2003, and to assessments that are due on September 30, 2003.

4 (15) MEDICAL ASSISTANCE DRUG COPAYMENTS. The treatment of section 49.45 (18)
5 (ag) 1. and 2. and (d) of the statutes first applies to drug prescriptions that are filled
6 on the first day of the first month beginning after publication.

7 (16) BADGER CARE DRUG COPAYMENTS. The treatment of section 49.665 (5) (am)
8 1. and 2. of the statutes first applies to drug prescriptions that are filled on the first
9 day of the first month beginning after publication.

10 **SECTION 9325. Initial applicability; higher educational aids board.**

11 **SECTION 9326. Initial applicability; historical society.**

12 **SECTION 9327. Initial applicability; Housing and Economic**
13 **Development Authority.**

14 **SECTION 9328. Initial applicability; insurance.**

15 **SECTION 9329. Initial applicability; investment board.**

16 **SECTION 9330. Initial applicability; joint committee on finance.**

17 **SECTION 9331. Initial applicability; judicial commission.**

18 **SECTION 9332. Initial applicability; justice.**

19 **SECTION 9333. Initial applicability; legislature.**

20 **SECTION 9334. Initial applicability; lieutenant governor.**

21 **SECTION 9335. Initial applicability; lower Wisconsin state riverway**
22 **board.**

23 **SECTION 9336. Initial applicability; Medical College of Wisconsin.**

24 **SECTION 9337. Initial applicability; military affairs.**

25 **SECTION 9338. Initial applicability; natural resources.**

SENATE BILL 44**SECTION 9339**

1 **SECTION 9339. Initial applicability; personnel commission.**

2 **SECTION 9340. Initial applicability; public defender board.**

3 **SECTION 9341. Initial applicability; public instruction.**

4 (1) GENERAL SCHOOL AID. The treatment of section 121.08 (2) of the statutes first
5 applies to the distribution of state aid in the 2003-04 school year.

6 (2) CHOICE AND CHARTER SCHOOL PAYMENTS. The treatment of sections 118.40 (2r)
7 (e) 1. and 119.23 (4) (b) 2. of the statutes first applies to payments made in the
8 2003-04 school year.

9 **SECTION 9342. Initial applicability; public lands, board of**
10 **commissioners of.**

11 **SECTION 9343. Initial applicability; public service commission.**

12 **SECTION 9344. Initial applicability; regulation and licensing.**

13 (1) IRREVOCABLE BURIAL TRUSTS. The treatment of section 445.125 (1) (a) 2. of
14 the statutes first applies to burial trust agreements entered into on the effective date
15 of this subsection.

16 **SECTION 9345. Initial applicability; revenue.**

17 (1) MANUFACTURING PROPERTY ASSESSMENTS. The treatment of sections 70.36 (3),
18 70.44 (1), 70.511 (2) (c), 70.995 (title), (4), (5), (6), (7) (a) and (b), (8) (a) (with respect
19 to taxation districts assessing manufacturing property), (b) 1. (with respect to
20 taxation districts assessing manufacturing property) and 2., (c) 1. (with respect to
21 taxation districts assessing manufacturing property) and 2., and (d), and (dm), (10),
22 (11), (12) (a) (with respect to taxation districts assessing manufacturing property),
23 (b), and (c), (12r), and (13), 73.03 (2a), and 76.82 of the statutes first applies to the
24 property tax assessments as of January 1, 2004.

25 **SECTION 9346. Initial applicability; secretary of state.**

SENATE BILL 44**SECTION 9347**

1 **SECTION 9347. Initial applicability; state fair park board.**

2 **SECTION 9348. Initial applicability; supreme court.**

3 (1) COURT FILING FEES. The treatment of section 809.25 (2) (a) 1. of the statutes
4 first applies to an appeal, cross–appeal, petition for review, petition to bypass, or
5 other proceeding filed on the effective date of this subsection.

6 **SECTION 9349. Initial applicability; technical college system.**

7 **SECTION 9350. Initial applicability; technology for educational**
8 **achievement in Wisconsin board.**

9 **SECTION 9351. Initial applicability; tobacco control board.**

10 **SECTION 9352. Initial applicability; tourism.**

11 **SECTION 9353. Initial applicability; transportation.**

12 (1) PROHIBITED ALCOHOL CONCENTRATION. The treatment of sections 340.01
13 (46m) (a) and (b), 343.31 (1) (ar), 346.63 (2m), (5) (a), and (6) (a), 885.235 (1g) (a) 1.
14 and 2., (b), (bd), (c), and (cd), 940.09 (1) (bm) and (e), 940.25 (1) (bm) and (e), and
15 949.08 (2) (em) of the statutes first applies to offenses and refusals committed on the
16 effective date of this subsection but does not preclude the counting of other
17 convictions, suspensions, or revocations as prior convictions, suspensions, or
18 revocations for purposes of administrative action by the department of
19 transportation, sentencing by a court, or revocation or suspension of motor vehicle
20 operating privileges.

21 (2) MOTOR CARRIERS.

22 (a) The treatment of sections 340.01 (7m) and (13m), 343.02 (1), 343.03 (1) (a),
23 (3) (a) and (e), (5) (title), and (7) (title), 343.06 (2), 343.07 (1m) (intro.), 343.10 (1) (b),
24 (d), (e), and (f), (2) (c), and (7) (e) and (g), 343.12 (2) (intro.), (2m), (3), (3m), and (4)
25 (a) 1., 2., and 3. and (b), 343.17 (3) (b), 343.175 (2) (ag), 343.20 (1) (d), 343.22 (2) (b),

SENATE BILL 44**SECTION 9353**

1 343.23 (2) (am) and (b), 343.307 (2) (d), 343.31 (2) and (2m), 343.315 (2) (a) (intro.),
2 7., and 8., (e), (f) (intro.), 2., 6., 7., and 8., and (k), 973.015, and 973.11 (1) (intro.) of
3 the statutes, the renumbering of section 343.03 (6) and (7) of the statutes, the
4 renumbering and amendment of section 343.03 (5) of the statutes, and the creation
5 of section 343.03 (5) (b), (6) (b) and (c), and (7) (b) and (c) of the statutes first apply
6 to licenses issued or renewed on the effective date of this paragraph.

7 (b) The treatment of sections 343.06 (2), 343.10 (1) (d), (e), and (f), (2) (c), and
8 (7) (g), 343.12 (2m), (3m), and (4) (a) 2., 343.23 (2) (am) and (b), 343.307 (2) (d), 343.31
9 (2) and (2m), 343.315 (2) (a) (intro.), 7., and 8., (e), (f) (intro.), 2., 6., 7., and 8., and
10 (k), 343.44 (1) (d), (2) (b) (intro.) and (bm), 973.015, and 973.11 (1) (intro.) of the
11 statutes, the repeal of section 343.03 (7) (c) of the statutes, the renumbering of section
12 343.03 (6) and (7) of the statutes, the renumbering and amendment of section 343.03
13 (5) of the statutes, and the creation of section 343.03 (5) (b), (6) (b) and (c), and (7) (b)
14 and (c) of the statutes first apply to violations committed or refusals occurring on the
15 effective date of this paragraph, but does not preclude the counting of other
16 convictions, disqualifications, suspensions, or revocations for purposes of
17 administrative action by the department of transportation, sentencing by a court, or
18 revocation or suspension of motor vehicle operating privileges.

19 (c) The amendment of section 343.03 (7) (c) of the statutes first applies to
20 violations committed on the effective date of this paragraph.

21 (3) INDIRECT COST REIMBURSEMENT. The treatment of section 20.395 (4) (ay) of
22 the statutes first applies to reimbursements of costs incurred on the effective date
23 of this subsection.

SECTION 9354. Initial applicability; treasurer.

SENATE BILL 44**SECTION 9355**

1 **SECTION 9355. Initial applicability; University of Wisconsin Hospitals**
2 **and Clinics Authority.**

3 **SECTION 9356. Initial applicability; University of Wisconsin Hospitals**
4 **and Clinics Board.**

5 **SECTION 9357. Initial applicability; University of Wisconsin System.**

6 (1) **RESIDENT TUITION FOR CERTAIN ALIENS.** The treatment of section 36.27 (2) (cr)
7 of the statutes first applies to persons who enroll for the semester or session following
8 the effective date of this subsection.

9 **SECTION 9358. Initial applicability; veterans affairs.**

10 **SECTION 9359. Initial applicability; workforce development.**

11 (1) **STATE IS REAL PARTY IN INTEREST BASED ON RECEIPT OF FOOD STAMPS.** The
12 treatment of section 767.075 (1) (c) (by SECTION 2675) of the statutes first applies to
13 actions affecting the family that are pending on the effective date of this subsection.

14 (2) **EXCESS CHILD SUPPORT INCENTIVE PAYMENTS.** The treatment of sections 20.445
15 (3) (n) (with respect to federal moneys received as child support payments) and (nL)
16 (with respect to federal moneys received as child support payments), 49.22 (7m) (by
17 SECTION 1294), and 49.24 (2) (b) and (c) and (3) of the statutes first applies to child
18 support incentive payments awarded for 2002.

19 (3) **EQUAL RIGHTS PROCEDURES.**

20 (a) *Family and medical leave actions.* The treatment of section 103.10 (13) of
21 the statutes first applies, in the case of a violation for which an administrative
22 proceeding under section 103.10 (12) of the statutes has been commenced, to a
23 violation occurring 12 months before the effective date of this paragraph and, in the
24 case of a violation for which an administrative proceeding under section 103.10 (12)

SENATE BILL 44**SECTION 9359**

1 of the statutes has not been commenced, to a violation occurring 30 days before the
2 effective date of this paragraph.

3 (b) *Employment discrimination actions.* The treatment of section 111.40 of the
4 statutes first applies to an act of employment discrimination, unfair honesty testing,
5 or unfair genetic testing occurring 300 days before the effective date of this
6 paragraph.

7 (c) *Review of probable cause determinations.* The treatment of sections 103.10
8 (12) (bm), 106.50 (6) (c) 4., 106.52 (4) (a) 4m., and 111.39 (4) (bm) of the statutes first
9 applies to probable cause determinations made on the effective date of this
10 paragraph.

11 (4) CARETAKER OF NEWBORN INFANT. The treatment of section 49.148 (1m) (a) of
12 the statutes first applies to all of the following:

13 (a) Persons who are receiving benefits under section 49.148 (1m) of the statutes
14 on the effective date of this paragraph.

15 (b) Persons who are determined, on the effective date of this paragraph, to be
16 eligible to receive benefits under section 49.148 (1m) of the statutes.

17 **SECTION 9360. Initial applicability; other.**

18 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
19 SECTIONS 9401 to 9460 of this act, this act takes effect on July 1, 2003, or on the day
20 after publication, whichever is later.

21 **SECTION 9401. Effective dates; administration.**

22 (1) TRANSFER OF HOUSING FUNCTIONS. The repeal of section 15.103 (2) of the
23 statutes; the renumbering of sections 16.30, 16.31, 16.336, 16.35, 16.375, 16.39 and
24 20.505 (7) (title) and subchapter II (title) of chapter 16 of the statutes; the
25 renumbering and amendment of sections 15.105 (26), 16.25, 16.33, 16.334, 16.339,

SENATE BILL 44**SECTION 9401**

1 16.351, 16.352, 16.358, 16.385, 20.505 (4) (ec), 20.505 (4) (er), 20.505 (7) (a), 20.505
2 (7) (b), 20.505 (7) (c), 20.505 (7) (fm), 20.505 (7) (h), 20.505 (7) (k), 20.505 (7) (kg),
3 20.505 (7) (km), 20.505 (7) (m), 20.505 (7) (n) and 20.505 (7) (o) of the statutes; the
4 amendment of sections 13.099 (1) (a) and (b), 13.0999 (2) (a), 13.0999 (3) (a) 5., 13.94
5 (1) (q), 16.54 (2) (b), 16.705 (1m), 16.71 (5), 16.957 (3) (a), 23.15 (1), 46.215 (1) (n),
6 46.22 (1) (b) 4m. c., 46.22 (1) (b) 4m. d., 46.22 (1) (b) 4m. e., 50.01 (1g) (c), 51.35 (5),
7 84.09 (5), 84.09 (5r), 85.09 (4i), 114.33 (10), 134.80, 196.491 (2) (e), 224.71 (3) (b) 1m.,
8 224.71 (4) (b) 1m., 227.115 (1) (a) and (b), 227.115 (3) (a) 5., 234.034, 234.06 (1), 234.06
9 (3), 234.165 (2) (b) 2., 234.25 (1) (e), 560.045 (1), 704.05 (5) (a) 2., 961.01 (20g), and
10 977.01 (2) of the statutes; the creation of section 20.505 (1) (n) of the statutes; and
11 SECTION 9101 (4) of this act take effect on the 30th day beginning after publication.

12 **SECTION 9402. Effective dates; adolescent pregnancy prevention and**
13 **pregnancy services board.**

14 **SECTION 9403. Effective dates; aging and long-term care board.**

15 **SECTION 9404. Effective dates; agriculture, trade and consumer**
16 **protection.**

17 (1) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
18 of section 94.73 (6) (b) and (c) (intro.) of the statutes and SECTION 9304 (1) of this act
19 take effect on January 1, 2004.

20 (2) PESTICIDE FEES AND SURCHARGES. The treatment of section 94.681 (1) (cm),
21 (2), (3), (3m), and (3s) of the statutes takes effect on December 1, 2003.

22 (3) TRANSFER OF CONSUMER PROTECTION FUNCTIONS. The repeal of section 20.115
23 (8) (jm) of the statutes; the renumbering and amendment of section 100.207 (1) of the
24 statutes; the amendment of sections 15.13, 15.137 (1) (a) (intro.), 20.115 (1) (hm),
25 20.455 (1) (title), 93.07 (1), 93.07 (24), 93.18 (3), 93.20 (1), 93.22 (1), 93.22 (2), 100.07

SENATE BILL 44**SECTION 9404**

1 (6), 100.171 (7) (b), 100.171 (8) (intro.), 100.173 (4) (intro.), 100.173 (4) (a), 100.174
2 (5) (intro.), 100.174 (6), 100.175 (5) (a) (intro.), 100.175 (5) (b), 100.175 (7) (a) (intro.),
3 100.175 (7) (b), 100.178 (1) (b), 100.18 (11) (a), 100.18 (11) (b) 3., 100.18 (11) (c) 1.,
4 100.18 (11) (c) 2., 100.18 (11) (c) 3., 100.18 (11) (c) 4., 100.18 (11) (d), 100.18 (11) (e),
5 100.182 (5) (a), 100.182 (5) (b), 100.20 (2) (a), 100.20 (2) (b), 100.20 (3), 100.20 (4),
6 100.20 (6), 100.201 (6) (d), 100.201 (8m) (intro.), 100.201 (9) (b), 100.201 (9) (c),
7 100.205 (7), 100.205 (8), 100.207 (6) (b) 1., 100.207 (6) (b) 2., 100.207 (6) (c), 100.207
8 (6) (em) 1., 100.207 (6) (em) 2., 100.208 (2) (intro.), 100.208 (2) (b), 100.209 (3),
9 100.209 (4) (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (2) (a), 100.21 (4) (a) (intro.),
10 100.22 (4) (b), 100.235 (11) (a), 100.26 (6), 100.261 (1), 100.261 (3) (b), 100.263, 100.28
11 (4) (b), 100.28 (4) (c), 100.31 (4), 100.31 (5), 100.38 (5), 100.38 (6), 100.44 (5), 100.46
12 (1), 100.46 (2), 100.50 (6) (b), 100.50 (6) (c), 101.175 (3) (intro.), 134.71 (12), 136.03
13 (title), 136.03 (1) (intro.), 136.04, 165.065 (2), 165.25 (4) (ar), 344.576 (3) (a) 5.,
14 344.576 (3) (c), 344.579 (2) (intro.), 704.90 (9), 704.90 (11) (title), 704.90 (11) (a),
15 707.49 (4), 707.57 (2), 707.57 (3), 779.41 (1m), 779.93 (title), 779.93 (1), and 779.93
16 (2) (intro.) of the statutes; the creation of sections 20.455 (1) (g), 20.455 (1) (j), 93.07
17 (23), 93.18 (7), 100.177 (1) (bm), 100.207 (1) (a), 100.261 (3) (d), 100.261 (3) (e), 100.37
18 (1) (am), 100.41 (1) (bn), 100.42 (1) (cm), 100.43 (1) (am), 100.52 (1) (bn), and 165.252
19 of the statutes; and SECTION 9104 (1), (2), and (3) of this act take effect on October 1,
20 2003, or on the first day of the 3rd month beginning after publication, whichever is
21 later.

22 (4) PET REGULATION. The treatment of sections 20.115 (2) (j) and 173.40 of the
23 statutes takes effect on February 1, 2004.

24 **SECTION 9405. Effective dates; arts board.**

25 **SECTION 9406. Effective dates; building commission.**

SENATE BILL 44**SECTION 9407**

1 **SECTION 9407. Effective dates; child abuse and neglect prevention**
2 **board.**

3 **SECTION 9408. Effective dates; circuit courts.**

4 **SECTION 9409. Effective dates; commerce.**

5 **SECTION 9410. Effective dates; corrections.**

6 **SECTION 9411. Effective dates; court of appeals.**

7 **SECTION 9412. Effective dates; district attorneys.**

8 **SECTION 9413. Effective dates; educational communications board.**

9 **SECTION 9414. Effective dates; elections board.**

10 **SECTION 9415. Effective dates; electronic government.**

11 (1) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT. The repeal of sections
12 15.21, 15.215 (title), 16.71 (2m), 16.974 (intro.), 20.530 (intro.), 20.530 (1) (title),
13 20.530 (1) (g), 20.530 (1) (kp), 20.530 (1) (m), 20.923 (4) (h) 2., chapter 22 (title), 22.01
14 (intro.), 22.01 (5), and 230.08 (2) (e) 3r. of the statutes; the renumbering of sections
15 16.974 (1) to (4), 20.530 (1) (ir), 22.01 (1), (2), (2m), (3) and (4), 22.01 (5m) to (10), 22.03
16 (title), 22.03 (2) (intro.), (a) and (ae), 22.03 (2) (am) to (k), 22.03 (2) (n), 22.03 (2m)
17 (intro.), 22.03 (2m) (a) to (h), 22.03 (4) and (6), 22.03 (11), 22.05 (title), 22.05 (1), 22.05
18 (2) (intro.) and (a), 22.05 (2) (d), 22.05 (2) (e), 22.05 (2) (i), 22.07 (intro.), 22.07 (3) to
19 (7), 22.07 (9), 22.09 (1), 22.11, 22.13 (title), 22.13 (2), 22.13 (6), 22.15 (intro.), 22.15
20 (1) to (3), 22.17 (title), 22.19, 22.41 (title), 22.41 (2) (intro.), 22.41 (2) (a) to (f), and
21 22.41 (3) of the statutes; the renumbering and amendment of sections 15.215 (1),
22 16.78 (1), 16.97, 20.530 (1) (ja), 20.530 (1) (ke), 20.530 (1) (kq), 22.03 (2) (L) to (m),
23 22.03 (3), 22.03 (9), 22.05 (2) (b) and (c), 22.05 (2) (f) and (g), 22.05 (2) (h), 22.07 (1)
24 and (2), 22.07 (8), 22.09 (intro.), 22.09 (2) and (3), 22.09 (5), 22.13 (1), 22.13 (3) to (5),
25 and 22.17 (1) to (4) of the statutes; the amendment of sections 7.33 (4) and (5), 13.101

SENATE BILL 44**SECTION 9415**

1 (14), 13.58 (5) (a) 5., 13.58 (5) (b) 1., 13.58 (5) (b) 4. (intro.), 13.90 (6), 13.93 (2) (h),
2 14.20 (1) (a), 15.07 (2) (L), 15.107 (7) (f), 16.43, 16.61 (2) (af), 16.61 (3n), 16.70 (4m),
3 16.70 (15), 16.71 (1m), 16.72 (2) (a), 16.72 (2) (b), 16.72 (4) (a), 16.75 (3t) (a), 16.75 (6)
4 (am), 16.752 (12) (i), 16.78 (title), 16.78 (2), subchapter VII (title) of chapter 16
5 [precedes s. 16.97], 19.36 (4), 20.225 (1) (kb), 20.255 (4) (s), 20.255 (4) (t), 20.255 (4)
6 (tm), 20.255 (4) (tu), 20.255 (4) (tw), 20.505 (1) (im), 20.505 (6) (j) 12., 29.038 (1) (a),
7 36.25 (38) (b) 6., 85.12 (3), 115.997 (4), 115.9995 (3), 115.9995 (6) (a), 196.218 (5) (a)
8 5. (by SECTION 2314), 196.218 (5) (a) 6., 196.858 (1) and (2), 221.0320 (3) (a), 283.84
9 (1) (c), and 758.19 (7) of the statutes; the creation of sections 20.505 (1) (is) and 20.505
10 (1) (kL) of the statutes; and SECTIONS 9115 (1) and 9215 (1) of this act take effect on
11 the 30th day commencing after publication.

12 **SECTION 9416. Effective dates; employee trust funds.**

13 **SECTION 9417. Effective dates; employment relations commission.**

14 **SECTION 9418. Effective dates; employment relations department.**

15 (1) MERGER OF DEPARTMENT OF EMPLOYMENT RELATIONS INTO DEPARTMENT OF
16 ADMINISTRATION. The treatment of sections 13.121 (4), 13.123 (1) (a) 1., 13.20 (2),
17 13.48 (2) (j), 13.51 (2) (b), 15.103 (3m), 15.16 (1) (intro.), 15.165 (2), 15.17, 15.173,
18 15.175 (title) and (1), 15.177 (title) and (1), 16.004 (7) (a), 16.40 (18), 16.415 (1) (by
19 SECTION 169) and (3), 16.50 (3), 16.705 (3) (intro.), 19.45 (11) (a), 20.505 (1) (a), 20.512
20 (intro.), (1) (title), (a), (j), (jm), (k), (ka), (km), (m), and (pz), and (2), 20.901 (1) (b),
21 20.916 (2), (4) (a), (4m) (b), (5) (a), (8) (a), and (9) (f) 1., 20.917 (1) (c), (2) (a), (3) (a)
22 1. and 2., (5) (b), and (6), 20.923 (4) (intro.), (c) 3m., and (g) 1m., (4g) (intro.), (6) (ae),
23 and (7) (intro.), 36.09 (1) (i) and (j), 36.27 (1) (am) 2., 40.05 (1) (b), (4) (ar), and (4g)
24 (a) 4., 40.06 (1) (dm), 45.43 (7) (b), 46.29 (3) (d), 49.78 (5) (by SECTION 1448), 59.26 (8)
25 (a), 70.99 (3) (a), 73.09 (2) and (5), 111.81 (5), 111.815 (3), 111.86 (2), 146.59 (3) (b),

SENATE BILL 44**SECTION 9418**

1 227.10 (3) (e), 227.47 (2) (by SECTION 2376), 230.03 (9), 230.04 (7), 230.08 (2) (e) 1. and
2 4., (xe), (xt), and (y), (4) (c), and (7), 230.09 (2) (g), 230.12 (7m), 230.14 (4), 230.147
3 (3), 230.215 (3) (a), 233.10 (3) (c) 4. and (4), 301.16 (1o) (b), 895.65 (2), 938.538 (6m)
4 (b), and 978.12 (1) (c) (by SECTION 2798) of the statutes, the renumbering of section
5 20.512 (1) (i) of the statutes, and SECTION 9118 (1) of this act take effect on the 30th
6 day beginning after publication.

7 **SECTION 9419. Effective dates; ethics board.**

8 **SECTION 9420. Effective dates; financial institutions.**

9 **SECTION 9421. Effective dates; Fox River Navigational System**
10 **Authority.**

11 **SECTION 9422. Effective dates; governor.**

12 **SECTION 9423. Effective dates; Health and Educational Facilities**
13 **Authority.**

14 **SECTION 9424. Effective dates; health and family services.**

15 (1) LONG-TERM SUPPORT COMMUNITY OPTIONS PROGRAM COUNTY CARRY-OVER. The
16 treatment of section 46.27 (7) (fm) of the statutes and SECTION 9324 (3) of this act take
17 effect on January 1, 2004.

18 (2) MENTAL HEALTH AND ALCOHOL OR OTHER DRUG ABUSE MANAGED CARE
19 DEMONSTRATION PROJECTS. The treatment of section 20.435 (6) (jm) (by SECTION 474)
20 of the statutes takes effect on July 1, 2005.

21 (3) NURSING HOME RESIDENT RELOCATION; FUNDING. The treatment of sections
22 20.435 (4) (w) (by SECTION 467), 46.277 (2) (b) and (5) (am), (b), and (bm) 1. and 2.,
23 and 46.278 (3) (b) and (6) (am), (b), (bm) 1. and 2., and (f) of the statutes takes effect
24 on January 1, 2004.

SENATE BILL 44**SECTION 9424**

1 (4) NURSING HOME RESIDENT RELOCATION; REQUIREMENTS. The treatment of
2 sections 46.277 (1m) (ak), (3) (c), (3r), and (5) (bm) 3. and 4. and 46.278 (1m) (bg), (4g),
3 and (6) (bm) 3. and 4. of the statutes takes effect on June 1, 2004.

4 (5) PLACEMENTS AND ADMISSIONS TO INTERMEDIATE AND NURSING FACILITIES. The
5 treatment of sections 46.279, 49.45 (6c) (a) 6m., (b), and (c) (intro.), 1., 2., and 3., 49.46
6 (2) (a) 4. c. and (b) 6. a., 55.001, 55.01 (4g) and (4t), 55.045, and 55.06 (5), (8) (intro.),
7 (9) (a), (b), and (c), and (11) (c) of the statutes, the renumbering of section 55.06 (10)
8 (a) of the statutes, the renumbering and amendment of section 49.45 (30m) of the
9 statutes, and the creation of sections 49.45 (30m) (a) 1., 2., and 3., (b), and (c) and
10 55.06 (10) (a) 2. of the statutes take effect on January 1, 2004.

11 (6) NURSING HOME PAYMENT FORMULA. The treatment of section 49.45 (6m) (ag)
12 2. and 3m. (by SECTION 1331), (am) 1. a., b., bm., d., and e., 3. (intro.), a., b., and c.,
13 and 5., (ar) 1. a. (by SECTION 1346), 2. (intro.), a., b., and d., 3., and 5., (av) 1., 2., 3.,
14 4., 5., 5m., and 6., and (bc) of the statutes and the amendment of section 49.45 (6m)
15 (ag) 3r. of the statutes take effect on July 1, 2004.

16 (7) NURSING HOME MEDICAL ASSISTANCE PAYMENTS. The treatment of section
17 49.45 (6m) (ar) 1. a. (by SECTION 1345) and (6u) (am) (intro.) and (bm) of the statutes
18 takes effect retroactively to July 1, 2003.

19 (8) PRESCRIPTION DRUG ASSISTANCE; PROVIDER REIMBURSEMENT. The treatment of
20 section 49.688 (1) (e) of the statutes takes effect on January 1, 2004.

21 (9) BADGER CARE COST SHARING. The amendment of section 49.665 (5) (ag) of the
22 statutes takes effect on January 1, 2004.

23 (10) PERSONAL NEEDS ALLOWANCE. The treatment of section 49.45 (7) (a) of the
24 statutes takes effect on July 1, 2003, or on the first day of the first month beginning
25 after publication, whichever is later.

SENATE BILL 44**SECTION 9425****1 SECTION 9425. Effective dates; higher educational aids board.**

2 (1) TRANSFER OF DUTIES TO BOARD OF REGENTS. The treatment of sections 13.40
3 (3) (i) 1., 14.63 (11m), 14.64 (8), 15.07 (1) (a) 1., 15.67, 20.235 (intro.), (1) (title), (b),
4 (cg), (cm), (cr), (cu), (cx), (e), (fc), (fd), (fe), (ff), (fg), (fj), (fy), (g), (gg), (gm), (i), (k), (km),
5 (no), (s), and (t), and (2) (title), (aa), (bb), (bc), (bd), (ga), (gb), (ia), (ja), (n), (qa), and
6 (qb), 20.285 (1) (h) (by SECTION 386), 20.505 (8) (hm) 4i. and 10., 20.923 (4) (c) 4., 36.11
7 (6) (c), 36.31 (3), 38.04 (7m), 39.155 (1) (by SECTION 949) and (2) (by SECTION 951),
8 39.26, 39.28 (1), 39.285 (1), 39.29, 39.30 (3m) (b), 39.325 (3), 39.38 (2), 39.39 (2) (a)
9 and (b), 39.393 (2) and (4), 39.395 (1) and (2) (b), 39.398 (1) (a) and (b) and (2) (b), 39.40
10 (3), 39.41 (1) (ae), (1m) (b), (c) (intro.) and 5., (cm), (e), (em), (f), (fm), and (m), (4) (b),
11 and (8), 39.435 (2), (3) (by SECTION 985), (7) (a) 1. and 2. and (b) (intro.), 39.44 (2),
12 39.45 (6) and (7), 227.01 (13) (zv), and 230.08 (2) (L) 4. and subchapter III (title) of
13 chapter 39 of the statutes, the renumbering of section 20.235 (1) (d) and (ke) of the
14 statutes, the amendment of section 39.435 (8) of the statutes, and SECTIONS 9101 (2),
15 9125 (1), 9157 (2), and 9225 (1) of this act take effect on July 1, 2004, or on the day
16 after publication, whichever is later.

17 SECTION 9426. Effective dates; historical society.**18 SECTION 9427. Effective dates; Housing and Economic Development
19 Authority.****20 SECTION 9428. Effective dates; insurance.****21 SECTION 9429. Effective dates; investment board.****22 SECTION 9430. Effective dates; joint committee on finance.****23 SECTION 9431. Effective dates; judicial commission.****24 SECTION 9432. Effective dates; justice.****25 SECTION 9433. Effective dates; legislature.**

SENATE BILL 44**SECTION 9434**

1 **SECTION 9434. Effective dates; lieutenant governor.**

2 **SECTION 9435. Effective dates; lower Wisconsin state riverway board.**

3 **SECTION 9436. Effective dates; Medical College of Wisconsin.**

4 **SECTION 9437. Effective dates; military affairs.**

5 **SECTION 9438. Effective dates; natural resources.**

6 **SECTION 9439. Effective dates; personnel commission.**

7 **SECTION 9440. Effective dates; public defender board.**

8 **SECTION 9441. Effective dates; public instruction.**

9 **SECTION 9442. Effective dates; public lands, board of commissioners of.**

10 **SECTION 9443. Effective dates; public service commission.**

11 **SECTION 9444. Effective dates; regulation and licensing.**

12 (1) IRREVOCABLE BURIAL TRUSTS. The treatment of section 445.125 (1) (a) 2. of
13 the statutes and SECTION 9344 (1) of this act take effect on January 1, 2004.

14 **SECTION 9445. Effective dates; revenue.**

15 (1) SHARED REVENUE; TRANSPORTATION FUND AND UTILITY PUBLIC BENEFITS FUND.

16 (a) The repeal and recreation of section 20.835 (1) (d) of the statutes takes effect
17 on July 1, 2004.

18 (b) The repeal of sections 20.835 (1) (t) and (u) and 25.40 (2) (b) 22m. of the
19 statutes and the repeal and recreation of section 20.835 (1) (db) of the statutes take
20 effect on July 1, 2005.

21 **SECTION 9446. Effective dates; secretary of state.**

22 **SECTION 9447. Effective dates; state fair park board.**

23 **SECTION 9448. Effective dates; supreme court.**

24 **SECTION 9449. Effective dates; technical college system.**

SENATE BILL 44**SECTION 9450**

1 **SECTION 9450. Effective dates; technology for educational**
2 **achievement in Wisconsin board.**

3 **SECTION 9451. Effective dates; tobacco control board.**

4 **SECTION 9452. Effective dates; tourism.**

5 **SECTION 9453. Effective dates; transportation.**

6 (1) PROHIBITED ALCOHOL CONCENTRATION. The treatment of sections 340.01
7 (46m) (a) and (b), 343.31 (1) (ar), 346.63 (2m), (5) (a), and (6) (a), 885.235 (1g) (a) 1.
8 and 2., (b), (bd), (c), and (cd), 940.09 (1) (bm) and (e), 940.25 (1) (bm) and (e), and
9 949.08 (2) (em) of the statutes and SECTION 9353 (1) of this act take effect on
10 September 30, 2003.

11 (2) MOTOR CARRIERS.

12 (a) The repeal of sections 343.10 (1) (d), 343.10 (1) (e), 343.10 (1) (f), 343.10 (7)
13 (g), and 343.12 (4) (a) 2. of the statutes; the renumbering of sections 343.03 (6) and
14 343.03 (7) of the statutes; the renumbering and amendment of section 343.03 (5) of
15 the statutes; the amendment of sections 340.01 (7m), 340.01 (13m), 343.02 (1),
16 343.03 (1) (a), 343.03 (3) (a), 343.03 (3) (e), 343.03 (5) (title), 343.03 (7) (title), 343.06
17 (2), 343.07 (1m) (intro.), 343.10 (1) (b), 343.10 (2) (c), 343.10 (7) (e), 343.12 (2) (intro.),
18 343.12 (3), 343.12 (4) (a) 1., 343.12 (4) (a) 3., 343.12 (4) (b), 343.17 (3) (b), 343.175 (2)
19 (ag), 343.20 (1) (d), 343.22 (2) (b), 343.23 (2) (b), 343.307 (2) (d), 343.31 (2), 343.31
20 (2m), 343.315 (2) (a) (intro.), 343.315 (2) (e), 343.315 (2) (f) (intro.), 343.315 (2) (f) 2.,
21 343.44 (1) (d), 343.44 (2) (b) (intro.), 973.015, and 973.11 (1) (intro.) of the statutes;
22 the creation of sections 343.03 (5) (b), 343.03 (6) (b), 343.03 (6) (c), 343.03 (7) (b),
23 343.03 (7) (c), 343.12 (2m), 343.12 (3m), 343.23 (2) (am), 343.315 (2) (a) 7., 343.315
24 (2) (a) 8., 343.315 (2) (f) 6., 343.315 (2) (f) 7., 343.315 (2) (f) 8., 343.315 (2) (k), and

SENATE BILL 44**SECTION 9453**

1 343.44 (2) (bm) of the statutes; and SECTION 9353 (2) (a) and (b) of this act take effect
2 on September 30, 2005.

3 (b) The amendment of section 343.03 (7) (c) of the statutes and SECTION 9353
4 (2) (c) of this act take effect on September 30, 2008.

5 **SECTION 9454. Effective dates; treasurer.**

6 (1) TRANSFER OF CASH MANAGEMENT FUNCTIONS TO THE DEPARTMENT OF
7 ADMINISTRATION. The treatment of sections 13.94 (1) (a), (d) 1. and 2., and (f), 14.58
8 (1) (intro.), (2), (3), (4), (5), (6), (8) (intro.), (a) to (c), and (d), (9), (10), (12), (13), (17),
9 (18), (19), and (21), 16.401 (intro.) and (1), 16.412, 16.415 (1) (by SECTION 170), 16.53
10 (5) and (10) (a) and (b), 18.60 (3), 19.43 (7), 20.395 (9) (gg), 20.435 (6) (gb) and (hx),
11 20.505 (1) (kj), 20.585 (1) (jt) and (km), 20.906 (1), (4), (5), and (6), 20.907 (2) and (5)
12 (a), (b), (c), (d), and (e) 12e. and 12r., 20.912 (1), (3), (4) (by SECTION 706), and (5),
13 20.920 (2) (a), 20.929, 21.33, 23.49, 23.85, 24.17 (1) (intro.) and (2), 24.20, 24.25,
14 24.29, 24.32 (2), 24.33 (1) (c), 24.61 (2) (b) (by SECTION 817), 24.67 (3), 24.69 (1), 24.70
15 (2), (4), and (6), 24.71 (2), (4), and (5), 25.14 (3), 25.17 (61), 25.19 (3) and (4), 25.31
16 (1), 25.40 (1) (a) 6., 26.14 (4), 26.30 (9) (b) (intro.), 29.983 (1) (e) and (f) and (2), 29.985
17 (1) (c) and (d), 29.987 (1) (c) and (d), 29.989 (1) (c) and (d), 34.045 (1) (b), 34.08 (2),
18 36.51 (6), 38.36 (6), 40.04 (3) (c), 43.70 (3), 45.37 (11), 46.973 (3), 48.275 (2) (d), 48.715
19 (3) (a) 3., 49.19 (3) (b) and (14) (b), 49.498 (16) (g), 49.687 (3) (a), 49.688 (6) (a), 50.03
20 (5g) (c) 1. c., 50.034 (8) (d), 50.035 (11) (d), 50.04 (5) (f) (by SECTION 1472), 50.38 (4),
21 50.55 (1) (e), 50.98 (5), 59.25 (3) (f) 1. and 2., (k), (L), (m), and (p), 59.40 (2) (m), 66.0114
22 (1) (bm) and (3) (c), 66.0517 (3) (b) 1., 69.22 (1) (c) and (1m), 70.385, 70.39 (4) (b), 71.10
23 (5) (h) (intro.) and (5e) (h) (intro.), 71.30 (10) (h) (intro.), 71.74 (13) (a) and (b) and(14),
24 71.80 (1) (e), (16) (b), and (17), 71.90 (2) (by SECTION 1599), 71.91 (5) (h) and (7) (e),
25 72.24, 73.03 (6), 73.10 (6), 74.25 (1) (a) 5., 74.27, 74.30 (1) (e) and (1m), 76.13 (2) and

SENATE BILL 44**SECTION 9454**

1 (3), 76.15 (2), 76.22 (3), 76.24 (1), 76.28 (4) (b), 76.39 (4) (d), 76.48 (3) and (5), 77.59
2 (7), 84.11 (4), 84.12 (4), 85.14 (1) (b) and (2), 87.07 (4), 87.11 (2), 87.13, 93.31, 100.261
3 (2) and (3) (a) and (b) (by SECTION 1815), 101.563 (2) (a) and (b) 1., 2., and 3., 101.573
4 (1), (3) (a) and (b), and (4), 102.28 (7) (a), 102.63, 102.85 (4) (c) and (d), 108.15 (6) (c),
5 (d) (intro.), and (e), 108.20 (2), 115.345 (5), 125.14 (2) (e) and (f), 139.10 (title) and (1),
6 139.39 (4), 150.963 (3) (e), 165.30 (3), 165.755 (3), (4), (5), (6), and (7), 167.31 (5) (c)
7 and (d), 169.46 (1) (c) and (d) and (2) (c) and (d), 194.51, 195.29 (5) (by SECTION 2274),
8 195.60 (3) (by SECTION 2298), (4) (d) (by SECTION 2303), and (5) (by SECTION 2305),
9 196.199 (3) (d), 196.85 (3), (4) (d), and (5), 215.33 (3) (b) 2., 223.02 (1) (intro.), (b), (c),
10 (d), and (e), 223.20 (3), 224.77 (1m) (c), 253.06 (4) (c) 2. and (5) (e), 254.45 (4) (b),
11 254.59 (2) and (5), 281.99 (4), 299.93 (3) and (4), 301.105 (intro.), 344.185 (2) (e) 2.,
12 345.08, 346.177 (3) and (4), 346.495 (3) and (4), 346.65 (4r) (c) and (d), 346.655 (2) (a)
13 and (b) and (3), 349.04 (3) and (4), 350.115 (1) (c) and (d), 351.07 (1g), 562.02 (1) (g),
14 565.37 (3), 601.13 (1) (intro.), (3) (intro.), (5), (6), (8) (intro.), and (11), 601.45 (3),
15 601.62 (4), 604.04 (4), 604.05, 604.06 (1), 604.07, 605.30, 611.76 (4) (e), 753.061 (5),
16 753.07 (2) (a), (3) (a), and (4), 757.05 (1) (b), (c), and (d), 778.135, 778.136, 778.17,
17 812.42 (2) (c), 813.31 (1), (2), and (3), 814.60 (1), 814.61 (1) (a), (3), (7) (a) and (b), and
18 (8) (c) and (d), 814.62 (1) and (3) (d) 2. and 3., 814.63 (5), 814.634 (2), 814.635 (2),
19 814.65 (1), 814.66 (3), 938.275 (2) (d), 938.34 (8d) (b) and (c), 961.41 (5) (b) and (c),
20 973.045 (2), (3) (a) (intro.), and (4), 973.046 (2), (3), and (4), 973.055 (2) (a) and (b) and
21 (3), 978.12 (5) (c) 1., and 978.13 (1) (b), (c), and (d) of the statutes takes effect on July
22 1, 2004.

23 **SECTION 9455. Effective dates; University of Wisconsin Hospitals and**
24 **Clinics Authority.**

SENATE BILL 44**SECTION 9456**

1 **SECTION 9456. Effective dates; University of Wisconsin Hospitals and**
2 **Clinics Board.**

3 **SECTION 9457. Effective dates; University of Wisconsin System.**

4 **SECTION 9458. Effective dates; veterans affairs.**

5 **SECTION 9459. Effective dates; workforce development.**

6 (1) **WISCONSIN WORKS.** The treatment of sections 20.445 (3) (dz) (by SECTION
7 506) and (jL) (by SECTION 511), 49.015 (2), 49.13 (2) (cm), 49.136 (2) (b), 49.141 (1) (e),
8 (mc), (o), and (om), (4), and (5) (a), 49.143 (2) (a) 4., 5., and 6., (f), and (fm) and (3g)
9 (a) 4., 49.145 (1), (2) (i) and (s), and (3) (b) 1., 49.1465, 49.147 (title), (1), (1m), (2) (a)
10 1., (3) (a), (3m), (4) (a), (5) (a) 3., and (6) (by SECTION 1223), 49.148 (1) (intro.), (am),
11 and (b) 1., (1m) (a), and (4) (a) and (b), 49.149 (intro.), (1), (3), and (4), 49.15 (3) (a),
12 49.152 (1) and (3) (a) and (b), 49.155 (1m) (a) 3., 49.161 (4), 49.175 (1) (n) (by SECTION
13 1264), 49.179, 49.195 (title), (1), and (3), 49.22 (6), 49.26 (1) (g) (intro.), (h) 1s. b., and
14 (hm), 49.32 (4), (9) (a), (10) (b), and (10m) (a), 49.36 (2), 49.85 (1) (by SECTION 1453),
15 (2) (b) (by SECTION 1455), and (3) (b) 1. (by SECTION 1458), 49.95 (4m) (a) and (11),
16 49.96, 59.53 (5) (a), 71.93 (1) (a) 4. (by SECTION 1605), 102.07 (17m), 227.01 (13) (zL),
17 767.045 (1) (c) 1., 767.075 (1) (c) (by SECTION 2676) and (cm), 767.15 (1), 767.24 (6) (c),
18 767.47 (6) (a) and (b), and 814.61 (13) of the statutes, the renumbering and
19 amendment of sections 49.146 and 49.148 (1m) (b) of the statutes, the amendment
20 of sections 49.146 (title) and 49.785 (1) (intro.) of the statutes, the creation of sections
21 49.146 (2) and 49.148 (1m) (b) 1. of the statutes, and SECTION 9359 (4) take effect on
22 January 1, 2004.

23 (2) **ELIMINATION OF WISCONSIN SERVICE CORPS.** The treatment of section 106.213
24 of the statutes and the repeal of section 20.445 (1) (cm) of the statutes take effect on
25 the first day of the 36th month beginning after publication.

