



## 1997 SENATE BILL 77

February 12, 1997 - Introduced by COMMITTEE ON FINANCE, by request of Governor Tommy G. Thompson. Referred to Committee on Finance.

- 1     **AN ACT relating to:** state finances and appropriations, constituting the  
2             executive budget act of the 1997 legislature, and making appropriations.

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### *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 from the general fund and from segregated funds for the 1997–99 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 1997–99 fiscal biennium. The descriptions that follow relate to the most significant changes in the law 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 the fiscal impact of this bill refer to the publication *Budget in Brief* issued by the department of administration.

For additional information concerning this bill, see the department of administration’s executive budget books, the legislative fiscal bureau’s summary document and the legislative reference bureau’s drafting files that contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

**SENATE BILL 77****GUIDE TO NONSTATUTORY MATERIAL**

As is the case for all other bills, the SECTIONS of the budget bill treating statutory material are displayed in the ascending numerical sequence of the statute units affected. In some parts of the bill, not all consecutive SECTION numbers are used.

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.

Following this material, the remaining nonstatutory material is displayed in this order:

**9101 to 9156: Nonstatutory provisions; entity name.**

**9201 to 9256: Appropriation changes; entity name.**

**9301 to 9356: Initial applicability; entity name.**

**9400 to 9456: Effective dates; entity name.**

In each of the 4 categories, there is a separate SECTION number for every entity. In that number, the last 2 digits correspond to the entities as shown below. For example, for miscellaneous nonstatutory provisions affecting the historical society, see SECTION 9124. The entities are listed in alphabetical sequence by key word, but for any entity not yet assigned a 2-digit identification number, see number "56" (other) in each category.

- 01 ADMINISTRATION
- 02 ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD
- 03 AGING AND LONG-TERM CARE BOARD
- 04 AGRICULTURE, TRADE AND CONSUMER PROTECTION
- 05 ARTS BOARD
- 06 BOUNDARY AREA COMMISSION, MINNESOTA-WISCONSIN
- 07 BUILDING COMMISSION
- 08 CHILD ABUSE AND NEGLECT PREVENTION BOARD
- 09 CIRCUIT COURTS
- 10 COMMERCE
- 11 CORRECTIONS
- 12 COURT OF APPEALS
- 13 EDUCATIONAL COMMUNICATIONS BOARD
- 14 ELECTIONS BOARD
- 15 EMPLOYE TRUST FUNDS
- 16 EMPLOYMENT RELATIONS COMMISSION
- 17 EMPLOYMENT RELATIONS DEPARTMENT
- 18 ETHICS BOARD
- 19 FINANCIAL INSTITUTIONS
- 20 GAMING BOARD
- 21 GOVERNOR
- 22 HEALTH AND EDUCATIONAL FACILITIES AUTHORITY
- 23 HEALTH AND FAMILY SERVICES
- 24 HISTORICAL SOCIETY
- 25 HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY

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- 26 INDUSTRY, LABOR AND JOB DEVELOPMENT
- 27 INSURANCE
- 28 INVESTMENT BOARD
- 29 JOINT COMMITTEE ON FINANCE
- 30 JUDICIAL COMMISSION
- 31 JUSTICE
- 32 LEGISLATURE
- 33 LIEUTENANT GOVERNOR
- 34 LOWER WISCONSIN STATE RIVERWAY BOARD
- 35 MEDICAL COLLEGE OF WISCONSIN
- 36 MILITARY AFFAIRS
- 37 NATURAL RESOURCES
- 38 PERSONNEL COMMISSION
- 39 PUBLIC DEFENDER BOARD
- 40 PUBLIC INSTRUCTION
- 41 PUBLIC SERVICE COMMISSION
- 42 REGULATION AND LICENSING
- 43 REVENUE
- 44 SECRETARY OF STATE
- 45 STATE FAIR PARK BOARD
- 46 SUPREME COURT
- 47 TECHNICAL COLLEGE SYSTEM
- 48 TOURISM
- 49 TRANSPORTATION
- 50 TREASURER
- 51 UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY
- 52 UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS BOARD
- 53 UNIVERSITY OF WISCONSIN SYSTEM
- 54 VETERANS AFFAIRS
- 55 WORLD DAIRY CENTER AUTHORITY
- 56 OTHER

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### **AGRICULTURE**

Currently, under the agricultural chemical cleanup program, this state reimburses certain persons for a portion of the costs incurred in cleaning up discharges of agricultural chemicals. The reimbursement is generally equal to 75% of the costs that exceed \$7,500 for a person required to have a license related to fertilizer or pesticides, or that exceed \$3,000 for any other person, but that do not exceed \$100,000. If the cleanup requires groundwater remediation, the person also receives 80% of the costs that exceed \$100,000 but that do not exceed \$300,000.

This bill increases the amount of reimbursement provided under this program. Under the bill, the reimbursement is generally equal to: 1) 80% of the costs that exceed \$7,500 for a person who is required to have a license related to fertilizer or pesticides, a person with more than 25 employees or a person with annual sales of

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more than \$2,500,000; or 2) 80% of the costs that exceed \$3,000 for any other person, but that do not exceed \$400,000.

The bill divides various existing fees related to pesticides, fertilizer and soil and plant additives into fees and surcharges. The surcharges are used to fund the agricultural chemical cleanup program. The bill suspends the surcharges for 2 years. The bill also modifies some of the fees.

This bill authorizes the department of agriculture, trade and consumer protection (DATCP) to seek the reform of federal milk marketing orders and other dairy pricing policies for the benefit of Wisconsin dairy farmers and to assist organizations for the same purpose.

Current law authorizes DATCP to make grants to encourage the use of sustainable agriculture if the legislative standing committees on agriculture approve DATCP's proposal for a funding source for those grants. This bill eliminates the requirement that the committees approve DATCP's proposal for a funding source and authorizes sustainable agriculture grants to be funded from the general fund.

Under current law, the public service commission (PSC) and DATCP administer a program to assist farmers with problems caused by stray voltage. The stray voltage program is funded by fees charged to farmers and an assessment on electric utilities that is collected by the PSC. This bill, in addition, requires DATCP to impose a fee on rural electric cooperatives to pay a portion of the costs of the stray voltage program.

**COMMERCE AND ECONOMIC DEVELOPMENT****BUILDINGS AND SAFETY**

Under current law, housing that is ready for occupancy after September 30, 1993, consisting of 3 or more dwelling units (covered multifamily housing) is required to be accessible to persons with disabilities. This bill raises to 4 the number of dwelling units that multifamily housing must have to be subject to the accessibility laws.

Under current law, no person may design or construct covered multifamily housing unless that housing has at least one entrance for each building that is accessible to persons with disabilities. Current law also requires all other entrances at grade level to be accessible to the greatest extent feasible. This bill eliminates the requirement that all other entrances at grade level be accessible to the greatest extent feasible.

Under current law, a renter may request, at no cost to the renter, that lever door handles be installed on all doors and single lever controls be installed on all plumbing fixtures used by the renter. This bill shifts the expense of installing those door handles and controls to the renter if the expense does not exceed market rates.

Current law requires the department of commerce to establish minimum accessibility requirements for multilevel covered multifamily housing without

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elevators (townhouses). This bill eliminates townhouses from the coverage of the accessibility laws.

Under current law, plans and specifications for a proposed, covered multifamily housing project or for a remodeling project must be submitted to the department for approval prior to commencing work on the project. Currently, the department may grant a variance from the exterior accessibility requirements if meeting those requirements would be impractical because of the terrain or unusual characteristics of the site. Current law requires the department, in granting a variance, to have a minimum goal of exterior accessibility of 50% of the dwelling units of covered multifamily housing at one site. This bill lowers to 20% the minimum goal of exterior accessibility of dwelling units of covered multifamily housing when granting a variance.

Current law applies accessibility requirements to covered multifamily housing that is being remodeled, regardless of when the housing was first intended for occupancy, based on the percentage of interior square footage that is being remodeled and the type of alterations being made. This bill eliminates the percentage requirements and requires instead that, when covered multifamily housing is remodeled, that part of the housing that is to be remodeled must be made accessible. The bill also requires the path of travel to the remodeled area and the toilet rooms, telephones and drinking water serving the remodeled area to be made accessible, unless the cost of remodeling the path of travel exceeds 20% of the cost of the entire remodeling project.

**COMMERCE**

This bill requires financial institutions doing business in this state to participate in a financial record matching program. Under this program, a financial institution is required to match information about delinquent child support obligors, provided by the department of industry, labor and job development (DILJD), with financial records of the financial institution. The matching requirement also applies to family support and court-ordered payment of past support and medical or birth expenses. The financial institution is required to identify any accounts of delinquent obligors and to notify DILJD of the obligor's account number and the balance in the account at the time that the record match is made. The bill provides that a financial institution is not liable to any person for disclosing financial records to a child support agency attempting to establish, modify or enforce a support obligation, or for disclosures of account information, seizures of assets or other actions taken in good faith in participating in the financial record matching program. (See also HEALTH AND HUMAN SERVICES, SUPPORT, PATERNITY AND OTHER FAMILY MATTERS.)

Currently, under the petroleum storage remedial action program (commonly known as PECFA) owners are reimbursed for a portion of the cleanup costs of discharges from petroleum storage systems. Current law also directs the department of commerce to inspect petroleum products brought into this state to ensure that the products meet minimum product grade specifications. The department of revenue (DOR) imposes and collects a petroleum inspection fee for

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these inspections, and the revenue from the petroleum inspection fees funds several programs, including PECFA.

This bill provides that any person who purchases in this state aviation fuel on which the petroleum inspection fee has been imposed is eligible for an allowance of 2 cents for each gallon of aviation fuel purchased in excess of 1,000,000 gallons per month. The allowance is obtained by filing a claim with DOR. A person who purchases aviation fuel for resale is not eligible for the allowance.

Under current law, a person who sells liquefied petroleum gas (LP gas) using a meter that measures the gas in liquid form must comply with certain requirements to ensure the accuracy of the measurements done by the meter and the price charged the purchaser.

Under this bill, a person using this type of meter to sell or deliver LP gas must have the meter inspected at least annually by an independent meter testing company. Under the bill, the company must file a report with the department of agriculture, trade and consumer protection (DATCP) on the condition of the meter, and must pay a fee to DATCP for each meter for which a report is filed.

The bill also authorizes DATCP to inspect these meters. Under the bill, a seller must pay a fee to DATCP if the amount of LP gas delivered is less than the amount measured by the meter or if the meter has not been inspected within the last year.

The bill also raises the fees for licenses for commercial scales that weigh vehicles and for licenses for persons who install, test or service weights and measures.

Current law restricts the transmittal of unsolicited documents by facsimile machine. These restrictions prohibit the transmittal of unsolicited documents that are more than one page and the transmittal of unsolicited documents to persons with whom the person sending the documents has not had a prior business relationship. The current definition of "facsimile machine" under this law includes specified types of transmitting media used to transmit copies of documents. These media include telephone lines, microwaves, satellites and cellular radio transmittal. This bill expands the definition of "facsimile machine" to include a machine that uses any type of radio transmittal.

Under current law, the public service commission (PSC) may require a party to certain hearings to pay the cost of producing a transcript. In all other hearings and investigations for which a transcript is produced, the PSC must provide free copies of transcripts upon request. In addition, the PSC may charge a reasonable price for a copy of an audiotape or videotape that is received into evidence. Under this bill, the PSC may require any party to any hearing or investigation to pay the cost of producing a transcript, audiotape or videotape. In addition, the PSC may charge a reasonable price for a copy of a transcript that is requested.

This bill changes the name of the division of savings and loan in the department of financial institutions (DFI) to the division of savings institutions.

**SENATE BILL 77****ECONOMIC DEVELOPMENT**

Under current law, some of the mining tax revenue which the state collects is deposited in the badger fund and the rest is deposited in the investment and local impact fund, which is used to benefit communities affected by mining. The interest on the badger fund may be expended for school aids and certain recreational purposes. The badger board administers the fund. However, on June 30, 1997, the balance in the badger fund lapses to the general fund. This bill discontinues the badger fund and the badger board and provides that all mining tax revenue is deposited in the investment and local impact fund.

This bill creates a mining economic development grant and loan program. Under the program, the department of commerce may award a grant or loan to a business, community-based organization, local development corporation, city, village, town or county located in an area affected by mining for various specified purposes, such as start-up or expansion costs, developing an economic diversification plan, conducting a local economic development project or establishing a revolving loan fund to finance businesses that will create long-term employment opportunities. An area affected by mining is defined as an area in which public and private infrastructure are or were provided to support mining activity, public funds are or were expended for costs associated with mining activity, construction of a mine has begun and economic diversification is necessary to reduce dependence on mining activity. The bill specifies factors that must be considered in awarding the grants and loans and places limits on the amounts that may be awarded for each type of project. The program is funded from the investment and local impact fund.

This bill authorizes the department of commerce to award a grant to a person for the redevelopment of brownfields and associated environmental remediation activities. The bill defines brownfields as abandoned, idle or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment because of actual or perceived environmental contamination. The party actually responsible for the environmental contamination must be unknown or unable to be located, and a person receiving a grant must make a cash or in-kind contribution to the project. The bill sets out criteria for the department to use in making grants, and the relative weight that the department must give to each of the criteria. Before the department awards a grant, however, it must consider the recommendations of the department of administration (DOA) and the department of natural resources (DNR). The department is required to award at least 7 grants for projects that are located in municipalities with a population of less than 30,000. A total of \$20,000,000 in grants may be awarded. The maximum amount that may be awarded for a grant is \$5,000,000. The grants are funded from the recycling fund.

The bill also requires the department of commerce, DOA and DNR to enter into a memorandum of understanding addressing various issues related to the responsibilities of the 3 departments with respect to brownfields redevelopment programs, including a conflict resolution mechanism.

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Under current law, the Wisconsin Housing and Economic Development Authority (WHEDA) guarantees repayment of loans from the Wisconsin development reserve fund (fund) for the recycling, stratospheric ozone protection, clean air, small business, business improvement, targeted development, nonpoint source pollution abatement and agricultural chemical cleanup, agricultural production, farm assets reinvestment management, agricultural production drought assistance, agricultural development and cultural and architectural landmark loan guarantee programs. The total outstanding principal amount of loans that WHEDA may guarantee under any of these loan guarantee programs is limited to a specified amount under each program.

This bill combines 6 of the loan guarantee programs for which repayment is guaranteed from the fund (the stratospheric ozone protection, clean air, small business, business improvement, targeted development and nonpoint source pollution abatement and agricultural chemical cleanup loan guarantee programs), into a new, more broadly based loan guarantee program, called the small business development loan guarantee program. Under the program, WHEDA may guarantee a portion of the principal of a loan to the elected governing body of an American Indian tribe or band or to a business if the business owner is actively engaged in the business, the business does not employ more than 50 employees on a full-time basis and the business owner is not delinquent in the payment of child support or maintenance (spousal support). The portion of the principal of a loan that may be guaranteed may not exceed 80% of the principal of the loan or \$200,000, whichever is less. The loan proceeds may be used for expenses related to the expansion or acquisition of a business or for expenses related to the start-up of a day care business. The use of the loan proceeds must be likely to have a positive impact on job retention or creation. Loan proceeds may not be used for entertainment expenses, expenses related to a community-based residential facility or expenses related to the production of an agricultural commodity. Loans to a single borrower that are guaranteed under the program may not exceed \$750,000. The total outstanding guaranteed principal amount of all loans that WHEDA may guarantee under the program may not exceed \$28,750,000.

The bill also creates another new loan guarantee program, beginning on July 1, 1998, called the brownfields redevelopment loan guarantee program. Under the program, WHEDA may guarantee up to 80% of the principal of a loan that is made to a business in this state for the purpose of redeveloping brownfields and related environmental remediation activities. The total outstanding principal amount of all loans that WHEDA may guarantee under this program is \$500,000.

Under current law, WHEDA is required to ensure that the cash balance in the fund is maintained at a ratio of \$1 of reserve funding to \$4 of outstanding principal that WHEDA may guarantee under all of the programs guaranteed from the fund. This bill changes the ratio at which WHEDA must maintain the fund to \$1 of reserve funding to \$4.50 of outstanding principal that WHEDA may guarantee under all of the programs, except for the cultural and architectural landmark loan guarantee program, which remains at \$1 of reserve funding to \$4 of outstanding guaranteed principal.



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Under current law, WHEDA may issue bonds and notes to finance certain economic development projects, including economic development projects involving sports and entertainment home stadiums. This bill eliminates the authority to issue bonds and notes for this purpose.

Under current law, WHEDA may issue up to \$10,000,000 in bonds and notes for its beginning farmer program, which assists beginning farmers in purchasing agricultural land and improvements. This bill raises the limit on total bonds and notes that WHEDA may issue under the program to \$17,500,000.

This bill authorizes the department of tourism to award grants to statewide organizations that represent counties. An organization must use the grant proceeds to promote international trade, business and economic development in the state.

This bill gives the department of tourism the exclusive right to license the commercial use of certain state symbols and certain representations that are designed by the state or that are affixed to state property for the purpose of manufacturing or marketing any article of merchandise on which is affixed such symbols or representations. The department may enter into contracts for the manufacture or marketing of any article of merchandise on which is affixed any state symbol or representation and may market or sell such merchandise itself. The department is required to enter into contracts for the marketing or sale of such merchandise with one or more statewide organizations that represent counties. Moneys received by the department from contracts, license fees or the sale of merchandise, and moneys received by statewide organizations from the sale of merchandise, must be used for tourism promotion and for grants to one or more statewide organizations that represent counties for international trade, business and economic development.

This bill authorizes the department of tourism to acquire excess or surplus state property from DOA and from the department of transportation (DOT) and to sell the property to any person at a price determined by the department of tourism. The department of tourism is required to enter into contracts for the marketing or sale of such property with one or more statewide organizations that represent counties. Moneys received by the department of tourism from the sale of such property, and moneys received by statewide organizations from the sale of such property, must be used for tourism promotion and for grants to one or more statewide organizations that represent counties for international trade, business and economic development.

Under the current rural economic development program, which is administered by the department of commerce, the rural economic development board may award a grant or loan to a business that has fewer than 25 employees and that is located in a rural municipality (a city, village or town that has a population of 4,000 or less or that is located in a county with a population density of less than 150 persons per square mile). The program has 2 parts. Under the first part, the recipient business must use the grant or loan, which may not exceed \$30,000, for start-up

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costs. Under the 2nd part, a business that received a grant or loan under the first part of the program may receive a loan, which may not exceed \$25,000, for working capital, fixed asset financing or employe relocation costs. The total amount of the loans awarded in a fiscal biennium under the 2nd part of the program may not exceed 20% of the total amount appropriated for the program in that fiscal biennium. Under both parts of the program, the recipient business may be required by the board to contribute a portion of the cost of the project in cash or in-kind services.

This bill makes a number of changes to this program. The definition of rural municipality is changed to include a city, village or town with a population of 6,000 or less. An eligible business must have fewer than 100, rather than 25, employes. A business need not have received a grant or loan under the first part of the program in order to be eligible for an award under the 2nd. The first part, under which the board may award a grant or a loan, is changed so that only grants may be awarded and the maximum amount of an award is changed from \$30,000 to \$15,000. Under the 2nd part, the board may award grants and loans instead of only loans and the maximum amount of an award is changed from \$25,000 to \$100,000. The limit on the awards under the 2nd part is eliminated. In addition, a recipient of any award under the program is required to contribute cash from a nonstate source in an amount that equals at least 25% of the total cost of the project.

The bill provides that under each of the 2 parts, the board must award for purposes related to agricultural businesses not less than 25% nor more than 50% of the total amount awarded under that part in a fiscal biennium. The department of commerce and DATCP must designate staff to evaluate applications and make recommendations for grants or loans for purposes related to agricultural businesses.

The bill also authorizes the department to award a grant, not exceeding \$50,000, to a person or a business proposing to start up, modernize or expand a dairy farm or other agricultural business in the state. The person or business must own the dairy farm or other agricultural business and use the grant proceeds to pay for services related to the start-up, modernization or expansion of the dairy farm or other agricultural business or for management assistance continuing after completion of the start-up, modernization or expansion project. The total amount of grants that may be awarded in a fiscal year for this purpose may not exceed \$200,000.

This bill makes a number of changes to the minority business development program, under which the department of commerce and the minority business development board make grants and loans for business development projects to minority group members and businesses that are at least 51% owned, controlled and actively managed by a minority group member or members. The business development projects are of 2 general types: projects that involve the planning stages of a business (early planning projects) and projects that involve the start-up, expansion or acquisition of a business (development projects). The department may award grants for early planning projects and the board may award grants or loans for development projects. In addition, the board may award a grant or loan to a local development corporation, defined as the governing body of a federally recognized

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American Indian tribe, or a business created by such a governing body, or a nonprofit corporation promoting economic development in a specific geographic area that is at least 51% controlled and actively managed by minority group members. The local development corporation must in turn use the grant or loan proceeds to make grants or loans to minority group members or minority businesses for development projects.

Under current law, the department may award for early planning projects no more than 10% of the moneys appropriated for the entire minority business development program. This bill changes this limit to 25%.

The bill also permits the board to award a grant or loan to a local development corporation for the creation, expansion or continuation of a revolving fund program that is operated by the corporation and that benefits or will benefit minority businesses or minority group members. A corporation that receives a grant or loan for this purpose must contribute, in cash, at least 50% of the cost of the project.

Under current law, the board may not award more than \$100,000 in a fiscal biennium to any one recipient for any one development project and a local development corporation that receives a grant or loan from the board may not award more than \$100,000 in a fiscal biennium to any one recipient or for any one development project. This bill removes that limit on awards that a local development corporation may make in a fiscal biennium and, instead, provides that a corporation may not make a grant or loan that exceeds \$50,000 to an eligible recipient for development project costs. This new limit does not apply, however, to grants or loans that a corporation may make under a revolving fund program. The bill provides, in addition, that the board is prohibited from awarding more than \$200,000 in a fiscal year to any one local development corporation.

Under current law, the board must consider a number of specified factors related to a development project for which a local development corporation intends to make a grant or loan before the board may award a grant or loan to the local development corporation. This bill changes this requirement so that the board no longer considers the factors in relation to a development project for which a local development corporation intends to make a grant or loan. Instead, a local development corporation must use factors that are similar to those specified factors when making a grant or loan for a development project or under a revolving fund program.

Under the current community-based economic development programs, the department of commerce awards grants to political subdivisions and community-based organizations for various purposes related to promoting economic development at the community level. Under one of the programs, the department may make a grant of up to \$10,000 to a political subdivision to enable the political subdivision to develop a plan for diversifying its economy. Also under that program, the department may make a grant of up to \$20,000 to a community-based organization to provide assistance to entrepreneurs or businesses that will provide jobs or to conduct a local economic development project. This bill revises this program by increasing the grant limit to \$30,000 for either of the specified purposes and by authorizing the department to make a grant to a community-based

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organization, as well as to a political subdivision, to develop a plan for diversifying the local or regional economy. In addition, the bill requires the purpose of the plan to include attracting new businesses and jobs and promoting economic development.

The bill also creates another community-based economic development program. Under this program, the department may make a grant to a community-based organization or private nonprofit organization for the purpose of a venture capital development project that assists entrepreneurs or businesses in obtaining funding for the start-up or development of a business. The project must be likely to stimulate investment, promote economic development or create or retain jobs in the state. An applicant must submit a plan related to the project, and the plan must be approved by the secretary of commerce. An applicant must also provide at least 50% of the cost of the project through cash or in-kind contributions. The department may not award more than \$75,000 in grants under the new program in any fiscal year.

This bill creates a new program, to be funded by the Wisconsin development fund and called the manufacturing assessment grant program, under which a grant of up to \$2,500 may be made to a business with 500 or fewer employees to fund a management assessment and plan. The assessment and plan must be likely to assist the business in adopting and implementing new manufacturing processes and technologies and to help make the business more competitive. Total grants under the program may not exceed \$750,000 in a fiscal biennium.

The bill eliminates the research grant and loan program, funded by the Wisconsin development fund, under which grants and loans may be made to a business with 250 or fewer employees to fund research having a potential commercial application. A similar program under current law, the technology development grant and loan program, provides grants and loans to businesses of any size to fund technical research intended to result in the development of a new or improved industrial product or process.

The bill also authorizes the department of commerce to charge a grant or loan origination fee of up to 1.5% of a grant or loan that exceeds \$200,000 and that is awarded under either of 2 programs funded by the Wisconsin development fund, the major economic development projects program or the customized labor training grants and loans program. Revenue from the fees is used for the costs of underwriting grants and loans paid from the Wisconsin development fund and for administering the grant and loan programs funded by the Wisconsin development fund.

Under the current development zone program, after the department of commerce designates an area as a development zone, a person or corporation that conducts or intends to conduct economic activity in the designated zone may be certified by the department as eligible for certain tax credits. The designation of an area as a development zone is effective for 84 months, but this period may be extended for 12 months up to 3 times. When the department designates a development zone, the department allocates to the development zone a portion of

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\$28,155,000, which is the total amount of tax credits that may be claimed under the program. Current law authorizes the department to increase the original amount of tax credits that were allocated to a development zone at its designation by up to \$500,000.

This bill changes the total amount of tax credits that may be claimed under the program to \$33,155,000. The bill removes the limit on any increase in the original amount of tax credits that were allocated to a development zone. Finally, the bill allows the designation of a development zone to be extended for 12 months up to 5 times.

**CORRECTIONAL SYSTEM****ADULT CORRECTIONAL SYSTEM**

Under current law, a person serving a sentence of imprisonment to a state prison usually has 3 possible ways of being released on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or 6 months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding).

However, current law also provides different parole eligibility provisions for certain serious felony offenders. If a serious felony offender has one or more prior convictions for a serious felony, a judge may set a discretionary parole eligibility date for the offender that is later than 25% of the sentence or 6 months but not later than the mandatory release date of two-thirds of the sentence. In addition, certain serious felony offenders need not be automatically released when they reach their mandatory release dates. Instead, the parole commission may deny mandatory release to such offenders in order to protect the public or because an offender refuses to participate in counseling or treatment. The serious felony offenders covered by these parole provisions include persons convicted of serious violations such as homicide, battery, sexual assault, mayhem, kidnapping, taking hostages, arson, armed burglary, armed robbery, carjacking, assault by a prisoner, crimes against children and unlawful manufacture, sale or possession of controlled substances (dangerous drugs).

This bill increases the maximum term of imprisonment for certain felonies (see CRIMES) and changes the structure of sentences imposed for felony offenses. Under the bill, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after July 1, 1998, the court must do so by providing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision. The offender is not eligible for any type of parole. A bifurcated sentence imposed under the bill must be structured as follows:

1. The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

2. The court must set the term of confinement in the prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, 10 years for a Class C felony, 5 years for a Class D felony,

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or 2 years for a Class E felony. If the person is being sentenced for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

3. The term of community supervision must equal at least 25% of the length of the term of confinement in prison.

After the person completes the term of confinement in prison portion of the sentence, he or she serves the term of community supervision in which he or she is subject to conditions set by both the court and the department of corrections (DOC) and is subject to supervision by DOC. If a person violates a condition of community supervision, community supervision may be revoked and the person may be returned to serve a period of time in prison.

Under current law, a person serving a life sentence usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, 4 months. However, a judge may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. Also, if a person has 2 convictions for any of certain serious felonies and is then convicted a 3rd time for another serious felony, he or she must be sentenced to life without parole (the so-called "3 strikes, you're out" law). No person serving a life sentence is entitled to mandatory release.

This bill provides that a person sentenced to life imprisonment for a crime committed on or after July 1, 1998, is not eligible for parole. Instead, the bill requires a judge who is sentencing a person to life imprisonment to do one of the following: 1) provide that the person is eligible for community supervision after serving 20 years; 2) set a date on which the person becomes eligible for community supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for community supervision. If the court provides that the person is eligible for community supervision, the person may petition the sentencing court for release to community supervision on or after the community supervision eligibility date. A person sentenced to life who is released to community supervision is on community supervision for the remainder of his or her life and, like a person on community supervision under a bifurcated sentence, may have his or her community supervision revoked and be returned to prison if he or she violates a condition of community supervision. The bill does not affect persons sentenced to life imprisonment without the possibility of parole under the "3 strikes, you're out" law.

Under current law, DOC may enter into contracts with other states or political subdivisions of other states for the transfer and confinement of Wisconsin prisoners. If the contract involves the transfer of more than 10 prisoners in any fiscal year to any state or to any one political subdivision of another state, DOC may enter into the contract only if it is approved by the legislature by law or by the joint committee on finance (JCF). This bill authorizes DOC to enter into contracts with private persons

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for the transfer and confinement of Wisconsin prisoners in another state. JCF approval is not necessary.

Under current law, no more than 3 private businesses may lease space in the state prisons or correctional institutions operated by DOC and employ prison or institution residents to manufacture products or components or to provide services for sale on the open market. This bill increases the number of such private businesses to 11.

Current statutory text provides that “[The department may select a business or enter into a lease under this paragraph only with the approval of the joint committee on finance.]”. The bracketed language is included in a statutory unit that was created in 1995 Wisconsin Act 27, section 6384, but the text in the brackets was vetoed by the governor. However, 1995 Wisconsin Act 27, section 6385, amended the same statutory unit and the language in the brackets was not vetoed by the governor (the text appears in SECTION 6385 as plain text in an amended statutory unit). This bill removes this bracketed language from the statutes.

Under current law, DOC must promulgate rules providing limits on the number of prisoners at all state prisons. The rules must generally provide systemwide prisoner population limits and limits for each state prison. DOC is also authorized to provide, by rule, procedures allowing DOC to exceed any systemwide or institution limit in an emergency situation. This bill eliminates this rule-making requirement and, instead, requires DOC annually to submit a report to JCF and to the appropriate standing committees of the legislature establishing the statewide operating capacity of state prisons and of each state prison and reporting on the number of prisoners in each state prison.

This bill requires DOC to create a criminal gang data bank and to provide correctional authorities and law enforcement agencies with access to the criminal gang data bank. Under the bill, DOC must determine what information the criminal gang data bank will contain. If a correctional authority identifies a person in its custody to be a criminal gang member, or if a law enforcement agency identifies a person it has arrested to be a criminal gang member, the correctional authority or law enforcement agency must provide that information to DOC. If the person is already listed on the criminal gang data bank, the correctional authority or law enforcement agency must provide any updated information that the data bank does not already include. A correctional authority or law enforcement agency may provide information to DOC using either forms provided by DOC or a direct data entry system established by DOC.

The bill also requires DOC to: a) establish a method to confirm criminal gang membership and to ensure the timely and accurate entry of information into the criminal gang data bank; b) conduct reviews of correctional authorities and law enforcement agencies that enter information directly into the criminal gang data bank; and c) notify all correctional authorities and law enforcement agencies that

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may benefit from the criminal gang data bank of the existence of the criminal gang data bank.

Finally, the bill requires the department of justice (DOJ) to allow correctional authorities and law enforcement agencies to use the transaction information for management of enforcement (TIME) system to get access to the criminal gang data bank. The TIME system is a statewide computerized data base administered by DOJ that is used by law enforcement agencies to share information and to get access to information held by state agencies, including DOC and DOJ.

Under current law, DOC is required to establish certain correctional institutions. This bill requires DOC to utilize a previously authorized facility in the city of Racine as a medium security correctional institution for persons 15 to 23 years of age who have been placed in a state prison. The bill names the facility the "Racine Youthful Offender Correctional Facility".

Under current law, DOC is authorized to purchase or accept a gift of land and an existing facility for a suitable site selected by the building commission for an additional secured juvenile correctional facility. Currently, the site selected by the building commission for that facility is located at Prairie du Chien in Crawford County. This bill authorizes DOC, until July 1, 1998, to operate the secured juvenile correctional facility at Prairie du Chien as a state prison for young adult prisoners.

Under current law, a person who is on probation or parole and who engages in conduct that may result in the revocation of his or her probation or parole may be given the option to participate in a program that is designed as an alternative to the revocation of probation or parole. This bill authorizes DOC to require a probationer or parolee, who has engaged in conduct that may be the basis for revocation of probation or parole, to participate in a program that is designed as an alternative to the revocation of probation or parole.

Under current law, DOC assesses supervision fees to probationers and parolees who are under the supervision of DOC. This bill provides that DOC, after first deducting any fees based on inaccurate assessments, may collect unpaid supervision fees by asking the attorney general to bring a civil action against the probationer or parolee who owes the fees after he or she has been discharged from supervision. The bill also requires DOC to notify a probationer or parolee who owes unpaid supervision fees at the time of discharge that he or she owes those fees and is responsible for paying them.

Also, under current law, a person who is on probation may have the period of his or her probation extended by a judge if: 1) the probationer has not made a good faith effort to discharge court-ordered payment obligations, including restitution; 2) the probationer and the person to whom restitution is owed agree that community service work to be performed by the probationer during an extended period of probation will satisfy the restitution ordered; or 3) the probationer agrees to the extension of supervision and the court finds that extension would serve the purposes



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for which probation was imposed. This bill provides that a court may extend a probationer's period of probation if the probationer fails to pay supervision fees assessed by DOC. A probationer is entitled to a hearing on the issue of unpaid supervision fees before a court may extend the probationer's period of probation. If, after a hearing, a court finds that a probationer owes supervision fees but the court does not extend the period of probation, the court's findings may be entered as a civil judgment against the probationer for the fees owed, which DOC may use to collect the unpaid fees. Finally, the bill allows a court to modify the terms and conditions of probation or to revoke probation if a probationer fails to pay supervision fees assessed by DOC.

Under current law, a probationer or parolee may be placed under administrative supervision or minimum supervision by DOC. Administrative supervision requires that a minimum of one face-to-face contact occur every 6 months between the probationer or parolee and a representative of DOC and that the probationer or parolee submit a monthly report to DOC. Minimum supervision requires that a minimum of one face-to-face contact occur every 90 days between the probationer or parolee and a representative of DOC and that the probationer or parolee submit a monthly report to DOC. DOC must charge a fee to any probationer or parolee who is under administrative supervision or minimum supervision. The fee must cover the cost of supervision.

Current law also provides that DOC may contract with public, private or voluntary vendors for the supervision of probationers and parolees who are under minimum supervision or administrative supervision. The contract must authorize the vendor to charge a fee to probationers and parolees sufficient to cover the cost of supervision and administration of the contract.

This bill eliminates the current requirements for administrative supervision and minimum supervision and provides, instead, that DOC must establish the requirements by rule.

In addition, the bill provides that DOC may decide not to charge a fee to cover the cost of administrative supervision or minimum supervision of any probationer or parolee if the probationer or parolee demonstrates that he or she is unable to pay the fee, and requires that any contract with a vendor must permit DOC to prohibit a vendor from charging a fee to any probationer or parolee if the probationer or parolee demonstrates that he or she is unable to pay the fee, because:

1. The probationer or parolee is undergoing treatment approved by DOC and is unable to work.
2. The probationer or parolee has a statement from a physician certifying to DOC that the probationer or parolee should be excused from working for medical reasons.

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, if a court of criminal jurisdiction (adult court) imposes a sentence or places a person on probation, the adult court must impose a crime victim and witness assistance surcharge of \$50 for each misdemeanor offense or count and

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\$70 for each felony offense or count. This bill requires a court assigned to exercise jurisdiction under the juvenile justice code (juvenile court) to impose, in addition to any other disposition imposed, a delinquency victim and witness assistance surcharge of \$20 on a juvenile who has been adjudicated delinquent.

Under current law, DOC operates juvenile secured correctional facilities for the placement of juveniles who have been adjudicated delinquent or convicted of a crime and placed in such facilities. Under current law, a juvenile who commits assault or battery while placed in a juvenile secured correctional facility is subject to the criminal penalties specified for those crimes, including imprisonment in an adult prison. This bill permits DOC to transfer a juvenile from a juvenile secured correctional facility to the Racine Youthful Offender Correctional Facility if the juvenile is 15 years of age or over and the office of juvenile offender review (OJOR) in DOC determines that the juvenile's conduct in the juvenile secured correctional facility presents a serious problem to the juvenile or others. Under the bill, the factors that OJOR may consider in making that determination must include whether and to what extent the juvenile's conduct in the juvenile secured correctional facility is violent and disruptive, the security needs of the juvenile secured correctional facility and whether and to what extent the juvenile is refusing to cooperate or participate in the juvenile's treatment programs in the juvenile secured correctional facility.

Under current law, a county may establish a secure detention facility for holding in secure custody juveniles who meet certain criteria. This bill permits a county to contract with DOC for the use of a juvenile secured correctional facility operated by DOC for holding in secure custody juveniles who meet the criteria for being held in a county-operated secure detention facility. Under the bill, a county may use a juvenile secured correctional facility for holding a juvenile in secure custody only if: 1) there is no county-operated secure detention facility approved by DOC within 75 miles of the county seat; or 2) there is no bed space available in a county-operated secure detention facility approved by DOC within 75 miles of the county seat.

Under current law relating to community youth and family aids (generally referred to as "youth aids"), various state and federal funds are allocated 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. This bill imposes new per person daily cost assessments upon counties for juvenile placements during the 1997-99 fiscal biennium as follows:

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	<i>7/1/97</i>	<i>1/1/98</i>	<i>1/1/99</i>
	<i>to</i>	<i>to</i>	<i>to</i>
<u><i>Placement</i></u>	<u><i>12/31/97</i></u>	<u><i>12/31/98</i></u>	<u><i>6/30/99</i></u>
Juvenile correctional institution	\$137.52	\$147.40	\$151.32
Transfers from a juvenile correctional institution to a treatment facility	\$137.52	\$147.40	\$151.32
Child caring institution	\$160.22	\$161.79	\$163.36
Group home	\$111.16	\$112.25	\$113.34
Foster care	\$24.78	\$25.02	\$25.26
Treatment foster care	\$71.35	\$72.05	\$72.75
Departmental corrective sanctions services	\$77.75	\$69.16	\$62.81
Departmental aftercare	\$15.55	\$15.25	\$14.96

Under current law, DOC must provide a corrective sanctions program to serve an average daily population of 105 juveniles, or more than 105 juveniles if the appropriation and positions authorized for that program are increased. Under the corrective sanctions program, DOC places a program participant in the community, provides intensive surveillance of the participant and purchases community-based treatment services for the participant. Current law specifies that a contact worker under the program must have a caseload of approximately 10 juveniles and that a corrective sanctions agent must have a caseload of approximately 15 juveniles. This bill increases from 105 to 119 in fiscal year 1997-98 and to 161 in fiscal year 1998-99 the average daily population of juveniles that the corrective sanctions program is required to serve and provides that the corrective sanctions program must serve more than those average daily populations if the appropriation and positions authorized for that program are increased or if funding and positions to serve a greater average daily population are available (by reallocating other funding and positions within DOC). The bill also eliminates the caseload size requirements specified under current law.

Under current law, DOC administers a program under which it distributes moneys to counties for early intervention services for first offenders and for intensive community-based intervention services for seriously chronic offenders (community intervention program). This bill transfers administration of the community intervention program from DOC to the department of health and family services (DHFS). The bill also eliminates requirements that the early intervention services be provided only for first offenders and that the intensive community-based intervention services be provided only for seriously chronic offenders.

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Current law requires DOC to establish fees for juvenile correctional services provided by DOC. Current law also requires DHFS to include DOC's fees in DHFS' uniform system of fees and requires DHFS to collect the fees owed to DOC. This bill makes DOC responsible for establishing its own uniform system of fees and for collecting the fees owed to DOC for the juvenile correctional services provided by DOC.

**COURTS AND PROCEDURE**

Currently, the clerk of circuit court collects a justice information system fee from persons who are required to pay certain other specified fees, such as fees for the commencement of a civil action for review of an administrative decision or for a garnishment, wage earner, small claims or forfeiture action. Under current law, the fee is \$5, 80% of which is used for the development and operation of automated justice information systems. This bill increases the fee to \$7 and changes the percentage to be used for the automated justice information systems from 80% to four-sevenths.

Currently, a sheriff receives a fee of \$50 for all of his or her activities related to the sheriff's sale of real estate under an order of a court. Twenty-five dollars of the \$50 must be prepaid to the sheriff and is nonrefundable. This bill changes that fee to \$150. Seventy-five dollars of the fee must be prepaid and is nonrefundable.

Currently, the director of state courts is required to establish and charge fees to certain court-related agencies for the provision of data processing services. This bill removes that requirement. In addition, the bill removes the requirement that the fees charged by the director of state courts for providing copies of certain documents and reports equal the fees charged by other state agencies.

**CRIMES**

Current law provides penalties for felonies, which are crimes punishable by imprisonment of more than one year. A felony created in the criminal code is placed in one of 6 classes (Class A, B, BC, C, D or E) and each class has a specific maximum term of imprisonment and a maximum fine. The maximum terms of imprisonment under current law for the classes of felonies (other than Class A felonies, which are punishable by life imprisonment) are as follows:

Class B	40 years
Class BC	20 years
Class C	10 years
Class D	5 years
Class E	2 years

This bill increases the length of sentences for the classes of felonies created in the criminal code, other than those punishable by life imprisonment, that are

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committed on or after July 1, 1998. The maximum terms of imprisonment for the classes of felonies under the bill are as follows:

Class B	60 years
Class BC	30 years
Class C	15 years
Class D	10 years
Class E	5 years

The bill also increases penalties for felony violations relating to controlled substances (dangerous drugs), motor vehicles, taxation and hazardous waste management. The bill increases the maximum term of imprisonment for these felonies by 50% or one year, whichever is greater.

The bill also changes the structure of sentences imposed for felony offenses. (See CORRECTIONAL SYSTEM, ADULT CORRECTIONAL SYSTEM.)

Current law provides various penalties for the crimes of theft, issuing worthless checks and criminal damage to property (including graffiti vandalism). In some circumstances, the penalty for these crimes is based on the value of the property stolen or damaged or the amount of the worthless checks. If the value or the amount is \$1,000 or less, the crime is a misdemeanor, which is punishable by a fine or imprisonment of less than one year or both. If the value or the amount is more than \$1,000, the crime is a felony, which is punishable by a fine or imprisonment of one year or more or both. This bill increases from \$1,000 to \$1,500 the threshold for determining whether misdemeanor or felony penalties apply in those cases in which penalties depend on the value of the property stolen or damaged or the amount of the worthless checks.

Current law prohibits forgery, which includes: 1) falsely making or altering certain legal or commercial writings, public records or official certifications with intent to defraud; or 2) passing off such a writing, record or certification as genuine knowing that it is falsely made or altered. A person convicted of either of these kinds of forgery may be fined not more than \$10,000 or imprisoned for not more than 10 years or both. This bill changes the penalty for either of these kinds of forgery by providing that the current penalty applies only if the value or purported value, whichever is greater, of the writing, record or certification is more than \$1,500. Under the bill, if the value or purported value, whichever is greater, is \$1,500 or less, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, a school district may admit a pupil who resides in another school district if the pupil's parents pay tuition. In addition, a pupil may attend a public school located outside his or her school district of residence if the 2 school

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boards agree, the state superintendent of public instruction approves and the school district of residence pays tuition.

This bill creates an interdistrict school choice program. Beginning in the 1998-99 school year, the bill provides that a pupil may attend any public school located outside his or her school district of residence if the pupil's parent complies with certain application dates and procedures, and requires the school district of residence to pay tuition or an amount agreed to between the 2 school districts. The school district of residence continues to count the pupil in enrollment for state aid purposes.

The school board of attendance may reject an application if there is no space available in the school or the program in which the pupil wishes to enroll, the pupil is involved in a disciplinary proceeding, or the pupil has been suspended or expelled from school in the current or 2 preceding school years. A school district may prohibit a resident pupil from attending school in another school district if the pupil is involved in a disciplinary proceeding. A school district must prohibit a resident pupil from attending a school in another school district if allowing such attendance would violate a voluntary or court-ordered plan to reduce racial imbalance in the school district. In addition, in the 1998-99 school year, a school district may limit the number of resident pupils attending public school in other school districts to 3% of its enrollment. In each of the 7 succeeding school years, that percentage increases by one.

The parent of a pupil whose application is rejected or who is prohibited from attending school in another school district by the school district of residence may appeal the decision to the state superintendent, whose decision is final.

Beginning in the 1998-99 school year, this bill also creates an interdistrict enrollment options program under which a pupil enrolled in a public school may attend a public school in another school district to take one or 2 courses under certain circumstances. The school board of the other school district must determine that there is space available; if the course is offered in the high school grades, the school board of the resident school district must determine that the course satisfies high school graduation requirements; and the pupil must meet all of the prerequisites for the course.

Acceptance and rejection criteria and procedures for the interdistrict enrollment options program are identical to the acceptance and rejection criteria and procedures for the interdistrict school choice program.

The school board of the school district of residence must pay to the school board of the other school district an amount equal to the cost of providing the course to a nonresident pupil under the program, as determined by the state superintendent.

This bill creates, in the office of the governor, a standards development council consisting of the lieutenant governor, a representative of the department of public instruction (DPI), legislators and one public member. The bill directs the governor to submit to the council pupil academic standards in mathematics, science, reading and writing, geography and history. The council must review the standards and may

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modify them. By September 15, 1997, the council must transmit its recommended standards to the governor. By October 15, 1997, the governor must approve or disapprove the standards. If the governor approves the standards, he or she must issue them as an executive order.

The bill also directs each school board, by August 1, 1998, to adopt pupil academic standards. If the governor has issued approved standards, the school board may adopt those standards. In addition, DPI must develop a high school graduation examination designed to measure whether pupils meet the standards approved by the governor. Each school board must adopt a high school graduation examination designed to measure whether pupils meet the standards adopted by the school board. If the school board has adopted the standards approved by the governor, it may satisfy this requirement by adopting the high school graduation examination developed by DPI.

Beginning in the 1999-2000 school year, the bill directs each school board to administer the high school graduation examination adopted by the school board. Beginning on September 1, 2001, a school board may not grant a high school diploma to any pupil unless the pupil has passed the high school graduation examination. A school board must provide a pupil with at least 4 opportunities to take the examination in grades 9 to 12.

Under current law, a charter school is a school operated by an individual (or group) who has entered into a contract with a school board. The school board is responsible for overseeing the operation of the charter school and may revoke the charter school contract under certain circumstances. A charter school is exempt from most laws governing public schools.

This bill permits the city of Milwaukee, the University of Wisconsin-Milwaukee (UW-Milwaukee) and the Milwaukee area technical college (MATC) to establish and operate charter schools or to contract with an individual or group to operate charter schools. These charter schools must be located in the Milwaukee public school district (MPS) and only pupils who reside in MPS may attend them. The city of Milwaukee, UW-Milwaukee and MATC are responsible for either operating or overseeing the operation of their respective charter schools and may revoke their charter school contracts under certain circumstances.

For each pupil attending one of these charter schools, the bill directs DPI to pay to the operator of the charter school an amount equal to MPS's shared cost per member (the amount of MPS's school expenditures for which state aid is payable under the general equalization aid formula divided by the MPS enrollment) in the previous school year. DPI must reduce the general equalization aid to which MPS is entitled by the same amount.

Under current law, a charter school may be established either by school board initiative or by a written petition signed by: 1) at least 10% of the teachers employed by the school district; or 2) at least 50% of the teachers employed at one school of the school district. Within 30 days after receiving such a petition, the school board must hold a public hearing on the petition. After the hearing, the school board may grant the petition. The MPS board, however, must either grant or deny a petition within

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30 days after the required public hearing. If the MPS board denies a petition, the person seeking to establish the charter school may appeal the denial to DPI. DPI's decision is final and is not subject to a court's review. In addition, a contract to operate a charter school may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years.

This bill eliminates the requirement that a petition be signed by a certain percentage of teachers, unless the charter school replaces a public school in whole or in part. If a school board is petitioned to establish a charter school it must either grant or deny the petition within 30 days following the required public hearing. If a school board denies the petition, the person seeking to establish the charter school may appeal the denial to DPI. DPI's decision is final and is not subject to a court's review. The bill also provides that a contract to operate a charter school may be for any term and may be renewed for any term.

Current law provides that a charter school is an instrumentality of the school district in which it is located and the school board of that school district must employ all personnel for the charter school. This provision does not apply to charter schools located in MPS. This bill requires the MPS board to determine whether a charter school located in MPS and under contract with the MPS board is an instrumentality of MPS. If the MPS board determines that the charter school is an instrumentality of MPS, then the MPS board must employ all personnel for the charter school; if the MPS board determines that the charter school is not an instrumentality of MPS, then the MPS board may not hire any personnel for the charter school. The bill also provides that a charter school established by the city of Milwaukee, UW-Milwaukee or MATC is not an instrumentality of MPS and that the MPS board may not hire any personnel for that charter school.

Current law requires school boards to administer certain statewide examinations to pupils and to ensure that instructional staff of public and charter schools hold licenses and permits issued by DPI. Under this bill, the city of Milwaukee, UW-Milwaukee and MATC are required to assume these responsibilities for their respective charter schools. Current law limits the increase in the total amount of revenue that a school district may receive from general school aids and property taxes unless the electors in the school district approve a higher limit by referendum. In each school year, the maximum allowable increase per pupil is \$206. The limit is based on the difference between the average number of pupils enrolled in the 3 previous school years and the average number of pupils enrolled in the current and 2 preceding school years. This bill provides that, beginning in the 1998-99 school year, the number of pupils enrolled for MPS excludes pupils attending the charter schools established by the city of Milwaukee, UW-Milwaukee or MATC in the 3 previous school years.

Under current law, the number of pupils enrolled for determining MPS revenue limits excludes the number of pupils attending private schools under the Milwaukee parental choice program, under which eligible pupils in MPS may attend certain private schools at state expense. Beginning in the 1997-98 school year, this bill provides that for MPS the number of pupils enrolled excludes pupils attending



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private schools under the Milwaukee parental choice program in the 3 previous school years, resulting in less of a decrease in the revenue limit for MPS.

Under current law, several exceptions to the revenue limit exist, including an exception for a school district with a per pupil base revenue for the previous school year that is less than the statutorily prescribed revenue ceiling of \$5,600 per pupil. Such a school district is allowed to increase its per pupil revenue up to this ceiling without holding a referendum. This bill changes the revenue ceiling to \$5,800 per pupil for the 1997-98 school year and to \$6,000 per pupil in subsequent school years.

Under the current enrollment options program, a public school pupil enrolled in the 11th or 12th grade may enroll in an institution of higher education (a UW campus, a technical college or a private, nonprofit institution of higher education located in this state) to take one or more courses under certain circumstances. If the course is taken for high school credit and is not comparable to a course offered in the pupil's school district of residence (as determined by the school board of that school district), the school board must pay the institution of higher education the cost of the pupil's tuition, fees and books. If the pupil is taking a course for postsecondary credit or a course that is comparable to a course offered in the school district, the pupil is responsible for the tuition and fees.

This bill renames the enrollment options program the "youth options program" and makes a number of other changes, including:

1. The bill treats attendance at a technical college differently from attendance at a UW campus or a private college. Under the bill, a pupil may attend a technical college under the youth options program if he or she has completed the 10th grade, is in good academic standing and is not a child at risk (a child who is behind his or her age group in the number of high school credits attained or in basic skill levels and who is a dropout, habitual truant, parent or adjudicated delinquent). The technical college must admit the pupil (unless the pupil has a record of disciplinary problems) and must ensure that the pupil's program meets the high school graduation requirements.

2. The bill removes from the program, for technical colleges as well as for other institutions of higher education, all references to comparability of courses. Under the bill, if a pupil attends a UW campus, the school board must pay the UW an amount equal to the cost of tuition, fees and books for the course. If a pupil attends a private institution of higher education, the school board must pay the institution the cost of tuition, fees and books, or an amount equal to the statewide average cost per high school credit multiplied by the number of credits for which the pupil is attending, whichever is less. If a pupil attends a technical college for less than 7 credits, the school board must pay the technical college the cost of tuition, fees and books. If the pupil attends a technical college for 7 credits or more, the school board must pay the technical college the school district's average cost per pupil for regular instruction and instructional support services multiplied by an amount equal to the number of credits taken by the pupil divided by 15. The bill specifies that the pupil is not responsible for any portion of the tuition and fees for the course, regardless of

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whether the course is comparable to a course offered in the school district and regardless of whether the pupil takes the course for high school or postsecondary credit.

Under current law, each school board must provide access to an education for employment program approved by the state superintendent of public instruction. This bill requires each school board to provide, instead, access to a school-to-work program that has been approved by the department of industry, labor and job development (DILJD). (See EMPLOYMENT.) The bill also transfers 13 positions associated with school-to-work programs from DPI to DILJD.

Under current law, each school board must establish a technical preparation program in each high school in cooperation with a technical college district board. The program must consist of a sequence of courses, approved by the technical college system (TCS) board, that are designed to allow high school pupils to gain advanced standing in the technical college district's associate degree program upon graduation from high school. This bill provides that the program must integrate applied academic and technical competency-based curricula and be designed to provide high school juniors and seniors with both high school and technical college credit or with advanced standing in a postsecondary institution upon graduation from high school. The bill directs the state superintendent, DILJD and the TCS board to assist school districts in developing their programs.

Current law directs DPI, the department of administration (DOA) and the legislative fiscal bureau (LFB) to jointly certify to the joint committee on finance (JCF) an estimate of the amount necessary to appropriate as general school aid to ensure that the sum of state school aids and the school levy tax credit equals 66.7% of the sum of state school aids and property taxes levied for schools. The amount appropriated as school aid is a sum sufficient equal to the amount determined by JCF.

This bill eliminates this process. The bill provides that, beginning in the 1997-98 school year, the amount appropriated is a sum certain determined through the biennial budget process. Beginning in 1999, the bill directs the governor, by February 15 of each odd-numbered year, to submit to JCF an estimate of the amount necessary to appropriate as general school aid in each of the following 2 school years to ensure that the sum of state school aids and the school levy tax credit in each of those school years equals two-thirds of the sum of state school aids and property taxes levied for schools.

Under current law, a school board may apply to DPI for a grant to fund one or more prevention and intervention programs, including a families and schools together program, an after-school and summer school program and several alcohol and other drug abuse programs. This bill transfers administration of these grant programs from DPI to the department of health and family services (DHFS).

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Under current law, referenda are required or authorized to be held by school districts in order to incur debt or exceed the revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to the Milwaukee Public Schools. Currently, these referenda are required or authorized to be held at special elections when no offices appear on the ballot.

This bill provides that such referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year) or on the Tuesday after the first Monday in November in odd-numbered years.

The 1995-97 biennial budget act (1995 Wisconsin Act 27) made a number of changes with respect to the powers of the state superintendent of public instruction and the name and structure of DPI. The act:

1. Changed the name of DPI to the department of education (DOE).
2. Created an 11-member education commission, including the state superintendent as chairperson, to function as the policy-making unit for DOE.
3. Vested the administrative powers and duties of DOE in a secretary of education, to be appointed by the governor with senate confirmation.
4. Assigned all duties and powers of the state superintendent to the secretary of education and DOE.
5. Created an office of the state superintendent attached to DOE.

On March 29, 1996, the Wisconsin Supreme Court held that all of the provisions of 1995 Wisconsin Act 27 relating to the above items were unconstitutional and therefore void. *Thompson v. Craney*, 199 Wis. 2d 674.

This bill revises the statutes, including those sections of the statutes that relate to the constitutional issues but that were not specified by the court, to make them consistent with the court's decision. The bill also reenacts certain provisions of the statutes that were voided by the court but that were unrelated to the constitutional issues before the court. (See OTHER EDUCATIONAL AND CULTURAL AGENCIES.)

Current law requires each school board to obtain the advice and consent of the state superintendent of public instruction when determining the course of study and the minimum standards for admission to high school and requires the state superintendent to preapprove summer school courses and to prescribe procedures, conditions and standards for early admission to kindergarten and first grade.

This bill eliminates these requirements, requires the state superintendent to promulgate rules governing preapproval of summer school courses and requires each school board to prescribe its own procedures, conditions and standards for early admission.

Current law directs DPI annually to convene a convention composed of the representative from each school board in a cooperative educational service agency (CESA), which provides services to school districts. The convention must be held on the day of the annual organizational meeting for the CESA. The convention must

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establish bylaws for governing the agency. This bill eliminates the involvement of DPI in the calling of the convention.

Current law requires each CESA to provide to each member school board, every 3rd year, an accountability plan that addresses both the efficiency and effectiveness of agency programs and services. In addition, every 3rd year each CESA must submit to DPI for its approval an evaluation of agency programs and services. This bill eliminates these requirements.

Current law authorizes DPI to maintain an administrative leadership academy to enhance the knowledge and skills of mid-career school district administrators and principals. This bill eliminates this provision.

**HIGHER EDUCATION*****Technical college system***

This bill directs the TCS board to assist secondary schools in the development and implementation of school-to-work programs. The bill authorizes the TCS board to contract with school boards to provide school districts with school-to-work services. (See EMPLOYMENT.)

The bill also provides that if a technical college district board contracts with a school board to provide youth apprenticeship instruction to pupils enrolled in the school district, the district board may not charge, for each pupil receiving such instruction, an amount that is greater than the school district's average instructional cost per pupil.

Current law authorizes a TCS district board to charge a fee, in addition to the program fee established by the state TCS board, for certain court-approved alcohol or other drug abuse education programs.

This bill also allows an additional fee for the following:

1. A short-term, professional development, vocational-adult seminar or workshop offered to individuals who are employed in a related field.
2. With the approval of the state TCS director, a vocational-adult course intended to improve an individual's skills beyond the entry level if the course is required by law, rule or regulation, or by a professional organization, to maintain licensure or certification in the individual's field of employment.

The additional fee may not exceed an amount equal to the full cost of the course less the program fee established by the state TCS board.

Current law directs the TCS board annually to establish uniform fees for students who are not residents of this state based on 100% of the statewide cost per full-time equivalent student for operating the programs in which they are enrolled.

This bill provides that the TCS state director may authorize a TCS district board to charge a nonresident who is enrolled in a course provided through the use of distance education a fee that is less than the fee described above, although not less than would be charged a resident student.

**SENATE BILL 77*****University of Wisconsin System***

Under current law, the maximum salaries for all of the following positions at the University of Wisconsin (UW) System are established in the compensation plan: the president of the UW System, the chancellors of the UW-Madison and UW-Milwaukee, the vice presidents, the chancellors of the UW System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater, the chancellors of the UW-Center System and the UW-Extension, the vice chancellor for health sciences of the UW-Madison and the vice chancellor who is serving as a deputy at each UW campus and the UW-Center System and the UW-Extension.

This bill authorizes the board of regents of the UW System to set the salary of a new appointment to any of these positions at an amount that exceeds the maximum amount established in the compensation plan if the board submits to the secretary of administration a report that identifies the competitive factors that necessitate the establishment of such a salary and the secretary of administration approves the salary. In addition, the bill provides that the board of regents may not establish the salary of a new appointment to any of these positions, regardless of the amount of the salary, without the approval of the secretary of administration.

Under current law, the board of regents is authorized to increase the salaries of the positions identified above by an amount that is greater than that authorized in the compensation plan, if the salary increase is granted "to correct a salary inequity or to recognize competitive factors". The cost of any such salary increase must be paid from the appropriation or appropriations that are used to fund the position of the person who is granted the salary increase. This bill provides that if the cost of any salary increase "to correct a salary inequity or to recognize competitive factors" would otherwise be chargeable to a general purpose revenue appropriation to the board of regents, the cost may instead be paid from academic student fee revenue. In addition, the bill provides that any such salary increase is subject to the approval of the secretary of administration.

Under current law, the board of regents is authorized to increase the salaries of faculty and academic staff by an amount that is greater than that provided in the proposal governing salary increases for faculty and academic staff that is approved by the joint committee on employment relations if the salary increase is granted "to correct a salary inequity or to recognize competitive factors". The cost of any such salary increase must be paid from the appropriation or appropriations that are used to fund the position of the person who is granted the salary increase. This bill provides that if the cost of any salary increase "to correct a salary inequity or to recognize competitive factors" would otherwise be chargeable to a general purpose revenue appropriation to the board of regents, the cost may instead be paid from academic student fee revenue. These salary increases are not subject to the approval of the secretary of administration.

Under current law, promotional appointments to vacant positions in the state classified service must be made only according to merit and fitness and are generally based on competitive examination and filled from promotional registers. This bill

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provides that for a promotional appointment to a vacant position in the classified service at the UW System, the appointing authority is not required to base the appointment on competitive examination or to fill the position from a promotional register when the position is to be filled by a person who, at the time of appointment, is employed in a permanent position at the UW System. This bill does not affect the requirement that promotions in the classified service at the UW System must be made only according to merit and fitness.

Currently, the board of regents of the UW System may set academic student fees. The board is appropriated, from revenues generated by academic student fees, a specified amount for degree credit instruction, plus an amount equal to not more than the amount by which the expenditure estimate for the appropriation (as submitted by the board to the secretary of administration and approved by the secretary) exceeded actual expenditures from the appropriation in the previous fiscal year.

This bill authorizes the board of regents to spend for degree credit instruction, in addition to the amounts described above, an amount equal to 5% of the amount appropriated for that purpose, if sufficient revenues are available.

In addition, in the 2nd fiscal year of a fiscal biennium, the bill authorizes the board of regents to spend for degree credit instruction, in addition to the amounts described above, an amount equal to 5% of the sum of the amount appropriated for this purpose and the 5% amount determined in the previous fiscal year, if sufficient revenues are available.

Current law authorizes the board of regents of the of the UW System to transfer moneys in program revenue appropriations to other program revenue appropriations. The moneys must be repaid before the end of the fiscal year in which the transfer was made.

This bill allows the board of regents, upon the request of the UW-Extension or any institution or center within the system, to transfer surplus moneys from the program revenue appropriation for auxiliary enterprises (such as housing facilities, dining halls and parking facilities) to a newly created program revenue appropriation for the one-time, fixed-duration costs of any student-related activity. The moneys need not be repaid.

Current law prohibits the board of regents of the UW System from accumulating any auxiliary reserve funds from student fees unless the fees and the reserve funds are approved by the secretary of administration and JCF. This bill eliminates this provision.

Current law requires the board of regents of the UW System to charge a \$28 fee for each application for admittance to the UW System except that the board must charge a \$38 fee for each application to a graduate school, law school or medical school within the system. This bill increases the fees to \$35 and \$45, effective with applications for admittance in the fall of 1998.

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Current law authorizes the board of regents of the UW System, in the 1993-94 to 1996-97 academic years, to exempt from nonresident tuition up to 200 juniors and seniors enrolled at the UW-Parkside in programs with surplus capacity and up to 150 students enrolled at the UW-Superior in programs with surplus capacity. This bill extends the tuition award program through the 1998-99 fiscal biennium.

Current law also directs the board of regents to charge a student who is exempt from nonresident tuition under the tuition award program either the resident tuition charged at the institution in which the student is enrolled or the resident tuition charged by the public, 4-year institution closest to the student's permanent residence. This bill eliminates this provision. The bill also eliminates the requirement that the board of regents submit an annual report to the secretary of administration regarding the proposed tuition level for each student who is exempt from nonresident tuition under the program.

Under current law, moneys for degree credit instruction at the UW System are provided to the board of regents of the UW System in a single, sum certain appropriation. This bill creates a separate appropriation for credit outreach instruction sponsored by the UW-Extension under which the board is permitted to spend without limitation any revenue collected from that instruction.

Currently, with certain exceptions, no position may be created or abolished unless authorized by law, by JCF or, for positions funded from federal revenue, by the governor. Current law allows the board of regents of the UW System to create or abolish positions funded from certain appropriations. This bill allows the board of regents to create or abolish positions funded from the newly created appropriation for UW-Extension credit instruction.

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Currently, the educational technology board (ETB) awards state "pioneering partners" grants and approves state trust fund loans and loan interest subsidies to certain local governments for the purpose of implementing, expanding or participating in educational technology projects or distance education projects (projects involving the use of communications equipment to facilitate long-distance instruction).

This bill eliminates the ETB and the pioneering partners program. The bill retains state trust fund loans for educational technology and distance education projects (although eliminating ETB involvement) and extends until the 2002-03 fiscal year the reserve of \$15,000,000 for such loans to school districts, counties, municipalities and consortia of certain local governments. Currently, the reserve applies only through the 1999-2000 fiscal year.

The bill creates a technology for educational achievement in Wisconsin board (TEAWB) composed of the state superintendent of public instruction, the secretary of administration and 7 other members, one of whom must be a member of the board of regents of the UW System and one of whom must be a member of the TCS board.

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The bill authorizes the governor to appoint an executive director of the TEAWB outside the classified service and authorizes the executive director to appoint subordinate staff, subject to authorization of positions for the TEAWB.

The bill directs the TEAWB to promote the efficient, cost-effective procurement, installation and maintenance of educational technology by school districts, CESAs, technical college districts and the UW System. The TEAWB is specifically directed to support the development of courses and, with the consent of DOA, enter into cooperative purchasing agreements whereby school districts and CESA's may contract for courses to be provided to professional employees concerning the effective use of educational technology.

The bill creates a subsidized educational technology infrastructure loan program. Under the program, the state is authorized to issue general obligation bonds in a total amount not to exceed \$50,000,000 before July 1, 1998, and \$100,000,000 thereafter. The term of this debt may not exceed 10 years. The proceeds of these bonds are used to make subsidized educational technology infrastructure loans to school districts. The loans may be used for the purpose of upgrading electrical wiring of existing school buildings and installing and upgrading computer network wiring. The application procedures, terms and conditions for the loans are set primarily by rules to be promulgated by the TEAWB, except that the interest rate is to be set based on the state's interest expenses and the expenses of providing reserves against default. The bill directs DOA to provide or contract for the provision of building construction services on behalf of school districts for the installation or maintenance of electrical and computer network wiring, at the expense of the school districts, if the districts finance that installation or maintenance with loans from the TEAWB. The repayment of the loans is subsidized so that school districts only pay 50% of the total debt service on the loans.

The bill appropriates moneys to the TEAWB to award grants to CESAs and school districts for educational technology purposes. The bill also appropriates to the TEAWB moneys from the common school fund to be distributed to school districts for educational technology purposes.

The bill also permits DOA to accept orders from the TEAWB on behalf of school districts, CESAs, technical college districts and the UW System for the purchase of educational technology materials, supplies, equipment and contractual services. The bill permits school districts, CESAs and public educational institutions to lease educational technology equipment from the TEAWB with an option to purchase the equipment.

The bill appropriates moneys to the board of regents of the UW System to carry out educational technology projects, including the student information system, the development of curricula to train students enrolled in the schools of education in the use of educational technology in primary and secondary schools, to provide faculty with educational technology and to train faculty in its use.

The bill appropriates moneys to the TCS board to award grants to district boards for faculty development programs in the use of emerging technologies in curriculum and instruction.



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The bill requires the public service commission (PSC), in consultation with the TEAWB and DOA, to establish an educational telecommunications access program under which school districts are provided with high-speed data transfer lines (data lines) or 2-way interactive video links (video links). Under the program, DOA contracts with telecommunications providers for the data lines and video links and charges a school district not more than \$250 per month per data line or video link. Any costs incurred by DOA that exceed \$250 per month are paid from the universal service fund, which is a state segregated fund that consists of contributions made by certain telecommunications service providers and that is used to promote universal access to telecommunications services.

Under current law, the educational communications board (ECB) funds distance education projects by making matching grants to school boards, CESAs, technical college district boards, or institutions or centers within the UW System, individually or collectively. This bill eliminates the funding of distance education projects by the ECB.

The 1995-97 biennial budget act (1995 Wisconsin Act 27) eliminated the higher educational aids board (HEAB), which was an independent agency, and transferred its responsibilities for administering the state's student financial aid system to the newly created department of education (DOE). 1995 Wisconsin Act 27 also eliminated the educational approval board (EAB), which was attached to the TCS board, and transferred its responsibilities for approving veterans' education and training programs and regulating private vocational and technical schools to DOE. On March 29, 1996, the Wisconsin supreme court held that the creation of DOE was unconstitutional and therefore void. *Thompson v. Craney*, 199 Wis. 2d 674. In its opinion, the court did not explicitly address the elimination of HEAB and EAB and the transfer of their functions to DOE.

This bill recreates HEAB and EAB, and restores the powers and duties of these boards to those that existed prior to their elimination, except that the bill attaches EAB to HEAB instead of to the TCS board. (See PRIMARY AND SECONDARY EDUCATION.)

Under current law, this state has entered into a student reciprocity agreement with the state of Minnesota. For residents of either state attending public postsecondary institutions in the other state, the agreement provides a nonresident tuition waiver for enrollment in vocational schools and a reciprocal fee structure for enrollment in other higher education institutions. The reciprocal fee is the average academic fee that would be charged the student at a comparable higher education institution in his or her state of residence.

This bill allows the agreement to provide a different reciprocal fee for Wisconsin residents enrolled in the University of Minnesota Law School. For these students, the different reciprocal fee may be the same fee that a Minnesota resident is charged for enrollment in the University of Minnesota Law School.

This bill permits the state historical society to charge a fee for research services that the historical society provides to nonresidents who are not present when the

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services are being performed. The historical society may not charge a fee unless it has established a fee schedule and submitted it to JCF for its review.

**EMPLOYMENT**

Under current law, each school board in the state must provide access to an education for employment program approved by the state superintendent of public instruction. Also, under current law, the department of industry, labor and job development (DILJD) provides a school-to-work program under the federal school-to-work opportunities act. This bill merges the education for employment programs provided by school boards into the school-to-work program provided by DILJD. Under the bill, DILJD may award grants to school boards that provide local school-to-work programs. The bill requires a school-to-work program to link school-based and work-based learning, academic and technical education and secondary and postsecondary education and to include work-based learning opportunities for high school students, a system of career guidance activities for high school students and the coordination of high school courses with technical college system and University of Wisconsin courses for the purpose of providing postsecondary credits for high school students.

The bill also permits DILJD to award a grant to a nonprofit organization that provides an innovative school-to-work program for children at risk, that is, children who are behind their age group in the number of high school credits attained or in basic skill levels and who are dropouts, habitual truants, parents or adjudicated delinquents, in a county having a population of 500,000 or more (Milwaukee County) to assist those children in acquiring employability skills and occupational-specific competencies before leaving high school.

Under current law, DILJD may award grants to nonprofit corporations and public agencies for the provision of career counseling centers throughout the state. This bill requires DILJD to allocate in each fiscal year \$600,000 in program revenues received from interest and penalty payments under the unemployment compensation program to provide grants for career counseling centers.

Under current law, DILJD awards grants to nonprofit organizations and public agencies that are responsible for the training of youth apprentices. A nonprofit organization or public agency that is awarded a youth apprenticeship grant must use the funds to award training grants to employers who provide on-the-job training and supervision for youth apprentices. Currently, a training grant may not exceed 50% of a youth apprentice's hourly wage or \$4 per hour, whichever is less, and may not be awarded for more than 500 hours of work per youth apprentice in any school year. This bill permits DILJD to award training grants directly to employers who provide at least 180 hours of training for each youth apprentice during a school year. The bill also eliminates the current caps on a training grant and instead limits a training grant to \$500 per youth apprentice per school year and to 2 school years per youth apprentice.

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Under current law affecting members of a police department of a 1st class city (currently, only the city of Milwaukee), if the representative of a collective bargaining unit consisting of the members of the police department and the representative of the city reach an impasse, either party may petition the employment relations commission to appoint an arbitrator to determine the wages, hours and working conditions of the employes in the collective bargaining unit. Under current law, in determining the proper compensation to be received by the employes, the arbitrator must utilize both of the following factors:

1. The most recently published U.S. bureau of labor statistics "Standards of Living Budgets for Urban Families, Moderate and Higher Level".

2. The average annual increases in the consumer price index since the last adjustment in compensation for the employes.

This bill eliminates the requirement that the arbitrator utilize the 2 factors specified above and instead requires that the arbitrator consider all of the following factors, with the first factor being given the greatest weight and each successive factor being given less weight than the one that precedes it:

1. Comparison of all of the items of compensation of the employes with such items of compensation of other municipal law enforcement officers in the metropolitan area in which the city is located.

2. Comparison of the respective crime rates, and workloads of and risks of injury to law enforcement officers, in the city and any other jurisdiction in the metropolitan area in which the city is located.

3. The increase in the cost of living during the term of the predecessor collective bargaining agreement.

4. Comparison of all of the items of compensation of the employes with such items of compensation of other municipal law enforcement officers in comparable communities in this state.

5. Comparison of all of the items of compensation of the employes with such items of compensation of other protective service employes in the city.

For the purposes of this bill, the items of compensation include base wages; longevity pay; health, accident and disability insurance programs; pension programs, including amount of pension, relative contributions and all eligibility conditions; the terms and conditions of overtime compensation and compensatory time; vacation pay and vacation eligibility; sickness pay amounts and sickness pay eligibility; life insurance; uniform allowances; and any other similar item of compensation.

Under current law, the Wisconsin conservation corps (WCC) board classifies its enrollees as corps members, assistant crew leaders, crew leaders and regional crew leaders. Under current law, the normal period of enrollment of a crew leader who is not a regional or assistant crew leader is 2 years. Under this bill, the WCC board may extend the enrollment period by up to an additional 2 years.

The bill also raises the maximum of a tuition voucher awarded to an enrollee in the WCC from \$2,400 to \$2,600.

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Under current state law governing the WCC, no WCC enrollee is eligible for unemployment compensation benefits by virtue of his or her employment in the WCC. Under current state law governing the unemployment compensation program, employees of state agencies are potentially eligible for benefits. However, an individual serving in a position receiving work relief or work training as a part of a work-training or work-relief program assisted or funded by a state agency is not eligible for benefits based on such service except as the agency otherwise elects with the approval DILJD.

This bill provides that any individual who serves as a WCC member or assistant crew leader in the WCC is not eligible for unemployment compensation benefits based on such service, irrespective of whether the individual is participating in a work-relief or work-training program, and irrespective of any election by the WCC board.

**ENVIRONMENT****WATER QUALITY**

The federal Safe Drinking Water Act was amended in 1996 to provide funding to states for revolving loan programs to fund projects that will facilitate compliance with national drinking water regulations or otherwise further the health protection objectives of the act.

This bill requires the department of natural resources (DNR) and the department of administration (DOA) to administer a safe drinking water loan program under which this state accepts the federal funding made available under the Safe Drinking Water Act, issues general obligation bonds to provide the required state matching funds and makes loans to local governmental units for projects to protect or improve drinking water quality. The loans are at 55% of market interest rate for most local governmental units and at 33% of market interest rate for local governmental units that meet financial eligibility criteria established by DNR, except that the joint committee on finance (JCF) may change the interest rates at the request of DNR and DOA. DNR must establish funding lists for eligible projects, with priority given to projects that address the most serious risks to human health, that are necessary to ensure compliance with the Safe Drinking Water Act and that assist local governmental units that are most in need on a per household basis.

This bill creates a program to guarantee loans for projects to improve the quality of drinking water provided by certain water systems that are not owned by local governmental units. The Wisconsin housing and economic development authority (WHEDA) guarantees the loans and DNR establishes the eligibility requirements and determines whether loans are eligible for guarantees. Federal funds provided under the Safe Drinking Water Act are used to guarantee the loans and the bill requires the eligibility requirements for loan guarantees to be consistent with federal requirements.

This bill authorizes DNR, with DOA's approval, to use up to 27% of the funds provided under the Safe Drinking Water Act for other purposes related to drinking water quality, including making loans for projects to protect the quality of the source waters for drinking water systems. The bill also authorizes the governor to transfer

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a portion of the federal funds provided under the Safe Drinking Water Act to the clean water fund program, which provides funding primarily to sewage treatment projects, or to transfer a portion of the federal funds provided for the clean water fund program to the safe drinking water loan program. These transfers are authorized by federal law.

The Safe Drinking Water Act authorizes a state to have primary enforcement authority over drinking water matters if the state satisfies certain requirements. Currently, this state has primary enforcement authority. A federal law enacted in 1996 requires a state to have authority to impose administrative penalties for safe drinking water violations in order to maintain primary enforcement authority. This bill authorizes DNR to impose forfeitures (civil monetary penalties) for safe drinking water violations.

Under current law, DNR, in conjunction with the department of agriculture, trade and consumer protection (DATCP), the land and water conservation board (LWCB) and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Currently, under the nonpoint source program, DNR biennially recommends watersheds to the LWCB for designation as priority watersheds and the LWCB designates priority watersheds. DNR is required to complete the process of the planning nonpoint source projects in all priority watersheds by December 31, 2015.

This bill requires DNR to prepare a list of the watersheds in this state in order of the level of impairment of the waters in each watershed caused by nonpoint source pollution and to submit the list to the LWCB no later than January 1, 1998. The bill requires the LWCB to identify priority watersheds based on the list and recommendations by DNR and DATCP. DNR and DATCP must limit the number of watersheds that they recommend to the number that they determine will enable DNR to comply with the December 31, 2015, planning deadline.

Under this bill, a governmental unit may request funding for a nonpoint source project in a particular year by submitting an application to the LWCB no later than July 15 of the preceding year. DNR must use criteria approved by the LWCB to score each proposed project. Then, before November 1, the LWCB must select the projects for funding in the next year.

Under current law, the LWCB may authorize the transfer of funds appropriated to DNR for the nonpoint source program to DATCP for grants to certain farmers for animal waste management facilities. The grants may be made only for facilities that will be located in priority watersheds. This bill eliminates this requirement.

Under current law, persons who discharge pollutants to the waters of this state from a point source, such as a factory, must obtain a permit from DNR. This bill requires DNR to administer at least one pilot project to evaluate the trading of water pollution credits. A pilot project may authorize a person required to obtain a water pollution permit to increase the discharge of pollutants above levels that would otherwise be authorized in the permit if the person reaches an agreement with another person under which the other person agrees to reduce the amount of pollution that the person causes or reaches an agreement with DNR or a local

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governmental unit under which the person pays money to DNR or the local governmental unit and DNR or the local governmental unit uses the money to reduce water pollution.

Under the clean water fund program, this state provides financial assistance for projects to control water pollution, including sewage treatment plants. The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the clean water fund during that fiscal biennium. This bill sets the present value of the clean water fund subsidies that may be provided during the 1997-99 fiscal biennium at \$82,400,000.

Current law provides 3 interest rates for clean water fund loans, 2 subsidized rates plus the market interest rate, depending on the type of project to be funded by the loan. Under current law, DNR establishes the subsidized interest rates by rule, except that the joint committee on finance (JCF) may change the interest rates at the request of DNR and DOA.

This bill establishes 3 clean water fund loan interest rates for projects that are eligible for a subsidized interest rate, ranging from 55% to 70% of the market interest rate, depending on the type of project, except that JCF may change the interest rates at the request of DNR and DOA.

Current law requires DNR and DOA to prepare a biennial finance plan for the clean water fund program. This bill eliminates the requirements that the plan include projections of wastewater treatment needs and financial assistance to be provided beyond the next fiscal biennium and that the plan describe the extent to which the clean water fund will be maintained in perpetuity.

Current law requires each person who generates solid or hazardous waste to pay, in addition to other fees, a well compensation fee of one cent per ton for each ton of solid or hazardous waste disposed of by that generator. This bill increases the well compensation fee paid by generators of solid or hazardous waste from one cent per ton to 4 cents per ton.

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

This bill authorizes DNR and DOA to administer a land recycling loan program under which this state provides loans to cities, villages, towns and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are made from the revolving loan fund used to fund the clean water fund program. The loans are at 55% of market interest rate. Under the program, DNR must establish funding lists for eligible projects with rankings based on the potential of projects to reduce environmental pollution and threats to human health and, for sites that are not landfills, the extent to which projects will prevent the development of undeveloped land by making land available for redevelopment after a cleanup is conducted. The bill prohibits a political subdivision from selling a site for which a loan was provided, while the loan is outstanding, for less than fair market value. If a political

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subdivision sells a site, it must use the proceeds to pay any outstanding loan balance, but may retain a portion of the proceeds after paying the balance.

This bill eliminates a program under which DNR is authorized to use the proceeds of general obligation bonds to make grants to political subdivisions for investigations and cleanups of contaminated sites owned by political subdivisions.

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, a local government that acquires land through tax delinquency or bankruptcy proceedings, or from another local government that acquired land by such means, is exempt from requirements relating to correcting discharges of hazardous substances on that land.

Under this bill, this exemption does not apply to a local government that fails to take certain actions directed by DNR to reduce to acceptable levels any substantial threat to public health or safety posed by the land when put to its intended use or if the discharge is a discharge of a hazardous substance from a federally regulated underground storage tank.

Under current law, a money lender that acquires land through enforcement of a security interest is not liable for a discharge of a hazardous substance on that land if, in addition to meeting other requirements, the lender conducts a DNR-approved environmental assessment of the land within 90 days after acquiring the land. This bill allows environmental assessments conducted before the lender acquired the land to be used to satisfy this condition. However, if the prior assessment is conducted more than one year before the lender acquires the land, the prior assessment may not be used unless, within 90 days after acquiring the land, the lender visually inspects the land to verify the accuracy of the environmental assessment, submits the assessment and inspection results to DNR, corrects the assessment's inadequacies and reimburses DNR for the cost of its review.

Under current law, DNR has a lien upon land for unrecovered expenses incurred by DNR to contain, remove or dispose of abandoned containers of hazardous substances. This bill eliminates DNR's liens upon such land.

Under current law, a landowner who acquired land after a hazardous substance was discharged on the land is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, if the purchaser, in a manner approved by DNR, investigates and restores the environment, minimizes the harmful effects of the discharge and thereafter maintains and monitors the land. The exemption continues to apply even if changes to the law would impose greater responsibilities on the purchaser, or if it is subsequently discovered that the purchaser's efforts failed to fully restore the environment, failed to minimize the harmful effects of the discharge or that the contamination was more extensive than

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anticipated. The exemption is transferable to subsequent owners who continue to monitor and maintain the property as approved by DNR.

This bill provides that any person who did not cause the discharge, who did not control the hazardous substance prior to its discharge and who did not participate in the management, control or ownership of a business or entity that caused the initial release of the hazardous substance on the property, is eligible for this exemption.

With certain limitations, the bill also exempts such a person from the following:

1. Minimum standards for operation, monitoring and maintenance of solid waste facilities.
2. Certain corrective action orders issued by DNR.
3. Liability for repayment of costs incurred by this state for environmental repair to the land.
4. Environmental repair fees and surcharges paid by waste generators.
5. Licensing and certification requirements for the treatment, storage and disposal of hazardous waste on the land.

The bill allows DNR to issue a certificate indicating approval of restoration efforts that eliminated the harmful effects of a discharge from only part of the affected land. The certificate exempts a person from liability only with respect to the portion of the land that was successfully restored. The bill also makes these exemptions available to a person who owned the land when the hazardous substance was first released and makes these exemptions available regardless of who investigates the land, when the investigation is conducted and who restores the land.

The bill provides that a person who owns land contaminated by a hazardous substance is not required to respond to that hazardous substance if the hazardous substance migrated from land owned by another and if the person did not cause the original discharge. The bill also authorizes DNR to issue a written determination that the person is not required to respond to the hazardous substance if the person agrees to cooperate with DNR's efforts to respond to the hazardous substance and to avoid taking actions that worsen the problem.

The bill authorizes DNR to enter into an agreement containing a schedule for conducting a cleanup of a hazardous substance discharge required by the current law if the discharge does not endanger public health. If a person violates such an agreement, DNR may refer the matter to the department of justice for enforcement.

The bill authorizes a person who discovers a discharge of a hazardous substance on his or her property as a result of conducting an environmental investigation of the property to delay conducting a cleanup required by current law if all of the following conditions are satisfied:

1. The person gives a summary of the environmental investigation to DNR.
2. DNR determines that the discharge does not pose an immediate and direct threat to human health or the environment.
3. The person does not make the discharge worse.
4. Within 3 years (or 6 years under certain circumstances) the person enters into an agreement with DNR containing a schedule for conducting the cleanup.



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The bill provides that a tax-exempt economic development corporation that owns land on which a hazardous substance has been discharged is not required to restore the environment or minimize the harmful effects of the discharge if the corporation acquired the property for economic development purposes and the corporation did not cause the discharge.

The bill provides that a person who investigates property to determine the existence of a discharge of a hazardous substance or to get information about a discharge is not considered to possess or control the hazardous substance or cause the discharge of the hazardous substance as the result of conducting the investigation. This provision does not apply, however, if the person who conducts the investigation physically causes a discharge or exacerbates an existing discharge.

Under current law, a person who provides assistance or advice in handling problems in emergency or potential emergency situations relating to the discharge of a hazardous substance or the threat of such a discharge is immune from civil liability for acts or omissions in providing the assistance or advice. The immunity does not extend to persons who are paid for their advice and assistance, who cause and are liable for the hazardous substance discharge, or whose acts or omissions are grossly negligent or involve reckless, wanton or intentional misconduct.

This bill creates immunity from any civil liability related to a hazardous substance that was released on land before the person claiming the immunity took title to, or possession or control of, the land. The immunity is available only to specified persons who by their actions qualify for other immunities from liability relating to discharged hazardous substances. The bill does not provide immunity from a claim arising under a contract.

Under the current stewardship program, DNR may provide grants to local units of government to acquire land for urban green space, for local parks and for the preservation or restoration of urban rivers or riverfronts. DNR also may provide grants to nonprofit conservation organizations to acquire land for trails as well as for these 3 purposes. This bill requires that DNR give higher priority in awarding these grants to projects related to brownfields redevelopment. A "brownfield" is an idle or underused industrial or commercial facility or site that is adversely affected with respect to expansion or redevelopment by actual or perceived environmental contamination.

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. This bill requires the department of commerce to give priority in paying PECFA awards to claims for cleanups at brownfields.

This bill authorizes DNR to provide assistance to any person concerning the investigation and cleanup of environmental pollution of properties and the determination of who is liable for that pollution. The bill authorizes DNR to charge fees to offset the costs of providing this assistance.

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Currently, DNR contracts for construction work related to hazardous substance spills or environmental repair are exempt from most state procurement requirements. DNR must award the contracts on the basis of competitive bids or competitive sealed proposals. However, the governor may waive this requirement in an emergency. This bill allows the governor to waive these bidding requirements if DNR desires to use innovative or patented technology that is available from only one source and that in the judgment of DNR would provide the best practicable hazardous substance spill response or environmental repair.

Under current law, DNR administers a financial assistance program to assist with costs related to operating recycling programs and for complying with the prohibition on disposing of yard waste in landfills. The amount of financial assistance under the program is generally the lesser of 66% of eligible net costs or \$8 per person. In 1998, the percentage rate for reimbursement of recycling program capital costs and yard waste disposal costs is reduced from 66% to 50%. In 1999, the rate is further reduced from 50% to 25%, while the reimbursement rate for other eligible expenses is reduced from 66% to 50%. The program ends on January 1, 2000. This bill eliminates the scheduled changes to the funding formula and continues the current formula used to determine financial assistance under the program until January 1, 2000.

Under current law, the owner of a solid waste disposal facility (landfill) or a hazardous waste disposal facility is required to maintain proof of financial responsibility for the costs of closing the facility and of caring for the facility after it is closed (for example, monitoring groundwater quality). Current law authorizes several methods for providing proof of financial responsibility, including providing a bond or a letter of credit. A business or utility may provide proof of financial responsibility by satisfying specified financial tests, including measures of net worth and creditworthiness.

This bill establishes a fiscal capacity method for cities, villages, towns and counties (political subdivisions) to establish proof of financial responsibility related to the ownership of a landfill or hazardous waste facility. A political subdivision may provide proof of financial responsibility under this method by satisfying tests related to the amount of its indebtedness; the property tax levy that would be required to pay for closure and long-term care; and the political subdivision's bond ratings.

If a political subdivision that uses the fiscal capacity method of providing proof of financial responsibility fails to comply with closure, long-term care or corrective action requirements, this bill requires DOA to collect the amounts necessary to pay for compliance by deducting those amounts from any state payments due to be paid to the political subdivision.

Under current law, generators of hazardous waste are generally required to pay an annual environmental repair fee. Certain kinds of waste are exempted from the fee, including household hazardous wastes that are collected in a program

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administered by a municipality to collect household hazardous wastes, often called a clean sweep program. This bill exempts from the environmental repair fee agricultural hazardous wastes that are collected in a program administered by a county to collect agricultural hazardous wastes, often called an agricultural clean sweep program.

**LEAKING PETROLEUM STORAGE TANKS**

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. The department generally determines the amount of a PECFA award by subtracting a specified deductible from the amount of the eligible costs.

Under this bill, if a claimant includes certain ineligible costs in a PECFA claim, the department determines the amount of the PECFA award by subtracting the amount of those ineligible costs, as a penalty, in addition to the deductible, from the amount of the eligible costs. The bill requires the department to promulgate a rule identifying the ineligible costs that will be subtracted.

The bill provides that PECFA reimbursement for interest costs incurred by a PECFA claimant may not exceed the prime rate, as determined by the department of commerce. Currently, there is no limit on PECFA reimbursement for interest costs.

The bill authorizes the department of commerce to promulgate rules under which it may require 2 or more owners of petroleum storage tanks to use the same service providers to conduct cleanups of discharges from those tanks as a condition of receiving PECFA reimbursement. The bill also authorizes the department of commerce to promulgate rules under which the department may select service providers to provide investigation or remedial action services in specified areas. The rules may deny PECFA reimbursement for a service performed by a person other than a selected provider or limit PECFA reimbursement to the amount that the selected provider would have charged for the service.

Under current law, the owner of an underground petroleum product storage tank that meets state or federal standards for new underground petroleum product storage tanks or that has been upgraded to meet state or federal standards for upgrading existing underground petroleum product storage tanks is generally not eligible for PECFA reimbursement for discharges from that tank. This bill provides that the owner of an aboveground petroleum product storage tank that meets state standards for new aboveground petroleum product storage tanks or that has been upgraded to meet state standards for upgrading existing aboveground petroleum product storage tanks is generally not eligible for PECFA reimbursement for discharges from that tank.

Current law specifies situations in which an owner is ineligible for a PECFA award, including when the owner has been grossly negligent in maintaining the storage tank. This bill provides that the owner of a petroleum product storage tank is also ineligible for a PECFA award if the discharge is caused by someone who provided services or products to the owner.

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Under current law, PECFA reimburses the owner of an underground tank for compensation paid to 3rd parties for property damages caused by a discharge. This bill provides that PECFA reimbursement for property damages does not cover the loss of fair market value resulting from a discharge.

Under the bill, if a person who receives a PECFA award sells equipment or supplies that were eligible costs for which the PECFA award was issued, the person must pay the proceeds of the sale to this state.

The bill requires the department of commerce to specify the information that must be submitted by a person who requests a hearing to contest a PECFA determination, such as the amount of a PECFA award. If a person fails to submit the required information, the department may deny the person a hearing.

Under current law, the owner of a storage tank is generally ineligible for a PECFA award for the cleanup of a discharge from the tank if the owner has received a PECFA award for an earlier discharge from that tank. This bill eliminates that ineligibility.

Under the bill, if an owner of a storage tank receives a PECFA award but the cleanup activities for which that award is granted fail to remedy the discharge, the owner may receive additional financial assistance for other activities to remedy the discharge. The amount of the original award plus the additional financial assistance may not exceed the maximum allowable PECFA award.

Under current law, a PECFA claimant must receive a written determination from the department of commerce or from DNR, depending on the severity of the contamination, that the cleanup restored the environment to the extent practicable and minimized the harmful effects from the discharge to the environment. This bill authorizes DNR to specify methods of showing that the cleanup restored the environment to the extent practicable and minimized the harmful effects from the discharge to the environment, other than a written determination by the department of commerce or DNR.

Current law limits PECFA awards for discharges from home heating oil tanks to \$500,000 per fiscal year. The law limits PECFA awards for school district heating oil tanks to 5% of the amount appropriated for PECFA awards in each fiscal year. This bill limits PECFA awards for school district heating oil tanks plus home heating oil tanks to 5% of the amount appropriated for PECFA awards in each fiscal year.

**OTHER ENVIRONMENT**

Under current law, DNR issues various kinds of permits and licenses, such as water pollution discharge elimination permits, air pollution control permits and landfill operation licenses. Some facilities are required to obtain several of these licenses and permits.

This bill requires DNR to administer a pilot program to evaluate innovative environmental regulatory methods. Under the pilot program, DNR may enter into not more than 10 cooperative agreements with persons who own or operate facilities

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that are required to be covered by licenses or permits issued by DNR under current law. A cooperative agreement may replace a license or permit identified in the cooperative agreement and provisions in a cooperative agreement may supercede provisions in a license or permit.

A cooperative agreement must require the participant in the pilot program to implement an environmental management system under which the participant evaluates the effects that the covered facility has on the environment and makes measurable or noticeable improvements in those effects through planning and changes in the facility's operations. The bill requires a cooperative agreement to contain pollution limits that are at least as stringent as the pollution limits under current law and requires participants to involve interested members of the public in planning and in monitoring performance under a cooperative agreement.

The bill authorizes DNR to grant variances from requirements in current environmental laws to participants in the program if those variances promote the reduction in overall levels of pollution or reduce the administrative burden on state agencies or participants while providing the information needed to ensure compliance with environmental requirements.

The bill requires participants in the program to conduct systematic reviews of their environmental performance. If a review reveals violations of environmental requirements, a participant must report the violations to the department. The participant must correct the violations within 90 days of the report or within a longer period specified in a compliance schedule that must be approved by DNR. If a participant corrects reported violations within the required period, this state may not collect forfeitures (civil monetary penalties) for the violations unless the violations present an imminent threat to public health or the environment, the violations may cause serious harm to public health or the environment or DNR discovers the violations before they are reported.

This bill requires DNR to establish a permit guarantee program. Under the program, DNR refunds application fees paid by persons applying for certain licenses or permits if DNR fails to make a determination on the licenses or permits within a time period established by DNR. The bill requires DNR to include specified types of licenses and permits in the program, including air pollution control permits and permits relating to navigable waters, and authorizes DNR to include other environmental licenses and permits in the program.

The bill also allows DNR to promulgate a rule to charge an additional fee for applications for permits for various projects that affect wetlands or that affect navigable waters, such as the placement of structures or deposits in lakes and rivers. DNR may charge this fee if an applicant requests that DNR make a determination whether to grant the permit in a shorter time than the time period established by DNR by rule and if DNR can comply with the request.

Current law prohibits mining for metallic minerals without a mining permit issued by DNR. DNR is required to issue a mining permit if it makes certain findings,

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including that the proposed mine will comply with all applicable air, water and solid and hazardous waste laws.

This bill requires that DNR also find: 1) that proven technology exists to ensure that the proposed mine will not pollute groundwater or surface water from acid drainage or from the release of heavy metals; and 2) that the proposed mine will use that technology.

Current law requires DNR to promulgate rules relating to nonmetallic mining reclamation. "Nonmetallic mining" is the extraction of nonmetallic substances such as stone and gravel. The rules must include the text of a nonmetallic mining ordinance. Counties are generally required to enact ordinances in strict conformity with the text of the ordinance. This bill eliminates the requirement that DNR promulgate the text of a nonmetallic mining ordinance by rule. The bill generally requires counties to enact ordinances that comply with DNR's nonmetallic mining reclamation rules.

Under current law, nonmetallic mining reclamation standards and a local nonmetallic mining reclamation ordinance apply to portions of a nonmetallic mining site that were mined before the ordinance took effect as well as to portions of a site that are mined after that date, but the standards that apply to portions of a site that were mined before the effective date are not as stringent. Under this bill, nonmetallic mining reclamation standards and ordinances only apply to areas that are used for nonmetallic mining, or for purposes related to nonmetallic mining, on or after the date on which the bill becomes law. Under the bill, there are no longer different reclamation standards for areas depending on when they are mined.

Current law authorizes a landowner to register land that has an economically viable nonmetallic mineral deposit with the register of deeds. Once land is registered, a local governmental unit may not, by zoning, rezoning or other official action, permit the erection of structures on the land, or permit other uses of the land, in a manner that would permanently interfere with the extraction of the mineral deposit. This does not prohibit a use of the land that is permissible under the zoning in effect when the land is registered. A registration may not be rescinded.

Under this bill, land may be registered only if it has a marketable nonmetallic mineral deposit, as determined by a registered geologist or engineer, and if nonmetallic mining is a permitted or conditional use for the land under the zoning in effect when the land is registered. Registration lasts for 10 years and may be renewed for one 10-year period without review of the marketability of the deposit or the zoning of the land. Under the bill, a local governmental unit may change the zoning of land that is registered, if the zoning change is necessary to implement a master plan, comprehensive plan or land use plan that was adopted at least one year before the rezoning. The zoning change does not take effect during the registration period in effect when the zoning is changed or during any remaining renewal period, if the land is eligible for a renewal.

Under current law, the department of transportation administers a motor vehicle emission inspection and maintenance program in counties in which the air

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quality does not meet federally mandated standards. Certain motor vehicles are required to be inspected for vehicle emissions and to comply with emission limitations adopted by DNR. Various categories of vehicles are exempt from the program, including motor vehicles that weigh more than 14,000 pounds. This bill exempts farm trucks from the motor vehicle emission inspection and maintenance program.

This bill creates an environmental science council in DOA. The council advises the governor and state agencies on issues relating to the environment and natural resources.

This bill creates an environmental performance council in DNR. The council advises the governor and the secretary of natural resources concerning efforts to improve the environmental performance of businesses and local governments and concerning environmental management systems.

**GAMBLING**

Under current law, the gaming board is responsible for policy making and rule making relating to, and for the day-to-day operations of, pari-mutuel racing and wagering, charitable gaming (bingo and raffles) and crane games. In addition, the gaming board is responsible for policy making and rule making with respect to the state lottery. (The department of revenue (DOR) is responsible for the day-to-day operations of the state lottery.) Finally, the gaming board is responsible for coordinating all of the state's regulatory activities regarding Indian gaming; functioning as an Indian gaming liaison among Indians, the general public and the state; functioning as a clearinghouse for information on Indian gaming and assisting the governor in determining the types of gaming that may be conducted on Indian lands; and entering into Indian gaming compacts.

This bill eliminates the gaming board and transfers the racing, charitable gaming, crane games and Indian gaming authority to the department of administration (DOA). In addition, the bill transfers the rule-making and policy-making authority over the state lottery to DOR.

Under the bill, all employe positions of the gaming board become employe positions of DOA, with the incumbent employes holding the positions in the gaming board being transferred to DOA.

Under current law, the basic compensation that is paid to a retailer that sells lottery tickets or lottery shares is 5.5% of the retail price of the lottery tickets or lottery shares sold by the retailer. This bill raises this compensation amount to 6% for tickets for scratch-off or instant games, retains the 5.5% compensation for on-line lottery tickets or lottery shares and authorizes the payment of an additional 0.5% compensation for any games, tickets or shares to retailers that meet certain sales or marketing goals established, by rule, by DOR.

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Under current law, no more than an amount generally equal to 15% of the gross revenues from the sale of lottery tickets and lottery shares may be used to pay the expenses for the operation and administration of the state lottery, unless the joint committee on finance approves an amount greater than 15%. This bill reduces the 15% expense limitation for the operation and administration of the state lottery to 9%, but provides that the compensation paid to retailers who sell lottery tickets or lottery shares is no longer included in the calculation of the expense limitation.

Under current law, the state may participate in any *multistate* lottery if that multistate lottery is in conformity with the requirements of the Wisconsin state lottery. A multistate lottery is a lottery in which more than one state of the United States participates. This bill provides that the state may participate in any *multijurisdictional* lottery if the lottery is in conformity with the requirements of the Wisconsin state lottery. A multijurisdictional lottery is a lottery in which more than one state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States or the government of Canada or any province thereof participates.

Under current law, no person who provides management consultation services to DOR relating to bids or sealed proposals to supply goods or services to the state lottery may have *any* ownership interest in, or any partners, members or shareholders who have *any* ownership interest in, any vendor that is under contract to supply or that submits a bid or competitive sealed proposal to supply those goods or services.

This bill provides that no person who provides management consultation services to DOR relating to bids or sealed proposals to supply goods or services to the state lottery may have an ownership interest of *5% or more* in, or any partners, members or shareholders who have an ownership interest of *5% or more* in, any vendor that is under contract to supply or that submits a bid or competitive sealed proposal to supply those goods or services.

Under current law, the gaming board is required to promulgate rules for the selection of lottery retailers on the basis of objective criteria. The rules may not limit the number of retailers solely on the basis of the population of the municipality in which the retailer is located. In addition, the rules must include requirements concerning the financial responsibility of the retailer; the security of the retailer and the retailer's business; the accessibility of the retailer's location to the public; the sufficiency of retailers to serve public convenience; the volume of expected lottery ticket and lottery share sales; the qualifications of retailers; and avoidance of an undue concentration of retailers in any geographic area of the state.

This bill retains the requirement that rules must be promulgated for the selection of lottery retailers on the basis of objective criteria, but eliminates all of the current requirements concerning the contents of the rules.



**SENATE BILL 77****HEALTH AND HUMAN SERVICES****HEALTH**

This bill creates a program under which the department of health and family services (DHFS) awards grants to persons who provide health care screening, referral, follow-up and patient education to low-income uninsured women. The bill requires DHFS to conduct a campaign to increase women's health issues awareness and to reduce the prevalence of chronic and debilitating health conditions that affect women. Lastly, the bill creates a grant program for the conduct of projects to enhance community activities in establishing and maintaining a comprehensive women's health program.

Under the current state public health funding program, DHFS must award up to \$250,000 in fiscal year 1996-97 as grants to local health departments, with a 25% matching requirement, to provide primary health care services. This bill eliminates the state public health funding program.

Under current law, DHFS is responsible for the statewide administration of the long-term support community options program, which is implemented by counties. The program provides for assessments of persons to determine if community-based services are appropriate to meet their needs for long-term support.

This bill permits DHFS to establish in certain geographic areas a pilot program under which DHFS may contract with a private or public entity to serve as a clearinghouse of information for persons who are interested in home or community-based long-term support services or institutional long-term care. In counties where the pilot program is established, the entity with which DHFS contracts must perform the assessments required under the long-term support community options program and must collect information specified by DHFS and provide that information to DHFS.

The bill provides that no nursing home or community-based residential facility that is located in an area where the pilot project is established may admit a patient or resident unless the patient or resident has received an assessment performed by the contracting entity or is exempt or has waived the assessment.

Under current law, DHFS certifies hospitals and certain adult family homes and licenses nursing homes, hospices, community-based residential facilities (C-BRFs), home health agencies, rural medical centers and certain other adult family homes. Each facility so licensed or certified must pay a fee for initial licensure or certification and, if subject to renewal of licensure, a license renewal fee, except that hospitals and nursing homes pay annual fees based on the number of beds for which the hospitals or nursing homes are licensed. This bill permits DHFS to continue in force a license for a facility unless the facility fails to meet standards for operation or other requirements of licensure and DHFS suspends or revokes the licensure. Each facility subject to licensure is required, under the bill, to pay license fees that correspond to the license renewal fees previously required.

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Currently, under the birth and developmental outcome monitoring program, under certain conditions physicians and nurses must report to DHFS if a child under the age of 6 has a condition that results from an adverse neonatal outcome such as low birth weight, has a birth defect or has a developmental disability or other severe disability. Using certain federal block grant moneys, DHFS must develop and implement a system for collecting, updating and analyzing this information, disseminate the information and coordinate data dissemination activities with those of DPI. This bill eliminates the birth and developmental outcome monitoring program.

Under current law, DHFS administers a breast cancer screening program, which includes an annual grant to the city of Milwaukee public health department for the performance of breast cancer screening activities with the use of a mobile mammography van. This bill requires DHFS also to award under this program a grant of \$500,000 in fiscal year 1997-98 and \$100,000 in fiscal year 1998-99 to an applying entity for the performance of breast cancer screening activities with the use of a mobile mammography van.

Under current law, a person may make an anatomical gift that authorizes, at death, the donation of all or a part of the person's body for use by another. In addition, a coroner or medical examiner may, under certain circumstances, permit the removal of a body part from a person who has died. In both of these circumstances, the removal of the body part must be made by a licensed physician, except that an eye may be removed by an enucleator. This bill permits a technician to remove human tissue, except eyes, or human bone that has been donated by anatomical gift or authorized for removal by a coroner or medical examiner. The technician must have been appropriately trained to remove or process the tissue or bone and may act only under the direction or supervision of a physician.

Under current statutes, at least 24 hours before a woman may obtain a lawful abortion, the attending physician, another physician or a person assisting the attending physician must tell her certain information and must provide her with written information that DHFS must publish and distribute. Among other things, the material must state that it is unlawful for any person to coerce a woman to undergo an abortion, and the physician or assistant must orally state that a woman has a legal right to place her child in foster care or place the child with a relative for adoption.

Under this bill, the materials must state that it is unlawful to perform an abortion for which consent has been coerced. The attending physician, a person assisting him or her or another physician must orally state that a woman has the legal right to place her child in a foster home or treatment foster home for 6 months or to petition a court for placement of the child in a foster home, treatment foster home or group home or with a relative, or to place the child for adoption under a process that involves court approval both of the voluntary termination of parental rights and of the adoption.

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Under current law, DHFS is permitted to charge a fee for the written materials that it must publish and distribute and that must be provided to a woman at least 24 hours before she obtains a lawful abortion. The fee may not exceed the actual cost of the preparation and distribution of those materials. County departments are required to distribute the materials and may charge a fee not to exceed the actual cost of preparation and distribution of the materials. This bill deletes authorization for DHFS and for county departments to charge a fee for the materials.

Currently, under *Karlin v. Foust*, No. 96-C-0374-C, 1996 U.S. Dist. (W.D. Wis. filed May 1, 1996), enforcement of the requirement to provide the materials and of the requirement that the woman receive the materials at least 24 hours prior to obtaining an abortion has been temporarily restrained.

Under current law, DHFS may impose daily forfeitures (civil monetary penalties) on a C-BRF licensee who violates the laws relating to C-BRFs. Currently, the C-BRF licensee must pay all forfeitures within 10 days after receipt of the notice of assessment, or, if the forfeiture is contested, within 10 days after receipt of a final administrative decision ordering payment, unless the decision is appealed and the decision is stayed by a court order.

This bill permits a C-BRF licensee against whom a forfeiture has been assessed to make alternative arrangements acceptable to DHFS for the payment of the forfeiture. The bill requires DHFS not to continue a C-BRF license if, on the date that the licensing fee is due, the C-BRF has any forfeitures that are due and have not been paid.

Under current law, DHFS may establish a fee for each workshop or seminar that it provides relating to the provision of services by C-BRFs and nursing homes. This bill allows DHFS to establish a fee for each workshop or seminar that it provides relating to the provision of services by assisted living facilities, adult family homes, hospitals, home health agencies, rural medical centers and hospices.

Under current law, DHFS subsidizes continuation coverage premiums for certain persons infected with human immunodeficiency virus (HIV). Continuation coverage is coverage under an employer-provided group health insurance plan that an employe, who would otherwise lose coverage because of a reduction in hours or termination of employment, may continue upon payment of the applicable premiums. To be eligible for premium subsidies, a person with an HIV infection must be a state resident who has a family income that does not exceed 200% of the federal poverty line, who is not eligible for medicare and who does not have insurance coverage other than under the plan for which he or she is eligible for continuation coverage or under a group or individual plan that offers a substantial reduction in the covered services from the plan for which he or she is eligible for continuation coverage. His or her employment must have been terminated, or his or her hours must have been reduced, because of an illness or medical condition arising from or related to the HIV infection. Premium subsidies for an eligible person may be paid

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by DHFS until the person's continuation coverage ceases or until the expiration of 29 months after his or her continuation coverage began, whichever occurs first.

This bill expands eligibility for, and uses of, premium subsidies. A state resident who has an HIV infection may be eligible for premium subsidies even if he or she is eligible for medicare. The person's family income may not exceed 300% of the federal poverty line, rather than 200%. However, if the person's family income exceeds 200% of the federal poverty line, he or she must pay a portion of the premium for the insurance coverage. The amount that the person pays is determined according to a schedule established by DHFS, taking into consideration both income level and family size. Premium subsidies are no longer limited to continuation coverage. With the exceptions of medicare, medicare replacement policies and long-term care insurance policies, premium subsidies may be paid for any health insurance coverage, whether group or individual, that a person who fulfills all of the other eligibility requirements has coverage under or is eligible for, including a medicare supplement policy. The level of services covered under the policy does not matter. In addition, premium subsidies may be paid for as long as the person remains eligible and has the coverage.

Under current law, the state registrar is required to accept for registration, assign a date of acceptance, index and preserve original certificates of birth and death, original marriage documents and original divorce reports. Numerous provisions of the vital statistics laws require use of original vital records. Mutilating or destroying an original birth or death certificate is punishable by a fine or up to 2 years imprisonment, or both.

This bill authorizes the state registrar to transfer to optical disk or electronic format, in accordance with procedures and standards prescribed by the department of administration, the paper originals of certificates of birth, death, divorce or annulment, marriage documents, fetal death reports and related reports and to destroy the originals of vital records that are transferred to optical disk or electronic format. The bill also authorizes the state registrar to microfilm the paper originals of these vital records, if so approved by the public records board. Lastly, the bill provides that copies of vital records that have been converted to optical disk or electronic format serve as the original vital records for purposes of the vital statistics laws.

Under current law, DHFS may not approve for occupancy more than 22,516 hospital beds. Currently, a person may obligate for a capital expenditure, by or on behalf of a hospital, to renovate or replace existing approved beds of the hospital or to undertake new construction if the renovation, replacement or new construction does not increase the approved bed capacity of the hospital. A person may also obligate for a capital expenditure or implement services that increase the approved bed capacity of a hospital if the capital expenditure or services are necessitated by a transfer of beds from a public hospital that is operated by a county with a population of 500,000 or more (Milwaukee County) to a private hospital and if the resulting combined total number of approved beds in the 2 hospitals does not

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increase. Currently, no person may transfer approved beds of a hospital to a facility that is associated with the hospital.

This bill eliminates the cap on the number of hospital beds that DHFS may approve. The bill also removes the bed capacity restrictions on capital expenditures obligated by or on behalf of a hospital.

Under current law, DHFS must analyze occurrences, trends and patterns of acute, communicable or chronic diseases, maternal and child health, injuries and occupational and environmental hazards and distribute information based on these analyses. This bill authorizes DHFS to charge reasonable fees for the analysis and provision of health, occupational and environmental data.

**PUBLIC ASSISTANCE**

Under current law, the department of industry, labor and job development (DILJD) administers the food stamp employment and training program under which certain food stamp recipients aged 18 to 60 may be required to work or participate in job training. Currently, DILJD is authorized, to the extent permitted by federal law or waiver, to distribute food stamp benefits based on the number of hours that an individual participates in the work or training requirement, a method commonly referred to as "pay-for-performance".

This bill expands the food stamp benefit distribution methods to include use of not more than \$300 of a household's food stamp benefit amount as a wage subsidy to be paid to an employer of a member of the household who is employed by that employer as a participant in a Wisconsin works (W-2) employment position. W-2 is this state's replacement program for the aid to families with dependent children (AFDC) program. Participants in W-2 employment positions receive a cash benefit based on work participation rather than family size, as under AFDC. The bill also permits DILJD to distribute food stamp benefits as cash to households in which: 1) a member has been employed in unsubsidized employment for at least 90 days, has earned at least \$350 per month for the last 90 days and continues to earn at least \$350 per month; or 2) a member is a participant in a W-2 employment position or was a participant in a W-2 employment position but became ineligible solely because of earnings. DILJD may not implement either of these methods of distribution, however, until the secretary of administration reviews and approves a plan submitted to DOA by DILJD detailing how DILJD will implement the distribution methods and what the fiscal impact of those methods will be.

The bill also modifies the eligibility requirements under the food stamp program. Under the bill, an individual is disqualified from the food stamp program for noncompliance with the work requirements of the program. For the first occurrence of noncompliance, the ineligibility period is one month; for the 2nd occurrence, 3 months; and for the 3rd and subsequent occurrences, 6 months.

In addition, under the bill, in order to be eligible for food stamp benefits, a person who is a custodial parent of a child who is under the age of 18 and who has an absent parent, a person who is a noncustodial or putative parent of a child who is under the age of 18 or a person who lives with and exercises parental control over

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a child who is under the age of 18 and who has an absent parent must cooperate with efforts to establish the paternity of the child and with efforts to secure any support to which the person or child may have rights.

Finally, under the bill, DILJD must require an applicant for the food stamp program to state in writing whether the applicant or any member of the applicant's household has been convicted in any state or federal court of a felony that has as an element possession, use or distribution of a controlled substance (dangerous drug). A person who, after August 22, 1996, has been convicted of such a felony is ineligible for food stamps and, in determining a household's eligibility for food stamps, the needs of that person are not considered. However, the person's income and resources are considered to be available to the household. The period of ineligibility or disregard of the person's needs continues for at least 12 months, but must end after 12 months if the person submits to a test for drug use and the results of the test are negative.

Under current law, a county department of social or human services is required to certify eligibility for and issue food coupons to needy households, except that a W-2 agency (the agency with which DILJD contracts to administer W-2) is required to certify eligibility for and issue food coupons to eligible participants in the W-2 program.

This bill requires a W-2 agency also to certify eligibility for and issue food coupons to: 1) persons who may be required to participate in the food stamp employment and training program; and 2) other persons who are under the age of 61 and who are not disabled.

Currently, certain offenses under the food stamp program are punishable by fines or imprisonment or both. The maximum punishment for an offense involving food coupons having a value of more than \$100 is a fine of not more than \$10,000 or imprisonment for not more than 5 years or both. In addition, a court may suspend a person who violates the food stamp provisions from participation in the food stamp program for up to 18 months.

Under federal law, an offense involving food coupons having a value of \$5,000 or more is punishable by a fine of not more than \$250,000 or imprisonment for not more than 20 years or both. Also, under federal law, a person who violates certain provisions of the food stamp program must be suspended from the program for one year for the first offense, 2 years for the 2nd offense and permanently for the 3rd offense. Upon conviction of an offense under the federal law involving food coupons, authorization cards or access devices having a value of \$500 or more, the person must be suspended from the program permanently. Additionally, under federal law, a person who a court determines has traded a controlled substance for food coupons must be suspended from the food stamp program for 2 years upon the first determination and permanently upon a 2nd determination. A person who a court determines has traded firearms, ammunition or explosives for food coupons must be permanently suspended from the program.

In addition, under federal law, a person who is a fugitive felon is ineligible for the food stamp program or for any program for which block grant moneys under the federal temporary assistance for needy families (TANF) program are used. TANF is

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the federal block grant program designed to replace AFDC. (W-2 is expected to be funded in part by a TANF grant.) Federal law also requires a 10-year suspension from the food stamp program for a person who is convicted of fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of obtaining simultaneous multiple food stamp benefits. Finally, federal law requires a 10-year suspension from any TANF-funded program for a person who is convicted of fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of obtaining benefits in 2 or more states under the food stamp program, the federal supplemental security income (SSI) program (a cash benefit program for the aged, blind and disabled), the medical assistance program or any program for which TANF moneys are used. The person's eligibility may be reinstated, however, if the president of the United States pardons that person for the conduct for which the person was suspended.

This bill modifies the W-2 and food stamp provisions to reflect the federal requirements.

Under current law, a person who receives assistance under SSI or state supplemental payments is ineligible for AFDC. The person may, however, apply for AFDC on behalf of his or her dependent child. Currently, AFDC is due to expire 6 months after the date that DILJD specifies in the Wisconsin Administrative Register as the statewide implementation date of W-2. A person who receives assistance under SSI or state supplemental payments is ineligible to participate in the employment component of W-2.

This bill requires DHFS to make a monthly payment of \$77 to a recipient of SSI or of state supplemental payments for each dependent child of that recipient if the recipient is the custodial parent of that child. DHFS may not make the payment unless: 1) the child meets the eligibility criteria for AFDC; and 2) the custodial parent is ineligible for AFDC or W-2 solely because he or she receives SSI or state supplemental payments. If a dependent child has 2 custodial parents, both custodial parents must receive either SSI or state supplemental payments to be eligible for the payment and only one payment per month may be made for any child. The \$77 payment is unavailable for a child who receives SSI benefits, and a child on whose behalf the \$77 payment is made may not receive AFDC. Under the bill, a child for whom the \$77 payment is made is eligible for medical assistance (MA), under which medical services are provided to low-income persons.

Under current law, DHFS administers the state supplemental food program for women, infants and children, commonly referred to as WIC. Under WIC, DHFS provides supplemental food, nutrition education and other services to eligible low-income women, infants and children.

This bill authorizes DHFS to authorize grocery stores and pharmacies to accept WIC drafts in exchange for certain food. Under the bill, DHFS may also contract for alternative food distribution with entities other than grocery stores or pharmacies. The bill provides that a person who violates rules promulgated by DHFS relating to the WIC program may be subject to one of the following:

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1. Denial of an application to be authorized as a WIC vendor or participant.
2. Suspension or termination of authorization as a WIC vendor.
3. Disqualification from WIC.
4. A forfeiture (civil monetary penalty) of not less than \$10 nor more than \$1,000.
5. Repayment of cash or benefits.

In addition, the bill provides that a person who is found guilty of certain violations of the WIC provisions may be subject to a fine of not more than \$10,000 or imprisonment for not more than 2 years, or both, for the first offense, and a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both, for a 2nd or subsequent offense.

Under current law, reimbursement for home health, personal care and private-duty nursing services that are provided to a medical assistance recipient in a month may not exceed 120% of the average monthly cost of nursing home care, as determined by DHFS. The monthly limit does not apply to an MA recipient under the age of 22 or a ventilator-dependent individual, or if DHFS determines that the cost of providing an individual with nursing home care would exceed the cost of providing the person with the home health, personal care or private-duty nursing services.

This bill eliminates the monthly limit on reimbursement under MA for home health, personal care and private-duty nursing services that are provided to an MA recipient.

Under the current formula for state and federal payment for care received in nursing homes and certain C-BRF's by MA recipients, DHFS may establish minimum patient day occupancy standards for determining costs per patient day for each of these facilities. DHFS determines payment by dividing the total allowable facility costs by the actual adjusted patient days or patient days based on 91% of occupancy, whichever is higher. Also under current law, the maximum number of licensed nursing home beds statewide is 51,795, as adjusted under various criteria by DHFS.

This bill permits nursing homes for which the bed occupancy rate is less than 91% to request DHFS to delicense a licensed bed. If DHFS approves the request, DHFS may not include the bed in determining costs per patient day for the nursing home. The nursing home may not sell or use a bed that is delicensed. Every 12 months after a bed is delicensed, DHFS must reduce the licensed bed capacity of the nursing home by 10% of all the nursing home's delicensed beds or by 25% of one bed, whichever is greater, and must also reduce the statewide maximum number of licensed nursing home beds by this number. However, the nursing home retains the right to resume use and licensure of a delicensed bed for 18 months after the facility notifies DHFS that the facility intends to resume licensure of the bed, except that the nursing home may not resume licensure of a bed or fraction of a bed for which the licensed bed capacity of the nursing home has been reduced.



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Under current law, DHFS may use state revenues under MA and federal matching funds to reimburse the 3 state centers for the developmentally disabled for the cost of services provided by the centers. Under a community integration program, for each placement into a community of a person who is relocated from one of the state centers, DHFS reduces this reimbursement by a specified amount and community care for the person is paid for under MA. Currently, the reimbursement reduction amount for the Central Wisconsin Center for the Developmentally Disabled is \$205 per day, the amount for the Northern Wisconsin Center for the Developmentally Disabled is \$199 per day and the amount for the Southern Wisconsin Center for the Developmentally Disabled is \$149 per day. This bill changes the reimbursement reduction amounts for the Northern Wisconsin Center for the Developmentally Disabled and the Southern Wisconsin Center for the Developmentally Disabled to \$174 per day.

Under current law, a county department of developmental disabilities services authorizes all care of a developmentally disabled patient in a state facility, including a state center for the developmentally disabled. Although the cost of care for the majority of patients in a state center for the developmentally disabled is paid for under MA, DHFS bills county departments of developmental disabilities services for persons who are ineligible for MA and who lack other means of full payment, for certain mentally ill persons who exhibit extremely aggressive and challenging behaviors, and, at 10% of the MA rate, for a person placed in a state center who is found under an independent professional review to be appropriate for community, rather than institutional, care.

Under this bill, beginning January 1, 1998, county departments of developmental disabilities services may be billed \$184 per day for the care of a patient of a state center who is found under an independent professional review to be appropriate for community care. Also under the bill, beginning January 1, 1998, if a county department of developmental disabilities services authorizes admission to a state center for the developmentally disabled of a nonemergency new patient whose care in the community would cost less than \$184 per day, the county department must reimburse the state center for the cost of that patient at the rate of \$184 per day.

Under current law, DHFS is required to file a claim against the estate of a recipient of MA for the amount of MA paid on behalf of the recipient while the recipient resided in a nursing home or while the recipient was an inpatient in a medical institution and was required to contribute to the cost of care. DHFS must also file a claim against the estate of a recipient of MA for certain MA services paid on behalf of the recipient after the recipient attained the age of 55. Currently, DHFS may collect the amount from, among other property of the decedent, funds of the decedent that were held by the decedent immediately before death in a joint account or a payable-on-death (P.O.D.) account. DHFS may collect from certain solely owned property of the decedent by a transfer by affidavit process, rather than the

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formal probate process, if the value of the solely owned property does not exceed \$10,000 and certain other conditions are met.

This bill authorizes DHFS to collect by affidavit signed by a DHFS representative funds of a decedent that were held by the decedent immediately before death in a joint account or a P.O.D. account, if all of the other conditions allowing DHFS to collect by affidavit are met. The bill also authorizes DHFS to establish a payment schedule, subject to reasonable interest, for heirs of an estate who wish to satisfy a recovery claim without selling a nonliquid asset.

Under current law, DHFS, DILJD, a county or an elected tribal governing body that provides certain public assistance benefits as a result of an injury, sickness or death that creates a claim or cause of action on the part of the public assistance recipient or beneficiary or the estate of the recipient or beneficiary against a 3rd party must be joined by the plaintiff as a party to the claim or action. This is known as subrogation and as a subrogated party, DHFS, DILJD, a county or an elected tribal governing body may maintain an action or intervene in an action by the recipient, beneficiary or estate against the 3rd party. Currently, a party that is joined based on subrogation may do one of the following:

1. Participate in the prosecution of the action.
2. Agree to have his or her interests represented by the party who caused the joinder.
3. Move for dismissal.

Current law also provides that a prevailing defendant is entitled to costs from the plaintiffs, including subrogated plaintiffs who neither participated in the prosecution of the action nor moved for dismissal.

This bill excludes DHFS and counties from liability for costs to prevailing defendants in actions in which DHFS or a county is subrogated because of the implication of MA payments if DHFS or the county does not participate in the prosecution of the action.

Under the bill, DHFS need not take any affirmative action in order to have its interests represented by the party causing the joinder. Regardless of whether DHFS participates in prosecuting the claim, if the plaintiff prevails, the portion of the proceeds of the claim that represents benefits paid under MA as a result of the occurrence of injury, sickness or death for which the claim arose must be paid to DHFS.

Under current law, an 18-year-old high school student who is ineligible for AFDC solely because of his or her age is eligible for aid to 18-year-old students if he or she meets certain conditions. The amount of aid paid to the person is equal to the amount of aid to which that person would have been entitled under AFDC if he or she were 17 years of age, except that if the person's family became ineligible for AFDC on the person's 18th birthday the amount paid equals the amount of aid granted to a single person under AFDC. This bill repeals the aid to 18-year-old students program.

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Under current law, DILJD may contract with a county to administer a work experience and job training program for noncustodial parents who fail to pay child support or to meet their children's needs for support because of unemployment or underemployment. Currently, the program may include certain kinds of work experience and job training, job orientation and job search activities. This bill limits the permitted activities of the program to work experience and job search activities.

Under current law, DHFS determines, by use of a prospective payment formula that is updated each fiscal year, the rates of payment for nursing homes and certain C-BRFs that provide care to MA recipients. The current payment formula requires DHFS to consider, in determining payments for individual facilities, costs for allowable direct care, allowable support services, allowable fuel and utilities, net property tax or allowable municipal services, allowable administrative and general costs, allowable facility interest expenses and capital payment necessary for the provision of service over time. For allowable direct care costs, DHFS must establish standards for payment that are at least 110% of the median for direct care costs for facilities that do not primarily serve the developmentally disabled and, for facilities that primarily serve the developmentally disabled, standards for payment that are at least 110% of the median for direct care costs for those facilities.

This bill revises the payment formula to limit an increase in payment, including an increase resulting from adjustment of facility base rates and percentage increases over facility base rates, in fiscal year 1997-98 to no more than 6.1% over that paid in fiscal year 1996-97, or \$50,975,000, whichever is less. The bill limits an increase in this payment in fiscal year 1998-99 to no more than 3.5% over that paid in fiscal year 1997-98, or \$30,322,500, whichever is less, including an increase resulting from adjustment of a percentage increase over facility base rates. The bill also clarifies that this limited increase in payment is an aggregate increase for all nursing homes and C-BRFs that are payable under the formula. Lastly, the bill changes the standards for payment of allowable direct care costs; for facilities primarily serving the developmentally disabled, the standards for payment are not less than the median of direct care costs for a sample of all facilities in the state primarily serving the developmentally disabled. For facilities that do not primarily serve the developmentally disabled, the standards for payment are not less than the median of direct care costs for a sample of all of those facilities in the state.

Under current law, certain nursing homes receive MA payments that are supplemental to the payments established under the payment formula for all facilities. Under one supplemental payment program, DHFS must distribute not more than \$20,000,000 in federal MA funds in each of fiscal years 1995-96 and 1996-97, plus any additional unanticipated federal MA funds that equal funds that a county certifies were expended to operate a county facility and that are matched by county funds. Under a 2nd supplemental payment program, DHFS must distribute not more than \$18,600,000 in federal MA funds in each fiscal year to county, city, village or town nursing homes if the funds are matched by county, city, village or town funds, if the county certifies to DHFS the amount of all county funds

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expended in each calendar year to operate the facility and if certain other requirements are met.

This bill consolidates the 2 programs of supplemental payments to nursing homes and permits payment of county-matched funds of not more than \$38,600,000 in each fiscal year.

Under current law, DILJD is directed to request a waiver from the secretary of the federal department of health and human services to enable the state, by July 1, 1997, to cease making payments under AFDC to a nonlegally responsible relative on behalf of a dependent child. Previously, AFDC payments to eligible nonlegally responsible relatives could not cease unless a waiver was in effect.

Currently, under the federal Personal Responsibility and Work Opportunity Reconciliation Act, a waiver is not necessary in order to cease making such payments. This bill eliminates the requirement that DILJD request a waiver and that a waiver be granted and in effect in order to end such payments. Under the bill, a nonlegally responsible relative who is receiving AFDC payments on behalf of a dependent child on the day on which this bill becomes law may not receive AFDC payments after December 31, 1997, or the date of the first reinvestigation of the person occurring after the day on which this bill becomes law, whichever occurs first. A nonlegally responsible relative who is not receiving AFDC payments on the day on which this bill becomes law may not receive any AFDC payments on or after that date.

Current law requires a county department of human services or social services (county department) to pay \$215 per month to a relative of a child who is providing care and maintenance for the child (kinship care) if certain conditions are met. This bill makes a relative ineligible for kinship care payments if the child for whom the relative is providing care and maintenance is already receiving federal SSI payments or state supplemental payments to the child's SSI payments.

Under current law, DHFS or an entity to which DHFS has delegated authority must annually review every resident of a nursing home or institution for mental diseases who has a developmental disability or mental illness to determine if the resident needs facility care or needs active treatment for the developmental disability or mental illness. If the review determines that the resident does not need facility care, no MA payment may be made for that resident's care and the resident must be relocated unless he or she is determined to need active treatment for a developmental disability or mental illness and he or she has continuously resided in a nursing home or institution for mental diseases for at least 30 months before the determination date. However, if the resident requires active treatment and has met the continuous residency requirement, he or she may receive MA-paid active treatment in the facility or in an alternative setting.

This bill eliminates the requirement for annual review of residents of a nursing home and institution for mental diseases who have a developmental disability or mental illness and, instead, requires review of those residents who have experienced a significant change in physical or mental condition.

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Currently, certain MA recipients may receive case management services that are reimbursable under the MA program if the services are provided by a certified case management provider in a county, city, village or town that elects to make the services available and that reimburses the service provider for the amount of allowable charges that are not paid from federal MA moneys.

This bill expands the eligibility for case management services under the MA program, if provided by a certified provider in a county, city, village or town that elects to provide the services, to include women who are aged 45 to 64 and who are not residents of nursing homes or otherwise receiving case management services.

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home or community-based care for persons who are eligible for MA and who are diagnosed as developmentally disabled. These persons are either relocated into the community from certain institutions other than a state center for the developmentally disabled, or they receive care in intermediate care facilities for the mentally retarded. The program providing this care is one of several "community integration" programs and is commonly known as "CIP 1B".

This bill requires a county that owns a facility from which an individual is relocated to the community under the "CIP 1B" program to submit to DHFS a plan for delicensing a bed of the facility that is approved by DHFS in order to receive funding for the individual's relocation under the "CIP 1B" program.

Under current law, a person whose application for MA is denied or is not acted upon promptly or who believes that the payments made in the person's behalf were not properly determined may file an appeal with DHFS pursuant to the appeal process set forth under the AFDC program. Currently, the AFDC appeal process is due to expire on the first day of the 6th month beginning after the date indicated by DILJD in the Wisconsin Administrative Register as the statewide implementation date for W-2. Federal law requires a similar appeal process under the MA program.

This bill creates an appeal process under the MA program.

Currently, DHFS is required to make eligibility determinations for MA, but may delegate this responsibility to a county department of social services. Under this bill, DHFS may also delegate responsibility of eligibility determinations to a county department of human services or to a W-2 agency.

Currently, a county or governing body of a federally recognized American Indian tribe may retain a portion of the amount that the state is authorized to retain for an overpayment made under the food stamp program that is recovered because of the efforts of an employe or officer of the county or tribe, unless the overpayment was made because of an error on the part of the county or tribe. DILJD is required to promulgate a rule establishing the portion of the amount of the recovered overpayment that the county or tribal governing body may retain.

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This bill deletes the requirement that DILJD establish the portion by rule and instead authorizes a county or tribal governing body to retain 15% of the amount that the state is authorized to retain. The bill also authorizes a W-2 agency to retain 15% of the amount the state is authorized to retain for an overpayment made under the food stamp program that is recovered because of the efforts of an employe or officer of the W-2 agency.

Currently, a county or governing body of a federally recognized American Indian tribe may retain 15% of benefits distributed under the AFDC program (unless the benefits were provided as a result of state, county or tribal error) and under the MA program that are recovered because of the efforts of an employe or officer of the county or tribe.

This bill authorizes a W-2 agency to retain 15% of distributed AFDC benefits (unless the benefits were provided as a result of state, county or tribal error) and MA benefits that are recovered because of the efforts of an employe or officer of the W-2 agency.

The bill also authorizes a W-2 agency to retain 15% of an overpayment made under the W-2 program that is recovered because of the efforts of an employe or officer of the W-2 agency, unless the overpayment was made because of an error on the part of the W-2 agency.

Under current law, DILJD is required to implement a program of emergency assistance for families with needy children in cases of fire, flood, natural disaster, homelessness or energy crisis. Currently, emergency assistance in cases of homelessness, except homelessness created by a domestic abuse situation, may be provided to a needy person only once in a 36-month period. Current law does not specify how frequently emergency assistance may be provided in cases of fire, flood, natural disaster or energy crisis.

This bill specifies that emergency assistance in cases of fire, flood, natural disaster or energy crisis may be provided to a needy person only once in a 12-month period.

Under current law, each county department administering AFDC is required to maintain a monthly report, open for public inspection, showing the names of all persons receiving benefits under AFDC and the amounts received by those recipients during the preceding month. Each W-2 agency administering W-2 is required to maintain a monthly report, open for public inspection, showing the names and addresses of all persons receiving benefits under W-2 and the amounts received by those recipients during the preceding month. This bill eliminates the requirement that the report contain the addresses of W-2 recipients.

Currently, the address of an AFDC or W-2 recipient may be released to a law enforcement officer if the officer provides, in writing, the recipient's name and social security number and satisfactorily demonstrates, in writing: 1) that the recipient is a fugitive felon; 2) that the location or apprehension of the recipient is within the

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official duties of the officer; and 3) that the officer is making the request in the proper exercise of his or her duties.

Currently, federal law prohibits a state agency from preventing the release of the current address of a recipient of aid that is funded under a TANF grant or of a recipient of food stamps to a law enforcement officer if the officer furnishes the agency with the name of the recipient and notifies the agency that the recipient is a fugitive felon, is violating a condition of probation or parole or has information that is necessary for the officer to conduct his or her official duties.

This bill removes the requirement that the law enforcement officer provide the social security number of the recipient in order to receive information regarding the recipient's current address. The bill also permits the county department or W-2 agency to release the current address of a recipient to a law enforcement officer if the officer satisfactorily demonstrates, in writing, that the recipient has information that is necessary for the officer to conduct the official duties of the officer.

Under current law, DILJD is required to implement W-2 statewide no later than September 1997, if a waiver is in effect or legislation is enacted permitting the use of federal funds for the program and if DILJD determines that sufficient funds are available. Currently, under TANF, federal law permits the implementation of most of the components of W-2 without a waiver.

One component of W-2 is a health plan to be operated as part of MA. Under current law, beginning on the first day of the 6th month beginning after the statewide implementation of W-2, MA will not be available to those individuals who are eligible for the W-2 health plan. However, MA will continue to be available to eligible persons over the age of 65 and to eligible disabled persons. Federal law does not currently permit the implementation of the W-2 health plan as part of MA.

This bill directs DHFS to request a waiver from the secretary of the federal department of health and human services or to seek the enactment of federal legislation to permit the implementation of the W-2 health plan as part of MA. If a waiver is in effect or permissive federal legislation is enacted, DHFS must implement the W-2 health plan beginning no later than the first day of the 3rd month beginning after the waiver is granted or the federal legislation is enacted and must publish a notice in the Wisconsin Administrative Register indicating the date that it will implement the W-2 health plan. Under the bill, if a waiver is in effect or federal legislation is enacted, DHFS may terminate the MA eligibility of those persons who are eligible for the W-2 health plan beginning on the date published in the notice.

**WISCONSIN WORKS**

Under current law, no person may participate in W-2 for more than 60 months, unless a W-2 agency determines that unusual circumstances exist that warrant an extension of the participation period. In calculating the months of participation for an individual, a W-2 agency must include any months of participation in the job opportunities and basic skills (JOBS) program that occurred since July 1, 1996. Under the JOBS program, AFDC recipients who are not exempt are required to

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participate in certain job-related activities. Currently, under TANF, no state may use any part of a TANF grant to provide assistance to a family that includes an adult member who has received for 60 months any TANF-funded assistance in any state, although federal law permits a state to grant extensions for hardship or in cases in which an individual in the family has been battered or subjected to extreme cruelty. Federal law requires states to disregard any month during which an individual received TANF-funded assistance while living either on an American Indian reservation or in an Alaskan Native village if, during that month, at least 1,000 individuals were living on that reservation or in that village and at least 50% of the adults living on the reservation or in the village were unemployed.

Currently, under federal law, a state to which a TANF grant is made must achieve certain monthly work participation rates for single-parent and 2-parent families that receive TANF-funded assistance. In a 2-parent family, one parent must work at least 35 hours per week, not fewer than 30 of which must be attributable to certain federally prescribed work activities. If the family receives federally funded child care assistance, the other parent must work at least 20 hours per week in certain federally prescribed work activities, unless an adult in the family is disabled or caring for a severely disabled child.

This bill modifies the eligibility criteria for W-2 to preclude from eligibility a person who has received any TANF-funded assistance for a total of 60 months. In calculating the months of participation for an individual, a W-2 agency must include months of participation in JOBS that occurred since October 1, 1996, any month that the individual received emergency assistance if the assistance was funded from TANF grant money and any month during which any other adult member of the W-2 group participated in a W-2 employment position while the individual was a member of that W-2 group. If the individual joins a new W-2 group in which another adult member of the group has received TANF-funded assistance, the W-2 agency must attribute to that individual the greater of the following:

1. The number of months that the individual received any TANF-funded assistance.
2. The number of months that the other adult member of the new W-2 group received TANF-funded assistance.

The bill requires a W-2 agency to disregard any months that a person received TANF-funded assistance while living either on an American Indian reservation or in an Alaskan Native village if, during that month, at least 1,000 individuals were living on that reservation or in that village and at least 50% of the adults living on the reservation or in the village were unemployed.

The bill also requires that, if a participant in a W-2 employment position resides with the other parent of the participant's dependent child, and if the W-2 group receives federally funded child care assistance on behalf of the dependent child, the other parent must work at least 20 hours per week in certain federally prescribed work activities unless that parent is disabled or caring for a severely disabled child.

Under the bill, no additional grant or wage subsidy is paid for the other parent's work activities. The monthly grant of a participant in a community service job or



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transitional placement is reduced by \$5.15 for every hour that an individual who is in the participant's W-2 group and who is subject to the work requirement fails to meet the work requirement in a month without good cause. Additionally, if the individual who is subject to the work requirement demonstrates 3 times a refusal to participate, the individual who is a participant in a W-2 employment position loses eligibility to continue to participate in the particular employment position component in which the participant had been participating. The participant may, however, be eligible for at least one of the other 2 employment position components.

The bill also provides that the custodial parent of an infant may receive a grant without being required to work only if no other adult member of the custodial parent's W-2 group is participating or eligible to participate in a W-2 employment position or working in an unsubsidized job.

Also, under the bill, a W-2 agency may require, as a condition of continued eligibility for a community service job or transitional job, that a person submit to a test for drug use if that person has been convicted, after August 22, 1996, of a felony that has as an element possession, use or distribution of a controlled substance. If the test results are positive, the W-2 agency must reduce the participant's grant amount by not more than 15%. The reduction lasts for at least 12 months, or for the remainder of the participant's participation period in a community service job or transitional placement, if less than 12 months. The full benefit amount must be restored for a person who continues to be a participant in a community service job or transitional placement after 12 months if the participant submits to a drug test at that time and the test results are negative.

Under current law, an individual is eligible for a child care subsidy under W-2 if the individual meets certain nonfinancial and resource eligibility requirements and if the gross income of the individual's family is at or below 165% of the federal poverty line for a family the size of the individual's family.

This bill permits an individual who is already receiving a child care subsidy under W-2 to remain eligible for the subsidy if the gross income of the individual's family is at or below 200% of the federal poverty line for a family the size of the individual's family and the individual continues to meet the other eligibility requirements.

Under current law, recipients of AFDC are required to assign to the state any rights they have to support or maintenance while receiving AFDC. Under W-2, participants are not generally required to assign rights to support or maintenance.

Currently, under TANF, states must require applicants and participants in TANF-funded assistance programs to assign to the state any rights to support and maintenance while participating in the TANF-funded program. This bill modifies the W-2 eligibility requirements to provide that an individual is eligible for W-2 benefits only if he or she assigns his or her rights to any support or maintenance to the state for the period of time that he or she receives W-2 benefits.

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Under current law, an individual whose application for a W-2 employment position is not acted upon with reasonable promptness after filing the application, or is denied in whole or in part, whose benefit is modified or canceled, or who believes that the benefit was calculated incorrectly, may petition the W-2 agency for a review of that action. The W-2 agency must give the individual reasonable notice and an opportunity for a review. The individual may petition DILJD for a review of the W-2 agency's decision within 15 days after the decision or the W-2 agency may request DILJD to review the W-2 agency's decision. Currently, state law does not specify a remedy for a successful petitioner.

This bill permits an individual whose application for any component of W-2 has been denied in whole or in part, whose benefit is modified or canceled, or who believes that the benefit was calculated incorrectly, to petition the W-2 agency for a review of that action. The individual may seek a review by DILJD of the W-2 agency's decision.

The bill provides that, following a review, if a W-2 agency or DILJD determines that an individual's application for a W-2 employment position was denied because of an erroneous determination of ineligibility or that an individual was placed in an inappropriate W-2 employment position, the W-2 agency must place that individual in the first appropriate W-2 employment position available. Benefits under that position are available to the individual beginning on the date on which the individual begins participation in that position. The bill further provides that, following a review, if the W-2 agency or DILJD determines that the individual's benefit was improperly modified or canceled or was calculated incorrectly, the W-2 agency must retroactively restore the benefit to the proper level.

The bill also provides a review process under the emergency assistance for families with needy children program. Under that process, an individual whose application for emergency assistance is not acted upon by DILJD or the W-2 agency with reasonable promptness after the filing of the application or is denied in whole or in part, or who believes that the assistance amount was calculated incorrectly, may petition DILJD or the W-2 agency for a review of that action.

Currently, a W-2 participant in a community service job receives a monthly grant of \$555, reduced by \$4.25 for each hour of work or education or training activity missed without good cause. A participant in a transitional placement (a placement for an individual unable to participate in a trial or community service job) receives a monthly grant of \$518, reduced by \$4.25 for each hour of work or education or training activity missed without good cause. The grant is paid by the W-2 agency. The grant to a custodial parent of an infant that is 12 weeks old or younger is not subject to reduction.

Under this bill, the grant amount for community service jobs and for an eligible custodial parent of a 12-week old or younger infant is increased to \$673 per month and the grant amount for a transitional placement is increased to \$628 per month. These amounts are reduced by \$5.15 for every hour that the participant fails to participate in any activity required for the participant's placement.

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The bill also provides that DILJD may make the benefit payments for a community service job and transitional placement and payments to a custodial parent of an infant by an electronic funds transfer system.

Under current law, a person may be licensed by DHFS or certified by a county department as a family day care provider. Certification by a county department must be done in accordance with rules promulgated by DHFS. Under 1995 Wisconsin Act 404, the duties of DHFS primarily related to the administration of child care programs were transferred to DILJD. This bill requires that DILJD, rather than DHFS, promulgate the rules related to certification of family day care providers.

Currently, DILJD administers an at-risk and low-income child care program, under which low-income families and families who are at risk of receiving AFDC receive child care subsidies. The program expires 6 months after the date that DILJD publishes in the Wisconsin Administrative Register as the statewide implementation date of W-2. This bill eliminates the program on October 1, 1997.

The bill also modifies provisions of the W-2 child care program to allow for the distribution of funds to county departments that provide W-2 child care services and to private agencies that provide W-2 child care for children of migrant workers. Counties may not use more than the greater of \$20,000 or 5% of those funds for administrative purposes. Under the bill, counties may determine the method by which they will provide or pay for W-2 child care. No payment may be made from the funds distributed by DILJD for child care provided to a child with whom the child care provider resides.

Under current law, a custodial parent of a child who is under the age of 13, or a person who, under the kinship care program, provides care and maintenance to a child who is under the age of 13, may receive a child care subsidy if he or she meets certain eligibility criteria.

This bill extends eligibility for a child care subsidy to a minor parent who is not subject to the school attendance requirement but who needs child care in order to obtain a high school diploma or participate in a course of study meeting the standards established by the state superintendent of public instruction. The bill also extends eligibility for a child care subsidy to a person who needs child care in order to participate in any required job orientation or job search under the W-2 work program.

Finally, under current law, DILJD is required to set the reimbursement rate for licensed and certified child care providers. DILJD may also establish a system of rates for child care programs that exceed the quality of care standards required for licensure or for certification. Under this bill, counties are required to set the rates, subject to the approval of DILJD. DILJD is required to promulgate rules to establish quality of care standards for child care providers that are higher than the quality of care standards required for licensure or for certification and may promulgate rules to establish a system of rates or a program of grants for those child care providers.

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Under current law, DILJD is required to make a monthly payment for child care for a dependent child of an individual who is subject to the school attendance requirement under the learnfare program or for a child of a person who is under 20 years of age who wants to attend school. (Under the learnfare program, an individual who is a dependent child in a W-2 group that includes a participant in a W-2 employment position or who receives AFDC is required, with certain exceptions, to attend school if the individual is 13 to 19 years of age or, beginning on the first day of the fall 1997 school year, is 16 to 19 years of age.)

This bill limits the school attendance requirements under the learnfare program to individuals who are 6 to 17 years of age. The bill also eliminates the requirement that DILJD make a payment for child care for a person under the age of 20 who wants to attend school.

Under current law, DILJD is required to make a periodic check of the earned income of a recipient of AFDC by checking the amounts credited to the recipient's social security number. This bill requires DILJD to make a periodic check of the amounts earned by participants under W-2.

This bill requires DILJD to include investigation of suspected fraudulent activity on the part of participants in W-2 as part of its program to investigate fraudulent activity under certain public assistance programs. The bill also requires DILJD to recover overpayments for low-income, at-risk and W-2 child care. Under the bill, a county, tribal governing body or W-2 agency may retain 15% of the child care benefits that are recovered due to the efforts of an employe or officer of the county, tribe or W-2 agency. The county, tribe or W-2 agency may not retain any amount from recovered benefits that had been provided because of state, county, tribal governing body or W-2 agency error.

Under current law, the W-2 health plan does not cover over-the-counter drugs, except insulin. This bill provides that the W-2 health plan may cover an over-the-counter drug if DHFS determines that the over-the-counter drug is more cost-effective than the prescription equivalent.

**SUPPORT, PATERNITY AND OTHER FAMILY MATTERS**

Under current law, many state agencies and boards issue licenses, permits or other credentials for professional or occupational purposes. In addition, the department of natural resources (DNR) issues fish and game licenses for recreational purposes. This bill requires an applicant for the issuance or renewal of a professional or occupational license, if the applicant is an individual, to provide his or her social security number. The issuing agency or board must refuse to issue or renew the license if an applicant does not provide a social security number. For recreational fish and game licenses issued by DNR, DNR must require an applicant who is an individual to provide his or her driver's license number and must refuse to issue or renew the fish and game license if the applicant does not do so, subject to conditions which must be specified in a memorandum of understanding between

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DNR and DILJD (see below). An agency or board that obtains an individual's social security number from a license application may release the social security number only to DILJD for purposes of DILJD's administration of the child and spousal support and establishment of paternity and medical support liability program under current law.

Under current law, if an individual who has been ordered by a court to pay child or family support or spousal support (maintenance) fails to pay the amount ordered, the court may enforce the judgment or order by any appropriate remedy, including contempt of court, garnishment of the individual's wages and suspension of the individual's operating privilege. Also under current law, if an individual fails to make any court-ordered payments of child or family support, maintenance or other support-related payments, DILJD may certify the delinquency to the department of revenue (DOR) and DOR may withhold the delinquent amount from any income tax that would be refunded to the individual.

This bill requires DILJD to establish a system under which operating privileges and state occupational, professional and recreational licenses, permits or other credentials (licenses) are withheld, nonrenewed, restricted or suspended by the state agency or other entity that issues the operating privilege or license for failure to pay court-ordered payments of child or family support, maintenance or other support-related payments. The bill requires DILJD and each issuing agency or other entity to enter into a memorandum of understanding related to the requirements for withholding, nonrenewing, restricting or suspending operating privileges or licenses, the procedures to be used and safeguards for keeping information about individuals, including social security numbers, confidential. The procedures must include adequate notice to the individual who owes the delinquent payments, an opportunity to pay the delinquent amount or make alternative payment arrangements before any action is taken with respect to the individual's operating privilege or license, an opportunity for a hearing before a court or family court commissioner on the issue of whether the individual owes the amount of court-ordered payments that is, or will be, certified by DILJD and reinstatement of the individual's operating privilege or license upon payment of the delinquent amount or making satisfactory alternative payment arrangements.

Under current law, a petition in an action affecting the family, such as a divorce or child support action, must include the social security numbers of the parties. This bill requires that all written judgments in actions affecting the family include the social security numbers of the parties and of any child of the parties.

Under current law, each clerk of circuit court must forward to the state registrar on a biweekly basis a report of every divorce or annulment that was granted in the clerk's court during that period. The clerk is also required to submit to the state registrar a report of paternity determination within 30 days after entry of a paternity judgment. The report must include the name and date and place of birth of the adjudicated father. This bill requires the divorce and annulment report to include the social security numbers of the parties to the divorce or annulment and of any

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child of the parties and requires the paternity report to include the social security numbers of the adjudicated father, the mother and the child. The bill also requires that the social security numbers of persons signing a statement acknowledging paternity (the mother of the child and the man acknowledging paternity) be included on the statement form.

Under current law, an application for a marriage license and a marriage document (which consists of the marriage license, the marriage certificate and confidential information collected for statistical purposes) must contain any information that DHFS directs. This bill requires that the social security numbers of the parties be included on the application and on the marriage document.

Under current law, generally only after a man has been adjudicated to be the father of a nonmarital child in a paternity action may any orders related to the child, such as orders for the payment of child support or for custody or physical placement rights, be made with respect to the man. However, if the man has signed and filed with the state registrar a statement acknowledging paternity, a judge or family court commissioner may order the man to pay child support in any action affecting the family, such as an action for support. The action need not be a paternity action. Within one year after signing a statement acknowledging paternity or one year after attaining age 18, whichever is later, a person who signed the statement, which may be either the man or the mother of the child, may request that the judge or family court commissioner order genetic tests. If the results of the genetic tests exclude the man as the father of the child, the court must dismiss any action for support, or vacate any order for support, with respect to the man.

Under this bill, a statement acknowledging paternity that is signed and filed with the state registrar on or after January 1, 1998, may be rescinded by either party who signed the statement by filing a document prescribed by the state registrar for that purpose before the earlier of the day on which a court makes an order in an action affecting the family with respect to the man and child or 60 days after the statement was filed. If either party who signed the statement was a minor when the statement was filed, either party may rescind the statement before the earlier of the day on which a court makes an order in an action affecting the family with respect to the man and child or 60 days after the person who was a minor when the statement was filed attains age 18. If the statement is not timely rescinded, the filed statement becomes a conclusive determination of paternity with the same effect as a judgment of paternity. A determination of paternity on the basis of a filed statement may be voided by a court only upon a showing of fraud, duress or mistake of fact.

The bill provides that an action affecting the family that seeks to establish a support obligation for, or custody, physical placement or visitation rights to, a child may be brought with respect to parties who signed and filed a statement acknowledging paternity with regard to the child. If the statement has not been rescinded and the parties had notice of the hearing in the matter, the court or family court commissioner may make the same orders that may be made in paternity actions, including orders concerning child support, legal custody, physical placement and the child's health care expenses.

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Current law provides that in a paternity action, the mother of the child is to have sole legal custody unless the court orders otherwise. This bill provides that, in both paternity actions and actions based on a statement acknowledging paternity, the mother of the child is to have sole legal custody if the father does not request legal custody. If the father requests legal custody, the court or family court commissioner must use the same factors in determining legal custody that are used in divorce actions.

A party that signed and filed a statement before January 1, 1998, may sign and file a new one on or after that date. In that case, the previous statement is superseded, and the new statement becomes a conclusive determination of paternity upon the expiration of the time during which the new statement may be rescinded.

This bill provides that, if a person fails to pay any amount of court-ordered child support, family support, maintenance or medical or birth expenses, the amount is a lien in favor of DILJD upon all property of the person. The lien is effective at the time that the support is due. At least annually, DILJD must provide a statewide listing of delinquent support obligations to each clerk of circuit court and to each state agency that titles personal property. If a delinquent obligation is included in a listing provided by DILJD, DILJD must provide notice to the obligor that a lien on the obligor's property is in effect and that the obligor may, within a 20-day period, request a court hearing on the issue.

The bill grants DILJD general power to levy against (seek to recover) property of the obligor to enforce the lien. The procedures for levying against the obligor's property vary depending upon whether the property is an account at a financial institution, other personal property or real property:

1. Financial accounts. The bill creates a financial records matching program to identify accounts of delinquent obligors (see COMMERCE AND ECONOMIC DEVELOPMENT, COMMERCE). To enforce a lien against an account at a financial institution, DILJD must send notice to the institution instructing the institution to "freeze" the obligor's accounts at the institution in an amount equal to the amount of the delinquency, plus estimated levy fees and costs and financial institution fees. DILJD must also send a notice to the obligor, stating the amount of owed support and that one or more of the obligor's accounts at the financial institution named in the notice have been frozen, and that, unless the obligor requests a hearing within 20 business days, DILJD will direct the financial institution to pay the support owed from the accounts. If no hearing is requested or if it is determined, after hearing, that the support is owed, DILJD may direct the financial institution to pay the amounts owed from the obligor's accounts.

2. Other personal property. DILJD may levy against other personal property by seizing the property. DILJD must immediately notify the obligor, and any person known to have a lien on the property, that the property has been seized. The notice must inform the obligor that he or she may, within 20 business days, request a hearing on whether the support was owed and whether the property was wrongfully seized. The hearing is with the court or family court commissioner issuing the order to pay the support. If a hearing is not requested or if the issue is not decided in favor

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of the person whose property was seized, DILJD must send a notice to the obligor of the time and place where the property will be sold. The property may be redeemed prior to the sale by paying the amount owed.

3. Real property. To levy against real property, DILJD must provide the obligor, and any persons known to have liens on the property, with a notice of intent to levy. The notice must include information on requesting a hearing concerning whether the support is owed. The hearing is with the court or family court commissioner issuing the order to pay support. Unless the support is paid or unless it is determined, after hearing, that the support is not owed, DILJD may send a final notice of seizure, stating the date on which the obligor must have vacated the premises and stating the date of sale. DILJD must allow at least 60 days for the obligor to vacate the property and 90 days before the sale. Notice of the sale must be published at least 30 days before the sale and the obligor is entitled to redeem the property prior to the date of sale by paying the full amount owed, together with any levy fees and costs.

The bill requires 3rd parties possessing property or rights to property subject to a levy to surrender them to DILJD. If a person fails to surrender the property or rights, the person is liable to DILJD for up to 25% of the support owed. A 3rd party is entitled to a levy fee of \$5 for each levy in any case where property is secured through the levy and DILJD is authorized to recover its costs of levy. These costs may be deducted from the proceeds of the levy after first paying any liens on the property prior to the delinquent support lien and then paying the amount of the delinquent support.

Under current law, all payments of child or family support and maintenance (spousal support) must be made through the clerk of circuit court or a support collection designee in counties that have designated an entity other than the clerk to collect and disburse support and maintenance. Such payments are made by employers of obligors through income withholding or by the obligors themselves if income withholding is inappropriate, such as for a self-employed obligor. The clerk, or support collection designee, disburses the payments received from the employers and the obligors to the obligees of the support or maintenance and keeps a record of the payments and arrearages in payments. Obligor are required to pay an annual receiving and disbursing fee of up to \$25 to the clerk, or support collection designee, for these services.

Under this bill, DILJD, or an entity that DILJD designates to act for it, receives and disburses child and family support payments, maintenance payments, payments for health care expenses, payments for birth expenses and other support-related expenses under a statewide automated receipt and disbursement system that must begin operating no later than October 1, 1999. The payments are received through income withholding, if appropriate, as under current law. Although clerks of circuit court continue to file and maintain the orders and judgments that require the payments, the electronic record of payments and disbursements and arrearages in payments is kept by DILJD or its designee. Obligor are required to pay an annual fee of \$25 to DILJD or its designee, instead



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of to the clerk, for receiving and disbursing the payments and for maintaining the electronic payment and disbursement record.

The bill creates a segregated fund, called the support collections trust fund. All support-related moneys received by DILJD or its designee are deposited in the fund. Moneys from the fund are to be used for disbursements to obligees of child or family support payments, maintenance payments, payments for health care expenses, payments for birth expenses and other support-related expenses. Interest earned on the fund is to be used for the costs associated with the receipt and disbursement system, including contract costs paid to the designee, if any.

Currently, DILJD administers a child and spousal support and establishment of paternity and medical liability support program. The main purposes of the program are to establish, modify and enforce support obligations and to establish paternity for the purpose of establishing a support obligation. County child support agencies administer the program at the local level. This bill provides that DILJD and county child support agencies may issue subpoenas in the administration of the program to compel the production of financial information and other documentary evidence. A person who provides access to records or who discloses information as requested is not liable to any person for providing the access or disclosing the information. A person who does not comply with a request for information or access to records, however, may be required to pay a forfeiture (civil monetary penalty) to be determined by DILJD by rule.

Under current law, all persons (including state agencies) are required to provide to DILJD all information requested by DILJD if DILJD determines that the information is appropriate and necessary for the administration of the child and spousal support and establishment of paternity and medical liability program and certain other state and federal public assistance and medical programs. This law conflicts with certain other laws that authorize or require state agencies to maintain the confidentiality of certain information contained in records of the agencies.

This bill reconciles those conflicts by giving precedence to DILJD's right of access to certain records and information notwithstanding existing confidentiality provisions. Among the records and information affected by the bill are information from income tax and sales tax returns, information contained in marriage license applications, certain records under the unemployment compensation and worker's compensation programs, certain records of applicants for public positions, certain information collected by the department of public instruction (DPI) for issuing, renewing or revoking all of its licenses, records of background checks of prospective handgun purchasers, certain records concerning crime victims, and information provided by persons to the state public defender (SPD) that is used to determine whether the person qualifies for representation due to indigency.

Under current law, a judge or family court commissioner may order the parties to a paternity action to undergo genetic tests for the purpose of determining paternity. If a party in a paternity action requests genetic tests, the judge or family

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court commissioner must order them. This bill authorizes a county child support agency to require a child, the child's mother and a male who is alleged, or who alleges himself, to be the father of the child to submit to genetic tests if there is probable cause to believe that the child's mother and the male had sexual intercourse during a possible time of the child's conception. A sufficient affidavit from either the mother or the alleged father may establish the necessary probable cause. The results of a genetic test ordered by a county child support agency may be used in a paternity action.

Under current law, a man is presumed to be the natural father of a child if he was married to the child's mother when the child was conceived or born or if he and the child's mother married after the child's birth but had a relationship during the period of time within which the child was conceived. In a paternity action, if genetic tests show that a man alleged to be the father is not excluded as the father and that the probability that he is the father is 99.0% or more, that man is presumed to be the father. This bill provides that a presumption of paternity that arises on the basis of marriage is rebutted in a legal action or proceeding by results of a genetic test that show that a man other than the one presumed to be the father on the basis of marriage is not excluded as the father and that the statistical probability that the man is the father is 99.0% or higher, even if the man who is presumed to be the father on the basis of marriage is unavailable to submit to genetic tests.

Under current law, an order for child or family support or maintenance is an automatic assignment of wages or other earnings to the clerk of circuit court. When a support or maintenance order is entered, the court must send notice of the assignment by regular mail to a payer's employer or other person who owes the payer money, requiring withholding of the amount provided in the support order. The support and withholding orders may be expressed as a fixed sum, as a percentage of income or as both in the alternative, requiring payment of the greater or lesser amount. If the payer is entitled to unemployment compensation, however, the order to withhold benefits must be for a fixed sum.

This bill authorizes the court to send notice of assignment by facsimile machine or other electronic means in addition to regular mail. Orders for the withholding of unemployment compensation may be expressed as a fixed sum, as a percentage of benefits payable or as both in the alternative, requiring payment of the greater or lesser amount. Notices of assignment for withholding must include the information that the maximum amount withheld may not exceed the maximum amount that is subject to garnishment under federal law.

Under current law, if the petitioner in a paternity action fails to appear at a pretrial hearing or at the trial, the court may dismiss the action. If the respondent in a paternity action is the alleged father and he fails to appear for a court-ordered genetic test or a hearing at which an appearance is required, the court must adjudicate the respondent to be the father. This bill provides that, if the mother of the child in a paternity action fails to appear for a court-ordered genetic test or a

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hearing at which an appearance is required, the court may adjudicate the alleged father, or the man who alleges that he is the father, to be the father of the child if there is sufficient evidence for such a finding.

Under current law, if a child's birth occurs in or en route to a hospital and if the child's parents are unmarried, the hospital administrator or his or her designee must provide the child's mother with a voluntary paternity acknowledgment form and with a pamphlet that has information about birth certificates, including how to add to a birth certificate the name of the father of a child whose parents were not married. The hospital must submit any completed forms to the state registrar. The fee for making an alteration in a birth certificate is \$10. Upon receipt of the voluntary acknowledgement form and the fee, the state registrar must insert the name of the father on the birth certificate.

This bill requires that trained, designated hospital staff provide to the child's available unmarried parents written and oral information about the voluntary paternity acknowledgment form and about the significance and benefits of establishing paternity, before the parents sign the form. The bill provides immunity from civil liability for trained, designated hospital staff who provide this information in good faith. The staff must also provide an opportunity to complete the form and to have the form notarized in the hospital. DILJD must provide to hospitals the written information required to be provided to parents and must provide training to hospital staff concerning the voluntary acknowledgment form and the significance and benefits of establishing paternity. DILJD must pay the hospital, from federal funds, a financial incentive for each form that is correctly filed within 60 days after the birth and the \$10 fee for altering a birth certificate.

This bill requires DILJD to establish and operate a hiring reporting system that includes a state directory of new hires. With the exception of employers that employ individuals in Wisconsin as well as in at least one other state (those employers must designate for reporting just one of the states in which they employ individuals), all employers in this state must supply information to DILJD about newly hired employees. DILJD must specify the exact information that must be provided, how the information may be provided and a timetable for providing the information.

**CHILDREN**

Under current law, the Milwaukee County department of social services (Milwaukee County department) is responsible for providing child welfare services in Milwaukee County. Those services include receiving and investigating child abuse or neglect reports, referring children to the court assigned to exercise jurisdiction under the children's code (juvenile court), providing court reports and permanency plans to the juvenile court, providing appropriate protection or services for children and their families, licensing foster homes, placing children for adoption and providing kinship care payments. Current law requires the Milwaukee County board of supervisors to operate a children's court center which is responsible for

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providing intake and dispositional services for the juvenile court and for executing judicial policy governing intake and juvenile court services.

This bill transfers the responsibility for providing child welfare services in Milwaukee County, not including juvenile delinquency-related services, from the Milwaukee County department to DHFS beginning on January 1, 1998. The bill also transfers on that date the responsibility for providing intake and dispositional services for children in need of protection or services and for executing judicial policy governing intake and juvenile court services for those children from the children's court center to DHFS. Under the bill, Milwaukee County must contribute to the cost of providing child welfare services in that county an amount equal to the amount that the county budgeted for those services in 1995.

Under current law, DHFS must establish community advisory committees for each of the 5 neighborhood-based child welfare service delivery sites planned for Milwaukee County. Each committee must provide a forum for communication for those persons who are interested in the delivery of child welfare services in the neighborhood to be served by the services delivery site and must make recommendations to DHFS with respect to the delivery of those services in that neighborhood. This bill eliminates those community advisory committees and transfers the duties of those committees to the W-2 community steering committees established by the W-2 agencies serving Milwaukee County.

Under current law, a county may establish a secure detention facility or a shelter care facility, or both, for holding juveniles in custody. This bill permits a county to establish a child caring institution, that is, a facility that provides care and maintenance for 75 days in any consecutive 12-month period for 4 or more children at any one time. Currently, no person may operate a child caring institution unless that person obtains a license from DHFS to operate a child welfare agency. Public agencies, however, are excluded from that licensing requirement. This bill requires a county that establishes a child caring institution to obtain a license to operate a child welfare agency.

Currently, the adolescent pregnancy prevention and pregnancy services board that is attached to DHFS must award grants to organizations to provide adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling and vocational training. Currently, DHFS may award grants for the provision of services in counties, or to an American Indian tribe or band, for adolescent parents, emphasizing high school graduation and vocational preparation, training and experience; these grants are known as "adolescent self-sufficiency services" grants. DHFS is also authorized to provide grants for pregnancy and parenthood prevention services to high-risk adolescents; these grants are known as "adolescent pregnancy prevention services" grants. Lastly, DHFS must make grants to provide information to communities in order to increase community knowledge about adolescents' problems and information to and activities for adolescents; these grants are known as "adolescent choices project grants".

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This bill transfers to the adolescent pregnancy prevention and pregnancy services board the responsibility for awarding adolescent self-sufficiency services grants, adolescent pregnancy prevention services grants and adolescent choices project grants.

Under current law, DHFS licenses child welfare agencies, group homes, day care centers and shelter care facilities. Currently, those licenses are valid for 2 years from the date of issuance and may be renewed upon their expiration. This bill provides that those licenses are valid unless suspended or revoked. Under the bill, DHFS must review each license every 2 years and must "continue" a license for an additional 2-year period if the minimum requirements for licensure are met, the applicable license fee is paid, any outstanding forfeitures (civil monetary penalties) or other penalties are paid and, for a day care center, the criminal background investigation fee is paid.

Under current law, DHFS may impose sanctions, including daily forfeitures, on a child welfare agency, group home, day care center or shelter care facility licensee who commits a violation relating to the child welfare agency, group home, day care center or shelter care facility. Currently, a licensee who commits a violation must pay all forfeitures within 10 days after receipt of the notice of assessment, or, if the forfeiture is contested, within 10 days after receipt of a final administrative decision ordering payment, unless the decision is appealed and the decision is stayed by a court order. This bill permits a licensee who owes a forfeiture to DHFS to make an arrangement acceptable to DHFS for the payment of the forfeiture. The bill also requires DHFS to revoke a license if, on the date that the licensing fee is due, the licensee has any forfeitures that are due and have not been paid. Current law does not specifically authorize revocation under such circumstances.

Under current law, a child welfare agency that provides care and maintenance for children must pay a biennial license fee of \$100, plus \$15 per child, based on licensed capacity. This bill raises that fee to \$110, plus \$16.50 per child, based on licensed capacity, beginning on the day on which the bill becomes law, and to \$121, plus \$18.15 per child, based on licensed capacity, beginning on July 1, 1998.

Under current law, a child welfare agency that places children in foster homes or group homes must pay a biennial license fee of \$210. This bill raises that fee to \$231, beginning on the day on which the bill becomes law, and to \$254.10, beginning on July 1, 1998.

Under current law, a group home must pay a biennial license fee of \$100, plus \$15 per child, based on licensed capacity. This bill raises that fee to \$110, plus \$16.50 per child, based on licensed capacity, beginning on the day on which the bill becomes law, and to \$121, plus \$18.15 per child, based on licensed capacity, beginning on July 1, 1998.

Under current law, a day care center that provides care and supervision for 4 to 8 children must pay a biennial license fee of \$50. This bill raises that fee to \$55,

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beginning on the day on which the bill becomes law, and to \$60.50, beginning on July 1, 1998.

Under current law, a day care center that provides care and supervision for 9 or more children must pay a biennial license fee of \$25, plus \$7 per child, based on licensed capacity. This bill raises that fee to \$27.50, plus \$7.70 per child, based on licensed capacity, beginning on the day on which the bill becomes law, and to \$30.25, plus \$8.47 per child, based on licensed capacity, beginning on July 1, 1998.

Under current law, a shelter care facility must pay a biennial license fee of \$50, plus \$15 per juvenile, based on licensed capacity. This bill raises that fee to \$55, plus \$16.50 per juvenile, based on licensed capacity, beginning on the day on which the bill becomes law, and to \$60.50, plus \$18.15 per juvenile, based on licensed capacity, beginning on July 1, 1998.

Under current law, the state receives federal foster care and adoption assistance funding under Title IV-E of the federal social security act (generally referred to as "IV-E funds") in reimbursement of moneys expended by the state or the counties for activities relating to foster care and adoption of children. Currently, IV-E funds are credited to the community aids appropriation account of DHFS and distributed to counties to provide social services to children and families. Currently, subject to certain exceptions, community aids moneys, including IV-E funds, that are not spent or encumbered by December 31 of each year lapse to the general fund. One of those exceptions permits DHFS to carry forward to the next year up to 3% of the community aids funds allocated to a county in the current year.

This bill permits DHFS to distribute IV-E funds not only for services and projects to assist children and families, but also for the operational requirements of DHFS in administering programs to assist children and families. The bill also provides that if, on December 31 of any year, there remains unspent or unencumbered in the community aids allocation an amount that exceeds the amount of IV-E funds allocated as community aids in that year ("excess moneys"), DHFS must carry forward to the next year the excess moneys and distribute not less than 50% of the excess moneys to counties having a population of less than 500,000 for services and projects to assist children and families. Under the bill, a county must use not less than 50% of any excess moneys received by that county for services for children who are at risk of abuse or neglect to prevent the need for child abuse and neglect intervention services. A county may not use those excess moneys to supplant any other moneys expended by the county for services and projects to assist children and families in a base year determined by DHFS. Any excess moneys carried forward by DHFS, but not distributed to counties, may be used for the operational requirements of DHFS in administering programs for children and families.

Under current law, DHFS may establish a system of outpatient clinic services in any mental health institute operated by DHFS. Currently, subject to certain exceptions, DHFS may provide those outpatient services only to a patient contracted for with a county department of community programs or developmental disabilities services. This bill permits DHFS to provide outpatient services at the Winnebago

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Mental Health Institute to a patient who is a pupil enrolled in a school district that contracts with DHFS for the provision of those services.

**MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

Under current law, persons who receive treatment for mental illness, developmental disabilities, alcoholism or drug dependency have the right to refuse medication or treatment, except that this right does not apply to any of the following:

1. Certain persons who are detained or committed on the basis of mental illness and certain incapability, lack of services and probability of suffering severe harm (commonly known as the "5th standard" for mental health detention or commitment).

2. Persons who a court has determined are incompetent to refuse medication or treatment, either at or after the hearing to determine probable cause for commitment or after a final commitment order.

3. Committed persons in a situation in which the medication or treatment is necessary to prevent serious physical harm to the persons or others.

4. Persons who are found by a court to be both incompetent and incompetent to refuse psychotropic medication and for whom guardians of the person have been appointed to consent to or refuse psychotropic medication, including forcible administration of psychotropic medication, on behalf of the persons.

5. Persons ordered by a court to take medication in order to maintain their competence to proceed at trial.

This bill substantially modifies the right of patients receiving services for mental illness, developmental disabilities, alcoholism or drug dependency to refuse medication or treatment. First, for a patient who has been found by a court to be incompetent to refuse medication or treatment, the bill establishes, as a standard, that the medication or treatment may be involuntarily administered if the facility staff who are primarily responsible for developing the patient's treatment plan determine that the medication or treatment is appropriate for the purpose of ameliorating the patient's condition and represents the exercise of treatment techniques and procedures that are reasonable and appropriate to the patient and that there would be a current risk of harm to the patient or others if not administered. Second, for a patient who has not been found by a court to be incompetent to refuse medication or treatment, the bill establishes the right to request review of the offered medication or treatment. The review must be conducted by a 3-member panel of treatment professionals. If the review panel determines that the offered medication or treatment is appropriate for the purpose of ameliorating the patient's condition and represents the exercise of treatment techniques and procedures that are reasonable and appropriate to the patient, or if the patient did not timely request panel review, the patient's treatment facility or treatment program may, for certain patients, terminate the contractual agreement with the county department of community programs or developmental disabilities services and return the patient to the care and custody of the county department, request reexamination of the patient or discharge the patient. For all mental health patients, the treatment facility may transfer the patient to a nontreatment unit or facility until the patient

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is released or discharged or consents to the medication or treatment that is offered under a treatment plan. Patients who are transferred to a nontreatment unit or facility may be locked in their rooms for certain periods of time and may be subjected to unit-wide or facility-wide isolation under certain circumstances. These patients are not entitled to conditions or facilities that are identical or substantially similar to those in which patients who consent to treatment are housed. The rights under transfers concerning a form of treatment that is least restrictive of the patient's personal liberty do not apply to these patients. The bill also authorizes a person operating a mental health institute or other inpatient facility to establish and operate nontreatment units or facilities. Lastly, for all patients, the treatment facility or treatment program may file a motion to request the court to enter an order requiring administration to the patient of treatment (not including the administration of psychotropic medication).

Under current state law, treatment records of an individual who is receiving or has received services for mental illness, developmental disability, alcoholism or drug dependence that are maintained by DHFS, by county departments of community programs or developmental disabilities services or by treatment facilities are confidential. Patient health care records that are prepared by or under the supervision of a health care provider also are confidential. With certain exceptions, the treatment records or patient health care records may be released only with the informed written consent of the individual. One of the exceptions applies to staff members of the protection and advocacy agency or to staff members of a private nonprofit corporation with which the protection and advocacy agency has contracted. (A protection and advocacy agency is an entity designated by the governor to implement a system to protect and advocate the rights of persons with developmental disabilities or mental illness, as authorized by federal law.) Currently, however, if the individual for whom treatment records are sought has had a guardian appointed for him or her on grounds of incompetence or is a minor with developmental disability who has a parent or a guardian but not a guardian who was appointed for him or her on grounds of incompetence, information about that individual that the protection and advocacy agency, or the nonprofit corporation with which it has contracted, may obtain is limited to the nature of an alleged rights violation, if any; the name, birth date and county of residence of the individual; information as to whether the individual was voluntarily admitted, involuntarily committed or protectively placed and the date and place of the admission, commitment or placement; and the name, address and telephone number of the guardian and the date and place of the guardian's appointment or, for a minor with developmental disability who has not had a guardian appointed on grounds of incompetence, the name, address and telephone number of the minor's parent or guardian. If the protection and advocacy agency or the nonprofit corporation with which it has contracted wishes to obtain additional information, it must notify the guardian or the parent in writing and may obtain the information only if the guardian or parent does not object in writing within 15 days after the notice is



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mailed. However, access to records of an individual may be provided to the agency or corporation if:

1. The record custodian fails to promptly provide the name and address of the parent or guardian.

2. A complaint is received by the agency or corporation about an individual, the agency or corporation determines that there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy and the agency or corporation has made a good-faith effort to contact the parent or guardian and has either been unable to contact the parent or guardian or has offered assistance to resolve the situation and the parent or guardian has failed or refused to act on behalf of the individual.

3. A complaint is received by the agency or corporation about an individual or there is otherwise probable cause to believe that the individual has been subject to abuse or neglect by a parent or guardian.

4. The individual is a minor whose custody has been transferred to a legal custodian or for whom a guardian, who is an agency of the state or a county, has been appointed.

Current federal law authorizes access to records of an individual with mental illness or developmental disability who has a legal guardian or other legal representative and for whom the agency or corporation has received a complaint or for whom there is probable cause to believe that the health and safety of the individual is in serious or immediate jeopardy, whenever the agency or corporation has contacted the individual's representative and offered assistance and the representative has failed or refused to act on behalf of the individual. Current federal law also authorizes access for an individual who, by reason of his or her mental or physical condition, is unable to authorize access for the agency or corporation, who does not have a legal guardian or other legal representative or for whom the legal guardian is the state and with respect to whom the agency or corporation has received a complaint or there is probable cause to believe that the individual has been subject to abuse or neglect.

This bill changes the conditions under which the agency, or the corporation with which it contracts, is authorized to provide access to the treatment or patient health care records of an individual, to conform the conditions to current federal law. However, the bill retains overriding a denial of access if the record custodian fails to promptly provide the parent's or guardian's name or address or if the individual is a minor whose custody is transferred to a legal custodian or for whom the state or county is appointed as guardian.

Under current law, elderly, physically disabled, developmentally disabled, chronically mentally ill or chemically dependent persons receive services under the long-term support community options program. Reimbursement for long-term community support services may not exceed the average monthly cost of nursing home care, as determined by DHFS. This limitation does not apply to a person under the age of 22 or a person who is ventilator-dependent, or if DHFS determines that the cost of providing that person with nursing home care would exceed the cost of

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providing the person with care in the community. This bill eliminates the limitation on payment under the long-term support community options program for long-term community support services.

Under current law, DHFS must implement a plan that is approved by DOA to ensure that, before July 1, 1999, there are sufficient revenues to cover expenditures in reimbursement of care provided to patients of the Mendota and Winnebago mental health institutes. DHFS must report to DOA every 3 months, ending on July 1, 1999, on the implementation of this plan. This bill appropriates general purpose revenues equivalent to the value of the equipment and buildings of the Mendota and Winnebago mental health institutes to be used to cover expenditures in reimbursement of care provided to the mental health institutes. The bill also eliminates the requirement that DHFS annually increase rates charged for services provided by the mental health institutes and eliminates the plan deadline of July 1, 1999.

Currently, a county department of community programs must prepare a local plan to meet the needs of persons within the county department's jurisdiction who have mental illness, developmental disability, alcoholism or drug addiction, including homeless persons. The proposed budget for the county for mental health services for the succeeding year must be based on this plan. The county department of community programs must submit this plan every 3 years to DHFS for review. DHFS, in turn, must develop a model community mental health plan for county use, assist counties in developing their individual plans and, in conjunction with the council on mental health, review the plans submitted by counties. This bill eliminates all these requirements.

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS must give prior approval to the construction or total replacement of a nursing home; an increase in the bed capacity of a nursing home; a capital expenditure that exceeds \$1,000,000 by or on behalf of a nursing home; an expenditure that exceeds \$600,000 for clinical equipment by or on behalf of a nursing home; and the partial or total conversion of a nursing home to a facility primarily serving the developmentally disabled. This bill eliminates the requirement for prior approval by DHFS of the total replacement of a nursing home, capital expenditures that exceed \$1,000,000 for renovation or replacement of a nursing home and expenditures that exceed \$600,000 for renovation or replacement of clinical equipment of a nursing home.

This bill requires that DHFS distribute a total of \$250,000 in fiscal year 1997-98 and a total of \$150,000 in fiscal year 1998-99 to develop and extend use of a facility licensing and certification system. However, the bill permits the secretary of administration to withhold approval for expenditure of these funds until he or she determines that DHFS has adequately explored and planned for the use of a common licensing and certification system with the department of regulation and licensing.

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Under current law, providers of care or services who contract with DHFS or with a county department of social services, human services, developmental disabilities services or community programs must, as a condition of reimbursement, provide the purchaser with a certified financial and compliance audit report for purchased care and services that exceed \$25,000. The audit report is required biennially unless federal law requires an annual report. This bill revises audit requirements for care and service providers who contract with DHFS or county departments to require annual submission of audits if care and services purchased exceed \$50,000. The bill authorizes DHFS to require audits of a provider from whom purchases were less than \$50,000, under certain circumstances.

Under current law, the Wisconsin Health and Educational Facilities Authority (WHEFA) may issue bonds to finance certain projects for the construction, remodeling, furnishing or equipping of a health facility. The definition of "health facility" does not include a rural medical center that is required to be licensed by DHFS. A rural medical center is a facility that provides 2 or more health care services, is organized under a single governing and corporate structure, and is located in a county or municipality that has a population of less than 15,000 and in an area that is not an urbanized area.

This bill changes the definition of "health facility" by including rural medical centers and excluding fitness centers and weight reduction centers. The bill also provides that WHEFA may retain bond counsel services only on the basis of a competitive process that is approved by the secretary of administration.

This bill eliminates the current expiration date of July 1, 1997, for the requirement that DHFS establish a pilot project for a contract with the Red Cliff Band of Lake Superior Chippewas and requires that DHFS administer the pilot project.

Under current law, as part of the home-based enterprise program, DILJD must distribute funds for homecraft services relating to the marketing and distribution of homecraft products and to the purchase of capital equipment for each client who participates in the homecraft program. This bill eliminates the requirement that DILJD distribute funds for homecraft services relating to the purchase of capital equipment.

Currently, DHFS, in cooperation with DPI, must prepare a joint alcohol and other drug abuse prevention, intervention, treatment and rehabilitation plan and biennially submit a report to the legislature on implementation of the plan. This bill eliminates this requirement.

**INSURANCE**

The health insurance risk-sharing plan (HIRSP) under current law provides major medical health insurance coverage for persons who are covered under

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medicare because they are disabled, persons who have tested positive for the human immunodeficiency virus (HIV) and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions. Responsibility for administering HIRSP is split between the office of the commissioner of insurance (OCI) and a board of governors, which includes the commissioner of insurance or a designated representative from OCI. Claims, other than those in excess of premiums, are paid by premiums collected from persons with coverage under HIRSP. Administrative expenses of HIRSP, including claims in excess of premiums, are paid out of the health insurance risk-sharing fund, which is derived from assessments paid by health insurers. The commissioner determines each health insurer's annual assessment and the schedule of premiums. Covered persons with annual household incomes below \$20,000 pay reduced premiums and deductibles through a subsidy program administered by the board and funded with general purpose revenue and certain assessments and penalties paid by health insurers.

This bill transfers responsibility for administering HIRSP to the department of health and family services (DHFS) and the board and makes a number of changes to the program. Under the bill, the commissioner continues to determine each insurer's share of the assessments that provide funding for HIRSP and to impose assessments for certain insurer actions that make a person eligible for coverage under HIRSP. The secretary of health and family services, or his or her representative, as well as the commissioner, or his or her representative, are members of the board, and the secretary, or his or her representative, serves as chairperson of the board. Payment of claims, as well as other administrative duties, is performed by the same fiscal agent that pays claims under the medical assistance (MA) program. While under current law covered expenses under HIRSP are the usual and customary charges, reduced by 10%, for specified services, after the transfer occurs the covered expenses are the amounts that are paid for those services under MA. Under the bill, services and articles covered under HIRSP must be provided by persons who are certified to provide services or articles under MA. Reduced premiums and deductibles for covered persons with incomes below \$20,000 continue to be subsidized, but DHFS may recover from the estate of a deceased person who had coverage under HIRSP the amount of any subsidies that are paid on behalf of the person after the transfer to DHFS occurs.

**LOCAL GOVERNMENT**

Under the current tax incremental financing (TIF) program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50% of the area to be included in the TID is blighted, in need of rehabilitation or suitable for industrial sites. Before a city or village may create a TID, several steps are required. These steps include public hearings, preparation and adoption of a proposed project plan for the TID, approval of the proposed project plan by the city or village and the creation of a joint review board to review the proposal. The joint review board, which is made up of representatives of the

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overlying taxing jurisdictions of the proposed TID, must approve the project plan or the TID may not be created.

This bill creates a mechanism, very similar to the TIF program, for financing the “eligible costs” incurred by a city, village, town or county (political subdivision) for environmental remediation (ER) of property that is owned by the political subdivision. If the remediated property is transferred to another person and is then subject to property taxation, ER tax incremental financing may be used to allocate some of the property taxes that are levied on the property to the political subdivision to pay for the costs of remediation.

“Eligible costs” are capital costs, financing costs and administrative and professional service costs for the removal, containment or monitoring of, or the restoration of soil or groundwater affected by, environmental pollution. Eligible costs are reduced by any amounts received from persons responsible for the discharge of a hazardous substance on the property to pay remediation costs and by the amount of net gain on the sale of the property by the political subdivision.

If development on the remediated parcel increases the value of the property above the base value, an “ER value increment” is created. That portion of taxes collected on the ER value increment in excess of the base value is called an “ER tax increment”. The ER tax increment is placed in a special fund that may be used by the political subdivision only to pay back the eligible costs of the ER, instead of being distributed to the overlying taxing jurisdictions that have the authority to levy property taxes on the remediated parcel of property. The ER tax increment must be paid into the special fund until all of the political subdivision’s eligible costs are paid or until 17 years after the ERTID of the property has been certified by the department of revenue (DOR), whichever comes first.

In calculating shared revenue payments, “full valuation” includes these increments for municipalities and counties that create the district but not for the other units of government in the district, and “local general purpose taxes” includes the portion of these increments collected for a municipality or county that is attributable to the municipality’s or county’s own levy. Shared revenue payments decrease as full valuation increases, and those payments increase as local general purpose taxes increase.

The bill also provides that the equalized valuation of a school district is reduced by the amount of an ER value increment on a parcel of property that is certified by DOR under the bill. In certain cases the result of such a reduction is additional state aid to the school district.

Under current law, the state or any city, village, town, county, school district, metropolitan sewerage district, regional planning commission and several other units of local government may enter into a cooperative agreement or contract with other such entities and with federally recognized Indian tribes or bands in this state for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. Such contracts may provide for creation of a commission and letting of contracts. A commission that is created under current law may finance the acquisition, development, remodeling, construction and equipment

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of land, buildings and facilities for a regional project by issuing revenue bonds or by borrowing or issuing municipal bonds.

This bill authorizes a local governmental unit in the Wisconsin Dells area to enter into a cooperative agreement or contract with another such unit under these current law provisions to establish a commission to jointly create a premier resort center. Such a center is one or more related structures owned, operated or leased by a governmental unit and used primarily for, or to support, cultural events or commercial activities, but not primarily for recreational or sporting activities. The governmental units that participate in the establishment of a commission may finance a premier resort center by issuing, either jointly or separately, revenue bonds. The governmental units that constitute the commission may also impose, separately, a sales tax on food and beverages and may issue "Class B" liquor licenses, which authorize the retail sale of alcohol beverages, in excess of the quotas that otherwise apply to the governmental units.

Under the bill, the interest income generated by revenue bonds issued by a governmental unit or units to finance a premier resort center is exempt from income taxation (see also TAXATION).

Current law establishes a local professional baseball park district (a "baseball district") for each county with a population exceeding 500,000 (currently, only Milwaukee County). All counties contiguous to the county with a population exceeding 500,000 are included in the baseball district's jurisdiction. Among other powers, a baseball district has the power to acquire, construct, equip, maintain, improve, operate and manage baseball park facilities as revenue-generating enterprises. Current law authorizes the department of administration (DOA) to provide certain services to a baseball district, for compensation to be agreed upon between DOA and the district, including engineering, architectural, project management and other building construction services. Similarly, current law authorizes the building commission to serve as financial consultant to assist and coordinate the issuance of the bonds of a baseball district. A baseball district is authorized to levy a sales tax of 0.1% within the baseball district's jurisdiction to fund its activities. This tax is collected by DOR, which retains a percentage of the sales taxes collected for the district (3% for the first 2 years and 1.5% thereafter) to cover the costs of administering the tax.

This bill validates all actions taken by DOA or the building commission before the day on which this bill becomes law to provide services that directly benefit a baseball district, including services provided before the creation of the baseball district. A baseball district that directly benefits from these services is liable for the fair market value of those services, as determined by the secretary of administration, regardless of whether the baseball district was in existence at the time that the services were provided or whether the baseball district authorized the provision of those services. If the secretary of administration determines that a baseball district is liable for services and that the liability remains unpaid, the bill requires the secretary of administration to certify to DOR the amount of the unpaid liability. The bill requires the amount certified to be transferred from the sales tax moneys

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collected by DOR for the baseball district to a specified DOA appropriation account and the capital improvement fund in payment of the liability. These transfers may be made in a lump sum or in instalments, as specified in the certification.

Under current law, a person who becomes a member of a paid city fire department must become a member of that city's fire fighters relief association, which gives relief to the sick and disabled members of the association and their families. Such a person is required to pay an initiation fee of not more than \$50 and annual dues. This bill deletes the \$50 cap on the initiation fee.

Also under current law, a retired fire fighter who continues to be a member of, and pay dues to, his or her association is not allowed to be an officer in the association. This bill allows such a person to become an officer of the association.

**NATURAL RESOURCES****FISH, GAME AND WILDLIFE**

This bill authorizes the department of natural resources (DNR) to determine who may issue each type of fish and game license, permit and stamp. DNR may issue them directly and may appoint one or more county clerks or other persons as issuing agents. Under current law, DNR must issue all types of fish and game licenses, permits and stamps. Also under current law, with certain limited exceptions, if a county clerk issues a type of fish and game license or stamp, all county clerks must do so.

The bill also prohibits county clerks from appointing agents to issue fish and game licenses and stamps. Under current law, county clerks may make these appointments.

The bill allows DNR to charge a fee for releasing the names, addresses and telephone numbers of persons to whom fish and game licenses, permits and stamps have been issued. Under current law, DNR must release this information for free.

Under this bill, if DNR and the Lac du Flambeau band of the Lake Superior Chippewa have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, the band may elect to issue fishing licenses and stamps that are equivalent to fishing licenses or stamps issued by DNR. These licenses and stamps include resident and nonresident annual and 2-day licenses and inland waters trout stamps. If the band chooses to issue any of these licenses or the trout stamps, it must collect the same fee as DNR charges. Although the licenses or stamps may be used wherever a DNR license or stamp is valid, they may be issued only on the Lac du Flambeau reservation.

If the agreement described above is in effect, the bill authorizes the band to issue DNR fishing licenses and the DNR trout stamp and to retain the fees that the band collects for these licenses and stamps and authorizes DNR to pay the band an amount equal to the amount that DNR collects from its agents who issue DNR fishing licenses and trout stamps on the reservation.

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The band must use the fees that it collects for its own and for DNR fishing licenses and stamps and any payment from DNR for these licenses and trout stamps for fishery management on the reservation.

Under current law, DNR must sell any wild animals or carcasses that are seized in violation of the fish and game laws and that are not destroyed by DNR. This bill allows DNR to distribute for free seized carcasses to programs that provide food to low-income persons or to the elderly. The bill also specifically allows DNR to sell seized animals and carcasses to certain businesses licensed by DNR, such as bait dealers, wholesale fish dealers and taxidermists. Under the bill, these businesses may resell the seized animals or carcasses. Resale is prohibited under current law except by eating establishments to their customers.

Under current law, DNR may limit the total number of certain types of fish and game that are harvested by establishing a system for issuing a limited number of permits. Under this bill, DNR may establish a permitting system for harvesting sturgeon, either by hook and line or by spearing or by both.

With certain exceptions, under current law any person born after January 1, 1973, must successfully complete a hunter education and safety course administered by DNR in order to be issued a license that authorizes hunting, either by firearm or by bow and arrow or by both. This bill requires DNR to include 2 components in the course: one in firearm safety and one in bow hunting safety. Under the bill, a person may take only the bow hunting safety component. However, if a person successfully completes only the bow hunting safety component, the person may only be issued a license authorizing hunting by bow and arrow.

**RECREATION**

Under current law, DNR charges a fee for admission to certain areas of state parks, state forests and certain other recreation properties that it operates. Under this bill, a person paying an admission fee must also pay an issuing fee. The bill reduces the base admission fees so that the total amount that a person pays for admission is no more than the amount that the person pays under current law. The bill authorizes DNR to appoint agents to collect admission and issuing fees. Under the bill, the agents may retain a portion of the issuing fees to compensate them for providing this service.

Under current law, DNR administers a registration program for snowmobiles and all-terrain vehicles (ATVs). Under this bill, if DNR and the Lac du Flambeau band of the Lake Superior Chippewa have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, the band may elect to establish a registration program for snowmobiles or ATVs. If the band chooses to register these vehicles, it must collect the same registration fees as DNR charges, and the registration certificates must be valid for the same length of time as the DNR certificates. Although the registration certificates are valid for operation



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of the vehicles in the state wherever the DNR certificates are valid, the certificates may be issued only on the Lac du Flambeau reservation. The band must use the snowmobile and ATV registration fees that it collects for activities and facilities related to snowmobiling and ATVs respectively.

**FORESTRY AND ENDANGERED RESOURCES**

This bill authorizes DNR to award grants to owners of private forest land that is not used commercially to produce timber for the purpose of developing and implementing land management plans. The bill requires that the plans incorporate certain practices that will protect and enhance the natural resources on the forest land.

This bill requires DNR to award grants to cities, villages, towns, counties and fire fighting organizations for fire fighting services. The grants may pay up to 50% of the cost of acquiring fire fighting supplies, equipment and vehicles. Only entities that agree to assist DNR in fighting forest fires are eligible for these grants.

This bill appropriates moneys received by the state from the sale or lease of resources, such as timber, from land located in the state natural areas system to fund the endangered resources program. The purposes of the endangered resources program are to improve habitats for endangered or threatened species and to provide wildlife management services.

Under current law, DNR may charge a fee for providing information to 3rd parties under the natural heritage inventory program, under which natural areas and endangered animals and plants are inventoried and monitored. The fee is deposited in the conservation fund. This bill appropriates revenues from these fees to fund the endangered resources program and the natural heritage inventory program.

**OTHER NATURAL RESOURCES**

Current law prohibits trespassing. Generally, a person is guilty of trespassing if he or she does any of the following: 1) enters or remains on any land of another after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land; or 2) enters enclosed, cultivated or undeveloped land of another, or any land of another that is occupied by a structure used for agricultural purposes, without the express or implied consent of the owner or occupant, except that, with respect to undeveloped private land that abuts a parcel of land that is owned by the United States, this state or a local governmental unit, a person is guilty of trespassing only if he or she enters or remains on such land after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land. A person who is found guilty of trespassing is subject to a forfeiture (civil penalty) of not more than \$1,000.

This bill reduces the penalty for trespassing to a forfeiture of not more than \$500. The bill also provides that, with respect to undeveloped private land that abuts

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a parcel of land that is either leased by the United States, this state or a local governmental unit or subject to a public access requirement, a person is guilty of trespassing only if he or she enters or remains on such land after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land. Under the bill, a public access requirement is any requirement under a federal, state or local law that land to which the law applies must be open to public access, including a requirement that the public have access only for specified purposes (such as hunting).

Under current law, DNR provides state funding for recreational boating projects. The Wisconsin waterways commission determines which projects receive funding. This bill authorizes DNR, with the approval of the Wisconsin waterways commission, to pay 100% of the costs of acquiring land for and constructing a harbor of refuge along the Lake Superior shoreline.

Under current law, DNR provides state funding to construct recreational boating facilities. This bill requires that DNR do all the following:

1. Provide up to \$1,200,000 to Adams County for boat launching facilities and a harbor of refuge on Petenwell Lake.
2. Provide up to \$750,000 to Fond du Lac County for boat launching facilities at Columbia County Park on Lake Winnebago.
3. Provide up to \$700,000 to Calumet County to complete Stockbridge Harbor on Lake Winnebago.
4. Spend up to \$500,000 to construct breakwater structures in Lake Winnebago at the entrance to High Cliff State Park harbor for boater safety.

This bill requires DNR and the department of transportation to jointly develop a plan to landscape highways in the state, with priority given to southern Wisconsin.

Under current law, DNR is appropriated moneys from the conservation fund to enable it to receive intra-departmental moneys from vehicle and equipment pools and spend these moneys for the operation, maintenance, replacement and purchase of vehicles and equipment. This bill amends this provision to cover information technology pools. The bill also requires DNR to submit a report to the department of administration (DOA) no later than January 1, 1998, detailing DNR's proposed expenditures from this appropriation necessary to conform to any information technology guidelines and standards established by DOA. In addition, current law allows a department to expend general purpose revenue from certain specified appropriations in an amount equal to the depreciated value of equipment financed under these appropriations. This bill adds the DNR vehicle and equipment pool appropriation to the list of specified appropriations, so that DNR may expend general purpose revenue from this appropriation equal to the amount of the depreciated value of vehicles and equipment financed by the appropriation.

**SENATE BILL 77****OCCUPATIONAL REGULATION**

Under current law, the department of regulation and licensing (DORL) or an attached examining board or affiliated credentialing board may not issue certain occupational and professional credentials if an applicant has been arrested for a pending charge or been convicted, and the circumstances of the charge or conviction are substantially related to the occupation or profession. This bill provides specific statutory authority that allows DORL to conduct an investigation to determine whether an applicant satisfies any of the eligibility requirements for a credential, including not having such an arrest or conviction record. In addition, DORL may require an applicant to provide any information that is necessary for the investigation or to complete forms provided by the federal bureau of investigation (FBI) or department of justice (DOJ) for the purpose of obtaining information about his or her arrest or conviction record. DORL must charge an applicant for any fees, costs or expenses incurred in conducting its investigation.

This bill changes the fees for initial and renewal credentials issued by DORL or a board for each of the professions, occupations and businesses that DORL or a board regulates, except for renewal credentials for charitable organizations, professional geologists, occupational therapy assistants, physical therapists and social workers.

Current law does not specify a renewal credential fee for real estate business entity licenses. This bill imposes a renewal credential fee of \$70.

**RETIREMENT AND GROUP INSURANCE**

Under current law, all pension plan benefits provided by the department of employe trust funds (DETF), any retirement system of a 1st class city (currently, only the city of Milwaukee) and any retirement system established by a county government (currently, only Milwaukee County) are generally not assignable or subject to execution, levy, attachment, garnishment or other legal process. This bill makes any monthly annuity payment by DETF, any retirement system of a 1st class city or any retirement system established by a county government assignable and subject to execution, levy, attachment, garnishment and other legal processes that relate to child support and family or other maintenance support. In addition, the bill authorizes the department of industry, labor and job development (DILJD) to direct DETF, any retirement system of a 1st class city, any retirement system established by a county government or any private pension plan to withhold from any lump sum payment that may be paid to a person an amount owed by the person for delinquent support.

Under current law, with one exception, individual personal information in the records of DETF may not be disclosed.

This bill provides that individual medical information in the records of DETF may be disclosed only under one of the following conditions:

1. When a disability application or health insurance claim denial is appealed.

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2. Under a court order or an order of a hearing examiner duly obtained after notice to DETF and upon a showing to the court or the hearing examiner that the information is relevant to a pending court or administrative action.

3. Upon written request, to the employer of a person who applies for a disability annuity or duty disability benefit or who files a claim for income continuation insurance or, if the person is a state employe, to the department of administration for the purpose of managing the state employes' worker's compensation program. The only individual medical information that may be disclosed is information contained in the medical records of the person and any documentation submitted to DETF pursuant to certain applications for disability benefits.

4. Upon written request, to a participant in the Wisconsin retirement system or his or her designee, but only if the participant's or his or her designee's access to the individual medical information is not otherwise restricted by law. The only individual medical information that may be disclosed by DETF is that specifically identified in the written request.

**STATE GOVERNMENT****DISTRICT ATTORNEYS**

Under current law, this state pays for the salaries and various benefits for district attorneys, deputy district attorneys and assistant district attorneys. Among their other duties, district attorneys may, if the attorney general has declined to do so, bring a petition under the sexually violent person commitment law seeking the commitment for involuntary treatment of a person found to be a sexually violent person.

This bill specifies that 4 assistant district attorney project positions (one each in Brown, Dane, Marathon and Milwaukee counties) shall be used until June 30, 1999, to provide assistant district attorneys who will file and prosecute petitions anywhere in this state under the sexually violent person commitment law. The bill also requires district attorneys to maintain, during the period ending on June 30, 1999, records of the time spent on cases brought under the sexually violent person commitment law and to report that information to the department of administration (DOA).

**STATE BUILDING PROGRAM**

Currently, with certain limited exceptions, state construction projects that are estimated to cost more than \$30,000 must be publicly advertised and awarded to the lowest qualified responsible bidder. Projects that are estimated to cost more than \$250,000 must be specifically enumerated in the authorized state building program as set forth by law. These requirements apply regardless of the funding source for a project. As work progresses under a contract, the state makes partial payments to the contractor and if the work is satisfactorily completed, the state pays the contractor in full.

This bill permits DOA to contract with a qualified contractor for the performance of an energy conservation audit of any state-owned building, structure or facility. The contractor must then prepare a report recommending specific

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physical modifications to effect future energy savings and determining the minimum savings that will be realized by the state if the modifications are made. After receiving the audit report, and subject to approval of the building commission where required, the bill permits DOA to contract for construction work to be performed by the contractor on the building, structure or facility, at the contractor's expense, for the purpose of realizing potential savings of future energy costs identified in the audit if, in DOA's judgment, the anticipated savings to the state after completion of the work will enable recovery of the costs of the work within a reasonable period of time. Any such contract must provide for the state to pay a stated amount, which must include any financing costs incurred by the contractor. The amount may not exceed the minimum savings determined under the audit to be realized within the period specified in the audit. The state makes payments under the contract as the savings identified in the audit are realized by the state, in the amounts actually realized, but not to exceed the stated amount.

Under the bill, any such contract must include a provision stating in substance that the payments under the contract are contingent upon available appropriations. The bill exempts any such contract from notice and bidding requirements and from the requirement for enumeration in the authorized state building program.

**STATE EMPLOYMENT**

Under current law, the administrator of the division of merit recruitment and selection in the department of employment relations (DER) is responsible for administering state law relating to the recruitment, appointment, examination and certification of applicants for positions in the state classified service. Current law provides that the administrator may delegate any of these functions to an appointing authority of a state agency, within prescribed standards, if the administrator finds that the state agency has personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. Current law also provides that if the administrator determines that a state agency is not performing such delegated function within prescribed standards, the administrator must withdraw such delegated function.

This bill provides that, at the request of the board of regents of the University of Wisconsin (UW) System, the administrator must delegate to the board of regents any of his or her functions relating to the recruitment, appointment, examination and certification of applicants for classified, nonprofessional positions in the UW System. This delegation is not subject to prescribed standards and is not revocable by the administrator. Any personnel decision made by the board of regents, however, is subject to appeal to the personnel commission.

Currently, with limited exceptions, any change in the number of full-time equivalent positions for any state agency must be approved by law, by the legislature in budget deliberations, by the joint committee on finance (JCF) or by the governor, depending upon the funding source for the positions. This bill permits the secretary of administration, at the request of the secretary of employment relations, to

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authorize additional temporary positions for any state agency from any funding source to provide temporary staffing for the purpose of permitting the agency to loan the staff members to another state agency or to a state agency of another state, an agency of a foreign government, a federal agency, an institution of higher education or a local government. The bill does not define “temporary”.

Under current law, any department, agency or instrumentality of the state or institution of higher education or any local government or municipal corporate agency may participate in an employe interchange program with departments, agencies or instrumentalities of a foreign government, the federal government, another state or local government, an institution of higher education, municipal corporate agencies or other agencies or instrumentalities of this state. Employes of the sending governmental unit, even though they report for work at the receiving governmental unit, are still considered employes of the sending governmental unit during the duration of the interchange. The employes’ salaries and benefits are paid by the sending governmental unit during the duration of the interchange, except that a receiving governmental unit (except for a department, agency or instrumentality of the state) may provide supplemental salaries and benefits to the employe during the duration of the interchange.

This bill provides that a department, agency or instrumentality of the state that is a receiving governmental unit may also provide supplemental salaries and benefits to the employe during the duration of the interchange. In addition, the bill requires the compensation plan to provide for a supplemental salary increase of up to 10% of an employe’s base salary for any employe who participates in the temporary interchange program, but only if the state agency to which the employe is assigned during the period of the interchange pays the cost of the supplemental salary increase. The bill affects only the compensation and conditions of employment of state employes who are included in collective bargaining units for which representatives are recognized or certified to the extent allowed under the employes’ collective bargaining agreements.

This bill eliminates certain requirements for making promotional appointments to positions in the classified service at the UW System. (See EDUCATION, HIGHER EDUCATION.).

Under current law, the investment board is authorized to provide bonus compensation to the executive director of the board and other employes of the board for meritorious performance. This bill provides that an employe is not eligible to participate in the bonus compensation plan if the employe is hired by the investment board after the day on which the bill becomes law to perform functions primarily related to information technology.

**STATE FINANCE**

In addition to modifying the amounts of authorized bonding for existing state bonding programs, this bill authorizes bonding for several new programs including an educational technology infrastructure loan program. (See EDUCATION, OTHER

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EDUCATIONAL AND CULTURAL AGENCIES), a safe drinking water loan program (see ENVIRONMENT, WATER QUALITY), and a transportation infrastructure bank program (see TRANSPORTATION, TRANSPORTATION AIDS.).

Under current law, the statutory purpose of the property tax relief fund is to provide state property tax relief “during the 1997-99 fiscal biennium”. This bill amends the language creating the fund to delete reference to providing tax relief “in the 1997-99 fiscal biennium”. In addition, the bill requires the secretary of administration to make annual transfers from the property tax relief fund to the general fund. The amount of each transfer equals the estimated total increase, if any, in anticipated expenditures from the appropriations for school aids and for the school levy tax credit from the previous fiscal year to the current fiscal year, not to exceed the balance of the property tax relief fund. If the secretary of administration overestimates or underestimates the amount of the increase, an adjustment to compensate for the overestimation or underestimation in the transfer is made for the next fiscal year.

Under current law, the governor is generally authorized to accept federal funding, on behalf of the state, and to designate the state board, commission or department to administer these funds for the purpose designated by the federal government. However, when a block grant is made to the state by a federal law enacted after August 31, 1995, the governor may administer the funds and the state board, commission or department may encumber the federal funds only if JCF does not schedule a meeting on the issue within 14 days of being notified by the governor of the receipt of the funds.

This bill instead provides for this notification and review upon receipt of *any* block grant if the secretary of administration determines that the block grant is not reflected in the estimates of federal revenues contained in the biennial budget act for the fiscal year in which the moneys contained in the grant will be encumbered.

Under current law, state operating notes may be issued only upon submission of a request by DOA to the building commission. If DOA determines that a deficiency will occur in the funds of the state that will not permit the state to meet its operating obligations in a timely manner, DOA may prepare a request for the issuance of operating notes and, after approval by JCF, may submit the request to the building commission.

This bill replaces the requirement for JCF approval with a 14-day passive review process. Under the bill, if DOA proposes to submit a request for the issuance of operating notes to the building commission, the secretary of administration must notify JCF in writing of the proposed action. If the cochairpersons of JCF do not notify the secretary that JCF has scheduled a meeting for the purpose of reviewing the proposed submission within 14 working days after the date of the secretary's notification, DOA may submit the request to the building commission as proposed. If, within 14 working days after the date of the secretary's notification, the cochairpersons of JCF notify the secretary that JCF has scheduled a meeting for the

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purpose of reviewing the proposed submission, DOA may submit the request to the building commission only upon approval of JCF.

This bill requires the arts board, the department of justice (DOJ), the department of public instruction, the historical society and the public defender board to submit a report to the governor and JCF no later than October 1, 1997. Each report must contain the agency's recommendations on how to allocate a specified appropriation reduction, resulting from budgetary efficiency measures, among the agency's sum certain general purpose revenue appropriations.

Under current law, the executive director of the investment board may appoint one division administrator and investment directors and must appoint a chief investment officer and all other employees necessary to carry out the functions of the board. The board must participate in the selection of the chief investment officer and the investment directors. The executive director of the board also may appoint an executive assistant.

This bill removes the authority of the executive director to appoint a division administrator. Instead, the bill authorizes the executive director to appoint a chief legal counsel, a chief financial officer and a chief risk officer. These positions are made subject to the state code of ethics for public officials and the employees in these positions are required to file annual statements of economic interests, as well as quarterly reports of economic transactions, with the state ethics board. Employees in these positions receive more liberal vacation and retirement benefits than are provided to most other nonrepresented state employees.

Also, under current law, the board must appoint an investment director to act as the assistant director. The assistant director acts in place of the executive director in his or her absence or disability. This bill allows the board to appoint any of the senior officers mentioned, as well as any investment director, to the position.

Under current law, the investment board may employ special legal or investment counsel in any matter arising outside of the scope of its investment authority. In addition, the board may employ professionals, contractors or other agents necessary to evaluate or operate any property if a fund managed by the board has an interest in, or is considering purchasing or lending money based upon the value of, that property. Expenses incurred by these special legal counsel, special investment counsel, professionals, contractors or other agents may be charged to the funds for which their services were provided.

This bill requires the board to submit quarterly reports to DOA detailing all costs and expenses charged to funds under these provisions. In addition, the bill prohibits the board from charging a fund for these expenses if the expenses are for data processing services, information technology and telecommunications services, accounting services other than actuarial services, or general management services.

Under current law, the division of trust lands and investments is under the direction and supervision of the board of commissioners of public lands and is



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attached for administrative purposes to the office of the state treasurer. This bill attaches the board to DOA for administrative purposes.

Under current law, the board of commissioners of public lands may exchange part or all of any parcel of public lands for any other land of approximately equal value if the board determines that the exchange will contribute to the consolidation or completion of a block of land, enhance conservation of lands or otherwise be in the public interest. This bill provides that an exchange is of "approximately equal value" if the difference in value between the more highly valued land and the less highly valued land does not exceed 10% of the value of the more highly valued land.

Current law allows the division of trust lands and investments to deduct from the gross receipts of the state trust funds the necessary expenses incurred in caring for public lands under the board's supervision. This bill specifically provides that these expenses may include expenses for reforestation, erosion and insect control, submerged log monitoring, surveys, appraisals and other land management practices that serve to protect or enhance the interests of the beneficiaries of the trust funds.

Under current law, the state reserves to itself title to and ownership of all logs resting on submerged lands owned by the state. The board of commissioners of public lands issues permits to persons wishing to raise and remove sunken logs resting on submerged state lands. The state receives 30% of the appraised market value of the logs raised under such permits, except that an applicant for a permit may propose projects for the use of logs raised and for the use of proceeds from logs raised and sold as an offset to the state's share of the value of the raised logs. The projects must have demonstrated potential to do 2 or more of the following: 1) increase tourism revenues in this state; 2) increase employment in this state; or 3) contribute to increased economic development and activity in this state. The board may, in its judgment, authorize offsets of up to 100% of value that would otherwise be received by the state.

This bill repeals the offset program and changes the percentage of value retained by the state so that the state receives 20% of the appraised market value of all logs raised from submerged lands owned by the state.

Currently, the information technology investment fund consists primarily of fee revenues received from prospective state vendors for information concerning future state procurements. This bill supplements the information technology investment fund by transferring from the general fund to that fund \$2,000,000 on the day the bill becomes law and an additional \$2,000,000 on July 1, 1998. (See also OTHER STATE GOVERNMENT.)

**OTHER STATE GOVERNMENT*****Land use planning***

Currently, the land information board is attached to DOA. The board consists of the secretaries of 4 state agencies or their designees, the state cartographer and 8 other persons appointed by the governor, 4 of whom are representatives of county

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or municipal governments in this state and 4 of whom are representatives of public utilities or private businesses in this state. The board serves as a state clearinghouse for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization and provides aids to counties, derived from recording fee revenues collected by counties, for land records upgrading and modernization projects.

This bill abolishes the land information board and transfers its functions, together with its assets, liabilities and employes, to DOA. The bill revises the existing functions of the board so that DOA facilitates the provision of technical assistance, together with unspecified others, to state agencies and local governmental units, and facilitates the review, together with unspecified others, of county plans and applications by counties for land records modernization project grants. The bill also directs DOA to develop and maintain geographic information systems relating to land in this state for the use of governmental and nongovernmental entities, and appropriates money from the recycling fund for this purpose.

This bill creates a Wisconsin land council in DOA. The purposes of the council include the following: 1) to identify and recommend to the governor land use goals and priorities; 2) to study the development of a computer-based land information system and make recommendations to the governor in this area; and 3) to identify procedures for facilitating local land use planning efforts and recommend to the governor legislation to implement the procedures. The council is required to submit to both houses of the legislature, and the governor, a report that evaluates its functions and activities. The report must be submitted not later than September 1, 2002.

Under the bill, the council consists of the secretaries of various state agencies, or their designees; the state cartographer; public members, including a representative from the University of Wisconsin (UW) System; and members who represent the interests of cities, towns and counties. These public members are appointed by the governor and serve for 5-year terms. The bill eliminates the council on September 1, 2003.

The bill also permits DOA to levy assessments against state agencies in any amounts that DOA determines to be required to support DOA's land information functions and the functions of the Wisconsin land council.

***State procurement***

Currently, with several exceptions, if the estimated cost of materials, supplies, equipment or contractual services for any state agency in the executive branch of state government exceeds \$25,000, DOA, or the agency if DOA delegates purchasing authority to the agency, must publicly solicit bids or competitive sealed proposals. With certain exceptions, DOA and other state agencies to which DOA delegates purchasing authority must make procurements from the person submitting the lowest responsible bid or most advantageous competitive sealed proposal. With certain exceptions, DOA and agencies to which DOA delegates purchasing authority

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must purchase certain materials, supplies, equipment and contractual services from state institutions or work centers for severely handicapped individuals. These requirements do not apply to any purchases made by the division of information technology services of DOA.

This bill provides that these requirements do not apply to: a) any purchases of educational technology materials, supplies, equipment or contractual services made by the division of information technology services of DOA for school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System; or to b) any purchases made by DOA or any other state agency to which DOA delegates purchasing authority when the agency purchases materials, supplies, equipment or contractual services for information technology purposes. Under the bill, "information technology" means the electronic processing, storage and transmission of information, including data processing and telecommunications.

***State information technology planning and grants***

Currently, DOA may award grants from the information technology investment fund to state agencies for information technology development projects. Before awarding grants for any fiscal year, DOA must submit proposed criteria for awarding the grants to the joint committee on information policy for the approval of the committee. This bill provides instead that DOA may award grants for any fiscal year in accordance with its proposed criteria if, within 14 working days after submittal of the proposed criteria to the committee, the cochairpersons do not notify DOA that the committee has scheduled a meeting for the purpose of reviewing the proposed criteria. If DOA is so notified, it may not award grants until the proposed criteria are approved by the committee.

Currently, DOA must promulgate rules concerning administration of grants for information technology development projects, including grant criteria. This bill repeals that directive. However, under general law, DOA is still required to promulgate rules concerning statements of general policy and interpretations of statutes that DOA specifically adopts to govern its enforcement or administration of information technology development project grant requirements.

Currently, DOA awards grants to state agencies from the information technology investment fund for information technology development projects once each fiscal year. Grants for each fiscal year must be awarded by May 15 of the preceding fiscal year. This bill permits DOA to award grants for projects to be conducted during the 1997-98 fiscal year after the bill becomes law but no later than a date specified by the secretary of administration. (See STATE FINANCE.)

Currently, each state agency in the executive branch must adopt, revise biennially and submit to DOA for its approval a strategic plan for the utilization of information technology to carry out the functions of the agency. The plan must

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identify all resources relating to information technology which the agency desires to acquire, the priority for such acquisitions and the justification for such acquisitions.

This bill instead requires each plan to identify all proposed information technology development projects that serve the business needs of the agency, the priority for undertaking such projects and the justification for each project, including the anticipated benefits of the project.

***State penalty surcharges and assessments***

Under current law, a person must provide biological specimens to be used for deoxyribonucleic acid (DNA) analysis if the person has been convicted of, adjudicated delinquent for or found not guilty by reason of mental disease or defect of certain serious sexual offenses, if the person has been institutionalized under the civil commitment law based on certain serious sexual offenses, if the person has been found to be a sexually violent person, or if a court orders the person to provide biological specimens. The crime laboratories of DOJ analyze the sample and maintain a data bank based on the DNA analysis of the specimens.

Current law imposes various surcharges or assessments to be levied against persons who violate certain laws; these surcharges and assessments must be paid in addition to any fine or forfeiture (civil monetary penalty) imposed and in addition to any other surcharge and assessment imposed. Current law also provides that any person who is convicted of burglary or of certain sexual assaults and any person who must provide biological specimens after being convicted of a crime must pay a DNA analysis this surcharge of \$250. Money collected from this surcharge is used to fund the DNA analysis program conducted by the state crime laboratories; to maintain a state data bank based on that DNA analysis; to help pay for the salary and fringe benefits of one Milwaukee County assistant district attorney, who conducts prosecutions using DNA analysis; and to provide statewide training regarding prosecutions using DNA analysis.

This bill eliminates the requirement for a person convicted of burglary to pay the \$250 DNA analysis surcharge. The bill also creates a crime laboratories assessment of \$4 that must be imposed on any person found to have violated any state law or local ordinance, except a law or ordinance relating to restrictions on smoking inside buildings, to nonmoving traffic regulations or to safety belt use requirements. The money collected from the crime laboratories assessment must be used, along with money collected from the DNA analysis surcharge under current law, for the following purposes: 1) to fund activities of the state crime laboratories that relate to drug law enforcement assistance and drug investigations and analysis; and 2) to fund the DNA analysis program conducted by the crime laboratories, to maintain the data bank based on that DNA analysis and to conduct other activities related to the use of DNA in criminal prosecutions. The bill also eliminates the use of money collected from the DNA analysis surcharge to help pay for a Milwaukee County assistant district attorney and to provide statewide training regarding prosecutions using DNA analysis.

**SENATE BILL 77*****Conduct of state administrative hearings***

Under current law, the division of hearings and appeals in DOA must assign a hearing examiner to preside over certain contested case hearings of the departments of health and family services, industry, labor and job development, transportation and natural resources, as well as certain other specific types of contested case hearings. This bill authorizes the division of hearings and appeals to contract with any state agency to provide contested case hearing services to that agency unless the agency is prohibited, under current law, from contracting for contested case hearing services. The bill requires DOA to charge the other state agency for the total costs of providing the hearing services.

***Composition of the public records board***

Currently, the public records board consists of 8 members. Five members are state officers or designees of those officers and 3 members are appointed by the governor for indefinite terms. Of the gubernatorial appointees, one is a representative of a local government and one is a representative of a small business.

This bill increases the membership of the board to 10 members. The bill adds the secretary of administration and director of state courts or their designees as members, and also provides that, of the 3 gubernatorial appointees, one must be a representative of a local government and the other 2 members must have experience in records management or information technology. Under the bill, one of these 2 representatives must be an officer or employe of a state agency and one must be an officer or employe of a private business located in this state.

***Payment of small claims against the state***

Currently, the claims board receives, investigates and makes recommendations to the legislature concerning claims of \$10 or more against the state that are not otherwise authorized to be paid. The board may pay certain claims without legislative approval. Other claims may be referred by the board to the legislature. Any claim of less than \$10 may be paid by DOA without referral to the claims board. If the legislature does not allow a claim, a claimant may file suit on the claim if suit is authorized to be brought.

This bill specifically permits any person who has a claim against the state to file the claim with DOA. The bill permits DOA to pay any claim of less than \$100 without referral to the claims board. Under the bill, the claims board is not required to consider any claim of less than \$100. In accordance with current law, if a claim is not referred to the claims board, the legislature may still consider the claim and if the legislature does not allow the claim, the claimant may file suit on the claim if suit is authorized to be brought.

***Executive assistants at public service commission***

Under current law, the chairperson of the public service commission (PSC) may appoint an executive assistant. This bill allows each commissioner of the PSC, in addition to the chairperson, to appoint an executive assistant.

**SENATE BILL 77*****Content of certain annual reports***

Under current law, DOA must submit a report to the appropriate legislative standing committees, no later than January 1 and July 1 of each year, concerning the distribution and usage of gasohol and alternative fuels in this state. This bill requires that the report be submitted only once per year, no later than April 30.

Current law also requires DOA to submit an annual report to the recycling market development board regarding DOA's resource recovery and recycling activities during the preceding year. The report is required to include information concerning the level of compliance by DOA and certain other agencies and authorities with certain specified recycling law requirements, including requirements relating to: 1) the use of recovered and recycled materials in state construction projects; 2) the purchase of products made from recycled materials and recovered materials; 3) the purchase of products that are reusable or recyclable; and 4) the separation of specified materials from solid waste for recycling. This bill repeals the requirement that the annual report include information concerning the level of compliance by DOA and other state agencies and authorities with requirements relating to the separation of specified materials from solid waste for recycling.

***Public records and forms***

Currently, the head of each state agency is required to file an annual report with the public records board containing such information concerning records and forms management as may be required by the board. This bill deletes this requirement.

Currently, the public records board is directed to create a registry in a format that may be accessed by computer terminal, describing the records series maintained by state agencies that may contain certain personally identifiable information. The board may require state agencies to provide information required to create the registry. This bill deletes the requirement to create this registry.

Currently, a state agency may not use or allow the use of personally identifiable information under a matching program (a computerized comparison of information in one records series to information in another records series) unless the agency first creates a document that describes the purpose and authority for the program, the justification for the program, the anticipated results and a description of the information that will be matched, and sends a copy of the document to the public records board within 30 days of its creation. No state agency may take adverse action against an individual as a result of information obtained by a matching program unless the agency finds that the information contained in a records series that is matched under the program is "sufficiently reliable". This bill deletes all requirements and restrictions pertaining to the creation and use of matching programs by state agencies.

**SENATE BILL 77*****Campaign finance filing fees***

This bill imposes a biennial filing fee of \$100 upon individuals, committees, groups and corporations registered with the state elections board that are subject to a campaign finance reporting requirement, other than candidates and personal campaign committees and individuals who, or committees, groups or corporations which, do not make expenditures exceeding \$2,500 within a 2-year period. Any individual who, and any committee, group or corporation which, fails to pay the filing fee within the time prescribed is subject to a forfeiture (civil penalty) of \$500 plus triple the amount of the delinquent payment.

Under the bill, revenues from fee collections are utilized for the general program operations of the elections board. Currently, the general program operations of the elections board are financed with general purpose revenue and no fees are imposed upon campaign finance registrants.

***Settlement of claims and actions against the state***

Currently, the attorney general may negotiate and settle actions brought against a state department or against an officer, employe or agent of this state acting within his or her duties. This authority also applies to actions brought against certain other entities, including the Wisconsin state public building corporation, the patients compensation fund peer review council, and the health care liability board of governors. The attorney general may negotiate and settle these claims even before an action is commenced on a claim. This bill requires the approval of DOA before the attorney general may settle these actions or claims.

***Literacy improvement grants***

This bill authorizes the governor to award grants to local governments or nonprofit organizations in support of programs to improve literacy.

***Gifts for endangered resources program***

Currently, under the code of ethics for state public officials (which applies to all elective and major appointive officials), no person may offer or give to a state public official, and no state public official may solicit or accept from any person, anything of value if it could reasonably be expected to influence the official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official.

This bill provides that this prohibition does not apply to the offer or gift to a state public official who administers the endangered resources program in the department of natural resources, or to the solicitation or acceptance by such an official, of anything of value for the benefit of that program.

**TAXATION****INCOME TAXATION**

The department of commerce currently administers the development zone program, the development opportunity zone program and the enterprise

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development zone program. These are economic development programs that provide tax benefits to businesses that operate in areas that fulfill certain requirements. Generally, after the department designates an area as one of the 3 types of development zones, a business that conducts or that intends to conduct economic activity in the designated zone may be certified by the department as eligible for certain income and franchise tax credits. This bill discontinues the following income tax and franchise tax credits: 1) the development zones day care credit; 2) the development zones environmental remediation credit; 3) the development zones investment credit; 4) the development zones jobs credit; 5) the development zones location credit; 6) the development zones research credit; and 7) the development zones sales tax credit. The bill establishes a new development zones credit based instead on the creation or retention of jobs and on expenses incurred to remediate environmental problems.

Under current law, a person who files an incorrect income or franchise tax return, or who fails to file a required income or franchise tax return, with intent to defeat or evade the income or franchise tax assessment required by law, is liable for a penalty equal to 100% of the tax on the entire underpayment.

Under this bill, a person who files a frivolous income tax return is liable for a penalty of \$500 in addition to any other penalty for which the taxpayer may be liable. (This penalty is similar to a provision of the Internal Revenue Code that applies to the federal income tax laws.) A frivolous tax return is defined as a return that does not contain enough information to figure the correct tax owed by the taxpayer or that contains information that indicates that the self-assessment is substantially incorrect.

Under current law, for individual income tax purposes, qualified real estate agents and direct sellers of tangible consumer products, such as door-to-door salespersons, may be treated as independent contractors or as employees, depending on the individual application of 20 factors identified by the Internal Revenue Service. If such a person is treated as an employee, the employee's employer must withhold income tax. If such a person is treated as an independent contractor, the payer is not required to withhold income tax because there is no employer-employee relationship, although the individual is required to file and pay quarterly estimated income tax payments.

Under the Internal Revenue Code, qualified real estate agents and direct sellers of tangible consumer products are treated as "statutory independent contractors" for whom no income tax withholding is required.

This bill federalizes Wisconsin's treatment of qualified real estate agents and direct sellers. Under the bill, these persons are treated as "statutory independent contractors" for whom no income tax withholding is required, although they are required to file and pay quarterly estimated income tax payments.



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Under current law, an individual's scholarship income is included in the calculation of household income for purposes of the homestead tax credit. The homestead tax credit is a refundable individual income tax credit that is based on property taxes or rent constituting property taxes, and income. The scholarship income is includable in the taxable year in which it is received. Under federal law, certain scholarship income is included in the calculation of federal AGI in the taxable year in which the academic period ends, which is usually in a different taxable year from the year in which the income is received. Because the calculation of Wisconsin AGI starts with a taxpayer's federal AGI, scholarship income is double counted for certain individuals who claim the homestead tax credit.

This bill eliminates the double counting of scholarship income for certain individuals who claim the homestead tax credit.

This bill exempts from income taxation the interest income generated by revenue bonds issued by a local governmental unit or units to finance a premier resort center in the Wisconsin Dells area. (See also LOCAL GOVERNMENT.)

**PROPERTY TAXATION**

Under current law, lottery proceeds fund a property tax credit only for owners of principal dwellings. That credit is determined by multiplying the school tax rate applicable to the property by an amount that is based on the amount of lottery proceeds that are available for distribution. This bill discontinues that credit.

Under this bill, the available lottery proceeds are allocated to municipalities in proportion to their total property tax levies. Then the amount allocated to each municipality is allocated to each taxable property in proportion to its assessed value.

This bill increases the amount of the school levy tax credit by \$100,000,000 beginning with the 1999 payment. The credit is applied to reduce property taxes otherwise levied against all taxable property.

**OTHER TAXATION**

Under current law, when a person applies to the department of regulation and licensing (DORL) to renew a professional or occupational credential, the person must provide his or her social security number or, if the person is an entity such as corporation, its federal employer identification number. DORL must deny an application if a social security number or federal employer identification number is not provided. In addition, before renewing the credential, DORL must request DOR to certify whether or not the person is liable for delinquent taxes. If DOR certifies that the person is liable for delinquent taxes, DORL must deny the application for credential renewal. A person whose application is denied has a right to a hearing before DOR and a right to judicial review in the circuit court for Dane County.

This bill expands these provisions to cover certain licenses, credentials, permits, approvals, registrations and certifications (licenses) that are issued by the following departments: DORL; an examining or affiliated credentialing board in DORL; the department of agriculture, trade and consumer protection; the

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department of commerce; the department of financial institutions; the department of health and family services; the department of natural resources; the department of public instruction; and the department of transportation.

Under this bill, a person who applies for a license or for license renewal or continuation must provide his or her social security number or, if applicable, the applicant's federal employer identification number, to the applicable licensing department or board. If a social security number or federal employer identification number is not provided, the licensing department or board must deny the application. The bill also requires a licensing department or board to request DOR to certify whether an applicant for a license is liable for delinquent taxes. In addition, each licensing department, (but not a board), must enter into a memorandum of understanding with DOR that requires the licensing department to request that DOR certify whether a license holder is liable for delinquent taxes. DOR is required to make such a request on behalf of a board. If DOR certifies a liability for delinquent taxes, the licensing department or board must deny the application for issuance, renewal or continuation of the license or revoke the license. Such a denial or revocation is not subject to administrative review by the licensing department or board or to judicial review. Instead, a person whose application is denied or whose license is revoked has a right to a hearing before DOR. After a hearing, if DOR determines that a person is not liable for delinquent taxes, the licensing department or board must grant the application or reinstate the license, unless there are other grounds for the denial or revocation. If DOR affirms its certification of liability after a hearing, the licensing department or board must affirm its denial or revocation. Such an affirmation is subject to judicial review in the circuit court for Dane County.

The bill also allows DOR to deny an application for a property assessor certification or recertification or to revoke a property assessor certificate if the applicant or certificate holder is liable for delinquent taxes. A person whose application is denied or whose certificate is revoked has a right to a hearing and to judicial review as described above.

Finally, if the supreme court agrees, the bill's requirements and procedures also apply to licenses to practice law.

This bill increases the rate of the cigarette tax by 5 cents per pack.

Under current law, telecommunications services that originate in this state and are billed to a service address in this state are subject to the sales tax and use tax. This bill imposes the sales tax and use tax also on telecommunications services that terminate in this state and are billed to a service address in this state.

Under current law, mechanical telephone answering services are subject to the sales tax and use tax. This bill imposes the sales tax and use tax on all other telephone answering services and on voice messaging services.

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Under current law, cellular mobile radio telecommunications utilities are subject to a transitional adjustment fee. This bill imposes that fee on providers of commercial mobile service, a broader range of utilities.

This bill imposes the sales tax on coin-operated laundry services.

Under current law, the sales tax and use tax are imposed on the sale of tangible personal property to contractors and subcontractors for use in real property construction activities. For those taxes, this bill limits real property construction activities to those that are conducted at a site where tangible personal property is affixed to real property and that fulfill certain other requirements.

Under this bill, the base for the sales tax and use tax on certain manufactured buildings does not include, at a retailer's option, either 35% of the sales price or an amount equal to the sales price minus the cost of materials. Currently, there is no such deduction.

Current law requires DOR to negotiate and, if possible, enter into reciprocal agreements with other states authorizing the shipment of wine directly to individuals in this state. No out-of-state source of alcohol beverages may ship alcohol beverages directly to an individual in this state except under such an agreement. This bill authorizes DOR to negotiate a withdrawal from such agreements and prohibits DOR from entering into new agreements.

This bill authorizes DOR to require electronic funds transfer of amounts withheld for individual income tax purposes if an employer is required to submit those amounts monthly or more frequently, of sales taxes if a retailer is required to pay those taxes on the 20th day of the month after they are collected, of cigarette taxes if the tax is \$20,000 or more for the reporting period and of estimated payments of the corporate franchise tax if the instalment is \$20,000 or more. The bill also allows DOR to prescribe other methods of paying taxes, filing forms and authenticating documents for other taxpayers.

**TRANSPORTATION****HIGHWAYS**

This bill increases the authorized level of revenue bonding for major highway projects and transportation administrative facilities from \$1,123,638,100 to \$1,263,424,800, of which not more than \$1,220,499,900 may be used to fund such projects and facilities.

Current law requires that any major highway project, unlike other construction projects undertaken by the department of transportation (DOT), receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. 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

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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 5 miles or more in length to the highway; or improvement of an existing multilane divided highway to freeway standards.

This bill adds 6 major highway projects recommended by TPC to the list of 69 projects already approved for construction.

**DRIVERS**

Under current law, most drivers' licenses and identification cards (ID cards) issued by DOT must be renewed every 4 years. This bill increases the renewal period of a driver's license or ID card from 4 to 6 years. The bill increases related fees as follows:

1. For initial issuance of a regular driver's license, from \$15 to \$18; for renewal, from \$10 to \$18.
2. For initial issuance or renewal of a license to operate commercial motor vehicles (primarily large trucks and buses), from \$32 to \$48.
3. For initial issuance of a license to operate most motorcycles, from \$4 to \$9; for renewal, from \$4 to \$6.
4. For initial issuance or renewal of an ID card, from \$4 to \$9.

The bill also increases the biennial registration fee for motorcycles and mopeds that weigh less than 1,500 pounds from \$20 to \$23.

Under current law, a person under the age of 19 is prohibited from driving or operating a motor vehicle if the person has any alcohol in his or her blood. This bill changes that age to the legal drinking age, which is currently 21.

Under current law, applicants for a driver's license are required to take a road test. This bill permits DOT, by rule, to waive the road test of an applicant for a regular driver's license who is under 18 years of age if the applicant has completed an enhanced driver education course, approved by DOT, if the applicant has satisfied the driving skills requirements of the course, and if the applicant has also completed a specified number of hours of additional driving time while accompanied by a qualified instructor or a licensed person at least 25 years of age with not less than 2 years of licensed experience. The applicant's parent, stepparent or other adult sponsor must certify that the applicant has satisfactorily completed this additional driving time.

Under current law, DOT may contract with 3rd-party testers to conduct road tests for commercial motor vehicle drivers, abbreviated road tests for school bus drivers and special examinations for school bus drivers. This bill permits DOT to contract with 3rd-party testers to conduct road tests for noncommercial motor vehicle drivers, except road tests for authorization to operate certain motorcycles.

Currently, if a court imposes a fine or forfeiture (civil monetary penalty) on a person convicted of an offense related to driving while under the influence of an

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intoxicant, the court must impose a driver improvement surcharge of \$300. Approximately 70% of the revenue from that surcharge is kept by the county where the conviction occurred and the remainder is forwarded to the state treasurer. Part of that state money is used for state driver improvement programs and part is distributed by the department of health and family services to counties for driver treatment programs.

This bill increases the driver improvement surcharge by \$15 and appropriates a portion of the surcharge to DOT for the purchase and maintenance of breath screening instruments.

This bill increases the annual fee for a driver school instructor's license from \$5 to \$25 and increases the fee for a driver school license (paid by the operator of the school) from \$25 to \$75 and to \$95 after August 31, 1998.

Under current law, a nonresident who wishes to reinstate his or her Wisconsin operating privilege after a period of revocation must file proof of financial responsibility with DOT (proof of the nonresident's ability to respond in damages for liability arising from his or her use of a motor vehicle). This bill eliminates this requirement.

Current law generally requires drivers to remain at least 500 feet behind authorized emergency vehicles, including police cars, fire trucks and ambulances, that are responding to a call or alarm. This bill prohibits a driver from following closer than 200 feet behind a snowplow that is engaged in the removal or treatment of snow or ice upon a highway.

**MOTOR VEHICLES**

Current law specifically requires, with limited exceptions, that the owner of a motor vehicle register the vehicle with DOT if the vehicle is subject to registration in this state. This bill requires the lessee of a motor vehicle to register the vehicle with DOT unless the lease period is less than one year. The bill imposes on the lessee the same vehicle registration and financial responsibility duties that currently apply to the vehicle owner, but does not permit the vehicle to be impounded under the financial responsibility laws of this state.

Current law imposes upon the owner of a motor vehicle liability for certain traffic and parking violations, including fleeing a traffic officer, illegally passing a school bus or crossing a controlled school crossing, and parking in areas reserved for vehicles used by physically disabled persons. This bill imposes liability on the lessee of a vehicle if the vehicle is registered, or is required to be registered, by the lessee. The bill also provides that certain provisions relating to vehicle removal, seizure, impoundment, immobilization, towing or storage, or to the seizure of vehicle parts, also apply to the lessee.

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Under current law, DOT issues and delivers a certificate of title to the owner of a motor vehicle upon receipt of an application and the fee required for titling the vehicle. However, if a secured party holds legal title to a vehicle, the debtor is considered the owner of the vehicle and the certificate of title is issued and delivered to the debtor if the debtor has the immediate right of possession of the vehicle.

This bill requires DOT, if there is a perfected security interest in a motor vehicle, to deliver the certificate of title to the secured party having the primary perfected security interest in the vehicle. DOT may deliver a certificate of title by electronic transmission. The bill also permits an application for a certificate of title and related forms to be in an automated format.

Under current law, with specific exceptions, a person suffering damage caused by the negligent operation of a motor vehicle that is owned and operated by a political subdivision of this state may file a claim for damages and commence a lawsuit against that political subdivision. Under this bill, a political subdivision is not liable for damages caused by the operation of a snowplow if the damage occurred while the snowplow was engaged in the removal or treatment of snow or ice.

Currently, most motor vehicle registrants may obtain for their vehicles special license plates that identify the bearer as affiliated with a special group. No additional fee is assessed to issue or reissue special plates associated with endangered resources, but an additional fee of \$15 is assessed to issue or reissue special plates related to certain campuses of the University of Wisconsin System and an additional fee of \$10 is assessed to issue or reissue all other special plates. This bill provides that an additional fee of \$15 is assessed for the issuance or reissuance of all special plates, including endangered resources special plates.

In addition, current law assesses fees of \$5 or \$10 for issuance or reissuance of license plates that identify the registrant as an ex-prisoner of war, national guard member, amateur radio station licensee or collector of special interest vehicles. This bill increases to \$15 the fee to issue or reissue these license plates.

Under current law, a person who is required to demonstrate proof of financial responsibility for the future with respect to the operation of motor vehicles must submit or have submitted a written certification of insurance to DOT. This bill provides that, if an insurer submits more than 1,000 such certifications (or recertifications) of insurance in any year, the insurer must pay to DOT a transaction fee of \$1.50 per certification or recertification that is not transmitted electronically to DOT.

Current law prescribes an annual vehicle registration fee of \$12 for a mobile home that is 25 feet or less in length, and \$18 for a mobile home that is more than 25 feet in length. The annual vehicle registration fee for a camping trailer that weighs more than 3,000 pounds is the same as the fee for a mobile home of the same length.

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This bill establishes a single annual vehicle registration fee of \$15 for a mobile home that is 45 feet or less in length and for a camping trailer that weighs more than 3,000 pounds.

The bill also prohibits DOT from registering or initially titling mobile homes that are more than 45 feet in length. The effect is that security interests given in these mobile homes must be perfected by filing a financing statement with the department of financial institutions, instead of DOT.

Current law prescribes a \$5 annual registration fee for a semitrailer that weighs more than 3,000 pounds, that is owned by or leased to a farmer and that is used exclusively to transport farming supplies or produce. This bill allows such a semitrailer to be permanently registered for \$50, except that the owner of a semitrailer currently registered under the annual registration fee may permanently register the semitrailer for \$5.

Current law requires DOT to issue distinctive license plates for driver education vehicles. This bill eliminates this requirement.

**TRANSPORTATION AIDS**

Current federal law authorizes the U.S. department of transportation to distribute \$150,000,000 in federal funds to up to 10 states accepted to participate in a transportation infrastructure bank pilot program. Federal funds, matched by a 25% contribution of funds from the participating state, may be provided by the state to cities, villages, towns and counties (political subdivisions) to assist with highway and transit capital projects. Such assistance may be provided in the form of loans, credit enhancements, interest rate subsidies or similar financial assistance.

This bill creates a transportation infrastructure loan and assistance program to be administered by DOT, with the approval of the department of administration (DOA), to provide loans and other financial assistance to political subdivisions for highway and transit capital projects. Recipients must repay any loans or assistance provided by this state under the program. The bill authorizes DOT to receive federal grants designated for the program, to meet federal requirements for contributions of state funds to the program and to issue \$100 in revenue bonds for the program. The bill requires DOT and DOA to promulgate rules, consistent with applicable federal requirements, that establish eligibility criteria for applicants and projects and that establish the terms and conditions of loans and assistance under the program.

The bill also creates a segregated fund, called the transportation infrastructure loan fund, consisting of all moneys related to the program.

This bill allows DOT to make aid payments to a professional baseball park district for the state's share of costs for the development of transportation-related facilities, including highways and bridges, associated with the construction of a new stadium to be used by the Milwaukee Brewers.

**SENATE BILL 77****RAIL AND AIR TRANSPORTATION**

Under current law, the state may issue up to \$14,500,000 in general obligation bonds for the acquisition of rail property and for grants and loans awarded by DOT for certain rail property acquisitions and improvements. This bill increases this authorized bonding limit to \$19,000,000.

Under current law, the office of the commissioner of railroads (OCR) is primarily funded by collections of annual assessments against railroads. The assessments are based on expenditures of OCR, but may not exceed an amount equal to 1.75% of the prior year's gross operating revenues of the railroads that are derived from intrastate operations.

This bill bases the annual assessments collected from railroads not on the expenditures of OCR, but on an amount equal to 1.75% of the prior year's gross operating revenues of the railroads that are derived from intrastate operations. Any balance remaining after funding the operations of OCR is required to be used for railroad crossing protection improvements.

Under current law, DOT administers a rail passenger service assistance and promotion program. Under the program, DOT may contract with Amtrak and other railroads. DOT may also contract for marketing studies and promotional activities, subject to a local matching contribution requirement.

This bill makes changes in the program by permitting DOT to do any of the following:

1. Acquire equipment and to sell or lease the equipment.
2. Enter into agreements with other states to assist or promote rail passenger service.
3. Contract with other persons with respect to rail passenger service. The bill also allows DOT to enter into contracts with respect to rail passenger service without competitive bidding or competitive sealed proposals.
4. Conduct marketing studies and promotional activities related to rail passenger service. The bill also eliminates the local matching contribution requirement with respect to contracts for marketing studies or promotional activities.

This bill increases from \$12,000,000 to \$15,000,000 this state's authority to issue general obligation bonds to finance grants awarded by DOT for harbor improvements.

Under current law, DOT administers several programs related to aesthetic and qualitative enhancements of transportation facilities. This bill creates a transportation enhancement activities program, to be administered consistent with federal regulations that govern the use of federal funds for such activities.

Under current law, DOT maintains a state traffic patrol to enforce and assist in the administration of traffic and parking laws. Among other duties, the state



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traffic patrol currently provides escort services, for a reasonable charge, to oversize or overweight vehicles traveling upon a highway whenever such an escort is considered necessary.

This bill allows DOT to impose a fee for security and traffic enforcement services provided by the state traffic patrol at any public event that charges spectators an admission fee, if the event is organized by a private organization.

**VETERANS AND MILITARY AFFAIRS**

Currently, a veteran is eligible for loans of up to \$5,000 under the economic assistance loan program for the purchase of numerous items, including a business, the education of the veteran or his or her children and for repairing or adding to his or her business or property. Current law also provides for loans of up to \$15,000 to veterans under the veterans trust fund stabilization loan program for the purchase of a mobile home, the payment of medical or funeral expenses, consolidation of debt or for the items included in the economic assistance loan program.

This bill abolishes these 2 programs and instead establishes a veterans personal loan program to make loans to veterans and veterans' dependents for some of the items covered in the 2 abolished programs. The bill limits a loan to \$15,000, or a lesser amount if established by the department of veterans affairs (DVA) by rule, and eliminates use of the loans for home additions or garage construction. Under the new program, a veteran's remarried surviving spouse or the parent of a deceased veteran's children may receive a loan for the education of certain children of the veteran.

Currently, veterans applying for an economic assistance loan are subject to an income limit of \$36,600 plus \$500 for each dependent in excess of 2 dependents. This new loan program has no income limit. Currently, mortgage loans to veterans are provided from the veterans mortgage loan repayment fund. This bill permits DVA to loan moneys from the veterans mortgage loan repayment fund to the veterans trust fund in order to provide loans to veterans under the veterans trust fund loan stabilization program (renamed the veterans personal loan program under the bill).

Currently DVA makes loans to veterans for the purchase of a mobile home, a home, rehabilitation of a home, and other home-related improvements. This bill prohibits DVA from making a loan under this program for the purchase of a home that exceeds 2.5 times the median price of a home in this state.

Currently, all loans under this program must be secured by a mortgage on the real estate involved. This bill requires loans of \$3,000 or less to be secured by a guarantor or by a mortgage on the real estate involved.

Currently, veterans who served in the U.S. armed forces during peacetime are not eligible for certain veterans benefits. Peacetime veterans are those veterans who served in the U.S. armed forces during a period when no war or specified engagement, such as in Bosnia, was occurring, for 2 consecutive years, for the full period of their initial obligation or who, during that period, were discharged by

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reason of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces.

This bill requires county veterans' service officers to provide a decent and respectable burial for peacetime veterans. The bill adds the burial places of peacetime veterans to those that DVA is required to record. The bill makes peacetime veterans eligible for the veteran's tuition and fee reimbursement program, the veterans personal loan program, the correspondence and part-time classroom study program, the retraining grant program, the veterans housing loan program and admission to the Wisconsin Veterans Home at King. The bill also prohibits barring from public employment peacetime veterans who suffered a physical disability as a direct result of military service.

Currently, a veteran is eligible to receive reimbursement for 50% of the veteran's tuition and fees, other than textbooks and certain other costs, for classes as an undergraduate in the University of Wisconsin (UW) System or for classes in any state technical college. In addition, a veteran is eligible to receive reimbursement of up to \$300 per course and reimbursement for the costs of necessary textbooks from the correspondence course and part-time classroom study program. In most cases, the course must be through a public or private high school or institution of higher education located in this state. The current retraining grant program allows DVA to give a veteran up to \$3,000 for retraining to obtain gainful employment if the retraining takes place at an institution of higher education located in this state or in certain approved on-the-job training programs.

This bill expands the schools that a veteran may attend under the tuition and fee reimbursement program to include those institutions of higher education in Minnesota that waive nonresident tuition under the Minnesota-Wisconsin student reciprocity agreement. The bill allows a veteran to apply under the tuition and fee reimbursement program for courses completed within 10 years of his or her separation from service, instead of within 6 years of that separation, as currently provided. The bill limits the tuition and fee reimbursement to 50% of the cost for a resident to attend an equivalent undergraduate course at the UW-Madison. The bill also eliminates reimbursement for the cost of textbooks under the correspondence course and part-time classroom study program.

Currently, the health care aid grant program expires on June 30, 1997. This bill continues the program, which provides grants to veterans or their dependents to meet medical or hospital bills of up to \$5,000 for a maximum of 30 days within a one-year period, until June 30, 1999. The bill requires DVA to deny a health care aid grant application if the combined liquid assets of the veteran and veteran's dependents who are living in the same household are in excess of \$1,000. Currently, no limit is placed on liquid assets.

Currently, DVA makes a payment to each state veterans organization that maintains a full-service office at the U.S. department of veterans affairs regional office. The payment is equal to 25% of the organization's salaries and travel expenses

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paid to employes located at the regional office and engaged in veterans claims services. The payment is limited to a minimum of the lesser of the total salaries and travel expenses or \$2,500 but not more than \$15,000. This bill allows DVA to make an additional performance incentive award to an organization that receives a payment.

Currently, DVA administers a veterans rehabilitation program to assist veterans who are in need of services because of homelessness, incarceration or other reasons as designated by rule. Services may include medical care, dental care, education, employment and transitional housing. This bill eliminates the requirement that the services provided be rehabilitative and allows DVA to charge fees for services provided.

Currently, a veteran must be over 50 years of age to be eligible for admission to the Wisconsin Veterans Home at King, except that a disabled veteran under 50 years of age may be admitted if he or she is unable to obtain adequate care from the federal government. This bill eliminates this eligibility requirement.

Currently, DVA awards grants to counties to provide services to veterans through the county veterans' service offices. The award amounts are up to \$1,000 for an initial year, up to \$3,000 for the next year and up to \$5,000 for any subsequent year. This bill changes the grant to a combination of a basic award, depending on the population of the county, and a production incentive award. The basic award ranges from \$8,500 for counties with populations under 20,000 to \$13,000 for counties with populations over 75,000. The amount of the production incentive award is determined by criteria to be promulgated by DVA by rule.

This bill raises the amount of general obligation bonds that the building commission may issue to fund veterans' housing loans by \$40,000,000.

The department of military affairs (DMA) was given the authority in 1995 Wisconsin Act 27 to sell the national guard armory located in Whitefish Bay. The proceeds of the sale were to be used to pay any bonds related to the construction or purchase of the property and the remainder was to be used for tuition grants for national guard members. This bill provides that the remainder of the sale proceeds may be used for the payment of municipal assessments related to state-owned military property and the purchase, rental, repair and maintenance of state-owned military property.

Under current law, an eligible national guard member, upon completion of a course at a qualified school, is eligible for a grant equal to 50% of the tuition charged or 50% of the resident undergraduate tuition charged by the UW-Madison for a comparative number of credits, whichever is less. This bill increases the percentage paid from 50% to 100% of each tuition amount.

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This bill requests the joint legislative audit committee to direct the legislative audit bureau to perform a financial and performance evaluation audit of the expenditures of the emergency response teams that respond to Level A releases of hazardous substances. Level A releases involve the release of the most dangerous hazardous substances, requiring the highest level of protection for the person involved in containing the releases.

**OTHER**

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

Because this bill directly or substantially affects the development, construction, cost or availability of housing in this state, the department of administration, as required by law, will prepare a report to be printed as an appendix to this bill.

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

1           **SECTION 1.** 11.055 of the statutes is created to read:

2           **11.055 Filing fees. (1)** Except as provided in sub. (3), each individual who,  
3 or committee, group or corporation that, is required to register with the board under  
4 s. 11.05 or 11.38 (1) shall annually pay a filing fee of \$100 to the board.

5           **(2)** An individual who, or committee, group or corporation that, is subject to  
6 sub. (1) shall pay the fee specified in sub. (1) together with the continuing report filed  
7 under s. 11.20 (4) in January of each year. If an individual, committee, group or  
8 corporation registers under s. 11.05 or changes status so that sub. (1) becomes  
9 applicable to the individual, committee, group or corporation during a calendar year,  
10 the individual, committee, group or corporation shall pay the fee for that year with  
11 the filing of the individual's, committee's, group's or corporation's registration  
12 statement under s. 11.05 or at any time before the change in status becomes effective.

13           **(3)** Subsection (1) does not apply to a candidate or personal campaign  
14 committee. Subsection (1) does not apply to any registrant under s. 11.05 for any  
15 biennial period during which the registrant does not make disbursements exceeding

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1 a total of \$2,500. In this subsection, a “biennial period” begins on January 1 of each  
2 odd-numbered year and ends on December 31 of each even-numbered year.

3 **SECTION 2.** 11.20 (4) of the statutes is amended to read:

4 11.20 (4) Continuing reports under s. 11.06 (1) by committees or individuals  
5 supporting or opposing candidates for office, including committees of a political  
6 party, and by individuals ~~or~~ groups or corporations supporting or opposing a  
7 referendum shall be received by the appropriate filing officer no earlier than January  
8 1 and no later than January 31; and no earlier than July 1 and no later than July 20.  
9 Individuals, committees, groups and corporations to which s. 11.055 (1) applies shall  
10 pay the fee imposed under that subsection with their continuing reports filed in  
11 January of each odd-numbered year.

12 **SECTION 3.** 11.60 (3m) of the statutes is created to read:

13 11.60 (3m) Notwithstanding sub. (1), any person, including any committee,  
14 group or corporation, who is subject to a requirement to pay a filing fee under s.  
15 11.055 and who fails to pay that fee within the time prescribed in that section shall  
16 forfeit \$500 plus treble the amount of the fee payable by that person.

17 **SECTION 4.** 13.101 (5m) of the statutes is repealed.

18 **SECTION 5.** 13.101 (6) (a) of the statutes is amended to read:

19 13.101 (6) (a) As an emergency measure necessitated by decreased state  
20 revenues and to prevent the necessity for a state tax on general property, the  
21 committee may reduce any appropriation made to any board, commission,  
22 department, the university of Wisconsin system or to any other state agency or  
23 activity by such amount as it deems feasible, not exceeding 25% of the  
24 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)  
25 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq)

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1 and (ar), 20.435 ~~(1)(e)~~, (6) (a) and (7) (da) and 20.445 (3) (a) and ~~(d)~~ (dz) or for forestry  
2 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,  
3 village, town or school district. Appropriations of receipts and of a sum sufficient  
4 shall for the purposes of this section be regarded as equivalent to the amounts  
5 expended under such appropriations in the prior fiscal year which ended June 30.  
6 All functions of said state agencies shall be continued in an efficient manner, but  
7 because of the uncertainties of the existing situation no public funds should be  
8 expended or obligations incurred unless there shall be adequate revenues to meet the  
9 expenditures therefor. For such reason the committee may make reductions of such  
10 appropriations as in its judgment will secure sound financial operations of the  
11 administration for said state agencies and at the same time interfere least with their  
12 services and activities.

13 **SECTION 6.** 13.101 (6) (a) of the statutes, as affected by 1997 Wisconsin Act ...  
14 (this act), is repealed and recreated to read:

15 13.101 **(6)** (a) As an emergency measure necessitated by decreased state  
16 revenues and to prevent the necessity for a state tax on general property, the  
17 committee may reduce any appropriation made to any board, commission,  
18 department, the university of Wisconsin system or to any other state agency or  
19 activity by such amount as it deems feasible, not exceeding 25% of the  
20 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)  
21 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gg) to (gx), (3), (4) (aq) to (ax) and (6) (aq)  
22 and (ar), 20.435 [(1) (c)], (6) (a) and (7) (da) and 20.445 (3) (a) and (dz) or for forestry  
23 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,  
24 village, town or school district. Appropriations of receipts and of a sum sufficient  
25 shall for the purposes of this section be regarded as equivalent to the amounts

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1 expended under such appropriations in the prior fiscal year which ended June 30.  
2 All functions of said state agencies shall be continued in an efficient manner, but  
3 because of the uncertainties of the existing situation no public funds should be  
4 expended or obligations incurred unless there shall be adequate revenues to meet the  
5 expenditures therefor. For such reason the committee may make reductions of such  
6 appropriations as in its judgment will secure sound financial operations of the  
7 administration for said state agencies and at the same time interfere least with their  
8 services and activities.

9 **SECTION 7.** 13.101 (11) of the statutes is amended to read:

10 13.101 (11) The committee may approve a clean water fund program interest  
11 rate change as specified under s. 281.58 (12) (f) or a safe drinking water loan program  
12 interest rate change as specified under s. 281.61 (11) (b).

13 **SECTION 8.** 13.123 (3) (a) of the statutes is amended to read:

14 13.123 (3) (a) Any senator authorized by the committee on senate organization  
15 to attend a meeting outside the state capital, any representative to the assembly  
16 authorized by the committee on assembly organization to attend an out-of-state  
17 meeting or authorized by the speaker to attend a meeting within this state outside  
18 the state capital, and all members of the legislature required by law, legislative rule,  
19 resolution or joint resolution to attend such meetings, shall be paid no additional  
20 compensation for such services but shall be reimbursed for actual and necessary  
21 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may  
22 be reimbursed under this subsection for expenses on any day for which the legislator  
23 submits a claim under sub. (1). Any expenses incurred by a legislator under s. 14.82  
24 shall be reimbursed from the appropriation under s. 20.315 (1) (q).

25 **SECTION 9.** 13.45 (3) (a) of the statutes is amended to read:

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1           13.45 (3) (a) For any day for which the legislator does not file a claim under s.  
2           13.123 (1), any legislator appointed to serve on a legislative committee or a  
3           committee to which the legislator was appointed by either house or the officers  
4           thereof shall be reimbursed from the appropriations under ss. 20.315 (1) (q) and  
5           20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the  
6           committee.

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

8           13.48 (26) (title) ~~CLEAN WATER~~ ENVIRONMENTAL IMPROVEMENT ANNUAL FINANCE  
9           PLAN APPROVAL. The building commission shall review the versions of the biennial  
10          finance plan and any amendments to the biennial finance plan submitted to it by the  
11          department of natural resources and the department of administration under s.  
12          281.59 (3) (bm) and the recommendations of the joint committee on finance and the  
13          standing committees to which the versions of the biennial finance plan and any  
14          amendments were submitted under s. 281.59 (3) (bm). ~~The building commission~~  
15          ~~shall consider the extent to which that version of the biennial finance plan that is~~  
16          ~~updated to reflect the adopted biennial budget act will maintain the clean water fund~~  
17          ~~in perpetuity.~~ The building commission shall consider the extent to which the  
18          implementation of the clean water fund program, the safe drinking water loan  
19          program and the land recycling loan program, as set forth in the biennial finance  
20          plan updated to reflect the adopted biennial budget act, implements legislative  
21          intent on the clean water fund program, the safe drinking water loan program and  
22          the land recycling loan program. The building commission shall, no later than 60  
23          days after the date of enactment of the biennial budget act, either approve or  
24          disapprove the biennial finance plan that is updated to reflect the adopted biennial  
25          budget act, except that the building commission may not disapprove those amounts



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1 that the legislature approves under s. 281.59 ~~(3)(e)~~ (3e) (a), (3m) (a) and (3s) (a). If  
2 the building commission disapproves the version of the biennial finance plan that is  
3 updated to reflect the adopted biennial budget act, it must notify the department of  
4 natural resources and the department of administration of its reasons for  
5 disapproving the plan, and those departments must revise that version of the  
6 biennial finance plan and submit the revision to the building commission.

7 **SECTION 11.** 13.63 (1) of the statutes is amended to read:

8 13.63 (1) LICENSES. An application for a license to act as a lobbyist may be  
9 obtained from and filed with the board. An applicant shall include his or her social  
10 security number on the application. The application shall be signed, under the  
11 penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon  
12 approval of the application and payment of the applicable license fee under s. 13.75  
13 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to  
14 practice lobbying on behalf of each registered principal who or which has filed an  
15 authorization under s. 13.65 for that lobbyist and paid the authorization fee under  
16 s. 13.75 (4). The license shall expire on December 31 of each even-numbered year.  
17 ~~No~~ The board shall not issue a license to an applicant who does not provide his or her  
18 social security number. The board shall refuse to issue a license or shall suspend any  
19 existing license for failure of an applicant or licensee to pay court-ordered payments  
20 of child or family support, maintenance, birth expenses, medical expenses or other  
21 expenses related to the support of a child or former spouse as provided in a  
22 memorandum of understanding entered into under s. 49.857. No other application  
23 may be disapproved by the board except an application for a license by a person who  
24 is ineligible for licensure under s. 13.69 (4) or an application by a lobbyist whose  
25 license has been revoked under s. 13.69 (7) and only for the period of such ineligibility

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1 or revocation. ~~Denial~~ Except with respect to a license that is denied or suspended  
2 pursuant to a memorandum of understanding entered into under s. 49.857, denial  
3 or suspension of a license may be reviewed under ch. 227.

4 **SECTION 12.** 13.64 (1) (a) of the statutes is amended to read:

5 13.64 (1) (a) If the principal is an individual, the name and address of the  
6 individual's employer, if any, or the individual's principal place of business if  
7 self-employed, and a description of the business activity in which the individual or  
8 the individual's employer is engaged and the individual's social security number.

9 **SECTION 13.** 13.64 (2) of the statutes is amended to read:

10 13.64 (2) The registration shall expire on December 31 of each even-numbered  
11 year. The board shall refuse to accept a registration statement filed by an individual  
12 who does not provide his or her social security number. The board shall refuse to  
13 accept a registration statement filed by an individual or shall suspend any existing  
14 registration of an individual for failure of the registrant to pay court-ordered  
15 payments of child or family support, maintenance, birth expenses, medical expenses  
16 or other expenses related to the support of a child or former spouse as provided in a  
17 memorandum of understanding entered into under s. 49.857. If all lobbying by or  
18 on behalf of the principal which is not exempt under s. 13.621 ceases, the board shall  
19 terminate the principal's registration and any authorizations under s. 13.65 as of the  
20 day after the principal files a statement of cessation and expense statements under  
21 s. 13.68 for the period covering all dates on which the principal was registered.

22 **SECTION 14.** 13.83 (3) (f) 5. of the statutes is amended to read:

23 13.83 (3) (f) 5. The department of ~~education~~ public instruction.

24 **SECTION 15.** 13.94 (1) (eg) of the statutes is amended to read:

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1           13.94 (1) (eg) Annually conduct a financial audit of the ~~gaming board~~ division  
2 of gaming in the department of administration and biennially conduct a performance  
3 evaluation audit of the ~~gaming board~~ division of gaming in the department of  
4 administration. The legislative audit bureau shall file a copy of each audit report  
5 under this paragraph with the department of justice and with the distributees  
6 specified in par. (b).

7           **SECTION 16.** 13.94 (1) (em) of the statutes is amended to read:

8           13.94 (1) (em) Annually conduct a financial audit of the state lottery, and, to  
9 the extent of the department of revenue's participation, of any ~~multistate~~  
10 multijurisdictional lotteries in which the state participates under ch. 565, and  
11 biennially conduct a performance audit of the state lottery and, to the extent of the  
12 department of revenue's participation, of those ~~multistate~~ multijurisdictional  
13 lotteries, as provided in s. 565.37 (1). The legislative audit bureau shall file a copy  
14 of each audit report under this paragraph with the department of justice and with  
15 the distributees specified in par. (b).

16           **SECTION 17.** 13.94 (1s) (bm) of the statutes is amended to read:

17           13.94 (1s) (bm) The legislative audit bureau may charge the ~~gaming board~~  
18 department of administration for the cost of the audits required to be performed  
19 under sub. (1) (eg).

20           **SECTION 18.** 13.94 (7) of the statutes is repealed.

21           **SECTION 19.** 14.015 (2) (a) 4m. of the statutes is created to read:

22           14.015 (2) (a) 4m. The chief justice of the supreme court.

23           **SECTION 20.** 14.017 (2) of the statutes is amended to read:

24           14.017 (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created  
25 in the office of the governor a state council on alcohol and other drug abuse consisting

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1 of the governor, the attorney general, the ~~secretary of education~~ state superintendent  
2 of public instruction, the secretary of health and social services, the commissioner  
3 of insurance, the secretary of corrections, the secretary of transportation and the  
4 chairperson of the pharmacy examining board, or their designees; a representative  
5 of the controlled substances board; a representative of any governor's committee or  
6 commission created under subch. I of ch. 14 to study law enforcement issues; 6  
7 members, one of whom is a consumer representing the public at large, with  
8 demonstrated professional, research or personal interest in alcohol and other drug  
9 abuse problems, appointed for 4-year terms; a representative of an organization or  
10 agency which is a direct provider of services to alcoholics and other drug abusers; a  
11 member of the Wisconsin County Human Service Association, Inc., who is nominated  
12 by that association; and 2 members of each house of the legislature, representing the  
13 majority party and the minority party in each house, chosen as are the members of  
14 standing committees in their respective houses. Section 15.09 applies to the council.

15 **SECTION 21.** 14.017 (3) of the statutes is created to read:

16 14.017 (3) STANDARDS DEVELOPMENT COUNCIL. (a) There is created in the office  
17 of the governor a standards development council consisting of all of the following:

- 18 1. The lieutenant governor, who shall serve as chairperson of the council.
- 19 2. A representative of the department of public instruction appointed by the  
20 state superintendent of public instruction.
- 21 3. The chairpersons of the committees in the assembly and senate whose  
22 subject matter is elementary and secondary education or members of those  
23 committees designated by the chairpersons.
- 24 4. The ranking minority member of each of the committees under subd. 3. or  
25 members of those committees designated by the ranking minority members.

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1           5. One member appointed by the governor to serve at the pleasure of the  
2 governor.

3           (b) Section 15.09 applies to the standards development council.

4           **SECTION 22.** 14.20 of the statutes is created to read:

5           **14.20 Literacy improvement aids. (1)** In this section:

6           (a) "Local governmental unit" has the meaning given in s. 16.97 (7).

7           (b) "Nonprofit organization" has the meaning given in s. 108.02 (19).

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

11           **SECTION 23.** 14.23 of the statutes is created to read:

12           **14.23 Standards development council. (1)** By the effective date of this  
13 subsection .... [revisor inserts date], the governor shall submit to the standards  
14 development council pupil academic standards in mathematics, science, reading and  
15 writing, geography and history. The council shall review the standards and may  
16 modify them. By September 15, 1997, the council shall transmit its recommended  
17 standards to the governor.

18           **(2)** By October 15, 1997, the governor shall approve or disapprove the  
19 recommended standards. If the governor approves the standards, he or she may  
20 issue the approved standards as an executive order.

21           **(3)** The council shall periodically review the standards issued under sub. (2)  
22 and may recommend changes to the governor. If the governor approves the changes  
23 he or she may issue them as an executive order.

24           **SECTION 24.** 14.40 (1) of the statutes is amended to read:

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1           14.40 (1) Annually not later than July 1, each legislative, administrative and  
2 judicial agency of the state government shall submit to the secretary of state a list  
3 of all positions within that agency outside the classified service and above the clerical  
4 level, excluding the faculties under the jurisdiction of the board of regents of the  
5 University of Wisconsin System and the department of ~~education~~ public instruction,  
6 which are filled by appointment, and the term if there is one, together with the name  
7 of the incumbent and the date of his or her appointment.

8           **SECTION 25.** 14.563 (title) of the statutes is repealed.

9           **SECTION 26.** 14.563 (1) of the statutes is renumbered 15.103 (4) and amended  
10 to read:

11           15.103 (4) DIVISION OF TRUST LANDS AND INVESTMENTS. There is created a division  
12 of trust lands and investments which is attached to the ~~office of the state treasurer~~  
13 department of administration under s. 15.03. This division is under the direction  
14 and supervision of the board of commissioners of public lands.

15           **SECTION 27.** 14.82 (1) (intro.) of the statutes is amended to read:

16           14.82 (1) MINNESOTA-WISCONSIN. (intro.) There is created a commission of 5  
17 citizens nominated by the governor, and with the advice and consent of the senate  
18 appointed, for staggered 5-year terms, to represent this state on the joint  
19 Minnesota-Wisconsin boundary area commission. Any vacancy shall be filled for the  
20 balance of the unexpired term. To assist the commission, there is created a  
21 legislative advisory committee comprising 4 senators and 6 representatives to the  
22 assembly appointed as are the members of standing committees in their respective  
23 houses, and a technical advisory committee of 2 members appointed by the governor  
24 and one member each appointed by the governing board or head of the following  
25 agencies, to represent such agencies: the department of justice, the department of

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1 administration, the department of agriculture, trade and consumer protection, the  
2 department of natural resources, the department of health and family services, the  
3 public service commission, the department of tourism and the department of  
4 commerce. The members of the commission and the members of its advisory  
5 committees shall serve without compensation but shall be reimbursed for actual and  
6 necessary expenses incurred in the performance of their duties, from the  
7 appropriation made by s. 20.315 (1) (g), on vouchers approved by the Wisconsin  
8 member of the commission selected to serve as its chairperson or vice chairperson.  
9 All other expenses incurred by the commission in the course of exercising its powers  
10 and duties, unless met in some other manner specifically provided by statute, shall  
11 be paid by the commission out of its own funds.

12 **SECTION 28.** 14.90 (2) of the statutes is amended to read:

13 14.90 (2) The members of the commission shall serve without compensation  
14 but shall be reimbursed from the appropriation under s. 20.505 (3) ~~(be)~~ (a) for actual  
15 and necessary expenses incurred in the performance of their duties. The commission  
16 has the powers and duties granted and imposed under s. 39.80.

17 **SECTION 29.** 14.90 (3) of the statutes is amended to read:

18 14.90 (3) From the appropriation under s. 20.505 (3) ~~(be)~~ (a), the department  
19 of administration shall pay the costs of membership in and costs associated with the  
20 midwestern higher education compact.

21 **SECTION 30.** Subchapter VI of chapter 14 [precedes 14.91] of the statutes is  
22 repealed.

23 **SECTION 31.** 15.01 (2) of the statutes is amended to read:

24 15.01 (2) "Commission" means a 3-member governing body in charge of a  
25 department or independent agency or of a division or other subunit within a

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1 department, except for the education commission which shall consist of 11 members,  
2 the Wisconsin waterways commission which shall consist of 5 members, the parole  
3 commission which shall consist of 5 members and the Fox river management  
4 commission which shall consist of 7 members. A Wisconsin group created for  
5 participation in a continuing interstate body, or the interstate body itself, shall be  
6 known as a "commission", but is not a commission for purposes of s. 15.06. The parole  
7 commission created under s. 15.145 (1) shall be known as a "commission", but is not  
8 a commission for purposes of s. 15.06.

9 **SECTION 32.** 15.01 (6) of the statutes is amended to read:

10 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a  
11 department or an independent agency, whether specifically created by law or created  
12 by the head of the department or the independent agency for the more economic and  
13 efficient administration and operation of the programs assigned to the department  
14 or independent agency. The office of justice assistance in the department of  
15 administration and the office of credit unions in the department of financial  
16 institutions have the meaning of "division" under this subsection. ~~The office of~~  
17 ~~health care information in the office of the commissioner of insurance, the office of~~  
18 ~~the long-term care ombudsman under the board on aging and long-term care and~~  
19 ~~the office of educational accountability in the department of education~~ public  
20 instruction have the meaning of "bureau" under this subsection.

21 **SECTION 33.** 15.02 (1) of the statutes is amended to read:

22 15.02 (1) SEPARATE CONSTITUTIONAL OFFICES. The governor, lieutenant governor,  
23 secretary of state, ~~state superintendent of public instruction~~ and state treasurer  
24 each head a staff to be termed the "office" of the respective constitutional officer.

25 **SECTION 34.** 15.02 (3) (c) 2. of the statutes is amended to read:



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1           15.02 (3) (c) 2. The principal subunit of the division is the “bureau”. Each  
2 bureau shall be headed by a “director”. The ~~office of health care information in the~~  
3 ~~office of the commissioner of insurance, the office of the long-term care ombudsman~~  
4 under the board on aging and long-term care and the office of educational  
5 accountability in the department of ~~education~~ public instruction have the meaning  
6 of “bureau” under this subdivision.

7           **SECTION 35.** 15.04 (1) (h) of the statutes is repealed.

8           **SECTION 36.** 15.06 (1) (a) of the statutes is amended to read:

9           15.06 (1) (a) Except as otherwise provided in this subsection and ~~s. 15.37~~, the  
10 members of commissions shall be nominated by the governor, and with the advice  
11 and consent of the senate appointed, for staggered 6-year terms expiring on March  
12 1 of the odd-numbered years.

13           **SECTION 37.** 15.06 (2) (c) of the statutes is repealed.

14           **SECTION 38.** 15.06 (3) (a) 6. of the statutes is repealed.

15           **SECTION 39.** 15.06 (4) of the statutes is amended to read:

16           15.06 (4) CHAIRPERSON; ADMINISTRATIVE DUTIES. The administrative duties of  
17 each commission, ~~other than the education commission~~, shall be vested in its  
18 chairperson, to be administered by the chairperson under the statutes and rules of  
19 the commission and subject to the policies established by the commission.

20           **SECTION 40.** 15.06 (4m) of the statutes is amended to read:

21           15.06 (4m) EXECUTIVE ASSISTANT. Each commission chairperson under s. 230.08  
22 (2) (m) and each commissioner of the public service commission may appoint an  
23 executive assistant to serve at his or her pleasure outside the classified service. The  
24 executive assistant shall perform duties as the chairperson or commissioner  
25 prescribes.

**SENATE BILL 77****SECTION 41**

1           **SECTION 41.** 15.06 (5) of the statutes is amended to read:

2           15.06 (5) FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the  
3 call of the chairperson or a majority of its members, ~~except that the education~~  
4 ~~commission shall meet on the call of the chairperson or a majority of its voting~~  
5 ~~members.~~ Every commission shall maintain its offices in Madison, but may meet or  
6 hold hearings at such other locations as will best serve the citizens of this state.

7           **SECTION 42.** 15.06 (6) of the statutes is amended to read:

8           15.06 (6) QUORUM. A majority of the membership of a commission constitutes  
9 a quorum to do business, ~~except that a majority of the voting members of the~~  
10 ~~education commission constitutes a quorum to do business and except that vacancies~~  
11 ~~shall not prevent a commission from doing business.~~ This subsection does not apply  
12 to the parole commission.

13           **SECTION 43.** 15.07 (1) (a) 1. of the statutes is created to read:

14           15.07 (1) (a) 1. Members of the higher educational aids board shall be appointed  
15 by the governor without senate confirmation.

16           **SECTION 44.** 15.07 (1) (b) 16. of the statutes is repealed.

17           **SECTION 45.** 15.07 (1) (cm) of the statutes is amended to read:

18           15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
19 May 1. The terms of 3 members of the development finance board appointed under  
20 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
21 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
22 every odd-numbered year. The terms of the 3 members of the land and water  
23 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
24 The term of the member of the land and water conservation board appointed under  
25 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

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1 members of the real estate board shall expire on July 1. The terms of the appraiser  
2 members of the real estate appraisers board and the terms of the auctioneer and  
3 auction company representative members of the auctioneer board shall expire on  
4 May 1 in an even-numbered year. ~~The terms of the 4 members of the educational~~  
5 ~~technology board appointed under s. 15.105 (26) (a) 1., 3., 6. and 9. shall expire on~~  
6 ~~May 1 in an even-numbered year.~~ The terms of the members of the public intervenor  
7 board shall expire as provided in s. 15.345 (4) (b). ~~The terms of 3 members of the~~  
8 ~~gaming board appointed under s. 15.64 shall expire on July 1 of an even-numbered~~  
9 ~~year and the terms of the other 2 members shall expire on July 1 of an odd-numbered~~  
10 ~~year.~~ The terms of 4 of the members of the state emergency response board, except  
11 the administrator of the division of emergency management in the department of  
12 military affairs, shall expire on May 1 of each year.

13 **SECTION 46.** 15.07 (2) (f) of the statutes is amended to read:

14 15.07 (2) (f) ~~The secretary of education~~ state superintendent of public  
15 instruction or his or her designated representative shall serve as chairperson of the  
16 school district boundary appeal board.

17 **SECTION 47.** 15.07 (2) (L) of the statutes is created to read:

18 15.07 (2) (L) The secretary of commerce or his or her designated representative  
19 shall serve as chairperson of the recycling market development board.

20 **SECTION 48.** 15.07 (5) (i) of the statutes is created to read:

21 15.07 (5) (i) Members of the educational approval board, \$25 per day.

22 **SECTION 49.** 15.103 (1m) of the statutes is created to read:

23 15.103 (1m) DIVISION OF GAMING. There is created in the department of  
24 administration a division of gaming.

25 **SECTION 50.** 15.105 (4) of the statutes is amended to read:

**SENATE BILL 77****SECTION 50**

1           15.105 (4) PUBLIC RECORDS BOARD. There is created a public records board which  
2 is attached to the department of administration under s. 15.03. The public records  
3 board shall consist of the governor, the secretary of administration, the director of  
4 the historical society, the attorney general, the state auditor, the director of state  
5 courts and the director of the legislative council staff, or their designated  
6 representatives, ~~and a representative of the small business community, a~~  
7 ~~representative of a local unit of government, as defined in s. 106.215 (1) (e), and one~~  
8 ~~other member~~ 2 representatives having experience in records management or  
9 information technology, as defined in s. 16.97 (6), one of whom shall be an officer or  
10 employe of an agency, as defined in s. 16.70 (1), and one of whom shall be an officer  
11 or employe of a private business located in this state.

12           **SECTION 51.** 15.105 (16) of the statutes is repealed.

13           **SECTION 52.** 15.105 (25) of the statutes is created to read:

14           15.105 (25) TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD.  
15 There is created a technology for educational achievement in Wisconsin board which  
16 is attached to the department of administration under s. 15.03. The board shall  
17 consist of the state superintendent of public instruction, the secretary of  
18 administration, and the following members appointed for 4-year terms:

19           (a) A member of the board of regents of the University of Wisconsin System,  
20 appointed by the president of the University of Wisconsin System.

21           (b) A member of the technical college system board, appointed by the president  
22 of the technical college system board.

23           (c) Five other members.

24           **SECTION 53.** 15.105 (26) of the statutes is repealed.

25           **SECTION 54.** 15.107 (7) (d) of the statutes is amended to read:

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1           15.107 (7) (d) A representative of the unit in the office of the commissioner of  
2 insurance department of health and family services that deals with health care  
3 information.

4           **SECTION 55.** 15.107 (16) of the statutes is created to read:

5           15.107 (16) WISCONSIN LAND COUNCIL. (a) *Creation.* There is created a  
6 Wisconsin land council, attached to the department of administration under s. 15.03.

7           (b) *Members.* The Wisconsin land council shall consist of the following  
8 members:

- 9           1. The secretary of administration.
- 10          2. The secretary of agriculture, trade and consumer protection.
- 11          3. The secretary of commerce.
- 12          4. The secretary of natural resources.
- 13          5. The secretary of revenue.
- 14          6. The secretary of transportation.
- 15          7. The state cartographer.
- 16          8. One member who represents the interests of cities.
- 17          9. One member who represents the interests of counties.
- 18          10. One member who represents the interests of towns.
- 19          11. One member who represents the interests of local governments.
- 20          12. One representative from the University of Wisconsin System.
- 21          13. Four members of the public.

22           (c) *Designees.* Under par. (b), an agency head may appoint a designee to serve  
23 on the council, if the designee is an employe or appointive officer of the agency who  
24 has sufficient authority to deploy agency resources and directly influence agency  
25 decision making.

**SENATE BILL 77****SECTION 55**

1 (d) *Terms, chairperson.* The members listed under par. (b) 8. to 13. shall be  
2 appointed for 5-year terms. The governor shall appoint the chairperson of the  
3 council, who shall serve at the pleasure of the governor.

4 (e) *Sunset.* This subsection does not apply after August 31, 2003.

5 **SECTION 56.** 15.107 (17) of the statutes is created to read:

6 15.107 (17) ENVIRONMENTAL SCIENCE COUNCIL. There is created in the  
7 department of administration an environmental science council. The council shall  
8 consist of 9 members who are nonpartisan and who have demonstrated expertise in  
9 at least one of the following: the engineering sciences, economic sciences, biological  
10 sciences, physical sciences, human medical sciences or statistical or risk assessment  
11 sciences. The governor shall designate one member as chairperson and one member  
12 as vice chairperson. The members shall be nominated by the governor, and with the  
13 advice and consent of the senate appointed, for 3-year terms.

14 **SECTION 57.** 15.135 (4) (b) 3. of the statutes is amended to read:

15 15.135 (4) (b) 3. ~~Four~~ Six other members appointed for staggered 4-year terms.  
16 One of those members shall be a resident of a city with a population of 50,000 or more,  
17 ~~one~~ 2 shall represent a governmental ~~unit~~ units involved in river management, one  
18 shall be a farmer and one shall be a member of a charitable corporation, charitable  
19 association or charitable trust, the purpose or powers of which include protecting  
20 natural resources, including scenic or open space, and maintaining or enhancing air  
21 or water quality.

22 **SECTION 58.** 15.147 (1) (a) 9. of the statutes is amended to read:

23 15.147 (1) (a) 9. One member who has knowledge of the problems of gang  
24 influence and gang violence in public schools, appointed by the ~~secretary of education~~  
25 state superintendent of public instruction.

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1           **SECTION 59.** 15.154 of the statutes is repealed.

2           **SECTION 60.** 15.183 (2) of the statutes is amended to read:

3           15.183 **(2)** (title) ~~DIVISION OF SAVINGS AND LOAN~~ INSTITUTIONS. There is created  
4 a division of savings ~~and loan~~ institutions. Prior to July 1, 2000, the division is  
5 attached to the department of financial institutions under s. 15.03. After June 30,  
6 2000, the division is created in the department of financial institutions. The  
7 administrator of the division shall be appointed outside the classified service by the  
8 secretary of financial institutions and shall serve at the pleasure of the secretary.

9           **SECTION 61.** 15.195 (4) (d) of the statutes is amended to read:

10           15.195 **(4)** (d) The ~~secretary of education~~ state superintendent of public  
11 instruction or his or her designee.

12           **SECTION 62.** 15.197 (2) of the statutes is amended to read:

13           15.197 **(2)** COUNCIL ON BLINDNESS. There is created in the department of health  
14 and family services a council on blindness consisting of 9 members appointed by the  
15 secretary of health and family services for staggered 3-year terms. At least 7 of the  
16 persons appointed to the council shall be blind or visually impaired, as defined in s.  
17 47.01 (1) or (5) and shall reflect a broad representation of blind or visually impaired  
18 persons. All council members shall have a recognized interest in and demonstrated  
19 knowledge of the problems of the blind or visually impaired. Council members may  
20 be persons receiving services from the department. ~~The council has the functions~~  
21 ~~specified in s. 47.03 (9).~~

22           **SECTION 63.** 15.197 (11n) (a) 3. of the statutes is amended to read:

23           15.197 **(11n)** (a) 3. The ~~secretary of education~~ state superintendent of public  
24 instruction.

25           **SECTION 64.** 15.197 (24) (a) 7. of the statutes is amended to read:

**SENATE BILL 77****SECTION 64**

1           15.197 (24) (a) 7. Two members nominated by the community ~~advisory steering~~  
2 committees established in Milwaukee County under s. ~~46.023 (2)~~ 49.143 (2) (a).

3           **SECTION 65.** 15.223 (2) of the statutes is amended to read:

4           15.223 (2) (title) ~~DIVISION OF WORKFORCE EXCELLENCE~~ CONNECTING EDUCATION  
5 AND WORK. There is created in the department of industry, labor and job development  
6 a division of ~~workforce excellence~~ connecting education and work.

7           **SECTION 66.** 15.227 (24) (a) 4. of the statutes is repealed and recreated to read:

8           15.227 (24) (a) 4. The state superintendent of public instruction or the state  
9 superintendent's designee.

10          **SECTION 67.** 15.347 (4) (c) of the statutes is amended to read:

11          15.347 (4) (c) One from the department of ~~education~~ public instruction,  
12 appointed by the ~~secretary of education~~ state superintendent of public instruction.

13          **SECTION 68.** 15.347 (10) of the statutes is created to read:

14          15.347 (10) ENVIRONMENTAL PERFORMANCE COUNCIL. (a) There is created in the  
15 department of natural resources an environmental performance council to consist of  
16 the following members:

- 17           1. The secretary of commerce or his or her designee.  
18           2. The secretary of natural resources or his or her designee.  
19           3. The secretary of administration or his or her designee.  
20           4. Eight other members.

21          (b) The members of the council appointed under par. (a) 4. shall serve for 4-year  
22 terms.

23          (c) The governor shall designate one member of the council as chairperson.

24          **SECTION 69.** 15.37 of the statutes is repealed and recreated to read:



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1           **15.37 Department of public instruction; creation.** There is created a  
2 department of public instruction under the direction and supervision of the state  
3 superintendent of public instruction.

4           **SECTION 70.** 15.373 (1) of the statutes is amended to read:

5           15.373 (1) DIVISION FOR LEARNING SUPPORT, EQUITY AND ADVOCACY. There is  
6 created in the department of ~~education~~ public instruction a division for learning  
7 support, equity and advocacy.

8           **SECTION 71.** 15.373 (2) of the statutes is amended to read:

9           15.373 (2) DIVISION FOR LIBRARIES AND COMMUNITY LEARNING. There is created  
10 in the department of ~~education~~ public instruction a division for libraries and  
11 community learning.

12           **SECTION 72.** 15.374 (1) of the statutes is amended to read:

13           15.374 (1) OFFICE OF EDUCATIONAL ACCOUNTABILITY. There is created an office of  
14 educational accountability in the department of ~~education~~ public instruction. The  
15 director of the office shall be appointed by the ~~secretary of education~~ state  
16 superintendent of public instruction.

17           **SECTION 73.** 15.375 (1) of the statutes is amended to read:

18           15.375 (1) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. There is  
19 created an American Indian language and culture education board which is attached  
20 to the department of ~~education~~ public instruction under s. 15.03. The board shall  
21 consist of 13 members appointed by the governor for staggered 4-year terms from  
22 recommendations made by the various Indian tribes, bands and organizations in this  
23 state. The members shall include parents or guardians of American Indian children,  
24 American Indian teachers, school administrators, a school board member, persons  
25 involved in programs for American Indian children and persons experienced in the

**SENATE BILL 77****SECTION 73**

1 training of teachers for American Indian language and culture education programs.  
2 Members shall be appointed so as to be representative of all the American Indian  
3 tribes, bands and organizations in this state. In addition to its duties under subch.  
4 IV of ch. 115, the board shall advise the ~~secretary of education~~ state superintendent  
5 of public instruction, the board of regents of the university of Wisconsin system, the  
6 ~~department of education~~ higher educational aids board and the technical college  
7 system board on all matters relating to the education of American Indians. The  
8 board does not have rule-making authority.

9 **SECTION 74.** 15.375 (2) of the statutes is amended to read:

10 15.375 (2) SCHOOL DISTRICT BOUNDARY APPEAL BOARD. There is created a school  
11 district boundary appeal board in the department of ~~education~~ public instruction.  
12 The board shall consist of 12 school board members appointed by the ~~secretary of~~  
13 ~~education~~ state superintendent of public instruction for staggered 2-year terms and  
14 the ~~secretary of education~~ state superintendent of public instruction or his or her  
15 designee. Four board members shall be school board members of school districts with  
16 small enrollments, 4 board members shall be school board members of school  
17 districts with medium enrollments and 4 board members shall be school board  
18 members of school districts with large enrollments. No 2 school board members of  
19 the board may reside within the boundaries of the same cooperative educational  
20 service agency.

21 **SECTION 75.** 15.375 (3) (a) of the statutes is amended to read:

22 15.375 (3) (a) *Creation.* There is created an environmental education board  
23 attached to the department of ~~education~~ public instruction under s. 15.03.

24 **SECTION 76.** 15.375 (3) (b) 1. of the statutes is amended to read:

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1           15.375 (3) (b) 1. The ~~secretary of education~~ state superintendent of public  
2 instruction.

3           **SECTION 77.** 15.375 (3) (b) 6. (intro.) of the statutes is amended to read:

4           15.375 (3) (b) 6. (intro.) One member, appointed for a 3-year term by the  
5 ~~secretary of education~~ state superintendent of public instruction, to represent each  
6 of the following:

7           **SECTION 78.** 15.377 (1) of the statutes is amended to read:

8           15.377 (1) COUNCIL ON THE EDUCATION OF THE BLIND. There is created in the  
9 department of ~~education~~ public instruction a council on the education of the blind  
10 consisting of 3 members, who shall be visually handicapped and shall have a  
11 recognized interest in and a demonstrated knowledge of the problems of the visually  
12 handicapped, appointed by the ~~secretary of education~~ state superintendent of public  
13 instruction for staggered 6-year terms. "Visually handicapped" means having a)  
14 visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or  
15 b) a visual acuity greater than 20/70 in the better eye with correcting lenses, but  
16 accompanied by a limitation in the field of vision such that the widest diameter of the  
17 visual field subtends an angle no greater than 20 degrees.

18           **SECTION 79.** 15.377 (2) of the statutes is amended to read:

19           15.377 (2) GOVERNOR'S COUNCIL ON BUSINESS AND EDUCATION PARTNERSHIPS. There  
20 is created in the department of ~~education~~ public instruction a council on business and  
21 education partnerships consisting of representatives of private business and  
22 industry, agriculture, organized labor, the technical college system and the public  
23 school system. A majority of the members shall be representatives of private  
24 business and industry. Council members shall be appointed for 3-year terms.

25           **SECTION 80.** 15.377 (3) of the statutes is amended to read:

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1           15.377 (3) COUNCIL ON INSTRUCTIONAL TELECOMMUNICATIONS. There is created  
2 in the department of ~~education~~ public instruction a council on instructional  
3 telecommunications. The ~~secretary of education~~ state superintendent of public  
4 instruction shall appoint one member to represent each of the cooperative  
5 educational service agencies, from nominations made by the boards of control of the  
6 cooperative educational service agencies, and 2 members to represent private  
7 primary and secondary educational institutions. Council members shall be  
8 appointed for 4-year terms.

9           **SECTION 81.** 15.377 (4) of the statutes is amended to read:

10           15.377 (4) COUNCIL ON EXCEPTIONAL EDUCATION. There is created in the  
11 department of ~~education~~ public instruction a council on exceptional education  
12 consisting of 15 members appointed by the ~~secretary of education~~ state  
13 superintendent of public instruction for 3-year terms. No more than 7 members of  
14 the council may be persons who do not have children with exceptional educational  
15 needs and who are representatives of the state, school districts, county handicapped  
16 children's education boards or cooperative educational service agencies. At least 5  
17 members of the council shall be parents or guardians of a child with exceptional  
18 educational needs, at least one member of the council shall be a school board member,  
19 at least one member shall be a certified teacher of regular education as defined in s.  
20 115.76 (9) and at least one member shall be a certified teacher of special education.

21           **SECTION 82.** 15.377 (6) of the statutes is amended to read:

22           15.377 (6) COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in  
23 the department of ~~education~~ public instruction a council on library and network  
24 development composed of 15 members. Seven of the members shall be library  
25 science, audiovisual and informational science professionals representative of

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1 various types of libraries and information services, including public libraries, public  
2 library systems, school libraries, public and private academic libraries, special  
3 libraries and library educators. Eight of the members shall be public members who  
4 have demonstrated an interest in libraries or other types of information services.  
5 The members of the council shall be appointed for 3-year terms. The council shall  
6 meet 6 times annually and shall also meet on the call of the ~~secretary of education~~  
7 state superintendent of public instruction, and may meet at other times on the call  
8 of the chairperson or a majority of its members.

9 **SECTION 83.** 15.377 (7m) of the statutes is amended to read:

10 15.377 (7m) COUNCIL ON SUICIDE PREVENTION. There is created a council on  
11 suicide prevention in the department of ~~education~~ public instruction. The council  
12 shall consist of 2 persons appointed by the ~~secretary of education~~ state  
13 superintendent of public instruction, at least one of whom is not an employe of the  
14 department of ~~education~~ public instruction, 2 persons appointed by the secretary of  
15 health and social services, at least one of whom is not an employe of the department  
16 of health and social services, one person and one physician appointed jointly by the  
17 ~~secretary of education~~ state superintendent of public instruction and the secretary  
18 of health and social services and one person appointed by the executive staff director  
19 of the office of justice assistance in the department of administration. Members shall  
20 be appointed for 3-year terms.

21 **SECTION 84.** 15.435 (2) of the statutes is repealed.

22 **SECTION 85.** 15.57 (1) of the statutes is amended to read:

23 15.57 (1) The secretary of administration, the ~~secretary of education~~ state  
24 superintendent of public instruction, the president of the university of Wisconsin  
25 system and the director of the technical college system board, or their designees.

**SENATE BILL 77****SECTION 86**

1           **SECTION 86.** 15.64 of the statutes is repealed.

2           **SECTION 87.** 15.643 of the statutes is repealed.

3           **SECTION 88.** 15.647 (title) of the statutes is repealed.

4           **SECTION 89.** 15.647 (1) of the statutes is renumbered 15.107 (18) and amended  
5 to read:

6           15.107 (18) COUNCIL ON CHARITABLE GAMING. There is created in the gaming  
7 board department of administration a council on charitable gaming consisting of 5  
8 residents of this state appointed for 5-year terms. Not more than 3 members of the  
9 council may belong to the same political party. Members of the council shall hold  
10 office until a successor is appointed and qualified.

11           **SECTION 90.** 15.67 of the statutes is created to read:

12           **15.67 Higher educational aids board; creation.** There is created a higher  
13 educational aids board consisting of the state superintendent of public instruction  
14 and 18 members, appointed to serve at the pleasure of the governor. To represent  
15 public institutions of higher education, the governor shall appoint 3 members of the  
16 board of regents of the University of Wisconsin System, 2 members of the technical  
17 college system board, one student enrolled at least half-time and in good academic  
18 standing at an institution or center within the University of Wisconsin System who  
19 is at least 18 years old and a resident of this state and one student enrolled at least  
20 half-time and in good academic standing at a technical college who is at least 18  
21 years old and a resident of this state. To represent private institutions of higher  
22 education, the governor shall appoint 5 members of boards of trustees of independent  
23 colleges and universities in this state and one student enrolled at least half-time and  
24 in good academic standing at a private institution of higher education located in this  
25 state who is at least 18 years old and a resident of this state. The governor shall

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1 appoint 5 members to represent the general public. If a student member loses the  
2 status upon which the appointment was based, he or she shall cease to be a member  
3 of the higher educational aids board upon appointment to the higher educational  
4 aids board of a qualified successor.

5 **SECTION 91.** 15.675 of the statutes is created to read:

6 **15.675 Same; attached board. (1) EDUCATIONAL APPROVAL BOARD.** There is  
7 created an educational approval board which is attached to the higher educational  
8 aids board under s. 15.03. The board shall consist of not more than 7 members, who  
9 shall be representatives of state agencies and other persons with a demonstrated  
10 interest in educational programs, appointed to serve at the pleasure of the governor.

11 **SECTION 92.** 15.707 (1) of the statutes is amended to read:

12 15.707 (1) HISTORICAL MARKERS COUNCIL. There is created in the historical  
13 society a historical markers council. The council shall consist of the director of the  
14 historical society, the ~~secretary of education~~ state superintendent of public  
15 instruction, the secretary of transportation, the secretary of natural resources, the  
16 secretary of tourism, the secretary of veterans affairs, the chairperson of the historic  
17 preservation review board, the president of the Wisconsin trust for historic  
18 preservation and the president of the Wisconsin council for local history, or their  
19 designees. The director of the historical society or a designee shall serve as secretary  
20 of the council.

21 **SECTION 93.** 15.735 (2) of the statutes is renumbered 15.195 (6) and amended  
22 to read:

23 15.195 (6) BOARD ON HEALTH CARE INFORMATION. There is created a board on  
24 health care information which is attached to the ~~office of the commissioner of~~  
25 insurance department of health and family services under s. 15.03. The board shall

**SENATE BILL 77****SECTION 93**

1 consist of 9 members, a majority of whom may neither be nor represent health care  
2 providers, appointed for 4-year terms.

3 **SECTION 94.** 15.737 of the statutes is repealed.

4 **SECTION 95.** 16.007 (1) of the statutes is amended to read:

5 16.007 (1) (title) ~~PURPOSE~~ PRESENTMENT OF CLAIMS. Any person who has a claim  
6 against the state may file the claim with the department. The claims board shall  
7 receive, investigate and make recommendations on all claims of ~~\$10~~ \$100 or more  
8 presented against the state which are referred to the board by the department. No  
9 claim or bill relating to such a claim which is referred to the board by the department  
10 shall be considered by the legislature until a recommendation thereon has been  
11 made by the claims board.

12 **SECTION 96.** 16.007 (6) (b) 4. of the statutes is amended to read:

13 16.007 (6) (b) 4. Payment of any claim of less than ~~\$10~~ \$100.

14 **SECTION 97.** 16.023 of the statutes is created to read:

15 **16.023 Wisconsin land council.** (1) The Wisconsin land council shall  
16 conduct the following functions:

17 (a) Identify state land use goals and recommend these goals to the governor.

18 (b) Identify state land use priorities to further the state's land use goals and  
19 recommend to the governor legislation to implement these priorities.

20 (c) Study areas of cooperation and coordination in the state's land use statutes  
21 and recommend to the governor legislation to harmonize these statutes to further the  
22 state's land use goals.

23 (d) Study areas of the state's land use statutes that conflict with each other and  
24 recommend to the governor legislation to resolve these conflicts to further the state's  
25 land use goals.



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1           (e) Identify areas of the state's land use statutes that conflict with county or  
2           municipal land use ordinances, and areas of county or municipal land use ordinances  
3           that conflict with each other, and recommend to the governor legislation to resolve  
4           these conflicts.

5           (f) Establish a technical working group that is composed of the state  
6           cartographer, a representative of the University of Wisconsin System who has  
7           expertise in land use issues and any other land use experts designated by the  
8           council's chairperson, to study the development of a computer-based Wisconsin land  
9           information system and recommend to the governor legislation to implement such  
10          a computer system.

11          (g) Establish a state agency resource working group that is composed of  
12          representatives of the departments of administration, agriculture, trade and  
13          consumer protection, commerce, natural resources, revenue, transportation and  
14          other appropriate agencies to discuss, analyze and address land use issues and  
15          related policy issues, including the following:

- 16           1. Gathering information about the land use plans of state agencies.
- 17           2. Establishing procedures for the distribution of the information gathered  
18           under subd. 1. to other state agencies, local units of government and private persons.
- 19           3. The creation of a system to facilitate, and to provide training and technical  
20           assistance for the development of, local intergovernmental land use planning.

21          (h) Study the activities of local units of government in the land use area to  
22          determine how these activities impact on state land use goals, and recommend to the  
23          governor legislation that fosters coordination between local land use activities and  
24          state land use goals.

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1 (i) Identify procedures for facilitating local land use planning efforts, including  
2 training and technical assistance for local units of government, and recommend to  
3 the governor legislation to implement such procedures.

4 (j) Gather and analyze information about the land use activities in this state  
5 of the federal government and American Indian governments and inform the  
6 governor of the impact of these activities on state land use goals.

7 (k) Study any other issues that are reasonably related to the state's land use  
8 goals, including methods for alternative dispute resolution for disputes involving  
9 land use issues, and recommend to the governor legislation in the areas studied by  
10 the council that would further the state's land use goals.

11 (L) Gather information about land use issues, at its discretion, in any  
12 reasonable way, including the following:

13 1. Establishing a state-local government-private sector working group to  
14 study and advise the council on land use issues.

15 2. Holding public hearings or information meetings on land use issues.

16 3. Conducting surveys on land use issues.

17 4. Consulting with any person who is interested in land use issues.

18 **(2)** In conjunction with the working group established under sub. (1) (L) 1., the  
19 council shall, not later than one year after the effective date of this subsection ...  
20 [revisor inserts date], develop evaluation criteria for its functions under sub. (1). The  
21 council shall complete a report that contains an evaluation of its functions and  
22 activities not later than September 1, 2002, and shall submit the report to the chief  
23 clerk of each house of the legislature, for distribution to the legislature under s.  
24 13.172 (2), and to the governor. The report shall also include a recommendation as  
25 to whether the council should continue in existence past its sunset date specified in

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1 s. 15.107 (16) (e) and, if so, a recommendation as to whether any structural  
2 modifications should be made to the council's functions or to the state's land use  
3 programs.

4 **SECTION 98.** 16.03 (3) of the statutes is amended to read:

5 16.03 (3) REPORT. The interagency coordinating council shall report at least  
6 twice annually to the board on health care information in the office of the  
7 commissioner of insurance department of health and family services, concerning the  
8 council's activities under this section.

9 **SECTION 99.** 16.045 (5) of the statutes is amended to read:

10 16.045 (5) The department shall encourage distribution of gasohol and  
11 alternative fuels and usage of gasohol and alternative fuels by officers and employes  
12 who use personal motor vehicles on state business and by residents of this state  
13 generally. The department shall report to the appropriate standing committees  
14 under s. 13.172 (3) concerning distribution and usage of gasohol and alternative fuels  
15 in this state, no later than ~~January 1 and July 1~~ April 30 of each year.

16 **SECTION 100.** 16.08 of the statutes is created to read:

17 **16.08 Environmental science council.** (1) In this section:

18 (a) "Agency" means any office, department, agency, institution of higher  
19 education, association, society or other body in state government created or  
20 authorized to be created by the constitution or any law which is entitled to expend  
21 moneys appropriated by law, including the legislature and the courts.

22 (b) "Authority" means an authority created under ch. 231, 232, 233, 234 or 235.

23 (2) At the request of the governor or the secretary of a state department, the  
24 environmental science council shall do any of the following:

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1           (a) Advise on issues affecting the protection and management of the  
2 environment and natural resources in this state.

3           (b) Evaluate proposed rules that establish environmental or natural resources  
4 standards or other criteria.

5           (c) Review the scientific and technical adequacy of environmental programs,  
6 guidelines, methodologies, protocols and tests.

7           (d) Recommend any scientific standard or other criteria for protection of human  
8 health and the environment that the council determines is appropriate.

9           (e) Review new information needs, the adequacy of data collection and analysis  
10 and the quality of agency and authority environmental plans or programs of  
11 research, development and demonstration.

12           (f) Assess the importance of natural and anthropogenic sources of pollution.

13           (g) Perform any other advisory function relating to the protection and  
14 management of the environment and natural resources requested by the governor.

15           **(3)** On its own initiative or at the request of any agency or authority, the council  
16 may perform any function under sub. (2).

17           **(4)** In performing its functions under sub. (2), the council shall be strictly  
18 nonpartisan, shall consult and work closely with agencies and authorities, shall use  
19 sound, objective and scientific reasoning, shall assess the relative risk to human  
20 health and the environment and shall consider economic consequences.

21           **(5)** The council may create any committee necessary to carry out the council's  
22 functions under sub. (2). If the council creates a committee under this subsection,  
23 the council shall appoint persons to the committee who have the scientific and  
24 technical expertise to carry out the purpose of the committee. The council may  
25 appoint council members and other persons to a committee, but the council shall

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1 appoint one council member to serve as chairperson of each committee created under  
2 this subsection.

3 **(6)** All agencies and authorities shall fully cooperate with and assist the council  
4 and any committee created by the council under sub. (5).

5 **SECTION 101.** 16.24 (1) (b) of the statutes is amended to read:

6 16.24 **(1)** (b) "Institution of higher education" means a public or private  
7 institution of higher education that is accredited by an accrediting association  
8 recognized by the department, and a proprietary school approved by the ~~department~~  
9 ~~of education~~ educational approval board under s. ~~38.51~~ 39.51.

10 **SECTION 102.** 16.24 (10m) of the statutes is amended to read:

11 16.24 **(10m)** REPAYMENT TO GENERAL FUND. The secretary shall transfer from the  
12 tuition trust fund to the general fund an amount equal to the amount encumbered  
13 from the appropriation under s. 20.505 (9) (a) ~~in the 1996-97 fiscal year~~ when the  
14 secretary determines that funds in the tuition trust fund are sufficient to make the  
15 transfer. The secretary may make the transfer in instalments.

16 **SECTION 103.** 16.405 (1) of the statutes is amended to read:

17 16.405 **(1)** At any time the department determines that a deficiency will occur  
18 in the funds of the state which will not permit the state to meet its operating  
19 obligations in a timely manner, it may prepare a request for the issuance of operating  
20 notes under subch. III of ch. 18 and, subject to ~~sub.~~ subs. (2) and (3), may submit the  
21 request to the building commission.

22 **SECTION 104.** 16.405 (2) of the statutes is amended to read:

23 16.405 **(2)** The department may not submit a request to the building  
24 commission under sub. (1) unless the request is signed by the secretary and the  
25 governor, ~~and approved by the joint committee on finance.~~

**SENATE BILL 77****SECTION 105**

1           **SECTION 105.** 16.405 (3) of the statutes is created to read:

2           16.405 (3) If the department proposes to submit a request to the building  
3 commission under sub. (1), the secretary shall notify the joint committee on finance  
4 in writing of the proposed action. If the cochairpersons of the committee do not notify  
5 the secretary that the committee has scheduled a meeting for the purpose of  
6 reviewing the proposed submission within 14 working days after the date of the  
7 secretary's notification, the department may submit the request to the building  
8 commission as proposed. If, within 14 working days after the date of the secretary's  
9 notification, the cochairpersons of the committee notify the secretary that the  
10 committee has scheduled a meeting for the purpose of reviewing the proposed  
11 submission, the department may submit the request to the building commission only  
12 upon approval of the committee.

13           **SECTION 106.** 16.50 (3) of the statutes is amended to read:

14           16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except  
15 the legislature or the courts, may increase the pay of any employe, expend money or  
16 incur any obligation except in accordance with the estimate that is submitted to the  
17 secretary as provided in sub. (1) and approved by the secretary or the governor. No  
18 change in the number of full-time equivalent positions authorized through the  
19 biennial budget process or other legislative act may be made without the approval  
20 of the joint committee on finance, except for position changes made by the governor  
21 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics  
22 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin  
23 System under s. 16.505 (2m). The secretary may withhold, in total or in part, the  
24 funding for any position, as defined in s. 230.03 (11), as well as the funding for  
25 part-time or limited term employes until such time as the secretary determines that

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1 the filling of the position or the expending of funds is consistent with s. 16.505 and  
2 with the intent of the legislature as established by law or in budget determinations,  
3 or the intent of the joint committee on finance creating or abolishing positions under  
4 s. 13.10, the intent of the governor creating or abolishing positions under s. 16.505  
5 (1) (c) or (2) or the intent of the board of regents of the University of Wisconsin System  
6 in creating or abolishing positions under s. 16.505 (2m). Until the release of funding  
7 occurs, recruitment or certification for the position may not be undertaken. The  
8 secretary shall submit a quarterly report to the joint committee on finance of any  
9 position changes made by the governor under s. 16.505 (1) (c). No pay increase may  
10 be approved unless it is at the rate or within the pay ranges prescribed in the  
11 compensation plan or as provided in a collective bargaining agreement under subch.  
12 V of ch. 111. At the request of the secretary of employment relations, the secretary  
13 of administration may authorize the temporary creation of pool or surplus positions  
14 under any source of funds if the secretary of employment relations determines that  
15 temporary positions are necessary a) to maintain adequate staffing levels for high  
16 turnover classifications, in anticipation of attrition, to fill positions for which  
17 recruitment is difficult; or b) to provide temporary staffing to a sending agency, as  
18 defined in s. 230.047 (2) (c), for the purpose of sending the positions to a receiving  
19 agency, as defined in s. 230.047 (2) (b). Surplus or pool positions authorized by the  
20 secretary shall be reported quarterly to the joint committee on finance in conjunction  
21 with the report required under s. 16.54 (8).

22 **SECTION 107.** 16.505 (2m) of the statutes is amended to read:

23 16.505 (2m) The board of regents of the university of Wisconsin system may  
24 create or abolish a full-time equivalent position or portion thereof from revenues  
25 appropriated under s. 20.285 (1) (h), (ip), (iz), (j), (m) or (n) or (3) (iz) or (n). No later

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1 than the last day of the month following completion of each calendar quarter, the  
2 board of regents shall report to the department and the cochairpersons of the joint  
3 committee on finance concerning the number of full-time equivalent positions  
4 created or abolished by the board under this subsection during the preceding  
5 calendar quarter and the source of funding for each such position.

6 **SECTION 108.** 16.52 (10) (title) of the statutes is amended to read:

7 16.52 (10) (title) DEPARTMENT OF ~~EDUCATION~~ PUBLIC INSTRUCTION.

8 **SECTION 109.** 16.54 (2) (a) 2. of the statutes is amended to read:

9 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal  
10 law ~~enacted after August 31, 1995,~~ which authorizes the distribution of block grants  
11 for the purposes for which the grant is made, and the secretary of administration  
12 determines that the block grant is not reflected in the estimates of federal revenues  
13 contained in the biennial budget act for the fiscal year in which the moneys received  
14 as part of the grant will be encumbered or expended, the governor shall not  
15 administer and no board, commission or department may encumber or expend  
16 moneys received as a part of the grant unless the governor first notifies the  
17 cochairpersons of the joint committee on finance, in writing, that the grant has been  
18 made. The notice shall contain a description of the purposes proposed by the  
19 governor for expenditure of the moneys received as a part of the grant. If the  
20 cochairpersons of the committee do not notify the governor that the committee has  
21 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant  
22 moneys within 14 working days after the date of the governor's notification, the  
23 moneys may be expended as proposed by the governor. If, within 14 working days  
24 after the date of the governor's notification, the cochairpersons of the committee  
25 notify the governor that the committee has scheduled a meeting for the purpose of



**SENATE BILL 77****SECTION 109**

1 reviewing the proposed expenditure of grant moneys, no moneys received as a part  
2 of the grant may be expended without the approval of the committee.

3 **SECTION 110.** 16.61 (3) (u) of the statutes is repealed.

4 **SECTION 111.** 16.61 (5) of the statutes is amended to read:

5 16.61 (5) TRANSFER OF PUBLIC RECORDS TO OPTICAL DISK OR ELECTRONIC FORMAT.

6 (a) Subject to ~~rules promulgated~~ procedures and standards prescribed by the  
7 department under s. 16.611, any state agency may transfer to or maintain in optical  
8 disk or electronic format any public record in its custody and retain the public record  
9 in that format only.

10 (b) Subject to ~~rules promulgated~~ procedures and standards prescribed by the  
11 department under s. 16.611, state agencies shall maintain procedures to ensure the  
12 authenticity, accuracy, reliability and accessibility of public records transferred to or  
13 maintained in optical disk or electronic format under par. (a).

14 (c) Subject to ~~rules promulgated~~ procedures and standards prescribed by the  
15 department under s. 16.611, state agencies that transfer to or maintain in optical  
16 disk or electronic format public records in their custody shall ensure that the public  
17 records stored in that format are protected from unauthorized destruction.

18 **SECTION 112.** 16.61 (7) (a) 2. of the statutes is amended to read:

19 16.61 (7) (a) 2. The reproduction is on film which complies with the minimum  
20 standards of quality for microfilm reproductions, as established by rule of the board,  
21 or the optical disk or electronic copy and the copy generated from optical disk or  
22 electronic format comply with the minimum standards of quality for such copies, as  
23 established by ~~rule of~~ the department under s. 16.611.

24 **SECTION 113.** 16.611 (2) of the statutes is amended to read:

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1           16.611 (2) (a) The department shall prescribe, ~~by rule,~~ procedures and  
2 standards for the transfer of public records and records of the University of  
3 Wisconsin Hospitals and Clinics Authority to optical disk or electronic format and  
4 for the maintenance of such records stored in optical disk or electronic format,  
5 including procedures to ensure the authenticity, accuracy, reliability and  
6 accessibility of any public records or records of the University of Wisconsin Hospitals  
7 and Clinics Authority so transferred and procedures to ensure that such records are  
8 protected from unauthorized destruction.

9           (b) The department shall prescribe, ~~by rule,~~ procedures and standards  
10 governing the operation of its optical disk and electronic storage facility under s.  
11 16.62 (1) (bm).

12           (c) The department shall prescribe, ~~by rule,~~ qualitative standards for optical  
13 disks and for copies of documents generated from optical disks used to store public  
14 records and records of the University of Wisconsin Hospitals and Clinics Authority.

15           (d) The department shall prescribe, ~~by rule,~~ qualitative standards for the  
16 storage of public records in electronic format and for copies of public records stored  
17 in electronic format.

18           **SECTION 114.** 16.611 (3) of the statutes is amended to read:

19           16.611 (3) Prior to ~~submitting any proposed rule~~ implementing any procedures  
20 or standards prescribed under sub. (2) ~~to the legislative council staff under s. 227.15~~  
21 ~~(1),~~ the department shall refer the proposed rule procedures or standards to the  
22 public records board for its recommendations.

23           **SECTION 115.** 16.62 (1) (bm) of the statutes is amended to read:

24           16.62 (1) (bm) To operate a storage facility for storage of public records and  
25 records of the University of Wisconsin Hospitals and Clinics Authority in optical disk

**SENATE BILL 77****SECTION 115**

1 or electronic format in accordance with ~~rules, promulgated~~ procedures and  
2 standards, prescribed by the department under s. 16.611, governing operation of the  
3 facility.

4 **SECTION 116.** 16.70 (3m) of the statutes is created to read:

5 16.70 (3m) "Educational technology" has the meaning given in s. 44.70 (3).

6 **SECTION 117.** 16.70 (4m) of the statutes is created to read:

7 16.70 (4m) "Information technology" has the meaning given in s. 16.97 (6).

8 **SECTION 118.** 16.72 (4) (b) of the statutes is amended to read:

9 16.72 (4) (b) The department shall promulgate rules for the declaration as  
10 surplus of supplies, materials and equipment in any agency and for the transfer to  
11 other agencies or for the disposal by private or public sale of supplies, materials and  
12 equipment. In either case due credit shall be given to the agency releasing the same,  
13 except that the department shall transfer any supplies, materials or equipment  
14 declared to be surplus to the department of tourism, upon request of the department  
15 of tourism, at no cost.

16 **SECTION 119.** 16.72 (7) (c) of the statutes is repealed.

17 **SECTION 120.** 16.72 (8) of the statutes is created to read:

18 16.72 (8) The division of information technology services of the department  
19 may purchase educational technology materials, supplies, equipment or contractual  
20 services from orders placed with the department by the technology for educational  
21 achievement in Wisconsin board on behalf of school districts, cooperative educational  
22 service agencies, technical college districts and the board of regents of the University  
23 of Wisconsin System.

24 **SECTION 121.** 16.75 (6) (am) 1. of the statutes is repealed.

**SENATE BILL 77****SECTION 122**

1           **SECTION 122.** 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and  
2 amended to read:

3           16.75 **(6)** (am) Subsections (1) and (3t) do not apply to ~~major procurements by~~  
4 the department of materials, supplies, equipment or contractual services for  
5 information technology purposes or to procurements by the division of information  
6 technology services of the department under s. 16.72 (8).

7           **SECTION 123.** 16.752 (12) (i) of the statutes is amended to read:

8           16.752 **(12)** (i) Paragraph (a) does not apply to ~~major procurements, as defined~~  
9 ~~in s. 16.75 (6) (am)~~ by the department of materials, supplies, equipment or  
10 contractual services for information technology purposes or to procurements by the  
11 division of information technology services of the department under s. 16.72 (8).

12           **SECTION 124.** 16.80 of the statutes is amended to read:

13           **16.80 Purchases of computers by teachers.** The department shall  
14 negotiate with private vendors to facilitate the purchase of computers and other  
15 educational technology, as defined in s. ~~16.992 (1) (e)~~ 24.60 (1r), by public and private  
16 elementary and secondary school teachers for their private use. The department  
17 shall attempt to make available types of computers and other educational technology  
18 under this section that will encourage and assist teachers in becoming  
19 knowledgeable about the technology and its uses and potential uses in education.

20           **SECTION 125.** 16.85 (15) of the statutes is created to read:

21           16.85 **(15)** Provide or contract for the provision of professional engineering,  
22 architectural, project management and other building construction services on  
23 behalf of school districts for the installation or maintenance of electrical and  
24 computer network wiring. The department shall assess fees for services provided

**SENATE BILL 77****SECTION 125**

1 under this subsection and shall credit all revenues received to the appropriation  
2 account under s. 20.505 (1) (im).

3 **SECTION 126.** 16.855 (1) of the statutes is amended to read:

4 16.855 (1) The department shall let by contract to the lowest qualified  
5 responsible bidder all construction work when the estimated construction cost of the  
6 project exceeds \$30,000, except for construction work authorized under s. 16.858 and  
7 except as provided in sub. (10m) or s. 13.48 (19). If a bidder is not a Wisconsin firm  
8 and the department determines that the state, foreign nation or subdivision thereof  
9 in which the bidder is domiciled grants a preference to bidders domiciled in that  
10 state, nation or subdivision in making governmental purchases, the department  
11 shall give a preference over that bidder to Wisconsin firms, if any, when awarding the  
12 contract, in the absence of compelling reasons to the contrary. The department may  
13 enter into agreements with states, foreign nations and subdivisions thereof for the  
14 purpose of implementing this subsection.

15 **SECTION 127.** 16.855 (2) (intro.) of the statutes is amended to read:

16 16.855 (2) (intro.) ~~Whenever~~ Except for projects authorized under s. 16.858,  
17 whenever the estimated construction cost of a project exceeds \$30,000, or if less and  
18 in the best interest of the state, the department shall:

19 **SECTION 128.** 16.855 (13) (a) of the statutes is amended to read:

20 16.855 (13) (a) A list of subcontractors shall not be required to be submitted  
21 with the bid. The department may require the ~~successful bidder~~ prime contractor  
22 to submit in writing the names of prospective subcontractors for the department's  
23 approval before the award of a contract to the prime contractor.

24 **SECTION 129.** 16.855 (14) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 129**

1           16.855 (14) (a) If the estimated construction cost of a project exceeds \$100,000  
2           and bids are required to be solicited under sub. (2), the department shall take both  
3           single bids and separate bids on any division of the work that it designates. If the  
4           estimated construction cost of a project does not exceed \$100,000 and bids are  
5           required to be solicited under sub. (2), the department may take single bids or  
6           separate bids on any division of the work that it designates. If the department  
7           awards contracts by the division of work, the department shall award the contracts  
8           according to the division of work selected for bidding. Except as provided in sub.  
9           (10m) (a), the department shall award all contracts to the lowest qualified  
10          responsible bidder or bidders that result in the lowest total construction cost for the  
11          project.

12           **SECTION 130.** 16.855 (19) of the statutes is amended to read:

13           16.855 (19) As the work progresses under any contract for construction the  
14          department, from time to time, shall grant to the contractor an estimate of the  
15          amount and proportionate value of the work done, which shall entitle the contractor  
16          to receive the amount thereof, less the retainage, from the proper fund. On all  
17          construction projects, the retainage shall be an amount equal to 10% of said estimate  
18          until 50% of the work has been completed. At 50% completion, no additional amounts  
19          shall be retained, and partial payments shall be made in full to the contractor unless  
20          the architect or engineer certifies that the job is not proceeding satisfactorily. At 50%  
21          completion or any time thereafter when the progress of the work is not satisfactory,  
22          additional amounts may be retained but in no event shall the total retainage be more  
23          than 10% of the value of the work completed. Upon substantial completion of the  
24          work, an amount retained may be paid to the contractor. For the purposes of this  
25          section, estimates may include any fabricated or manufactured materials and

**SENATE BILL 77****SECTION 130**

1 components specified, previously paid for by contractor and delivered to the work or  
2 properly stored and suitable for incorporation in the work embraced in the contract.

3 This subsection does not apply to contracts awarded under s. 16.858.

4 **SECTION 131.** 16.858 of the statutes is created to read:

5 **16.858 Energy conservation audits and construction projects.** (1) The  
6 department may contract with a qualified contractor for an energy conservation  
7 audit to be performed at any state-owned building, structure or facility. Under the  
8 contract, the contractor shall prepare a report containing a description of the  
9 physical modifications to be performed to the building, structure or facility that are  
10 required to effect specific future energy savings within a specified period and a  
11 determination of the minimum savings in energy usage that will be realized by the  
12 state from making these modifications. After review of the audit report and subject  
13 to approval under s. 13.48 (10), where required, the department may contract with  
14 the contractor for construction work to be performed at the building, structure or  
15 facility for the purpose of realizing potential savings of future energy costs identified  
16 in the audit if, in the judgment of the department, the anticipated savings to the state  
17 after completion of the work will enable recovery of the costs of the work within a  
18 reasonable period of time.

19 (2) Any contract under sub. (1) shall require the contractor to undertake the  
20 construction work at its own expense. The contract shall provide for the state to pay  
21 a stated amount, which shall include any financing costs incurred by the contractor.  
22 The amount shall not exceed the minimum savings determined under the audit to  
23 be realized within the period specified in the audit. The state shall make payments  
24 under the contract as the savings identified in the audit are realized by the state, in  
25 the amounts actually realized, but not to exceed the stated amount. The department

**SENATE BILL 77****SECTION 131**

1 shall charge the cost of the payments to the applicable appropriation for fuel and  
2 utility costs at the building, structure or facility where the work is performed in the  
3 amounts equivalent to the savings that accrue to the state under that appropriation  
4 from expenditures not made as a result of the construction work, as determined by  
5 the department in accordance with the contract. The department may also charge  
6 its costs for negotiation and administration of the contract to the same appropriation.

7 (3) Any contract under sub. (1) shall include a provision stating in substance  
8 that payments under the contract are contingent upon available appropriations.

9 **SECTION 132.** 16.865 (9) of the statutes is created to read:

10 16.865 (9) Have the authority to disclose individual medical records obtained  
11 under s. 40.07 (2) to the department of industry, labor and job development for any  
12 worker's compensation proceeding under ch. 102.

13 **SECTION 133.** 16.966 of the statutes is created to read:

14 **16.966 Land information support.** (1) In this section, "state agency" has  
15 the meaning given for "agency" under s. 16.045 (1) (a).

16 (2) The department may assess any state agency for any amount that it  
17 determines to be required for support of state land information functions under s.  
18 16.967 and the functions of the Wisconsin land council under s. 16.023. For this  
19 purpose, the department may assess state agencies on a premium basis and pay costs  
20 incurred on an actual basis. The department shall credit all moneys received from  
21 state agencies under this subsection to the appropriation account under s. 20.505 (1)  
22 (ks).

23 **SECTION 134.** 16.967 (1) (a) of the statutes is repealed.

24 **SECTION 135.** 16.967 (1) (dm) of the statutes is created to read:



**SENATE BILL 77****SECTION 135**

1           16.967 (1) (dm) "State agency" has the meaning given for "agency" under s.  
2           16.045 (1) (a).

3           **SECTION 136.** 16.967 (3) (intro.) of the statutes is amended to read:

4           16.967 (3) (title) ~~BOARD DUTIES~~ DUTIES OF THE DEPARTMENT. (intro.) The ~~board~~  
5           department shall direct and supervise the land information program and serve as  
6           the state clearinghouse for access to land information. In addition, the ~~board~~  
7           department shall:

8           **SECTION 137.** 16.967 (3) (a) to (e) of the statutes are amended to read:

9           16.967 (3) (a) ~~Provide~~ Facilitate the provision of technical assistance and  
10          advice to state agencies and local governmental units with land information  
11          responsibilities.

12          (b) Maintain and distribute an inventory of land information and land  
13          information systems available in and for this state, ~~land records available for this~~  
14          ~~state and land information systems.~~

15          (c) Prepare guidelines to coordinate the modernization and integration of land  
16          records and land information systems in and among local units of government and  
17          state agencies.

18          (d) ~~Review~~ Facilitate the review of project applications received under sub. (7)  
19          and determine which projects are approved.

20          (e) ~~Review for approval a~~ Facilitate the review of countywide ~~plan~~ plans for  
21          land records modernization prepared under s. 59.72 (3) (b) and determine which  
22          plans are approved.

23          **SECTION 138.** 16.967 (3) (f) of the statutes is created to read:

24          16.967 (3) (f) Develop and maintain geographic information systems relating  
25          to land in this state for the use of governmental and nongovernmental units.

**SENATE BILL 77****SECTION 139**

1           **SECTION 139.** 16.967 (4) to (6) of the statutes are amended to read:

2           16.967 (4) FUNDING REPORT. The board department shall identify and study  
3 possible program revenue sources or other revenue sources for the purpose of  
4 funding the operations of the board department relating to land information,  
5 including grants to counties under sub. (7).

6           (5) FEES. All The department shall credit all fees received under s. 59.72 (5)  
7 (a) ~~shall be credited to the appropriation account~~ under s. 20.505 (4) ~~(im)~~ (1) (i).

8           (6) REPORTS. By Biennially no later than March 31, 1990, and biennially  
9 ~~thereafter, the department of administration of each even-numbered year~~, the  
10 department of agriculture, trade and consumer protection, the department of  
11 commerce, the department of health and family services, the department of natural  
12 resources, the department of tourism, the department of revenue, the department of  
13 transportation, the board of regents of the university of Wisconsin system, the public  
14 service commission and the board of curators of the historical society shall each  
15 submit to the board department a plan to integrate land information maintained by  
16 that entity to enable such information to be readily translatable, retrievable and  
17 geographically referenced for use by any state, local governmental unit or public  
18 utility. Biennially no later than March 31 of each even-numbered year, the  
19 department shall prepare a similar plan for land information maintained by the  
20 department.

21           **SECTION 140.** 16.967 (7) (a) (intro.) of the statutes is amended to read:

22           16.967 (7) (a) (intro.) A county board that has established a county land  
23 information office under s. 59.72 (3) may apply to the board department on behalf of  
24 any local governmental unit, as defined in s. 59.72 (1) (c), located wholly or partially  
25 within the county for a grant for any of the following projects:

**SENATE BILL 77****SECTION 141**

1           **SECTION 141.** 16.967 (7) (b), (8) and (9) of the statutes are amended to read:

2           16.967 (7) (b) Grants shall be paid from the appropriation under s. 20.505 (4)  
3           ~~(im)~~ (1) (i). A grant under this subsection may not exceed \$100,000. The ~~board~~  
4           department may award more than one grant to a county board.

5           **(8) ADVICE; COOPERATION.** In carrying out its duties under this section, the ~~board~~  
6           department may seek advice and assistance from the university of Wisconsin system,  
7           state agencies, local governmental units and other experts involved in collecting and  
8           managing land information. State agencies shall cooperate with the ~~board~~  
9           department in the coordination of land information collection.

10          **(9) TECHNICAL ASSISTANCE; EDUCATION.** The ~~board~~ department may provide  
11          technical assistance to counties and conduct educational seminars, courses or  
12          conferences relating to land information. The ~~board~~ department shall charge and  
13          collect fees sufficient to recover the costs of activities authorized under this  
14          subsection.

15          **SECTION 142.** 16.968 of the statutes is amended to read:

16          **16.968 Groundwater survey and analysis.** The department of  
17          ~~administration~~ shall allocate funds for programs of groundwater survey and  
18          analysis to the department of natural resources and the geological and natural  
19          history survey following review and approval of a mutually agreed upon division of  
20          responsibilities concerning groundwater programs between the department of  
21          natural resources and the geological and natural history survey, a specific  
22          expenditure plan and groundwater data collection standards consistent with the  
23          purposes of s. 16.967. State funds allocated under this section shall be used to match  
24          available federal funds prior to being used for solely state-funded activities.

25          **SECTION 143.** 16.971 (2) (L) of the statutes is amended to read:

**SENATE BILL 77****SECTION 143**

1           16.971 (2) (L) Require each executive branch agency to adopt, revise biennially,  
2 and submit for its approval, a strategic plan for the utilization of information  
3 technology to carry out the functions of the agency. As a part of each plan, the division  
4 shall require each executive branch agency to address the business needs of the  
5 agency and to identify all ~~resources relating to information technology which the~~  
6 ~~agency desires to acquire, contingent upon funding availability~~ proposed  
7 information technology development projects that serve those business needs, the  
8 priority for undertaking such acquisitions projects and the justification for such  
9 acquisitions each project, including the anticipated benefits of the project. Each plan  
10 shall identify any changes in the functioning of the agency under the plan. The  
11 division shall consult with the joint committee on information policy in providing  
12 guidance for and scheduling of planning by executive branch agencies.

13           **SECTION 144.** 16.971 (5) (b) of the statutes is amended to read:

14           16.971 (5) (b) The department shall award grants under par. (a) once during  
15 each fiscal year. Grants shall be awarded in accordance with criteria developed  
16 annually by the department prior to awarding of grants. No later than September  
17 15 of each year, the department shall submit its proposed criteria for the award of  
18 grants in the following fiscal year to the cochairpersons of the joint committee on  
19 information policy. ~~The department shall not award any grant under the criteria~~  
20 ~~until the criteria are approved by the committee~~ If the cochairpersons of the  
21 committee do not notify the department that the committee has scheduled a meeting  
22 for the purpose of reviewing the proposed criteria within 14 working days after the  
23 date of the department's submittal, the department may proceed to award grants for  
24 the following fiscal year in accordance with the proposed criteria. If, within 14  
25 working days after the date of the department's submittal, the cochairpersons of the

**SENATE BILL 77****SECTION 144**

1 committee notify the department that the committee has scheduled a meeting for the  
2 purpose of reviewing the proposed criteria, the department shall not award grants  
3 for the following fiscal year until the committee approves the criteria.

4 **SECTION 145.** 16.971 (5) (bp) of the statutes is amended to read:

5 16.971 (5) (bp) If the ~~criteria are approved by the committee~~ grants are  
6 authorized to be distributed under par. ~~(bd)~~ (b), the department shall make grant  
7 awards for each fiscal year no later than May 15 preceding that fiscal year.

8 **SECTION 146.** 16.971 (5) (g) of the statutes is repealed.

9 **SECTION 147.** 16.971 (9) of the statutes is amended to read:

10 16.971 (9) In conjunction with the public defender board, the director of state  
11 courts, the departments of corrections and justice and district attorneys, the division  
12 may maintain, promote and coordinate automated justice information systems that  
13 are compatible among counties and the officers and agencies specified in this  
14 subsection, using the moneys appropriated under s. 20.505 (1) (ja) and (kp). The  
15 division shall annually report to the legislature under s. 13.172 (2) concerning the  
16 division's efforts to improve and increase the efficiency of integration of justice  
17 information systems.

18 **SECTION 148.** 16.974 (7) of the statutes is created to read:

19 16.974 (7) Coordinate with the technology for educational achievement in  
20 Wisconsin board to provide school districts with telecommunications access under s.  
21 196.218 (4r) and contract with telecommunications providers to provide such access.

22 **SECTION 149.** 16.98 (1) of the statutes is amended to read:

23 16.98 (1) The department shall engage in such activities as the secretary deems  
24 necessary to ensure the maximum utilization of federal resources by state agencies  
25 and institutions and other eligible organizations and units of government, including

**SENATE BILL 77****SECTION 149**

1 community development corporations as defined in s. 234.94 (2). The department  
2 shall acquire excess and surplus real and personal property at such cost to the  
3 recipient as is necessary to amortize expenditures for transportation, packing,  
4 crating, handling and program overhead, except that the department shall transfer  
5 any excess or surplus personal property to the department of tourism, upon request  
6 of the department of tourism, at no cost, subject to any limitation or restriction  
7 imposed by federal law.

8 **SECTION 150.** Subchapter IX (title) of chapter 16 [precedes 16.99] of the  
9 statutes is amended to read:

**CHAPTER 16****SUBCHAPTER IX****TELECOMMUNICATIONS AND****INSTRUCTIONAL TECHNOLOGY**

14 **SECTION 151.** 16.992 of the statutes is repealed.

15 **SECTION 152.** 17.025 (4) (d) of the statutes is amended to read:

16 17.025 (4) (d) *Attorney general; state superintendent.* When the temporary  
17 vacancy exists in the office of attorney general or in the office of ~~secretary of education~~  
18 state superintendent of public instruction, the duties of the office shall be assumed,  
19 respectively, by the deputy under s. 15.04 (2) or, if such office is vacant, by a deputy  
20 appointed by the governor.

21 **SECTION 153.** 17.26 (4) of the statutes is amended to read:

22 17.26 (4) In boards where the first annual meeting of the district has failed to  
23 elect school board members, by appointment by the ~~secretary of education~~ state  
24 superintendent of public instruction.

25 **SECTION 154.** 18.06 (9) of the statutes is amended to read:

**SENATE BILL 77****SECTION 154**

1           18.06 (9) (title) CLEAN WATER FUND PROGRAM BONDS. Notwithstanding sub. (4),  
2           the sale of bonds under this subchapter to provide revenue for the clean water fund  
3           program may be a private sale to the ~~clean water~~ environmental improvement fund  
4           under s. 25.43, if the bonds sold are held or owned by the ~~clean water~~ environmental  
5           improvement fund, or a public sale, as provided in the authorizing resolution.

6           **SECTION 155.** 18.57 (3) of the statutes is amended to read:

7           18.57 (3) Moneys in such funds may be commingled only for the purpose of  
8           investment with other public funds, but they shall be invested only in investment  
9           instruments permitted in s. 25.17 (3) (dg) or in ~~clean water~~ environmental  
10          improvement fund investment instruments permitted in s. 281.59 (2m). All such  
11          investments shall be the exclusive property of such fund and all earnings on or  
12          income from investments shall be credited to such fund and shall become available  
13          for any of the purposes under sub. (2) and for the payment of interest on related  
14          revenue obligations.

15          **SECTION 156.** 19.36 (7) (b) of the statutes is amended to read:

16          19.36 (7) (b) Every applicant for a position with any authority may indicate in  
17          writing to the authority that the applicant does not wish the authority to reveal his  
18          or her identity. Except with respect to an applicant whose name is certified for  
19          appointment to a position in the state classified service or a final candidate, if an  
20          applicant makes such an indication in writing, the authority shall not provide access  
21          to any record related to the application that may reveal the identity of the applicant.  
22          This paragraph does not apply to a request for access to a record by the department  
23          of industry, labor and job development under s. 49.22 (2m).

24          **SECTION 157.** 19.36 (8) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 157**

1           19.36 (8) (b) If an authority that is a law enforcement agency receives a request  
2 to inspect or copy a record or portion of a record under s. 19.35 (1) (a) that contains  
3 specific information including but not limited to a name, address, telephone number,  
4 voice recording or handwriting sample which, if disclosed, would identify an  
5 informant, the authority shall delete the portion of the record in which the  
6 information is contained or, if no portion of the record can be inspected or copied  
7 without identifying the informant, shall withhold the record unless the legal  
8 custodian of the record, designated under s. 19.33, makes a determination, at the  
9 time that the request is made, that the public interest in allowing a person to inspect,  
10 copy or receive a copy of such identifying information outweighs the harm done to the  
11 public interest by providing such access. This paragraph does not apply to a request  
12 for access to a record by the department of industry, labor and job development under  
13 s. 49.22 (2m).

14           **SECTION 158.** 19.42 (10) (L) of the statutes is amended to read:

15           19.42 (10) (L) The executive director, executive assistant to the executive  
16 director, internal auditor, chief investment officer, chief financial officer, chief legal  
17 counsel, chief risk officer and investment directors of the investment board.

18           **SECTION 159.** 19.42 (13) (k) of the statutes is amended to read:

19           19.42 (13) (k) The executive director, executive assistant to the executive  
20 director, internal auditor, chief investment officer, chief financial officer, chief legal  
21 counsel, chief risk officer and investment directors of the investment board.

22           **SECTION 160.** 19.45 (3) of the statutes is amended to read:

23           19.45 (3) (a) No person may offer or give to a state public official, directly or  
24 indirectly, and no state public official may solicit or accept from any person, directly  
25 or indirectly, anything of value if it could reasonably be expected to influence the



**SENATE BILL 77****SECTION 160**

1 state public official's vote, official actions or judgment, or could reasonably be  
2 considered as a reward for any official action or inaction on the part of the state public  
3 official.

4 (b) This subsection does not prohibit a state public official from engaging in  
5 outside employment.

6 **SECTION 161.** 19.45 (3) (c) of the statutes is created to read:

7 19.45 (3) (c) This subsection does not apply to the offer or gift to a state public  
8 official who administers the endangered resources program, as defined in s. 71.10 (5)  
9 (a) 2., or to the solicitation or acceptance by such an official, of anything of value for  
10 the benefit of that program.

11 **SECTION 162.** 19.55 (2) (intro.) of the statutes is amended to read:

12 19.55 (2) (intro.) The Except as requested by the department of industry, labor  
13 and job development under s. 49.22 (2m), the following records in the board's  
14 possession are not open for public inspection:

15 **SECTION 163.** 19.55 (2) (d) of the statutes is created to read:

16 19.55 (2) (d) Records of the social security number of any individual who files  
17 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal  
18 under s. 13.64, except to the department of industry, labor and job development for  
19 purposes of administration of s. 49.22.

20 **SECTION 164.** 19.62 (3) of the statutes is repealed.

21 **SECTION 165.** 19.69 of the statutes is repealed.

22 **SECTION 166.** 19.85 (1) (d) of the statutes is amended to read:

23 19.85 (1) (d) Except as provided by rule promulgated under s. 304.06 (1) (em),  
24 considering specific applications of probation, community supervision or parole, or  
25 considering strategy for crime detection or prevention.

**SENATE BILL 77****SECTION 167**

1           **SECTION 167.** 20.005 (1) of the statutes is repealed and recreated to read:

2           20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for  
3 the state of Wisconsin for all funds beginning on July 1, 1997, and ending on June  
4 30, 1999, is summarized as follows: [See Figure 20.005 (1) following]

5  
6           **Figure: 20.005 (1)**

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**GENERAL FUND SUMMARY**

	<b>1997-98</b>	<b>1998-99</b>
<b>Opening Balance, July 1</b>	\$ 138,980,800	\$ 129,646,900
 <b>Revenues and Transfers</b>		
Estimated Taxes	\$ 9,118,300,000	\$ 9,585,700,000
Transfer from the Property Tax Relief Fund	257,755,900	-0-
Transfer from the Recycling Fund	3,850,000	-0-
Estimated Departmental Revenues	<u>141,949,100</u>	<u>141,805,900</u>
<b>Total Revenues</b>	\$ 9,521,855,000	\$ 9,727,505,900
 <b>Total Available</b>		
	\$ 9,660,835,800	\$ 9,857,152,800
 <b>Appropriations, Transfers and Reserves</b>		
Gross Appropriations	\$ 9,535,807,900	\$ 9,739,579,300
Compensation Reserves	32,307,900	63,730,700
Transfer to the Local Government Property Insurance Fund (Interest)	217,200	108,600
Transfer to the Information Technology Investment Fund	2,000,000	2,000,000
Less Estimated Lapses	<u>(39,144,100)</u>	<u>(46,698,800)</u>
<b>Total Expenditures</b>	\$ 9,531,188,900	\$ 9,758,719,800
 <b>Balances</b>		
Gross Balance	\$ 129,646,900	\$ 98,433,000
Reserved for 1% Balance	<u>(95,681,200)</u>	<u>(98,033,100)</u>

**SENATE BILL 77****SECTION 167**

	<b>1997-98</b>	<b>1998-99</b>
<b>Net Balance, June 30</b>	\$ 33,965,700	\$ 399,900

**SUMMARY OF APPROPRIATIONS — ALL FUNDS**

	<b>1997-98</b>	<b>1998-99</b>
General Purpose Revenue	\$ 9,535,807,900	\$ 9,739,579,300
Federal Revenue	4,179,363,600	4,174,821,800
Program Revenue	3,746,964,400	3,776,651,500
Segregated Revenue	432,399,200	398,170,300
Program Revenue	2,304,377,500	2,374,351,500
State	1,815,599,600	1,849,117,900
Service	488,777,900	525,233,600
Segregated Revenue	2,073,543,800	1,962,670,500
State	1,915,110,900	1,768,714,900
Local	50,458,600	50,964,100
Service	<u>107,974,300</u>	<u>142,991,500</u>
<b>GRAND TOTAL</b>	<b>\$18,093,092,800</b>	<b>\$18,251,423,100</b>

**SUMMARY OF COMPENSATION RESERVES — ALL FUNDS**

	<b>1997-98</b>	<b>1998-99</b>
General Purpose Revenue	\$ 32,307,900	\$ 63,730,700
Federal Revenue	9,183,500	18,154,200
Program Revenue	24,772,800	48,971,500
Segregated Revenue	<u>5,768,000</u>	<u>11,402,400</u>
<b>TOTAL</b>	<b>\$ 72,032,200</b>	<b>\$ 142,258,800</b>

**SENATE BILL 77****SECTION 167****LOTTERY FUND SUMMARY**

	<b>1997-98</b>	<b>1998-99</b>
<b>Gross Revenue</b>	\$ 440,483,000	\$ 440,477,300
<b>Expenses</b>		
Prizes	\$ 250,638,600	\$ 250,899,600
Administrative Expenses	<u>61,453,500</u>	<u>63,901,600</u>
	\$ 312,092,100	\$ 314,801,200
<b>Net Proceeds</b>	\$ 128,390,900	\$ 125,676,100
<b>Total Available for Property Tax Relief</b>		
Opening Balance	\$ 135,993,700	\$ 8,809,700
Net Proceeds	128,390,900	125,676,100
Interest Earnings	<u>7,270,000</u>	<u>2,700,000</u>
	\$ 271,654,600	\$ 137,185,800
<b>Property Tax Relief</b>	\$ 262,844,800	\$ 128,376,300
<b>Gross Closing Balance</b>	\$ 8,809,700	\$ 8,809,500
<b>Reserve</b>	\$ 8,809,700	\$ 8,809,500
<b>Net Closing Balance</b>	-0-	-0-

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2       **SECTION 168.** 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]

**SENATE BILL 77****SECTION 168**1  
2  
3

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**Figure: 20.005 (2) (a)**

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**SUMMARY OF BONDING AUTHORITY MODIFICATIONS  
1997-99 FISCAL BIENNIUM****Source and Purpose** **Amount****GENERAL OBLIGATIONS**

## Environmental Improvement Program

Clean water fund program (8,363,600)Safe drinking water loan program 22,000,000

## Natural Resources

Nonpoint source grants 12,363,600Environmental repair 11,500,000

## Technology for Educational Achievement in Wisconsin

Educational technology infrastructure loans 100,000,000

## Transportation

Harbor improvements 3,000,000Rail acquisition and improvements 4,500,000

## Veterans Affairs

Refunding bonds 40,000,000**TOTAL General Obligation Bonds** **\$ 185,000,000****STATE-ISSUED REVENUE OBLIGATIONS**

## Transportation

Major highway program \$ 139,786,700Infrastructure bank 100**TOTAL State-issued Revenue Obligation Bonds** **\$ 139,786,800**

**SENATE BILL 77****SECTION 168****Source and Purpose** **Amount**


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**GRAND TOTAL Bonding Authority Modifications** \$ 324,786,800


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**Figure: 20.005 (2) (b)**

**GENERAL OBLIGATION AND  
BUILDING CORPORATION DEBT SERVICE  
FISCAL YEARS 1997-98 AND 1998-99**

STATUTE, AGENCY AND PURPOSE	SOURCE	1997-98	1998-99
<b><i>20.190 State fair park board</i></b>			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	\$ 497,800	\$ 884,000
<b><i>20.225 Educational communications board</i></b>			
(1) (c) Principal repayment and interest	GPR	1,011,000	788,200
<b><i>20.245 Historical society</i></b>			
(1) (e) Principal repayment, interest and rebates	GPR	5,200	30,200
(2) (e) Principal repayment and interest	GPR	622,000	641,200
(4) (e) Principal repayment and interest	GPR	-0-	-0-
(5) (e) Principal repayment and interest	GPR	566,900	471,100
<b><i>20.250 Medical College of Wisconsin</i></b>			
(1) (e) Principal repayment and interest	GPR	64,400	123,000
<b><i>20.255 Public instruction, department of</i></b>			
(1) (d) Principal repayment and interest	GPR	1,096,600	895,900
<b><i>20.275 Technology for educational achievement in Wisconsin board</i></b>			
(1) (es) Principal, interest and rebates	GPR	250,000	5,000,000

**SENATE BILL 77**

<b>STATUTE, AGENCY AND PURPOSE</b>		<b>SOURCE</b>	<b>1997-98</b>	<b>1998-99</b>
<b><i>20.285 University of Wisconsin System</i></b>				
(1)	(d) Principal repayment and interest	GPR	72,549,800	68,540,700
(1)	(db) Self-amortizing facilities principal and interest	GPR	-0-	-0-
(1)	(fh) State laboratory of hygiene; principal repayment and interest	GPR	-0-	-0-
<b><i>20.320 Environmental improvement program</i></b>				
(1)	(c) Principal repayment and interest - clean water fund program	GPR	22,519,200	29,354,300
(2)	(c) Principal repayment and interest - safe drinking water loan program	GPR	-0-	-0-
<b><i>20.370 Natural resources, department of</i></b>				
(7)	(aa) Resource acquisition and development - principal repayment and interest	GPR	10,525,600	12,064,500
(7)	(ac) Principal repayment and interest - recreational boating bonds	GPR	-0-	-0-
(7)	(ba) Debt service - remedial action	GPR	1,429,500	1,995,900
(7)	(ca) Principal repayment and interest - nonpoint source grants	GPR	1,594,100	2,547,200
(7)	(cb) Principal repayment and interest - pollution abatement bonds	GPR	80,514,300	68,954,300
(7)	(cc) Principal repayment and interest - combined sewer overflow; pollution abatement bonds	GPR	18,930,700	16,674,000
(7)	(cd) Principal repayment and interest - municipal clean drinking water grants	GPR	845,300	857,900

**SENATE BILL 77****SECTION 168**

<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>1997-98</b>	<b>1998-99</b>
(7) (ea) Administrative facilities -principal repayment and interest	GPR	462,500	484,100
<b><i>20.410 Corrections, department of</i></b>			
(1) (e) Principal repayment and interest	GPR	40,016,000	46,042,800
(1) (ec) Prison industries principal, interest and rebates	GPR	-0-	-0-
(3) (e) Principal repayment and interest	GPR	2,851,500	3,174,000
<b><i>20.435 Health and family services, department of</i></b>			
(2) (ee) Principal repayment and interest	GPR	8,039,400	7,876,800
(2) (ef) Lease rental payments	GPR	-0-	-0-
(6) (e) Principal repayment and interest	GPR	34,200	33,100
<b><i>20.465 Military affairs, department of</i></b>			
(1) (d) Principal repayment and interest	GPR	2,493,400	2,524,800
<b><i>20.485 Veterans affairs, department of</i></b>			
(1) (e) Lease rental payments	GPR	-0-	-0-
(1) (f) Principal repayment and interest	GPR	1,200,100	1,312,600
(4) (f) Repayment of principal and interest	GPR	-0-	-0-
<b><i>20.867 Building commission</i></b>			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	-0-	-0-
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	4,437,200	6,055,900
(3) (a) Principal repayment and interest	GPR	16,574,500	24,103,700
(3) (b) Principal repayment and interest	GPR	-0-	-0-



**SENATE BILL 77**

<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>1997-98</b>	<b>1998-99</b>
(3) (e) Principal repayment, interest and rebates; parking ramp	GPR	-0-	-0-
<b>TOTAL General Purpose Revenue Debt Service</b>		<b>\$ 289,131,200</b>	<b>\$ 301,430,200</b>

**20.190 State fair park board**

(1) (j) State fair principal repayment, interest and rebates	PR	\$ 1,534,500	\$ 1,889,500
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**20.245 Historical society**

(2) (j) Self-amortizing facilities; principal repayment, interest and rebates	PR	112,300	208,500
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**20.275 Technology for educational achievement in Wisconsin board**

(1) (h) Principal, interest and rebates	PR	250,000	5,000,000
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**20.285 University of Wisconsin System**

(1) (ih) State laboratory of hygiene; principal repayment and interest.	PR	-0-	-0-
(1) (kd) Principal repayment, interest and rebates	PR	19,321,200	25,146,900
(1) (ke) Lease rental payments	PR	-0-	-0-

**20.410 Corrections, department of**

(1) (ko) Prison industries principal repayment, interest and rebates	PR	146,000	242,800
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**20.485 Veterans affairs, department of**

(1) (go) Self-amortizing housing facilities; principal repayment and interest	PR	17,400	94,800
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**20.505 Administration, department of**

(5) (g) Principal repayment, interest and rebates; parking	PR	908,200	1,460,100
(5) (kc) Principal repayment, interest and rebates	PR	11,310,200	11,148,900

**SENATE BILL 77****SECTION 168**

<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>1997-98</b>	<b>1998-99</b>
<b><i>20.867 Building commission</i></b>			
(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	-0-	-0-
<b>TOTAL Program Revenue Debt Service</b>		<u>\$ 33,599,800</u>	<u>\$ 45,191,500</u>
<b><i>20.320 Environmental improvement program</i></b>			
(1) (t) Principal repayment and interest - clean water fund program bonds	SEG	4,000,000	4,000,000
(1) (u) Principal repayment and interest - clean water fund program revenue obligation repayment	SEG	-0-	-0-
<b><i>20.370 Natural resources, department of</i></b>			
(7) (aq) Resource acquisition and development - principal repayment and interest	SEG	22,100	116,900
(7) (ar) Dam repair and removal - principal repayment and interest	SEG	230,100	252,300
(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) (eq) Administrative facilities - principal repayment and interest	SEG	1,032,400	1,240,900

**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE	SOURCE	1997-98	1998-99
<b><i>20.395 Transportation, department of</i></b>			
(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	6,386,600	6,422,000
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	604,900	477,900
<b><i>20.485 Veterans affairs, department of</i></b>			
(3) (t) Debt service	SEG	55,697,600	67,717,600
(3) (v) Revenue obligation repayment	SEG	_____ -0-	_____ -0-
<b>TOTAL Segregated Revenue Debt Service</b>		<b>\$ 75,973,700</b>	<b>\$ 88,227,600</b>
 <b>GRAND TOTAL All Debt Service</b>		 <b>\$ 398,704,700</b>	 <b>\$ 434,849,300</b>

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**SECTION 169.** 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]

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**Figure: 20.005 (3)**

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
<b>Commerce</b>				

12 **20.115 Agriculture, trade and consumer protection, department of**

13 (1) FOOD SAFETY AND CONSUMER PROTECTION

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(a) General program operations	GPR	A	3,200	3,200
2	Food inspection	GPR	A	3,118,900	3,118,900
3	Meat and poultry inspection	GPR	A	2,634,400	2,634,400
4	Trade and consumer protection	GPR	A	2,508,500	2,508,500
	<b>NET APPROPRIATION</b>			<b>8,265,000</b>	<b>8,265,000</b>
5	(g) Related services	PR	A	25,500	25,500
6	(gb) Food regulation	PR	A	3,786,500	3,786,500
7	(gh) Public warehouse regulation	PR	A	83,400	87,000
8	(gm) Dairy trade regulation; dairy				
9	product and vegetable producer				
10	security	PR	A	616,800	616,800
11	(hm) Ozone-depleting refrigerants and				
12	products regulation	PR	A	344,100	344,100
13	(i) Sale of supplies	PR	A	32,000	32,000
14	(j) Weights and measures inspection	PR	A	746,000	746,000
15	(jm) Warehouse keeper and grain dealer				
16	regulation	PR	C	281,700	281,700
17	(m) Federal funds	PR-F	C	2,864,400	2,864,400
18	(q) Automobile repair regulation	SEG	A	360,100	361,900
19	(r) Unfair sales act	SEG	A	104,000	104,600
20	(s) Weights and measures; petroleum				
21	inspection fund	SEG	A	207,200	207,500

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(u) Recyclable and nonrecyclable				
2	products regulation	SEG	A	203,600	204,300
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,265,000	8,265,000
	PROGRAM REVENUE			8,780,400	8,784,000
	FEDERAL			(2,864,400)	(2,864,400)
	OTHER			(5,916,000)	(5,919,600)
	SEGREGATED FUNDS			874,900	878,300
	OTHER			(874,900)	(878,300)
	TOTAL-ALL SOURCES			17,920,300	17,927,300
3	(2) ANIMAL HEALTH SERVICES				
4	(a) General program operations	GPR	A	2,300	2,300
5	Animal health services	GPR	A	3,164,900	3,164,900
	NET APPROPRIATION			3,167,200	3,167,200
6	(b) Animal disease indemnities	GPR	S	108,600	108,600
7	(g) Related services	PR	A	2,125,800	2,125,800
8	(gb) Animal health and disease				
9	research; gifts and grants	PR	C	-0-	-0-
10	(h) Sale of supplies	PR	A	64,000	64,000
11	(ha) Inspection, testing and enforcement	PR	C	151,300	151,300
12	(i) Mink research assessments	PR	A	6,000	6,000
13	(j) Dog licenses, rabies control and				
14	related services	PR	A	132,800	132,800
15	(k) Animal health contractual services	PR-S	C	-0-	-0-
16	(m) Federal funds	PR-F	C	124,000	124,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,275,800	3,275,800
	PROGRAM REVENUE			2,603,900	2,603,900
	FEDERAL			(124,000)	(124,000)

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	OTHER			(2,479,900)	(2,479,900)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			5,879,700	5,879,700
1	(3) MARKETING SERVICES				
2	(a) General program operations	GPR	A	700	700
3	Agricultural services	GPR	A	1,766,500	1,766,500
	NET APPROPRIATION			1,767,200	1,767,200
4	(g) Related services	PR	A	1,301,400	1,301,400
5	(ga) Gifts and grants	PR	C	-0-	-0-
6	(h) Grain inspection and certification	PR	C	2,854,500	2,854,500
7	(i) Marketing orders and agreements	PR	C	74,100	74,100
8	(j) Stray voltage program	PR	A	249,500	253,700
9	(ja) Marketing services and materials	PR	C	300,100	300,100
10	(jm) Stray voltage program; rural				
11	electric cooperatives	PR	A	12,500	15,300
12	(L) Something special from Wisconsin				
13	promotion	PR	A	30,200	30,200
14	(m) Federal funds	PR-F	C	193,600	193,600
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,767,200	1,767,200
	PROGRAM REVENUE			5,015,900	5,022,900
	FEDERAL			(193,600)	(193,600)
	OTHER			(4,822,300)	(4,829,300)
	TOTAL-ALL SOURCES			6,783,100	6,790,100
15	(4) AGRICULTURAL ASSISTANCE				

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(a) Aid to Wisconsin livestock breeders				
2	association	GPR	A	40,000	40,000
3	(b) Aids to county and district fairs	GPR	S	446,300	585,000
4	(c) Agricultural investment aids	GPR	B	400,000	400,000
5	(cd) Federal dairy policy reform	GPR	B	50,000	50,000
6	(d) Farmers tuition assistance grants	GPR	B	5,000	5,000
7	(e) Aids to world dairy expo, inc.	GPR	A	25,000	25,000
8	(f) Exposition center grants	GPR	A	240,000	240,000
9	(g) Pari-mutuel racing supplemental				
10	aid	PR	C	-0-	-0-
11	(h) Pari-mutuel racing supplemental				
12	aid to Wisconsin livestock breeders				
13	assn.	PR	C	-0-	-0-
(4) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				1,206,300	1,345,000
PROGRAM REVENUE				-0-	-0-
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				1,206,300	1,345,000
14	(7) AGRICULTURAL RESOURCE MANAGEMENT				
15	(a) General program operations	GPR	A	1,637,000	1,640,800
16	(c) Soil and water resource				
17	management program	GPR	C	2,455,700	2,455,700
18	(e) Agricultural chemical cleanup				
19	program; general fund	GPR	B	1,550,000	1,850,000
20	(g) Agricultural impact statements	PR	C	165,400	168,300

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ga) Related services	PR	C	103,000	103,000
2	(gm) Seed testing and labeling	PR	C	67,600	67,600
3	(h) Fertilizer research assessments	PR	C	160,500	160,500
4	(ha) Liming material research funds	PR	C	25,000	25,000
5	(i) Agricultural chemical cleanup				
6	reimbursement	PR	C	2,238,600	2,238,600
7	(j) Gypsy moth eradication; program				
8	revenues	PR	C	74,600	74,600
9	(k) Agricultural resource management				
10	services	PR-S	C	218,300	218,300
11	(km) Animal waste management grants	PR-S	C	100,000	100,000
12	(m) Federal funds	PR-F	C	2,105,400	2,105,400
13	(q) Gypsy moth eradication;				
14	conservation fund	SEG	A	894,300	895,600
15	(qb) Gypsy moth eradication; segregated				
16	revenues	SEG	C	200,000	200,000
17	(qd) Soil and water management;				
18	environmental fund	SEG	A	1,554,600	1,554,600
19	(r) General program operations;				
20	agrichemical management	SEG	A	1,045,400	1,050,600
21	(s) Groundwater — standards;				
22	implementation	SEG	A	715,300	717,700
23	(t) Fertilizer, additives and commercial				
24	feed regulation	SEG	A	761,100	736,400



**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(u) Pesticide regulation and admin. of				
2	agricultural chemical cleanup				
3	program	SEG	A	2,093,700	2,074,800
4	(v) Chemical and container disposal	SEG	A	560,400	560,400
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,642,700	5,946,500
	PROGRAM REVENUE			5,258,400	5,261,300
	FEDERAL			(2,105,400)	(2,105,400)
	OTHER			(2,834,700)	(2,837,600)
	SERVICE			(318,300)	(318,300)
	SEGREGATED FUNDS			7,824,800	7,790,100
	OTHER			(7,824,800)	(7,790,100)
	TOTAL-ALL SOURCES			18,725,900	18,997,900
5	(8) CENTRAL ADMINISTRATIVE SERVICES				
6	(a) General program operations	GPR	A	3,696,200	3,696,200
7	(g) Gifts and grants	PR	C	-0-	-0-
8	(ga) Milk standards program	PR	C	389,500	389,500
9	(gm) Enforcement cost recovery	PR	A	25,000	25,000
10	(h) Sale of material and supplies	PR	C	50,000	50,000
11	(ha) General laboratory related services	PR	C	40,000	40,000
12	(hm) Restitution	PR	C	-0-	-0-
13	(i) Related services	PR	A	200,900	200,900
14	(k) Computer system equipment, staff				
15	and services	PR	A	523,400	584,400
16	(kL) Central services	PR-S	C	696,000	696,000
17	(km) General laboratory services	PR-S	B	2,178,000	2,178,000

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kp) General laboratory services; other				
2	agencies	PR-S	C	40,100	40,100
3	(ks) State contractual services	PR-S	C	-0-	-0-
4	(kt) Information technology				
5	development projects	PR-S	A	-0-	-0-
6	(m) Federal funds	PR-F	C	40,000	40,000
7	(pz) Indirect cost reimbursements	PR-F	C	452,400	452,400
	<b>(8) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			3,696,200	3,696,200
	PROGRAM REVENUE			4,635,300	4,696,300
	FEDERAL			(492,400)	(492,400)
	OTHER			(1,228,800)	(1,289,800)
	SERVICE			(2,914,100)	(2,914,100)
	TOTAL-ALL SOURCES			8,331,500	8,392,500
	<b>20.115 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			23,853,200	24,295,700
	PROGRAM REVENUE			26,293,900	26,368,400
	FEDERAL			(5,779,800)	(5,779,800)
	OTHER			(17,281,700)	(17,356,200)
	SERVICE			(3,232,400)	(3,232,400)
	SEGREGATED FUNDS			8,699,700	8,668,400
	OTHER			(8,699,700)	(8,668,400)
	TOTAL-ALL SOURCES			58,846,800	59,332,500
8	<b>20.143 Commerce, department of</b>				
9	(1) ECONOMIC AND COMMUNITY DEVELOPMENT				
10	(a) General program operations	GPR	A	5,131,500	5,118,000
11	(b) Economic development promotion,				
12	plans and studies	GPR	A	160,000	160,000
13	(bm) Aid to Forward Wisconsin, inc.	GPR	A	500,000	500,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(c) Wisconsin development fund;				
2	grants, loans, reimbursement and				
3	assistance	GPR	C	7,488,800	7,488,800
4	(cb) WI Dev. Fund; tech. & pollut.				
5	control & abatement grant & loans,				
6	assistance	GPR	B	-0-	-0-
7	(cf) Community-based nonprofit				
8	organization grant for educational				
9	project	GPR	A	-0-	-0-
10	(df) American Indian economic				
11	development; technical assistance	GPR	A	25,000	25,000
12	(dg) American Indian economic				
13	development; liaison	GPR	A	50,400	50,400
14	(dh) American Indian economic				
15	development; liaison — grants	GPR	A	25,000	25,000
16	(dr) Main street program	GPR	A	439,000	439,000
17	(e) Technology-based economic				
18	development	GPR	A	244,000	244,000
19	(em) Hazardous pollution prevention				
20	contract	GPR	A	75,000	75,000
21	(en) Business development initiative	GPR	A	150,000	150,000
22	(er) Rural economic development				
23	program	GPR	C	750,000	750,000
24	(ew) International trade, business and				
25	economic development grants	GPR	B	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(f) Physician and hlth. care provider				
2	loan assist. programs, repay. &				
3	contract	GPR	C	388,700	388,700
4	(fg) Community-based economic				
5	development programs	GPR	C	777,100	777,100
6	(fm) Minority business projects; grants				
7	and loans	GPR	B	429,200	429,200
8	(fy) Women's business incubator grant	GPR	B	-0-	-0-
9	(g) Gifts, grants and proceeds	PR	C	633,600	649,400
10	(gc) Business development assistance				
11	center	PR	C	-0-	-0-
12	(gm) Wisconsin development fund,				
13	administration of grants and loans	PR	C	50,200	52,400
14	(h) Economic development operations	PR	A	-0-	-0-
15	(ie) Wisconsin development fund,				
16	repayments	PR	C	2,532,400	1,803,000
17	(if) Mining economic development				
18	grants and loans; repayments	PR	C	-0-	-0-
19	(im) Minority business projects;				
20	repayments	PR	C	493,400	167,200
21	(in) Business development initiative				
22	loan repayments	PR	C	60,000	60,000
23	(ir) Rural economic development loan				
24	repayments	PR	C	162,400	70,100

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(jL) Health care provider loan				
2	assistance program; local				
3	contributions	PR	C	-0-	-0-
4	(jm) Physician loan assistance program;				
5	local contributions	PR	C	-0-	-0-
6	(k) Sale of materials or services	PR-S	C	200	500
7	(ka) Sale of materials and services —				
8	local assistance	PR-S	C	-0-	-0-
9	(kb) Sale of materials and services —				
10	individuals and organizations	PR-S	C	-0-	-0-
11	(kc) Clean air act compliance assistance	PR-S	A	158,200	158,500
12	(L) Recycling market development;				
13	repayments	PR	C	-0-	-0-
14	(m) Federal aid, state operations	PR-F	C	607,100	607,800
15	(n) Federal aid, local assistance	PR-F	C	34,400,000	34,400,000
16	(o) Federal aid, individuals and				
17	organizations	PR-F	C	-0-	-0-
18	(q) Brownfields grant program	SEG	C	20,000,000	-0-
19	(qa) Staff for business development				
20	center	SEG	A	250,400	266,700
21	(r) Mining economic development				
22	grants and loans	SEG	C	200,000	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(s) WI Dev. Fund; tech. & pollut.				
2	control & abate. grants & loans,				
3	recy. fund	SEG	B	-0-	-0-
4	(sm) WI Dev. Fund; tech. & pollut.				
5	control & abate. grants & loans,				
6	env. fund	SEG	B	-0-	-0-
7	(st) Recycling market development				
8	board; operations	SEG	A	320,000	320,500
9	(tm) Recycling market development				
10	board; contracts and assistance	SEG	B	2,500,000	2,500,000
11	(x) Industrial building construction				
12	loan fund	SEG	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,633,700	16,620,200
	PROGRAM REVENUE			39,097,500	37,968,900
	FEDERAL			(35,007,100)	(35,007,800)
	OTHER			(3,932,000)	(2,802,100)
	SERVICE			(158,400)	(159,000)
	SEGREGATED FUNDS			23,270,400	3,087,200
	OTHER			(23,270,400)	(3,087,200)
	TOTAL-ALL SOURCES			79,001,600	57,676,300
13	(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
14	(de) Private sewage system replacement				
15	and rehabilitation	GPR	C	3,500,000	3,500,000
16	(dm) Storage tank inventory	GPR	A	-0-	-0-
17	(g) Gifts and grants	PR	C	18,000	18,000
18	(ga) Auxiliary services	PR	C	25,000	25,000
19	(gb) Local agreements	PR	C	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(h) Local energy resource system fees	PR	A	-0-	-0-
2	(j) Safety and buildings operations	PR	A	14,708,800	14,880,800
3	(ka) Interagency agreements	PR-S	C	95,500	95,700
4	(ks) Data processing	PR-S	C	-0-	-0-
5	(L) Fire dues distribution	PR	C	6,500,000	6,500,000
6	(La) Fire prevention and fire dues				
7	administration	PR	A	581,500	582,400
8	(m) Federal funds	PR-F	C	1,148,500	1,150,400
9	(ma) Federal aid program administration	PR-F	C	-0-	-0-
10	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
11	(q) Groundwater standards;				
12	implementation	SEG	A	-0-	-0-
13	(r) Safety and buildings operations;				
14	petroleum inspection fund	SEG	A	8,138,700	7,468,500
15	(v) Petroleum storage environmental				
16	remedial action; awards	SEG	B	91,131,700	91,131,700
17	(w) Petroleum storage environmental				
18	remedial action; administration	SEG	A	2,529,300	2,484,400
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			3,500,000	3,500,000
	PROGRAM REVENUE			23,077,300	23,252,300
	FEDERAL			(1,148,500)	(1,150,400)
	OTHER			(21,833,300)	(22,006,200)
	SERVICE			(95,500)	(95,700)
	SEGREGATED FUNDS			101,799,700	101,084,600
	OTHER			(101,799,700)	(101,084,600)
	TOTAL-ALL SOURCES			128,377,000	127,836,900

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>	
1	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES					
2	(a) General program operations	GPR	A	1,893,200	1,894,200	
3	(g) Gifts, grants and proceeds	PR	C	12,000	12,000	
4	(k) Sale of materials or services	PR-S	C	43,100	43,100	
5	(ka) Sale of materials and services —					
6	local assistance	PR-S	C	-0-	-0-	
7	(kb) Sale of materials and services —					
8	individuals and organizations	PR-S	C	-0-	-0-	
9	(kc) Information technology					
10	development projects	PR-S	A	-0-	-0-	
11	(kd) Administrative services	PR-S	A	2,444,400	2,444,400	
12	(ke) Transfer of unappropriated					
13	balances	PR-S	C	-0-	-0-	
14	(m) Federal aid, state operations	PR-F	C	-0-	-0-	
15	(n) Federal aid, local assistance	PR-F	C	-0-	-0-	
16	(o) Federal aid, individuals and					
17	organizations	PR-F	C	-0-	-0-	
18	(pz) Indirect cost reimbursements	PR-F	C	175,400	175,400	
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,893,200	1,894,200	
	PROGRAM REVENUE			2,674,900	2,674,900	
	FEDERAL			(175,400)	(175,400)	
	OTHER			(12,000)	(12,000)	
	SERVICE			(2,487,500)	(2,487,500)	
	TOTAL-ALL SOURCES			4,568,100	4,569,100	
	20.143 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			22,026,900	22,014,400	
	PROGRAM REVENUE			64,849,700	63,896,100	



**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
FEDERAL			(36,331,000)	(36,333,600)
OTHER			(25,777,300)	(24,820,300)
SERVICE			(2,741,400)	(2,742,200)
SEGREGATED FUNDS			125,070,100	104,171,800
OTHER			(125,070,100)	(104,171,800)
TOTAL-ALL SOURCES			211,946,700	190,082,300
<b>1 20.144 Financial institutions, department of</b>				
<b>2 (1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS</b>				
<b>3 (a) Losses on public deposits</b>	<b>GPR</b>	<b>S</b>	<b>-0-</b>	<b>-0-</b>
<b>4 (g) General program operations</b>	<b>PR</b>	<b>A</b>	<b>10,819,300</b>	<b>10,964,000</b>
<b>5 (h) Gifts, grants, settlements and</b>				
<b>6 publications</b>	<b>PR</b>	<b>C</b>	<b>65,000</b>	<b>65,000</b>
<b>7 (i) Investor education fund</b>	<b>PR</b>	<b>A</b>	<b>100,000</b>	<b>100,000</b>
<b>8 (u) State deposit fund</b>	<b>SEG</b>	<b>S</b>	<b>-0-</b>	<b>-0-</b>
	<b>(1) PROGRAM TOTALS</b>			
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			10,984,300	11,129,000
OTHER			(10,984,300)	(11,129,000)
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			10,984,300	11,129,000
<b>9 (2) OFFICE OF CREDIT UNIONS</b>				
<b>10 (g) General program operations</b>	<b>PR</b>	<b>A</b>	<b>1,453,600</b>	<b>1,479,800</b>
<b>11 (m) Credit union examinations, federal</b>				
<b>12 funds</b>	<b>PR-F</b>	<b>C</b>	<b>-0-</b>	<b>-0-</b>
	<b>(2) PROGRAM TOTALS</b>			
PROGRAM REVENUE			1,453,600	1,479,800
FEDERAL			(-0-)	(-0-)
OTHER			(1,453,600)	(1,479,800)
TOTAL-ALL SOURCES			1,453,600	1,479,800
	<b>20.144 DEPARTMENT TOTALS</b>			
GENERAL PURPOSE REVENUES			-0-	-0-

**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
PROGRAM REVENUE			12,437,900	12,608,800
FEDERAL			(-0-)	(-0-)
OTHER			(12,437,900)	(12,608,800)
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			12,437,900	12,608,800

1     **20.145 Insurance, office of the commissioner of**

2     (1)    SUPERVISION OF THE INSURANCE INDUSTRY

3	(g)	General program operations	PR	A	8,650,200	8,271,700
4	(gm)	Gifts and grants	PR	C	-0-	-0-
5	(k)	Administrative and support				
6		services	PR-S	A	2,353,900	2,353,900
7	(ka)	Information technology				
8		development projects	PR-S	C	-0-	-0-
9	(m)	Federal funds	PR-F	C	-0-	-0-

(1) PROGRAM TOTALS

PROGRAM REVENUE					11,004,100	10,625,600
FEDERAL					(-0-)	(-0-)
OTHER					(8,650,200)	(8,271,700)
SERVICE					(2,353,900)	(2,353,900)
TOTAL-ALL SOURCES					11,004,100	10,625,600

10    (2)    PATIENTS COMPENSATION FUND

11	(q)	Interest earned on future medical				
12		expenses	SEG	S	-0-	-0-
13	(u)	Administration	SEG	A	733,700	733,700
14	(um)	Peer review council	SEG	A	90,700	90,700

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(v) Specified responsibilities, inv. board				
2	payments and future medical				
3	expenses	SEG	C	54,728,200	54,728,200
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			55,552,600	55,552,600
	OTHER			(55,552,600)	(55,552,600)
	TOTAL-ALL SOURCES			55,552,600	55,552,600
4	(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
5	(u) Administration	SEG	A	491,600	491,600
6	(v) Specified payments, fire dues and				
7	reinsurance	SEG	C	6,547,000	6,547,000
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			7,038,600	7,038,600
	OTHER			(7,038,600)	(7,038,600)
	TOTAL-ALL SOURCES			7,038,600	7,038,600
8	(4) STATE LIFE INSURANCE FUND				
9	(u) Administration	SEG	A	488,100	481,200
10	(v) Specified payments and losses	SEG	C	2,980,000	2,980,000
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			3,468,100	3,461,200
	OTHER			(3,468,100)	(3,461,200)
	TOTAL-ALL SOURCES			3,468,100	3,461,200
11	(7) HEALTH INSURANCE RISK-SHARING PLAN ADMINISTRATION				
12	(a) Premium and deductible reduction				
13	subsidy	GPR	B	423,100	-0-
14	(b) Mitigation of rate increase;				
15	premium reduction	GPR	A	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(g) Premium and deductible reduction				
2	subsidy; insurer assessments and				
3	penalties	PR	C	1,021,900	-0-
4	(u) Administration	SEG	A	47,300	-0-
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			423,100	-0-
	PROGRAM REVENUE			1,021,900	-0-
	OTHER			(1,021,900)	(-0-)
	SEGREGATED FUNDS			47,300	-0-
	OTHER			(47,300)	(-0-)
	TOTAL-ALL SOURCES			1,492,300	-0-
20.145 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			423,100	-0-
	PROGRAM REVENUE			12,026,000	10,625,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(9,672,100)	(8,271,700)
	SERVICE			(2,353,900)	(2,353,900)
	SEGREGATED FUNDS			66,106,600	66,052,400
	OTHER			(66,106,600)	(66,052,400)
	TOTAL-ALL SOURCES			78,555,700	76,678,000
5	<b>20.155 Public service commission</b>				
6	(1) REGULATION OF PUBLIC UTILITIES				
7	(g) Utility regulation	PR	A	11,502,300	11,459,000
8	(h) Holding company and nonutility				
9	affiliate regulation	PR	C	545,300	545,300
10	(j) Intervenor financing	PR	A	500,000	500,000
11	(L) Stray voltage program	PR	A	192,800	192,800
12	(Lb) Gifts for stray voltage program	PR	C	-0-	-0-
13	(m) Federal funds	PR-F	C	71,000	71,000
14	(n) Indirect costs reimbursement	PR-F	C	19,000	19,000

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(q) Universal telecommunications				
2	service	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			12,830,400	12,787,100
	FEDERAL			(90,000)	(90,000)
	OTHER			(12,740,400)	(12,697,100)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			12,830,400	12,787,100
3	(2) OFFICE OF THE COMMISSIONER OF RAILROADS				
4	(g) Railroad regulation and general				
5	program operations	PR	A	374,000	374,000
6	(x) Railroad regulation; federal funds	SEG-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			374,000	374,000
	OTHER			(374,000)	(374,000)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			374,000	374,000
	20.155 DEPARTMENT TOTALS				
	PROGRAM REVENUE			13,204,400	13,161,100
	FEDERAL			(90,000)	(90,000)
	OTHER			(13,114,400)	(13,071,100)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,204,400	13,161,100
7	<b>20.165 Regulation and licensing, department of</b>				
8	(1) PROFESSIONAL REGULATION				
9	(g) General program operations	PR	A	8,077,200	7,960,600
10	(gm) Applicant investigation				
11	reimbursement	PR	C	130,100	180,100

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(h) Technical assistance; nonstate				
2	agencies and organizations	PR	C	-0-	-0-
3	(i) Examinations; general program				
4	operations	PR	C	620,200	620,200
5	(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
6	(m) Federal funds	PR-F	C	-0-	-0-
<b>20.165 DEPARTMENT TOTALS</b>					
	PROGRAM REVENUE			8,827,500	8,760,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(8,827,500)	(8,760,900)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,827,500	8,760,900
7	<b>20.190 State fair park board</b>				
8	(1) STATE FAIR PARK				
9	(c) Housing facilities principal				
10	repayment, interest and rebates	GPR	S	497,800	884,000
11	(h) State fair operations	PR	A	12,111,000	12,136,500
12	(i) State fair capital expenses	PR	C	224,000	224,000
13	(j) State fair principal repayment,				
14	interest and rebates	PR	S	1,534,500	1,889,500
15	(jm) Gifts and grants	PR	C	-0-	-0-
16	(m) Federal funds	PR-F	C	-0-	-0-
<b>20.190 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			497,800	884,000
	PROGRAM REVENUE			13,869,500	14,250,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(13,869,500)	(14,250,000)
	TOTAL-ALL SOURCES			14,367,300	15,134,000

Commerce

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			46,801,000	47,194,100
PROGRAM REVENUE			151,508,900	149,670,900
FEDERAL			(42,200,800)	(42,203,400)
OTHER			(100,980,400)	(99,139,000)
SERVICE			(8,327,700)	(8,328,500)
SEGREGATED FUNDS			199,876,400	178,892,600
FEDERAL			(-0-)	(-0-)
OTHER			(199,876,400)	(178,892,600)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			398,186,300	375,757,600

**Education**

1	<b>20.215 Arts board</b>				
2	(1) SUPPORT OF ARTS PROJECTS				
3	(a) General program operations	GPR	A	309,700	309,800
4	(b) State aid for the arts	GPR	A	1,240,500	1,240,500
5	(c) Portraits of governors	GPR	A	-0-	-0-
6	(d) Challenge grant program	GPR	A	819,800	819,800
7	(f) Wisconsin regranting program	GPR	A	150,000	150,000
8	(g) Gifts and grants; state operations	PR	C	18,000	18,000
9	(h) Gifts and grants; aids to individuals				
10	and organizations	PR	C	-0-	-0-
11	(k) Funds received from other state				
12	agencies	PR-S	C	-0-	-0-
13	(ka) Percent-for-art administration	PR-S	A	53,600	53,600
14	(kb) Information technology				
15	development projects	PR-S	A	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(m) Federal grants; state operations	PR-F	C	453,600	453,600
2	(o) Federal grants; aids to individuals				
3	and organizations	PR-F	C	400,000	400,000
<b>2 0 . 2 1 5 D E P A R T M E N T T O T A L S</b>					
	GENERAL PURPOSE REVENUES			2,520,000	2,520,100
	PROGRAM REVENUE			925,200	925,200
	FEDERAL			(853,600)	(853,600)
	OTHER			(18,000)	(18,000)
	SERVICE			(53,600)	(53,600)
	TOTAL-ALL SOURCES			3,445,200	3,445,300
4	<b>20.225 Educational communications board</b>				
5	(1) INSTRUCTIONAL TECHNOLOGY				
6	(a) General program operations	GPR	A	3,696,900	3,705,000
7	(b) Energy costs	GPR	A	421,600	425,200
8	(c) Principal repayment and interest	GPR	S	1,011,000	788,200
9	(d) Milwaukee area technical college	GPR	A	330,000	330,000
10	(eg) Transmitter construction	GPR	C	-0-	-0-
11	(er) Transmitter operation	GPR	A	25,000	25,000
12	(f) Programming	GPR	A	1,519,600	1,458,100
13	(g) Gifts, grants, contracts and leases	PR	C	6,396,200	6,311,500
14	(h) Instructional material	PR	A	310,300	310,300
15	(k) Funds received from other state				
16	agencies	PR-S	C	-0-	-0-
17	(ka) Information technology				
18	development projects	PR-S	A	-0-	-0-
19	(m) Federal grants	PR-F	C	471,800	471,800



**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
2 0 . 2 2 5 D E P A R T M E N T T O T A L S					
GENERAL PURPOSE REVENUES				7,004,100	6,731,500
PROGRAM REVENUE				7,178,300	7,093,600
FEDERAL				(471,800)	(471,800)
OTHER				(6,706,500)	(6,621,800)
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				14,182,400	13,825,100
1	<b>20.235 Higher educational aids board</b>				
2	(1) STUDENT SUPPORT ACTIVITIES				
3	(b) Tuition grants	GPR	B	16,371,200	16,862,300
4	(cg) Nursing student loans	GPR	A	-0-	-0-
5	(cr) Minority teacher loans	GPR	A	120,000	120,000
6	(d) Dental education contract	GPR	A	1,167,000	1,167,000
7	(e) Minnesota-Wisconsin student				
8	reciprocity agreement	GPR	S	-0-	-0-
9	(fb) Indian student assistance	GPR	B	779,800	779,800
10	(fc) Independent student grants				
11	program	GPR	B	-0-	-0-
12	(fd) Talent incentive grants	GPR	B	3,933,800	3,933,800
13	(fe) Wisconsin higher education grants	GPR	B	14,568,900	15,006,000
14	(ff) Wisconsin higher education grants;				
15	technical college students	GPR	B	11,080,500	11,412,900
16	(fg) Minority undergraduate retention				
17	grants program	GPR	B	693,100	693,100
18	(fj) Handicapped student grants	GPR	B	123,800	123,800
19	(fy) Governor's scholarship program	GPR	B	3,218,000	3,016,300

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(g) Student loans	PR	A	-0-	-0-
2	(gg) Nursing student loan repayments	PR	C	-0-	-0-
3	(gm) Indian student assistance;				
4	contributions	PR	C	-0-	-0-
5	(i) Gifts and grants	PR	C	-0-	-0-
6	(no) Federal aid; aids to individuals and				
7	organizations	PR-F	C	1,042,000	1,042,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			52,056,100	53,115,000
	PROGRAM REVENUE			1,042,000	1,042,000
	FEDERAL			(1,042,000)	(1,042,000)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			53,098,100	54,157,000
8	(2) ADMINISTRATION				
9	(aa) General program operations	GPR	A	652,200	652,200
10	(ba) Student loan interest	GPR	S	273,800	273,800
11	(bb) Student loan interest, loans sold or				
12	conveyed	GPR	S	-0-	-0-
13	(bc) Write-off of uncollectible student				
14	loans	GPR	A	-0-	-0-
15	(bd) Purchase of defective student loans	GPR	S	-0-	-0-
16	(ga) Student interest payments	PR	C	1,000	1,000
17	(gb) Student interest payments, loans				
18	sold or conveyed	PR	C	-0-	-0-
19	(ia) Student loans; collection and				
20	administration	PR	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
2	(ka) Information technology				
3	development projects	PR-S	A	-0-	-0-
4	(n) Federal aid; state operations	PR-F	C	-0-	-0-
5	(qa) Student loan revenue obligation				
6	repayment	SEG	C	-0-	-0-
7	(qb) Wisconsin health education loan				
8	revenue obligation repayment	SEG	C	105,100	105,100
<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			926,000	926,000
	PROGRAM REVENUE			1,000	1,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,000)	(1,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			105,100	105,100
	OTHER			(105,100)	(105,100)
	TOTAL-ALL SOURCES			1,032,100	1,032,100
9	(3) EDUCATIONAL APPROVAL BOARD				
10	(g) Proprietary school programs	PR	A	337,600	343,500
11	(m) Federal aid	PR-F	C	171,900	171,900
<b>(3) PROGRAM TOTALS</b>					
	PROGRAM REVENUE			509,500	515,400
	FEDERAL			(171,900)	(171,900)
	OTHER			(337,600)	(343,500)
	TOTAL-ALL SOURCES			509,500	515,400
<b>20.235 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			52,982,100	54,041,000
	PROGRAM REVENUE			1,552,500	1,558,400
	FEDERAL			(1,213,900)	(1,213,900)
	OTHER			(338,600)	(344,500)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			105,100	105,100

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
OTHER			(105,100)	(105,100)
TOTAL-ALL SOURCES			54,639,700	55,704,500
<b>1 20.245 Historical society</b>				
<b>2 (1) ARCHIVES, RESEARCH AND LIBRARY SERVICES</b>				
<b>3 (a) General program operations;</b>				
<b>4 archives and research services</b>	GPR	A	1,967,200	1,919,400
<b>5 (am) General program operations;</b>				
<b>6 library services</b>	GPR	A	1,999,500	1,999,500
<b>7 (b) Distribution of the history of</b>				
<b>8 Wisconsin</b>	GPR	C	35,000	35,000
<b>9 (d) Pilot electronic records program</b>	GPR	A	81,300	5,700
<b>10 (e) Principal repayment, interest and</b>				
<b>11 rebates</b>	GPR	S	5,200	30,200
<b>12 (g) Admissions, sales and other</b>				
<b>13 receipts</b>	PR	C	493,300	493,300
<b>14 (h) Gifts and grants</b>	PR	C	57,400	57,400
<b>15 (k) Funds received from other state</b>				
<b>16 agencies</b>	PR-S	C	25,000	25,000
<b>17 (m) General program operations;</b>				
<b>18 federal funds</b>	PR-F	C	126,900	126,900
<b>19 (r) Endowment</b>	SEG	C	118,400	118,400
<b>(1) PROGRAM TOTALS</b>				
GENERAL PURPOSE REVENUES			4,088,200	3,989,800
PROGRAM REVENUE			702,600	702,600
FEDERAL			(126,900)	(126,900)
OTHER			(550,700)	(550,700)
SERVICE			(25,000)	(25,000)
SEGREGATED FUNDS			118,400	118,400

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	OTHER			(118,400)	(118,400)
	TOTAL-ALL SOURCES			4,909,200	4,810,800
1	(2) HISTORIC SITES				
2	(a) General program operations	GPR	A	317,400	317,400
3	(bd) Stonefield Village	GPR	A	185,000	185,000
4	(be) Pendarvis and First Capitol	GPR	A	149,700	149,700
5	(bf) Villa Louis	GPR	A	125,300	125,300
6	(bg) Old Wade House	GPR	A	228,400	228,400
7	(bh) Madeline Island	GPR	A	6,200	6,200
8	(bi) Old World Wisconsin	GPR	A	587,900	587,900
9	(c) Energy costs	GPR	A	59,500	60,100
10	(e) Principal repayment and interest	GPR	S	622,000	641,200
11	(g) Admissions, sales and other				
12	receipts	PR	A	1,629,100	1,629,100
13	(h) Gifts and grants	PR	C	58,000	58,000
14	(j) Self-amortizing facilities; principal				
15	repayment, interest and rebates	PR	S	112,300	208,500
16	(k) Funds received from other state				
17	agencies	PR-S	C	-0-	-0-
18	(m) General program operations;				
19	federal funds	PR-F	C	64,300	64,300
20	(r) Endowment	SEG	C	175,900	175,900
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,281,400	2,301,200
	PROGRAM REVENUE			1,863,700	1,959,900

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	FEDERAL			(64,300)	(64,300)
	OTHER			(1,799,400)	(1,895,600)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			175,900	175,900
	OTHER			(175,900)	(175,900)
	TOTAL-ALL SOURCES			4,321,000	4,437,000
1	(3) HISTORIC AND BURIAL SITES PRESERVATION				
2	(a) General program operations	GPR	A	1,124,000	1,124,000
3	(d) Historical markers; state-funded				
4	markers and plaques	GPR	A	10,000	10,000
5	(g) Admissions, sales and other				
6	receipts	PR	A	1,000	1,000
7	(gm) Excavation and analysis; cataloged				
8	burial sites	PR	C	-0-	-0-
9	(h) Gifts and grants	PR	C	16,000	16,000
10	(k) Funds received from other state				
11	agencies	PR-S	C	-0-	-0-
12	(m) General program operations;				
13	federal funds	PR-F	C	708,500	708,500
14	(n) Federal aids	PR-F	C	-0-	-0-
15	(r) Endowment	SEG	C	-0-	-0-
16	(u) Historic preservation;				
17	transportation fund	SEG	C	2,400	2,400
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,134,000	1,134,000
	PROGRAM REVENUE			725,500	725,500
	FEDERAL			(708,500)	(708,500)
	OTHER			(17,000)	(17,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			2,400	2,400

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	OTHER			(2,400)	(2,400)
	TOTAL-ALL SOURCES			1,861,900	1,861,900
1	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
2	(a) General program operations	GPR	A	1,592,700	1,592,700
3	(c) Energy costs	GPR	A	148,400	150,200
4	(e) Principal repayment and interest	GPR	S	-0-	-0-
5	(f) Humanities grants	GPR	B	-0-	-0-
6	(g) Admissions, sales and other				
7	receipts	PR	A	188,300	188,300
8	(h) Gifts and grants	PR	C	145,000	145,000
9	(k) Funds received from other state				
10	agencies	PR-S	C	196,100	196,100
11	(ka) Information technology				
12	development projects	PR-S	A	-0-	-0-
13	(m) General program operations;				
14	federal funds	PR-F	C	3,000	3,000
15	(pz) Indirect cost reimbursements	PR-F	C	95,000	95,000
16	(q) Endowment principal	SEG	C	-0-	-0-
17	(r) Endowment	SEG	C	161,400	161,400
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,741,100	1,742,900
	PROGRAM REVENUE			627,400	627,400
	FEDERAL			(98,000)	(98,000)
	OTHER			(333,300)	(333,300)
	SERVICE			(196,100)	(196,100)
	SEGREGATED FUNDS			161,400	161,400
	OTHER			(161,400)	(161,400)
	TOTAL-ALL SOURCES			2,529,900	2,531,700

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(5) MUSEUM				
2	(a) General program operations	GPR	A	891,400	891,400
3	(c) Energy costs	GPR	A	99,000	101,600
4	(e) Principal repayment and interest	GPR	S	566,900	471,100
5	(g) Admissions, sales and other				
6	receipts	PR	C	339,800	339,800
7	(h) Gifts and grants	PR	C	22,200	22,200
8	(k) Funds received from other state				
9	agencies	PR-S	C	987,500	987,500
10	(m) General program operations;				
11	federal funds	PR-F	C	15,300	15,300
12	(r) Endowment	SEG	C	19,600	19,600

**(5) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	1,557,300	1,464,100
PROGRAM REVENUE	1,364,800	1,364,800
FEDERAL	(15,300)	(15,300)
OTHER	(362,000)	(362,000)
SERVICE	(987,500)	(987,500)
SEGREGATED FUNDS	19,600	19,600
OTHER	(19,600)	(19,600)
TOTAL-ALL SOURCES	2,941,700	2,848,500

**20.245 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	10,802,000	10,632,000
PROGRAM REVENUE	5,284,000	5,380,200
FEDERAL	(1,013,000)	(1,013,000)
OTHER	(3,062,400)	(3,158,600)
SERVICE	(1,208,600)	(1,208,600)
SEGREGATED FUNDS	477,700	477,700
OTHER	(477,700)	(477,700)
TOTAL-ALL SOURCES	16,563,700	16,489,900



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	<b>20.250 Medical college of Wisconsin</b>				
2	(1) TRAINING OF HEALTH PERSONNEL				
3	(a) General program operations	GPR	A	4,105,100	4,105,100
4	(b) Family medicine and practice	GPR	A	3,190,000	3,190,000
5	(c) Area health education centers and				
6	projects	GPR	A	250,000	250,000
7	(e) Principal repayment and interest	GPR	S	64,400	123,000
	<b>20.250 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			7,609,500	7,668,100
	TOTAL-ALL SOURCES			7,609,500	7,668,100
8	<b>20.255 Public instruction, department of</b>				
9	(1) EDUCATIONAL LEADERSHIP				
10	(a) General program operations	GPR	A	10,180,500	10,180,800
11	(b) General program operations;				
12	residential schools	GPR	A	9,096,800	9,102,200
13	(c) Energy costs	GPR	A	338,300	348,000
14	(d) Principal repayment and interest	GPR	S	1,096,600	895,900
15	(dt) Educational assessment program	GPR	A	372,000	372,000
16	(dw) Pupil assessment	GPR	A	2,255,000	2,620,000
17	(g) Student activity therapy	PR	A	6,500	6,500
18	(gb) Residential schools; nonresident				
19	fees	PR	C	56,000	60,000
20	(gt) Residential schools; pupil				
21	transportation	PR	A	826,300	906,300

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(hg) Personnel certific., teacher supply,				
2	info. and analysis and teacher				
3	improv.	PR	A	2,313,300	2,313,400
4	(hm) Services for drivers	PR	A	225,200	225,200
5	(i) Publications	PR	A	530,900	535,900
6	(im) Library products and services	PR	C	660,700	660,700
7	(jg) School lunch handling charges	PR	A	3,000,500	3,000,500
8	(jm) Professional services center charges	PR	A	130,000	130,000
9	(jr) Gifts, grants and trust funds	PR	C	395,000	395,000
10	(js) State-owned housing maintenance	PR	A	1,300	1,300
11	(jz) School district boundary appeal				
12	proceedings	PR	C	10,500	10,500
13	(ke) Funds transferred from other state				
14	agencies; program operations	PR-S	C	1,869,500	1,869,500
15	(km) State agency library processing				
16	center	PR-S	A	86,400	86,400
17	(ks) Data processing	PR-S	C	927,600	927,700
18	(kt) Information technology				
19	development projects	PR-S	A	-0-	-0-
20	(me) Federal aids; program operations	PR-F	C	16,616,200	16,616,800
21	(pz) Indirect cost reimbursements	PR-F	C	912,400	912,400
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			23,339,200	23,518,900
	PROGRAM REVENUE			28,568,300	28,658,100
	FEDERAL			(17,528,600)	(17,529,200)
	OTHER			(8,156,200)	(8,245,300)

**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	SERVICE			(2,883,500)	(2,883,600)
	TOTAL-ALL SOURCES			51,907,500	52,177,000
1	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
2	(ac) General equalization aids	GPR	A	3,374,161,200	3,448,401,800
3	(b) Aids for handicapped education	GPR	A	275,548,700	275,548,700
4	(bc) Aid for children-at-risk programs	GPR	A	3,250,000	3,250,000
5	(bh) Aid to county handicapped				
6	children's education boards	GPR	A	2,316,300	2,316,300
7	(cc) Bilingual-bicultural education aids	GPR	A	8,291,400	8,291,400
8	(cg) Tuition payments	GPR	A	7,236,700	7,636,700
9	(ci) Alternative school American Indian				
10	language and culture education aid	GPR	A	136,900	136,900
11	(cm) Grants for school breakfast				
12	programs	GPR	C	150,000	150,000
13	(cn) Aids for school lunches and				
14	nutritional improvement	GPR	A	4,320,600	4,320,600
15	(cp) Wisconsin morning milk program	GPR	A	325,000	325,000
16	(cr) Aid for pupil transportation	GPR	A	17,742,500	17,742,500
17	(cu) Achievement guarantee contracts	GPR	A	4,591,000	4,591,000
18	(cw) Aid for transportation to				
19	institutions of higher education	GPR	A	20,000	20,000
20	(d) Youth initiatives program	GPR	A	-0-	-0-
21	(dc) Professional development	GPR	A	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(dm) Grants for drug abuse resistance				
2	education	GPR	A	995,000	995,000
3	(do) Grants for preschool to grade 5				
4	programs	GPR	A	6,670,000	6,670,000
5	(ec) Aid to Milwaukee public schools	GPR	A	8,000,000	8,000,000
6	(ed) Youth service centers, truancy				
7	abatement and burglary				
8	suppression	GPR	A	-0-	-0-
9	(ee) Environmental education grants	GPR	A	200,000	200,000
10	(ef) Collaborative projects	GPR	A	-0-	-0-
11	(eg) Collaborative service programs	GPR	A	-0-	-0-
12	(eh) Head start supplement	GPR	A	4,950,000	4,950,000
13	(fg) Aid for cooperative educational				
14	service agencies	GPR	A	300,000	300,000
15	(fm) Charter schools	GPR	S	-0-	-0-
16	(fu) Milwaukee parental choice program	GPR	S	6,600,000	6,600,000
17	(k) Funds transferred from other state				
18	agencies; local aids	PR-S	C	350,100	350,100
19	(ka) Funds transferred from the				
20	technical college system board;				
21	school-to-work	PR-S	C	8,931,200	8,931,200
22	(m) Federal aids; local aid	PR-F	C	316,867,600	319,373,900
23	(r) Driver education; local assistance	SEG	A	4,498,400	4,493,700

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ra) Environmental education;				
2	environmental assessments	SEG	C	30,000	30,000
3	(s) School library aids	SEG	A	14,300,000	14,300,000
4	(u) Aid for handicapped education				
5	transportation	SEG	A	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,725,805,300	3,800,445,900
	PROGRAM REVENUE			326,148,900	328,655,200
	FEDERAL			(316,867,600)	(319,373,900)
	SERVICE			(9,281,300)	(9,281,300)
	SEGREGATED FUNDS			18,828,400	18,823,700
	OTHER			(18,828,400)	(18,823,700)
	TOTAL-ALL SOURCES			4,070,782,600	4,147,924,800
6	(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
7	(e) Aid to public library systems	GPR	A	11,772,200	11,772,200
8	(ea) Library service contracts	GPR	A	865,100	865,100
9	(eb) Youth village program	GPR	A	232,000	232,000
10	(ec) Wisconsin geography alliance	GPR	A	-0-	-0-
11	(ed) Wisconsin institute for school				
12	executives	GPR	A	-0-	-0-
13	(fa) Very special arts	GPR	A	75,000	75,000
14	(fg) Special olympics	GPR	A	75,000	75,000
15	(fz) Minority group pupil scholarships	GPR	A	900,000	900,000
16	(mm) Federal funds; local assistance	PR-F	C	1,261,900	1,261,900
17	(ms) Federal funds; individuals and				
18	organizations	PR-F	C	34,973,600	35,657,500
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			13,919,300	13,919,300

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
PROGRAM REVENUE			36,235,500	36,919,400
FEDERAL			(36,235,500)	(36,919,400)
TOTAL-ALL SOURCES			50,154,800	50,838,700

## 20.255 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			3,763,063,800	3,837,884,100
PROGRAM REVENUE			390,952,700	394,232,700
FEDERAL			(370,631,700)	(373,822,500)
OTHER			(8,156,200)	(8,245,300)
SERVICE			(12,164,800)	(12,164,900)
SEGREGATED FUNDS			18,828,400	18,823,700
OTHER			(18,828,400)	(18,823,700)
TOTAL-ALL SOURCES			4,172,844,900	4,250,940,500

1 **20.275 Technology for educational achievement in Wisconsin board**

## 2 (1) EDUCATIONAL TECHNOLOGY

3	(a)	General program operations	GPR	A	596,500	710,900
4	(es)	Principal, interest and rebates;				
5		general purpose revenue	GPR	S	250,000	5,000,000
6	(et)	Grants to cooperative educational				
7		service agencies	GPR	A	4,000,000	4,000,000
8	(f)	Educational technology block				
9		grants	GPR	A	10,000,000	35,000,000
10	(g)	Gifts and grants	PR	C	-0-	-0-
11	(h)	Principal, interest and rebates;				
12		program revenue	PR	C	250,000	5,000,000
13	(L)	Equipment purchases and leases	PR	C	-0-	-0-
14	(m)	Federal aid	PR-F	C	-0-	-0-
15	(u)	Educational technology aid	SEG	A	15,000,000	5,000,000

## 20.275 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			14,846,500	44,710,900
PROGRAM REVENUE			250,000	5,000,000

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	FEDERAL			(-0-)	(-0-)
	OTHER			(250,000)	(5,000,000)
	SEGREGATED FUNDS			15,000,000	5,000,000
	OTHER			(15,000,000)	(5,000,000)
	TOTAL-ALL SOURCES			30,096,500	54,710,900
1	<b>20.285 University of Wisconsin system</b>				
2	(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
3	(a) General program operations	GPR	A	696,247,900	696,247,900
4	(ab) Student aid	GPR	A	1,315,300	1,315,300
5	(am) Distinguished professorships	GPR	A	648,700	648,700
6	(as) Industrial and economic				
7	development research	GPR	A	1,408,300	1,408,300
8	(b) Area health education centers	GPR	A	252,700	252,700
9	(bm) Fee remissions	GPR	A	15,000	15,000
10	(c) Energy costs	GPR	A	41,312,000	42,056,800
11	(cm) Educational technology	GPR	A	3,697,700	5,713,200
12	(d) Principal repayment and interest	GPR	S	72,549,800	68,540,700
13	(da) Lease rental payments	GPR	S	-0-	-0-
14	(db) Self-amortizing facilities principal				
15	and interest	GPR	S	-0-	-0-
16	(em) Schools of business	GPR	A	1,331,600	1,331,600
17	(eo) Extension outreach	GPR	A	282,800	282,800
18	(fc) Department of family medicine and				
19	practice	GPR	A	6,502,900	6,502,900

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(fd) State laboratory of hygiene; general				
2	program operations	GPR	A	5,812,300	6,254,800
3	(fh) State laboratory of hygiene;				
4	principal repayment and interest	GPR	S	-0-	-0-
5	(fm) Laboratories	GPR	A	4,185,900	4,185,900
6	(fs) Farm safety program grants	GPR	A	20,000	20,000
7	(fx) Alcohol and other drug abuse				
8	prevention and intervention	GPR	A	46,500	46,500
9	(g) Physical plant service departments	PR	C	-0-	-0-
10	(ga) Surplus auxiliary funds	PR	C	-0-	-0-
11	(gm) Auxiliary enterprises building				
12	projects	PR	C	14,747,500	14,747,500
13	(gr) Center for urban land economics				
14	research	PR	A	175,000	175,000
15	(h) Auxiliary enterprises	PR	C	338,201,500	338,894,600
16	(ha) Stores	PR	C	5,602,800	5,602,800
17	(hm) Extension outreach	PR	C	171,600	171,600
18	(i) State laboratory of hygiene	PR	C	15,378,900	17,001,300
19	(ia) State laboratory of hygiene, drivers	PR	C	633,700	639,700
20	(ih) State laboratory of hygiene;				
21	principal repayment and interest	PR	S	-0-	-0-
22	(im) Academic student fees	PR	A	400,835,600	410,550,100
23	(ip) Extension student fees	PR	C	7,918,600	7,918,600



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(iz) General operations receipts	PR	C	71,557,000	75,365,800
2	(j) Gifts and donations	PR	C	219,442,800	221,757,600
3	(ja) Gifts; student loans	PR	C	3,398,600	3,398,600
4	(jm) Distinguished professorships	PR	C	432,000	432,000
5	(jp) License plate scholarship programs	PR	C	-0-	-0-
6	(k) Funds transferred from other state				
7	agencies	PR-S	C	-0-	-0-
8	(ka) Sale of real property	PR	C	-0-	-0-
9	(kc) Information technology				
10	development projects	PR-S	A	-0-	-0-
11	(kd) Principal repayment, interest and				
12	rebates	PR-S	S	19,321,200	25,146,900
13	(ke) Lease rental payments	PR-S	S	-0-	-0-
14	(kp) Student-related activities	PR	C	-0-	-0-
15	(L) Recycling market development;				
16	repayments	PR	C	-0-	-0-
17	(Lm) Laboratories	PR	A	4,405,400	4,405,400
18	(Ls) Schools of business	PR	A	592,300	592,300
19	(m) Federal aid	PR-F	C	325,529,300	325,529,300
20	(ma) Federal aid; loans and grants	PR-F	C	158,245,100	158,245,100
21	(n) Federal indirect cost				
22	reimbursement	PR-F	C	73,147,800	73,147,800
23	(tb) Extension recycling education	SEG	A	306,900	306,900

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(u) Trust fund income	SEG	C	28,780,800	19,829,000
2	(w) Trust fund operations	SEG	C	-0-	-0-
3	(x) Driver education teachers	SEG	C	61,000	61,000
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			835,629,400	834,823,100
	PROGRAM REVENUE			1,659,736,700	1,683,722,000
	FEDERAL			(556,922,200)	(556,922,200)
	OTHER			(1,083,493,300)	(1,101,652,900)
	SERVICE			(19,321,200)	(25,146,900)
	SEGREGATED FUNDS			29,148,700	20,196,900
	OTHER			(29,148,700)	(20,196,900)
	TOTAL-ALL SOURCES			2,524,514,800	2,538,742,000
4	(3) UNIVERSITY SYSTEM ADMINISTRATION				
5	(a) General program operations	GPR	A	8,791,500	8,791,500
6	(iz) General operations receipts	PR	C	235,500	235,500
7	(ka) Information technology				
8	development projects; system				
9	administration	PR-S	A	-0-	-0-
10	(n) Federal indirect cost				
11	reimbursement	PR-F	C	1,690,200	1,690,200
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			8,791,500	8,791,500
	PROGRAM REVENUE			1,925,700	1,925,700
	FEDERAL			(1,690,200)	(1,690,200)
	OTHER			(235,500)	(235,500)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			10,717,200	10,717,200
12	(4) MINORITY AND DISADVANTAGED PROGRAMS				
13	(a) Minority and disadvantaged				
14	programs	GPR	A	7,148,500	7,148,500

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(b) Graduate student financial aid	GPR	A	3,798,800	3,798,800
2	(dd) Lawton minority undergraduate				
3	grants program	GPR	A	2,006,900	2,006,900
4	(de) Pilot minority student tuition				
5	award program	GPR	A	-0-	-0-
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			12,954,200	12,954,200
	TOTAL-ALL SOURCES			12,954,200	12,954,200
6	(5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
7	(a) General program operations	GPR	A	576,400	576,400
8	(h) Auxiliary enterprises	PR	A	25,578,300	26,217,600
9	(i) Nonincome sports	PR	C	250,100	250,100
10	(j) Gifts and grants	PR	C	3,108,400	3,108,400
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			576,400	576,400
	PROGRAM REVENUE			28,936,800	29,576,100
	OTHER			(28,936,800)	(29,576,100)
	TOTAL-ALL SOURCES			29,513,200	30,152,500
11	(6) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				
12	(a) Services received from authority	GPR	A	3,741,600	3,741,600
13	(g) Services provided to authority	PR	C	26,593,000	27,392,300
(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,741,600	3,741,600
	PROGRAM REVENUE			26,593,000	27,392,300
	OTHER			(26,593,000)	(27,392,300)
	TOTAL-ALL SOURCES			30,334,600	31,133,900
20.285 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			861,693,100	860,886,800
	PROGRAM REVENUE			1,717,192,200	1,742,616,100
	FEDERAL			(558,612,400)	(558,612,400)

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	OTHER			(1,139,258,600)	(1,158,856,800)
	SERVICE			(19,321,200)	(25,146,900)
	SEGREGATED FUNDS			29,148,700	20,196,900
	OTHER			(29,148,700)	(20,196,900)
	TOTAL-ALL SOURCES			2,608,034,000	2,623,699,800
1	<b>20.292 Technical college system, board of</b>				
2	(1) TECHNICAL COLLEGE SYSTEM				
3	(a) General program operations	GPR	A	2,824,000	2,825,200
4	(am) Fee remissions	GPR	A	15,000	15,000
5	(b) Displaced homemakers' program	GPR	A	851,700	851,700
6	(bm) Workplace literacy resource center	GPR	A	-0-	-0-
7	(c) Minority student participation and				
8	retention grants	GPR	A	617,000	617,000
9	(ce) Basic skills grants	GPR	A	-0-	-0-
10	(d) State aid for technical colleges	GPR	A	111,301,200	112,414,200
11	(dc) Incentive grants	GPR	C	7,888,100	7,888,100
12	(dd) Farm training program tuition				
13	grants	GPR	A	150,000	150,000
14	(de) Services for handicapped students;				
15	local assistance	GPR	A	200,000	200,000
16	(dm) Aid for special collegiate transfer				
17	programs	GPR	A	1,124,300	1,124,300
18	(e) Technical college instructor				
19	occupational competency program	GPR	A	71,300	71,300
20	(eg) Faculty development grants	GPR	A	832,000	832,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(em) Apprenticeship curriculum				
2	development	GPR	A	75,000	75,000
3	(f) Alcohol and other drug abuse				
4	prevention and intervention	GPR	A	525,000	525,000
5	(fm) Supplemental aid	GPR	A	1,500,000	1,500,000
6	(g) Text materials	PR	A	123,000	123,000
7	(gm) Fire schools; state operations	PR	A	266,900	266,900
8	(gr) Fire schools; local assistance	PR	A	500,000	500,000
9	(gt) Telecommunications retraining	PR	C	300,000	300,000
10	(h) Gifts and grants	PR	C	20,600	20,600
11	(i) Conferences	PR	C	85,900	85,900
12	(j) Personnel certification	PR	A	203,800	203,800
13	(k) Gifts and grants	PR	C	30,200	30,200
14	(ka) Interagency projects; local				
15	assistance	PR-S	A	3,414,700	3,414,700
16	(kb) Interagency projects; state				
17	operations	PR-S	A	701,800	701,800
18	(kc) Information technology				
19	development projects	PR-S	A	-0-	-0-
20	(L) Services for district boards	PR	A	140,900	140,900
21	(m) Federal aid, state operations	PR-F	C	2,755,300	2,721,700
22	(mn) Federal aid; applied technology,				
23	school-to-work programs	PR-F	C	21,019,300	21,019,300

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(n) Federal aid, local assistance	PR-F	C	5,055,000	5,055,000
2	(o) Federal aid, aids to individuals and				
3	organizations	PR-F	C	200,000	200,000
4	(pz) Indirect cost reimbursements	PR-F	C	136,000	136,000
5	(r) Emergency medical technician —				
6	basic training; state operations	SEG	A	179,900	179,900
7	(u) Driver education, local assistance	SEG	A	322,000	322,000
8	(v) Chauffeur training grants	SEG	C	200,000	200,000

**2 0 . 2 9 2 D E P A R T M E N T T O T A L S**

GENERAL PURPOSE REVENUES	127,974,600	129,088,800
PROGRAM REVENUE	34,953,400	34,919,800
FEDERAL	(29,165,600)	(29,132,000)
OTHER	(1,671,300)	(1,671,300)
SERVICE	(4,116,500)	(4,116,500)
SEGREGATED FUNDS	701,900	701,900
OTHER	(701,900)	(701,900)
TOTAL-ALL SOURCES	163,629,900	164,710,500

**Education****FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	4,848,495,700	4,954,163,300
PROGRAM REVENUE	2,158,288,300	2,191,726,000
FEDERAL	(961,962,000)	(965,119,200)
OTHER	(1,159,461,600)	(1,183,916,300)
SERVICE	(36,864,700)	(42,690,500)
SEGREGATED FUNDS	64,261,800	45,305,300
FEDERAL	(-0-)	(-0-)
OTHER	(64,261,800)	(45,305,300)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	7,071,045,800	7,191,194,600

**Environmental Resources****9 20.315 Boundary area commission, Minnesota-Wisconsin**

10 (1) BOUNDARY AREA COOPERATION

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(g) Gifts or grants	PR	C	90,000	90,000
2	(ka) Information technology				
3	development projects	PR-S	A	-0-	-0-
4	(q) General program operations —				
5	conservation fund	SEG	A	171,100	174,100
<b>2 0 . 3 1 5 D E P A R T M E N T T O T A L S</b>					
	PROGRAM REVENUE			90,000	90,000
	OTHER			(90,000)	(90,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			171,100	174,100
	OTHER			(171,100)	(174,100)
	TOTAL-ALL SOURCES			261,100	264,100
6	<b>20.320 Environmental improvement program</b>				
7	(1) CLEAN WATER FUND PROGRAM OPERATIONS				
8	(a) Environmental aids — clean water				
9	fund program	GPR	A	-0-	-0-
10	(c) Principal repayment and				
11	interest — clean water fund				
12	program	GPR	S	22,519,200	29,354,300
13	(r) Clean water fund program				
14	repayment of revenue obligations	SEG	S	-0-	-0-
15	(s) Clean water fund program financial				
16	assistance	SEG	S	-0-	-0-
17	(sm) Land recycling loan program				
18	financial assistance	SEG	S	-0-	-0-

**SENATE BILL 77**

**SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(t) Principal repayment and				
2	interest — clean water fund				
3	program bonds	SEG	A	4,000,000	4,000,000
4	(u) Principal repay. & interest - clean				
5	water fd. prog. rev. obligation repay.	SEG	C	-0-	-0-
6	(x) Clean water fund program financial				
7	assistance; federal	SEG-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			22,519,200	29,354,300
	SEGREGATED FUNDS			4,000,000	4,000,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(4,000,000)	(4,000,000)
	TOTAL-ALL SOURCES			26,519,200	33,354,300
8	(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
9	(c) Principal repayment and				
10	interest — safe drinking water loan				
11	program	GPR	S	-0-	-0-
12	(s) Safe drinking water loan programs				
13	financial assistance	SEG	S	-0-	-0-
14	(x) Safe drinking water loan programs				
15	financial assistance; federal	SEG-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
20.320 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			22,519,200	29,354,300
	SEGREGATED FUNDS			4,000,000	4,000,000
	FEDERAL			(-0-)	(-0-)



**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
OTHER			(4,000,000)	(4,000,000)
TOTAL-ALL SOURCES			26,519,200	33,354,300
<b>1 20.360 Lower Wisconsin state riverway board</b>				
<b>2 (1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY</b>				
<b>3 (g) Gifts and grants</b>	PR	C	-0-	-0-
<b>4 (ka) Information technology</b>				
<b>5 development projects</b>	PR-S	A	-0-	-0-
<b>6 (q) General program operations —</b>				
<b>7 conservation fund</b>	SEG	A	112,100	112,600
<b>20.360 DEPARTMENT TOTALS</b>				
PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			112,100	112,600
OTHER			(112,100)	(112,600)
TOTAL-ALL SOURCES			112,100	112,600
<b>8 20.370 Natural resources, department of</b>				
<b>9 (1) LAND</b>				
<b>10 (cq) Forestry — reforestation</b>	SEG	C	100,000	100,000
<b>11 (cr) Forestry — recording fees</b>	SEG	C	80,000	50,000
<b>12 (cs) Forestry — forest fire emergencies</b>	SEG	C	-0-	-0-
<b>13 (ea) Parks — general program</b>				
<b>14 operations</b>	GPR	A	4,969,900	4,969,900
<b>15 (eq) Parks and forests - operation and</b>				
<b>16 maintenance</b>	SEG	S	-0-	-0-
<b>17 (er) Parks and forests - recycling</b>				
<b>18 activities</b>	SEG	A	70,000	70,300

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(fb) Endangered resources — general				
2	program operations	GPR	A	-0-	-0-
3	(fc) Endangered resources — Wisconsin				
4	stewardship program	GPR	A	-0-	-0-
5	(fd) Endangered resources — natural				
6	heritage inventory program	GPR	A	220,100	220,100
7	(fe) Endangered resources — general				
8	fund	GPR	S	500,000	500,000
9	(fs) Endangered resources — voluntary				
10	payments; sales, leases and fees	SEG	C	1,116,800	1,116,800
11	(ft) Endangered resources —				
12	application fees	SEG	C	-0-	-0-
13	(gr) Endangered resources program —				
14	gifts and grants	SEG	C	-0-	-0-
15	(hr) Pheasant restoration	SEG	C	448,400	448,400
16	(ht) Wild turkey restoration	SEG	C	212,200	212,200
17	(hu) Wetlands habitat improvement	SEG	C	338,400	338,400
18	(it) Atlas revenues	SEG	C	-0-	-0-
19	(jr) Rental property and equipment —				
20	maintenance and replacement	SEG	C	-0-	-0-
21	(kq) Taxes and assessments —				
22	conservation fund	SEG	A	300,000	300,000
23	(Lq) Trapper education program	SEG	C	29,100	29,100

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(Lr) Beaver control; fish and wildlife				
2	account	SEG	C	100,000	100,000
3	(Ls) Control of wild animals	SEG	C	146,200	146,200
4	(Lt) Hunter education and firearm				
5	safety program	SEG	C	-0-	-0-
6	(ma) General program operations —				
7	state funds	GPR	A	583,200	583,200
8	(mg) General program operations —				
9	endangered resources	PR	C	-0-	-0-
10	(mi) General program operations —				
11	private and public sources	PR	C	351,000	351,000
12	(mk) General program operations —				
13	service funds	PR-S	C	452,700	452,700
14	(mq) General program operations —				
15	state snowmobile trails and areas	SEG	A	63,800	63,800
16	(ms) General program operations —				
17	state all-terrain vehicle projects	SEG	A	40,000	40,000
18	(mu) General program operations —				
19	state funds	SEG	A	-0-	-0-
20	Land program management	SEG	A	3,731,600	3,731,600
21	License administration	SEG	A	-0-	-0-
22	Fisheries management	SEG	A	-0-	-0-
23	Wildlife management	SEG	A	7,915,500	7,912,300
24	Forestry	SEG	A	26,024,900	25,928,300

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	Southern forests	SEG	A	3,353,700	3,365,100
2	Parks and recreation	SEG	A	5,799,900	6,057,700
3	Aeronautics and communications	SEG	A	-0-	-0-
4	Research	SEG	A	-0-	-0-
5	Facilities and lands	SEG	A	4,559,200	4,597,300
	NET APPROPRIATION			51,384,800	51,592,300
6	(my) General program operations —				
7	federal funds	SEG-F	C	-0-	-0-
8	Land program management	SEG-F	C	-0-	-0-
9	Fisheries management	SEG-F	C	-0-	-0-
10	Wildlife management	SEG-F	C	3,638,000	3,645,300
11	Forestry	SEG-F	C	593,200	596,000
12	Southern forests	SEG-F	C	161,800	161,800
13	Parks and recreation	SEG-F	C	410,600	412,800
14	Endangered resources	SEG-F	C	361,200	363,600
15	Research	SEG-F	C	-0-	-0-
16	Facilities and lands	SEG-F	C	1,691,600	1,694,500
	NET APPROPRIATION			6,856,400	6,874,000
17	(mz) Forest fire emergencies — federal				
18	funds	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			6,273,200	6,273,200
	PROGRAM REVENUE			803,700	803,700
	OTHER			(351,000)	(351,000)
	SERVICE			(452,700)	(452,700)
	SEGREGATED FUNDS			61,286,100	61,481,500

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
	FEDERAL			(6,856,400)	(6,874,000)
	OTHER			(54,429,700)	(54,607,500)
	<b>TOTAL-ALL SOURCES</b>			<b>68,363,000</b>	<b>68,558,400</b>
1	(2) AIR AND WASTE				
2	(bg) Air management — stationary				
3	sources	PR	A	8,478,700	8,131,900
4	(bi) Air management — asbestos				
5	management	PR	C	351,500	351,500
6	(bq) Air management — vapor recovery				
7	administration	SEG	A	82,500	82,500
8	(br) Air management — mobile sources	SEG	A	1,267,000	1,271,400
9	(cg) Air management — recovery of				
10	ozone-depleting refrigerants	PR	A	59,700	59,700
11	(ch) Air management — emission				
12	analysis	PR	C	-0-	-0-
13	(ci) Air management — permit review				
14	and enforcement	PR	A	1,448,000	1,448,000
15	(cL) Air management - air waste				
16	management-incinerator operator				
17	certification	PR	C	-0-	-0-
18	(cq) Air manage. — motor vehicle				
19	emission inspec. and maint.				
20	program, state funds	SEG	A	60,100	60,100

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(dg) Solid waste management — solid				
2	and hazardous waste disposal				
3	administration	PR	C	1,973,100	1,993,200
4	(dh) Solid waste				
5	management-remediated property	PR	C	133,300	133,300
6	(di) Solid waste management —				
7	operator certification	PR	C	-0-	-0-
8	(dq) Solid waste management — waste				
9	management fund	SEG	C	-0-	-0-
10	(dt) Solid waste management — closure				
11	and long-term care	SEG	C	-0-	-0-
12	(dv) Solid waste management —				
13	environmental repair; spills;				
14	abandoned containers	SEG	C	3,239,500	3,239,500
15	(dw) Solid waste management —				
16	environmental repair; petroleum				
17	spills; admin.	SEG	A	244,800	250,600
18	(dy) Solid waste mgt. — corrective				
19	action; proofs of financial				
20	responsibility	SEG	C	-0-	-0-
21	(dz) Solid waste management -				
22	assessments and legal action	SEG	C	-0-	-0-
23	(eg) Solid waste facility siting board fee	PR	C	-0-	-0-
24	(eh) Solid waste management — source				
25	reduction review	PR	C	-0-	-0-

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(gh) Mining — mining regulation and				
2	administration	PR	A	60,900	60,900
3	(gi) Mining — nonmetallic mining				
4	regulation and administration	PR	C	-0-	172,000
5	(gr) Solid waste management — mining				
6	programs	SEG	C	-0-	-0-
7	(hq) Recycling; administration	SEG	A	1,133,100	1,125,700
8	(ma) General program operations —				
9	state funds	GPR	A	2,869,900	2,869,900
10	(mi) General program operations —				
11	private and public sources	PR	C	-0-	-0-
12	(mk) General program operations —				
13	service funds	PR-S	C	200,000	200,000
14	(mm) General program operations —				
15	federal funds	PR-F	C	6,219,800	6,183,900
16	(mq) General program operations -				
17	environmental fund	SEG	A	3,401,600	3,418,600
18	(mu) Petroleum inspection fd. suppl. to				
19	env. fd.; env. repair and well comp.	SEG-S	A	1,049,400	1,049,400
20	(my) General program operations —				
21	environmental fund; federal funds	SEG-F	C	1,332,900	1,333,100

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,869,900	2,869,900
PROGRAM REVENUE	18,925,000	18,734,400
FEDERAL	(6,219,800)	(6,183,900)
OTHER	(12,505,200)	(12,350,500)
SERVICE	(200,000)	(200,000)
SEGREGATED FUNDS	11,810,900	11,830,900

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
	FEDERAL			(1,332,900)	(1,333,100)
	OTHER			(9,428,600)	(9,448,400)
	SERVICE			(1,049,400)	(1,049,400)
	TOTAL-ALL SOURCES			33,605,800	33,435,200
1	(3) ENFORCEMENT AND SCIENCE				
2	(aq) Law enforcement — snowmobile				
3	enforcement and safety training	SEG	A	64,200	64,200
4	(ar) Law enforcement — boat				
5	enforcement and safety training	SEG	A	1,612,300	1,612,300
6	(as) Law enforcement — all-terrain				
7	vehicle enforcement	SEG	A	161,000	177,100
8	(aw) Law enforcement — car kill deer	SEG	A	233,500	260,000
9	(ay) Law enforcement — car kill deer;				
10	transportation fund	SEG	A	233,500	260,000
11	(bg) Enforcement — stationary sources	PR	C	60,300	60,300
12	(dg) Environmental impact —				
13	consultant services; printing and				
14	postage costs	PR	C	-0-	-0-
15	(dh) Environmental impact — power				
16	projects	PR	C	171,600	172,400
17	(di) Environmental consulting costs —				
18	federal power projects	PR	A	-0-	-0-
19	(fj) Environmental quality - lab.				
20	certification	PR	A	461,300	463,000
21	(is) Lake research; voluntary				
22	contributions	SEG	C	34,000	34,000



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ma) General program operations —				
2	state funds	GPR	A	4,292,900	4,292,900
3	(mi) General program operations —				
4	private and public sources	PR	C	277,300	277,300
5	(mk) General program operations —				
6	service funds	PR-S	C	714,400	714,400
7	(mm) General program operations —				
8	federal funds	PR-F	C	407,700	408,200
9	(mq) General program operations —				
10	environmental fund	SEG	A	786,000	786,000
11	(mr) Recycling; enforcement and				
12	research	SEG	A	15,300	15,300
13	(ms) General program operations -				
14	pollution prevention	SEG	A	55,000	55,100
15	(mt) General program operations,				
16	nonpoint source — environmental				
17	fund	SEG	A	306,700	306,700
18	(mu) General program operations —				
19	state funds	SEG	A	13,647,900	13,632,900
20	(my) General program operations —				
21	federal funds	SEG-F	C	3,653,900	3,671,500

**(3) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	4,292,900	4,292,900
PROGRAM REVENUE	2,092,600	2,095,600
FEDERAL	(407,700)	(408,200)
OTHER	(970,500)	(973,000)
SERVICE	(714,400)	(714,400)
SEGREGATED FUNDS	20,803,300	20,875,100

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	FEDERAL			(3,653,900)	(3,671,500)
	OTHER			(17,149,400)	(17,203,600)
	TOTAL-ALL SOURCES			27,188,800	27,263,600
1	(4) WATER				
2	(af) Water resources - remedial action	GPR	C	150,000	150,000
3	(ag) Water resources - pollution credits	PR	C	-0-	-0-
4	(ah) Water resources - Great Lakes				
5	protection fund	PR	C	229,000	229,000
6	(aq) Water resources management -				
7	lake and river management	SEG	A	1,539,800	1,539,800
8	(ar) Water resources - groundwater				
9	management	SEG	B	125,000	125,000
10	(as) Water resources - trading water				
11	pollution credits	SEG	C	50,000	50,000
12	(at) Watershed - nonpoint source				
13	contracts	SEG	B	1,076,100	1,076,100
14	(au) Cooperative remedial action;				
15	contributions	SEG	C	-0-	-0-
16	(av) Cooperative remedial action;				
17	interest on contributions	SEG	S	-0-	-0-
18	(bh) Water regulation and zoning - dam				
19	inspect. and safety administ.; gen.				
20	fund	PR	A	-0-	-0-
21	(bi) Water regulation and zoning - fees	PR	C	218,900	219,500
22	(bj) Storm water management - fees	PR	A	246,600	248,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(bL) Wastewater management - fees	PR	C	107,800	107,800
2	(br) Water reg. & zoning — dam safety				
3	& wetland mapping; conservation				
4	fund	SEG	A	449,900	449,900
5	(ku) Great Lakes trout and salmon	SEG	C	1,052,100	1,052,100
6	(kv) Trout habitat improvement	SEG	C	1,107,100	1,107,100
7	(ma) General program operations - state				
8	funds	GPR	A	-0-	-0-
9	Watershed management	GPR	A	9,071,300	9,163,800
10	Fisheries management and habitat				
11	protection	GPR	A	3,157,800	3,157,800
12	Drinking water and groundwater	GPR	A	3,522,300	3,522,300
13	Water integration team	GPR	A	395,000	395,000
14	Water program management	GPR	A	2,251,500	2,251,500
	<b>NET APPROPRIATION</b>			<b>18,397,900</b>	<b>18,490,400</b>
15	(mi) General program operations -				
16	private and public sources	PR	C	60,600	60,600
17	(mk) General program operations —				
18	service funds	PR-S	C	385,200	385,200
19	(mm) General program operations -				
20	federal funds	PR-F	C	-0-	-0-
21	Watershed management	PR-F	C	3,737,900	3,479,100
22	Fisheries management and habitat				
23	protection	PR-F	C	550,500	500,000

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	Drinking water and groundwater	PR-F	C	2,081,900	2,092,100
2	Water integration team	PR-F	C	16,600	16,700
3	Water program management	PR-F	C	147,200	147,700
	NET APPROPRIATION			6,534,100	6,235,600
4	(mq) General program operations -				
5	environmental fund	SEG	A	-0-	-0-
6	Watershed management	SEG	A	459,700	459,700
7	Drinking water and groundwater	SEG	A	1,416,200	1,418,500
8	Water integration team	SEG	A	81,700	81,700
9	Water program management	SEG	A	84,800	84,800
	NET APPROPRIATION			2,042,400	2,044,700
10	(mr) General program operations -				
11	nonpoint source	SEG	A	449,700	449,700
12	(mt) General program				
13	operations-environmental				
14	improvement programs; state funds	SEG	A	451,100	452,500
15	(mu) General program operations - state				
16	funds	SEG	A	12,542,600	12,539,600
17	(mw) Petroleum inspection fund				
18	supplement to env. fund;				
19	groundwater management	SEG-S	A	764,600	766,900
20	(mx) General program operations - clean				
21	water fund program; federal funds	SEG-F	C	565,900	577,700

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(my) General program operations -				
2	environmental fund - federal funds	SEG-F	C	-0-	-0-
3	(mz) General program operations -				
4	federal funds	SEG-F	C	2,937,100	2,949,900
5	(nz) General program operations-safe				
6	drinking water loan programs;				
7	federal funds	SEG-F	C	-0-	-0-
	<b>(4) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			18,547,900	18,640,400
	PROGRAM REVENUE			7,782,200	7,485,700
	FEDERAL			(6,534,100)	(6,235,600)
	OTHER			(862,900)	(864,900)
	SERVICE			(385,200)	(385,200)
	SEGREGATED FUNDS			25,153,400	25,181,000
	FEDERAL			(3,503,000)	(3,527,600)
	OTHER			(20,885,800)	(20,886,500)
	SERVICE			(764,600)	(766,900)
	TOTAL-ALL SOURCES			51,483,500	51,307,100
8	(5) CONSERVATION AIDS				
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	150,000	150,000
13	(as) Recreation aids - fish, wildlife, and				
14	forestry recreation aids	SEG	C	230,000	230,000
15	(av) Resource aids - private forest				
16	grants	SEG	C	1,000,000	1,000,000
17	(aw) Resource aids - nonprofit				
18	conservation organizations	SEG	C	75,000	75,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ax) Resource aids - lake states wood				
2	utilization consortium	SEG	C	100,000	-0-
3	(bq) Resource aids - county forest loans;				
4	severance share payments	SEG	C	-0-	-0-
5	(br) Resource aids - forest croplands				
6	and managed forest land aids	SEG	A	1,250,000	1,250,000
7	(bs) Resource aids - county forest loans	SEG	A	622,400	622,400
8	(bt) Resource aids - county forest				
9	project loans	SEG	C	400,000	400,000
10	(bu) Resource aids - county forest				
11	project loans; severance share				
12	payments	SEG	C	-0-	-0-
13	(bv) Res. aids - county forests, forest				
14	croplands and managed forest land				
15	aids	SEG	S	1,196,300	1,248,400
16	(bw) Resource aids - urban forestry and				
17	county forest administrator grants	SEG	A	832,900	832,900
18	(bx) Resource aids - national forest				
19	income aids	PR-F	C	782,200	782,200
20	(by) Resource aids - fire suppression				
21	grants	SEG	A	525,000	525,000
22	(cq) Recreation aids - recreational				
23	boating projects; Milwaukee river				
24	study	SEG	C	5,147,000	5,147,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cr) Recreation aids - county				
2	snowmobile trail and area aids	SEG	C	1,751,400	1,751,400
3	(cs) Recreation aids - snowmobile trail				
4	areas	SEG	C	3,328,300	3,513,200
5	(ct) Recreation aids - all-terrain				
6	vehicle project aids; gas tax				
7	payment	SEG	C	470,400	515,600
8	(cu) Recreation aids — all-terrain				
9	vehicle project aids	SEG	C	466,400	450,300
10	(cv) Recreation aids — motorcycle				
11	recreation aids; trails	SEG	A	197,500	197,500
12	(cy) Recreation and resource aids,				
13	federal funds	SEG-F	C	183,900	183,900
14	(da) Aids in lieu of taxes	GPR	S	1,570,000	1,570,000
15	(dq) Aids in lieu of taxes	SEG	S	800,000	800,000
16	(dx) Resource aids — payment in lieu of				
17	taxes; federal	PR-F	C	440,000	440,000
18	(ea) Enforcement aids — spearfishing				
19	enforcement	GPR	C	10,000	10,000
20	(eq) Enforcement aids — boating				
21	enforcement	SEG	A	700,000	700,000
22	(er) Enforcement aids — all-terrain				
23	vehicle enforcement	SEG	A	30,000	30,000

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(es) Enforcement aids — snowmobiling				
2	enforcement	SEG	A	200,000	200,000
3	(et) Enforcement aids — boating	SEG	A	400,000	400,000
4	(ex) Enforcement aids — federal funds	SEG-F	C	-0-	-0-
5	(fa) Wildlife damage claims - general				
6	fund	GPR	A	-0-	-0-
7	(fq) Wildlife damage claims and				
8	abatement	SEG	C	2,187,700	2,187,700
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,580,000	1,580,000
	PROGRAM REVENUE			1,222,200	1,222,200
	FEDERAL			(1,222,200)	(1,222,200)
	SEGREGATED FUNDS			22,413,400	22,579,500
	FEDERAL			(183,900)	(183,900)
	OTHER			(22,229,500)	(22,395,600)
	TOTAL-ALL SOURCES			25,215,600	25,381,700
9	(6) ENVIRONMENTAL AIDS				
10	(aa) Environmental aids - non-point				
11	source	GPR	B	-0-	6,363,600
12	(ag) Environmental aids - nonpoint				
13	repayments	PR	C	-0-	-0-
14	(aq) Environmental aids — non-point				
15	source program	SEG	B	6,505,300	6,505,300
16	(ar) Environmental aids - lakes				
17	management grants	SEG	C	1,353,300	1,353,300
18	(as) Environmental aids - lakes				
19	managment planning grants	SEG	C	622,100	622,100



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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ba) Environmental aids — dump				
2	closure cost share	GPR	C	1,247,700	1,247,700
3	(bj) Environmental aids — waste				
4	reduction and recycling grants and				
5	gifts	PR	C	-0-	-0-
6	(bq) Environmental aids - municipal				
7	and county recycling grants	SEG	S	24,000,000	17,000,000
8	(br) Environmental aids - waste				
9	reduction and recycling				
10	demonstration grants	SEG	C	1,000,000	1,000,000
11	(bs) Environmental aids - household				
12	hazardous waste	SEG	A	150,000	150,000
13	(bt) Environmental aids - lake states				
14	wood utilization consortium	SEG	C	100,000	-0-
15	(ca) Environmental aids - scenic urban				
16	waterways	GPR	C	-0-	-0-
17	(cm) Environmental aids - federal funds	PR-F	C	75,000	75,000
18	(cr) Environmental aids - compensation				
19	for well contamination	SEG	C	500,000	500,000
20	(da) Environmental planning aids -				
21	local water quality planning	GPR	A	283,400	283,400
22	(dm) Environmental planning aids -				
23	federal funds	PR-F	C	260,600	260,600
<b>(6) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			1,531,100	7,894,700
	PROGRAM REVENUE			335,600	335,600

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	FEDERAL			(335,600)	(335,600)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			34,230,700	27,130,700
	OTHER			(34,230,700)	(27,130,700)
	TOTAL-ALL SOURCES			36,097,400	35,361,000
1	(7) DEBT SERVICE AND DEVELOPMENT				
2	(aa) Resource acquisition and				
3	development - principal repayment				
4	and interest	GPR	S	10,525,600	12,064,500
5	(ac) Principal repayment and interest -				
6	recreational boating bonds	GPR	S	-0-	-0-
7	(aq) Resource acquisition and				
8	development - principal repayment				
9	and interest	SEG	S	22,100	116,900
10	(ar) Dam repair and removal - principal				
11	repayment and interest	SEG	S	230,100	252,300
12	(at) Recreation development - principal				
13	repayment and interest	SEG	S	-0-	-0-
14	(au) State forest acquisition and				
15	development-principal repayment				
16	and interest	SEG	A	8,000,000	8,000,000
17	(ba) Debt service - remedial action	GPR	S	1,429,500	1,995,900
18	(ca) Principal repayment and interest -				
19	nonpoint source grants	GPR	S	1,594,100	2,547,200
20	(cb) Principal repayment and interest -				
21	pollution abatement bonds	GPR	S	80,514,300	68,954,300

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cc) Principal repay. and int. - combined				
2	sewer overflow; pollution abat.				
3	bonds	GPR	S	18,930,700	16,674,000
4	(cd) Principal repayment and interest -				
5	municipal clean drinking water				
6	grants	GPR	S	845,300	857,900
7	(ea) Administrative facilities - principal				
8	repayment and interest	GPR	S	462,500	484,100
9	(eq) Administrative facilities - principal				
10	repayment and interest	SEG	S	1,032,400	1,240,900
11	(fa) Resource maintenance and				
12	development - state funds	GPR	C	1,278,200	1,278,200
13	(fq) Resource maintenance and				
14	development - state park, forest				
15	and riverway roads	SEG	C	1,900,000	1,900,000
16	(fr) Resource acq. and dev. - boating				
17	access to southeastern lakes	SEG	C	100,000	100,000
18	(fs) Resource acquisition and				
19	development - state funds	SEG	C	940,500	1,076,800
20	(ft) Resource acquisition and				
21	development - boating access	SEG	C	200,000	200,000
22	(fu) Resource acquisition and				
23	development - nonmotorized				
24	boating improvements	SEG	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(fv) Resource acquisition and				
2	development - fish and wildlife				
3	projects	SEG	C	283,300	283,300
4	(fw) Resource acq. and dev. - Mississippi				
5	and St. Croix rivers management	SEG	C	62,500	62,500
6	(fy) Resource acquisition and				
7	development — federal funds	SEG-F	C	1,960,200	1,960,200
8	(gg) Ice Age trail - gifts and grants	PR	C	-0-	-0-
9	(gh) State trails - gifts and grants	SEG	C	-0-	-0-
10	(ha) Facilities acquisition, development				
11	and maintenance	GPR	C	183,100	183,100
12	(hq) Facilities acquisition, development				
13	and maintenance - conservation				
14	fund	SEG	C	376,800	376,800
15	(jr) Rental property and equipment -				
16	maintenance and replacement	SEG	C	-0-	-0-
17	(mi) General program operations -				
18	private and public sources	PR	C	-0-	-0-
<b>(7) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			115,763,300	105,039,200
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			15,107,900	15,569,700
	FEDERAL			(1,960,200)	(1,960,200)
	OTHER			(13,147,700)	(13,609,500)
	TOTAL-ALL SOURCES			130,871,200	120,608,900
19	(8) ADMINISTRATION AND TECHNOLOGY				

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ir) Promotional activities and				
2	publications	SEG	C	83,000	83,000
3	(iw) Statewide recycling administration	SEG	A	1,139,300	1,141,500
4	(ma) General program operations —				
5	state funds	GPR	A	7,107,000	7,071,000
6	(mg) General program operations —				
7	stationary sources	PR	A	789,800	782,100
8	(mh) Information technology				
9	development projects	PR-S	A	-0-	-0-
10	(mi) General program operations —				
11	private and public sources	PR	C	-0-	-0-
12	(mk) General program operations —				
13	service funds	PR-S	C	5,605,000	5,605,000
14	(mq) General program operations —				
15	mobile sources	SEG	A	395,400	395,600
16	(mr) General program operations -				
17	environmental improvement fund	SEG	A	235,600	235,600
18	(mt) Equipment pool operations	SEG-S	C	-0-	-0-
19	(mu) General program operations —				
20	state funds	SEG	A	13,729,600	13,748,400
21	(mv) General program operations —				
22	environmental fund	SEG	A	1,499,600	1,499,600
23	(mz) Indirect cost reimbursements	SEG-F	C	4,178,200	4,178,200

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ni) Geographic information systems,				
2	general program operations - other				
3	funds	PR	C	-0-	-0-
4	(nk) Geographic information systems,				
5	general program operations —				
6	service fds.	PR-S	C	1,058,700	1,058,700
7	(zq) Gifts and donations	SEG	C	-0-	-0-
	<b>(8) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			7,107,000	7,071,000
	PROGRAM REVENUE			7,453,500	7,445,800
	OTHER			(789,800)	(782,100)
	SERVICE			(6,663,700)	(6,663,700)
	SEGREGATED FUNDS			21,260,700	21,281,900
	FEDERAL			(4,178,200)	(4,178,200)
	OTHER			(17,082,500)	(17,103,700)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			35,821,200	35,798,700
8	(9) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
9	(eg) Gifts and grants; environmental				
10	performance council	PR	C	-0-	-0-
11	(eq) Environmental performance council				
12	operations	SEG	C	90,000	90,000
13	(gb) Education programs - program fees	PR	B	57,300	52,900
14	(hs) Approval list revenues	SEG	C	-0-	-0-
15	(ht) Approval fees to Lac du Flambeau				
16	band	SEG	S	-0-	-0-
17	(hu) Handling fees	SEG	C	380,000	380,000
18	(iq) Natural resources magazine	SEG	C	792,900	792,900

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(is) Statewide recycling administration	SEG	A	760,000	761,000
2	(jL) Fox river management; fees	PR	C	-0-	-0-
3	(ju) Fox river management	SEG	B	121,700	121,700
4	(ma) General program operations - state				
5	funds	GPR	A	2,269,000	2,305,000
6	(mh) General programs operations -				
7	stationary sources	PR	A	455,700	456,700
8	(mi) General program operations —				
9	private and public sources	PR	C	40,000	40,000
10	(mj) General program operations —				
11	solid and hazardous waste	PR	A	185,500	186,800
12	(mk) General program operations —				
13	service funds	PR-S	C	100,100	100,100
14	(mm) General program operations -				
15	federal funds	PR-F	C	320,400	324,100
16	(mq) General program operations -				
17	mobile sources	SEG	A	155,300	155,300
18	(ms) General program operations —				
19	cooperative environmental				
20	assistance	SEG	A	118,700	119,600
21	(mt) Aids administration —				
22	environmental improvement				
23	programs; state funds	SEG	A	991,900	995,400

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(mu) General program operations - state				
2	funds	SEG	A	9,083,000	9,471,200
3	(mv) General program operations —				
4	environmental fund	SEG	A	556,600	556,600
5	(mw) Aids administration - snowmobile				
6	recreation	SEG	A	132,900	132,900
7	(mx) Aids administration - clean water				
8	fund program; federal funds	SEG-F	C	1,036,500	1,043,400
9	(my) General program operations -				
10	federal funds	SEG-F	C	98,200	98,200
11	(mz) Indirect cost reimbursements	SEG-F	C	579,700	579,700
12	(ny) Aids administration - safe drinking				
13	water loan programs; federal funds	SEG-F	C	-0-	-0-

**(9) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	2,269,000	2,305,000
PROGRAM REVENUE	1,159,000	1,160,600
FEDERAL	(320,400)	(324,100)
OTHER	(738,500)	(736,400)
SERVICE	(100,100)	(100,100)
SEGREGATED FUNDS	14,897,400	15,297,900
FEDERAL	(1,714,400)	(1,721,300)
OTHER	(13,183,000)	(13,576,600)
TOTAL-ALL SOURCES	18,325,400	18,763,500

**20.370 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	160,234,300	155,966,300
PROGRAM REVENUE	39,773,800	39,283,600
FEDERAL	(15,039,800)	(14,709,600)
OTHER	(16,217,900)	(16,057,900)
SERVICE	(8,516,100)	(8,516,100)
SEGREGATED FUNDS	226,963,800	221,228,200
FEDERAL	(23,382,900)	(23,449,800)
OTHER	(201,766,900)	(195,962,100)



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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	SERVICE			(1,814,000)	(1,816,300)
	TOTAL-ALL SOURCES			426,971,900	416,478,100
1	<b>20.380 Tourism, department of</b>				
2	(1) TOURISM DEVELOPMENT PROMOTION				
3	(a) General program operations and				
4	heritage tourism grants	GPR	A	3,907,000	3,934,200
5	(b) Tourism marketing	GPR	A	7,741,000	7,741,000
6	(g) Gifts, grants and proceeds	PR	C	5,400	5,400
7	(h) Tourism promo & int'l trade, buss				
8	and econ dev grants; tourism				
9	receipts	PR	C	120,200	132,500
10	(hm) Tourism promo & int'l trade, buss				
11	and econ dev grants; statew org				
12	receipts	PR	C	-0-	-0-
13	(j) Tourism promotion - private and				
14	public sources	PR	C	200,000	200,000
15	(k) Sale of materials or				
16	services-operations	PR-S	C	-0-	-0-
17	(ka) Sales of materials or services-local				
18	assistance	PR-S	C	-0-	-0-
19	(kb) Sales of materials or				
20	services-individuals and				
21	organizations	PR-S	C	-0-	-0-
22	(kc) Marketing clearinghouse charges	PR-S	A	-0-	-0-

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kd) Information technology				
2	development projects	PR-S	A	-0-	-0-
3	(m) Federal aid-state operations	PR-F	C	-0-	-0-
4	(n) Federal aid-local assistance	PR-F	C	-0-	-0-
5	(o) Federal aid-individuals and				
6	organizations	PR-F	C	-0-	-0-
7	(q) Administrative				
8	services-conservation fund	SEG	A	42,500	68,000
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			11,648,000	11,675,200
	PROGRAM REVENUE			325,600	337,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(325,600)	(337,900)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			42,500	68,000
	OTHER			(42,500)	(68,000)
	TOTAL-ALL SOURCES			12,016,100	12,081,100
9	(2) KICKAPOO VALLEY RESERVE				
10	(dq) Kickapoo valley reserve; aids in lieu				
11	of taxes	GPR	S	-0-	-0-
12	(ip) Kickapoo reserve management				
13	board; program services	PR	C	-0-	-0-
14	(ir) Kickapoo reserve management				
15	board; gifts and grants	PR	C	-0-	-0-
16	(ms) Kickapoo reserve management				
17	board; federal aid	PR-F	C	-0-	-0-
18	(q) Kickapoo reserve management				
19	board; general program operations	SEG	A	180,800	180,800

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**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SEGREGATED FUNDS			180,800	180,800
OTHER			(180,800)	(180,800)
TOTAL-ALL SOURCES			180,800	180,800

20.380 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			11,648,000	11,675,200
PROGRAM REVENUE			325,600	337,900
FEDERAL			(-0-)	(-0-)
OTHER			(325,600)	(337,900)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			223,300	248,800
OTHER			(223,300)	(248,800)
TOTAL-ALL SOURCES			12,196,900	12,261,900

1	<b>20.395 Transportation, department of</b>				
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	70,644,200	70,644,200
7	(at) Transportation aids to				
8	municipalities, state funds	SEG	A	222,255,300	222,255,300
9	(br) Milwaukee urban area rail transit				
10	system planning study, state funds	SEG	A	-0-	-0-
11	(bs) Demand management and				
12	ride-sharing grants, state funds	SEG	A	300,000	300,000
13	(bt) Urban rail transit system grants	SEG	C	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(bv) Transit and demand management				
2	aids, local funds	SEG-L	C	-0-	-0-
3	(bx) Transit and demand management				
4	aids, federal funds	SEG-F	C	11,700,000	12,400,000
5	(cq) Elderly and disabled capital aids,				
6	state funds	SEG	A	733,700	755,700
7	(cr) Elderly and disabled county aids,				
8	state funds	SEG	A	5,922,100	6,099,800
9	(cv) Elderly and disabled aids, local				
10	funds	SEG-L	C	458,400	463,900
11	(cx) Elderly and disabled aids, federal				
12	funds	SEG-F	C	1,100,000	1,100,000
13	(dq) Tier I transit operating aids, state				
14	funds	SEG	A	44,425,700	44,425,700
15	(dr) Tier II transit operating aids, state				
16	funds	SEG	A	11,218,500	11,218,500
17	(ds) Tier III transit operating aids, state				
18	funds	SEG	A	2,251,000	2,251,000
19	(dt) Tier IV transit operating aids, state				
20	funds	SEG	A	13,989,900	13,989,900
21	(du) Tier V transit operating aids, state				
22	funds	SEG	A	4,386,600	4,386,600
23	(ex) Highway safety, local assistance,				
24	federal funds	SEG-F	C	1,700,000	1,700,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(fq) Connecting highways aids, state				
2	funds	SEG	A	11,474,900	11,474,900
3	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
4	(ft) Lift bridge aids, state funds	SEG	B	1,110,000	1,300,000
5	(fu) County forest road aids, state funds	SEG	A	270,800	270,800
6	(gq) Expressway policing aids, state				
7	funds	SEG	A	804,300	804,300
8	(gr) Transportation aids to professional				
9	baseball park districts, state funds	SEG	C	3,000,000	9,000,000
(1) P R O G R A M T O T A L S					
	SEGREGATED FUNDS			408,345,400	415,440,600
	FEDERAL			(14,500,000)	(15,200,000)
	OTHER			(393,387,000)	(399,776,700)
	LOCAL			(458,400)	(463,900)
	TOTAL-ALL SOURCES			408,345,400	415,440,600
10	(2) LOCAL TRANSPORTATION ASSISTANCE				
11	(aq) Accelerated local bridge				
12	improvement assistance, state				
13	funds	SEG	C	-0-	-0-
14	(av) Accelerated local bridge				
15	improvement assistance, local				
16	funds	SEG-L	C	-0-	-0-
17	(ax) Accelerated local bridge				
18	improvement assistance, federal				
19	funds	SEG-F	C	-0-	-0-
20	(bq) Rail service assistance, state funds	SEG	C	701,700	701,700

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(bu) Freight rail infrastructure				
2	improvements, state funds	SEG	C	5,579,800	5,579,800
3	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000
4	(bw) Freight rail assistance loan				
5	repayments, local funds	SEG-L	C	1,000,000	1,500,000
6	(bx) Rail service assistance, federal				
7	funds	SEG-F	C	50,000	50,000
8	(cq) Harbor assistance, state funds	SEG	C	582,400	582,400
9	(cr) Rail passenger service, state funds	SEG	B	572,500	572,500
10	(cv) Rail passenger service, local funds	SEG-L	C	-0-	-0-
11	(cx) Rail passenger service; federal				
12	funds	SEG-F	C	2,300,000	2,300,000
13	(dq) Aeronautics assistance, state funds	SEG	C	11,988,600	11,988,600
14	(dv) Aeronautics assistance, local funds	SEG-L	C	6,985,200	6,985,200
15	(dx) Aeronautics assistance, federal				
16	funds	SEG-F	C	20,000,000	20,000,000
17	(eq) Highway and local bridge				
18	improvement assistance, state				
19	funds	SEG	C	7,331,500	7,331,500
20	(ev) Local bridge improvement				
21	assistance, local funds	SEG-L	C	8,060,400	8,060,400
22	(ex) Local bridge improvement				
23	assistance, federal funds	SEG-F	C	24,538,200	24,538,200

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(fr) Local roads improvement program,				
2	state funds	SEG	C	11,006,200	11,006,200
3	(fv) Local transportation facility				
4	improvement assistance, local				
5	funds	SEG-L	C	24,403,200	24,403,200
6	(fx) Local transportation facility				
7	improvement assistance, federal				
8	funds	SEG-F	C	50,538,000	50,538,000
9	(gg) Railroad crossing protection				
10	improvements, state funds	PR	C	-0-	-0-
11	(gq) Railroad crossing improvement and				
12	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
13	(gr) Railroad crossing improvement and				
14	protection installation, state funds	SEG	C	450,000	450,000
15	(gs) Railroad crossing repair assistance,				
16	state funds	SEG	C	180,000	250,000
17	(gv) Railroad crossing improvement,				
18	local funds	SEG-L	C	-0-	-0-
19	(gx) Railroad crossing improvement,				
20	federal funds	SEG-F	C	1,849,300	1,849,300
21	(hq) Multimodal transportation studies,				
22	state funds	SEG	C	750,000	750,000
23	(hx) Multimodal transportation studies,				
24	federal funds	SEG-F	C	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(iq) Transportation facilities economic				
2	assistance and development, state				
3	funds	SEG	C	3,500,000	3,500,000
4	(iv) Transportation facilities economic				
5	assistance and development, local				
6	funds	SEG-L	C	3,500,000	3,500,000
7	(iw) Transportation facility				
8	improvement loans, local funds	SEG-L	C	-0-	-0-
9	(ix) Transportation facilities economic				
10	assistance & development, federal				
11	funds	SEG-F	C	-0-	-0-
12	(jq) Surface transportation grants, state				
13	funds	SEG	C	-0-	-0-
14	(jv) Surface transportation grants, local				
15	funds	SEG-L	C	680,000	680,000
16	(jx) Surface transportation grants,				
17	federal funds	SEG-F	C	2,720,000	2,720,000
18	(kv) Congestion mitigation and air				
19	quality improvement, local funds	SEG-L	C	1,502,400	1,502,400
20	(kx) Congestion mitigation and air				
21	quality improvement, federal funds	SEG-F	C	6,009,500	6,009,500
22	(nv) Transportation enhancement				
23	activities, local funds	SEG-L	C	750,000	750,000
24	(nx) Transportation enhancement				
25	activities, federal funds	SEG-F	C	3,000,000	3,000,000



**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(pq) Transportation infrastructure				
2	loans, state funds	SEG	C	-0-	-0-
3	(pr) Transportation infrastructure				
4	loans, gifts and grants	SEG	C	-0-	-0-
5	(pu) Transportation infrastructure				
6	loans, service funds	SEG-S	C	-0-	-0-
7	(pv) Transportation infrastructure				
8	loans, local funds	SEG-L	C	-0-	-0-
9	(px) Transportation infrastructure				
10	loans, federal funds	SEG-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			203,278,900	203,848,900
	FEDERAL			(111,005,000)	(111,005,000)
	OTHER			(44,892,700)	(44,962,700)
	SERVICE			(-0-)	(-0-)
	LOCAL			(47,381,200)	(47,881,200)
	TOTAL-ALL SOURCES			203,278,900	203,848,900
11	(3) STATE HIGHWAY FACILITIES				
12	(bq) Major highway development, state				
13	funds	SEG	C	10,523,100	10,523,100
14	(br) Major highway development,				
15	service funds	SEG-S	C	75,535,300	110,535,300
16	(bv) Major highway development, local				
17	funds	SEG-L	C	-0-	-0-
18	(bx) Major highway development,				
19	federal funds	SEG-F	C	75,935,100	40,935,100

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cq) State highway rehabilitation, state				
2	funds	SEG	C	214,632,600	224,162,600
3	(cv) State highway rehabilitation, local				
4	funds	SEG-L	C	2,000,000	2,000,000
5	(cx) State highway rehabilitation,				
6	federal funds	SEG-F	C	192,131,000	191,698,400
7	(eq) Highway maintenance, repair and				
8	traffic operations, state funds	SEG	B	142,534,100	146,148,100
9	(ev) Highway maintenance, repair and				
10	traffic operations, local funds	SEG-L	C	250,000	250,000
11	(ex) Highway maintenance, repair and				
12	traffic operations, federal funds	SEG-F	C	800,000	880,000
13	(iq) Administration and planning, state				
14	funds	SEG	A	18,764,900	18,764,900
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	2,903,300	2,903,300
<b>(3) PROGRAM TOTALS</b>					
	<b>SEGREGATED FUNDS</b>			<b>736,009,400</b>	<b>748,800,800</b>
	<b>FEDERAL</b>			<b>(271,769,400)</b>	<b>(236,416,800)</b>
	<b>OTHER</b>			<b>(386,454,700)</b>	<b>(399,598,700)</b>
	<b>SERVICE</b>			<b>(75,535,300)</b>	<b>(110,535,300)</b>
	<b>LOCAL</b>			<b>(2,250,000)</b>	<b>(2,250,000)</b>
	<b>TOTAL-ALL SOURCES</b>			<b>736,009,400</b>	<b>748,800,800</b>

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(4) GENERAL TRANSPORTATION OPERATIONS				
2	(aq) Departmental management and				
3	operations, state funds	SEG	A	45,300,000	45,247,000
4	(ar) Minor construction projects, state				
5	funds	SEG	C	-0-	-0-
6	(as) Information technology				
7	development projects	PR-S	A	-0-	-0-
8	(at) Capital building projects, service				
9	funds	SEG-S	C	2,785,400	2,785,400
10	(av) Departmental management and				
11	operations, local funds	SEG-L	C	369,000	369,000
12	(ax) Departmental management and				
13	operations, federal funds	SEG-F	C	7,756,200	7,760,400
14	(bh) Hazardous materials				
15	transportation fees	PR	B	108,700	108,700
16	(ch) Gifts and grants	SEG	C	-0-	-0-
17	(dq) Demand management	SEG	A	267,600	267,600
18	(eq) Data processing services, service				
19	funds	SEG-S	C	15,109,600	15,109,600
20	(er) Fleet operations, service funds	SEG-S	C	11,707,900	11,722,800
21	(es) Other department services,				
22	operations, service funds	SEG-S	C	1,022,100	1,022,100
23	(et) Equipment acquisition	SEG	A	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			108,700	108,700

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	OTHER			(108,700)	(108,700)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			84,317,800	84,283,900
	FEDERAL			(7,756,200)	(7,760,400)
	OTHER			(45,567,600)	(45,514,600)
	SERVICE			(30,625,000)	(30,639,900)
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			84,426,500	84,392,600
1	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
2	(cg) Vehicle registration, telephone				
3	renewal transactions, state funds	PR	C	-0-	-0-
4	(ch) Repaired salvage vehicle				
5	examinations, state funds	PR	C	-0-	-0-
6	(ck) Breath screening instruments,				
7	service funds	PR-S	A	234,600	469,100
8	(cq) Vehicle reg., inspection &				
9	maintenance & driver licensing,				
10	state funds	SEG	A	61,211,200	61,313,800
11	(cx) Vehicle registration and driver				
12	licensing, federal funds	SEG-F	C	200,000	200,000
13	(dg) Escort, security and traffic				
14	enforcement services, state funds	PR	C	79,200	79,200
15	(dh) Traffic academy tuition payments,				
16	state funds	PR	C	170,700	170,700
17	(dk) Public safety radio management,				
18	service funds	PR-S	C	144,700	168,900

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(dq) Vehicle inspection, traffic				
2	enforcement and radio				
3	management, state funds	SEG	A	40,112,100	40,721,900
4	(dx) Vehicle inspection and traffic				
5	enforcement, federal funds	SEG-F	C	2,085,700	2,085,700
6	(hq) Motor veh. emission insp. and				
7	maint. program, contractor costs,				
8	state funds	SEG	A	7,941,700	7,941,700
9	(hx) Motor vehicle emission inspection				
10	and maintenance programs, federal				
11	funds	SEG-F	C	1,700,000	2,052,600
12	(iv) Municipal and county registration				
13	fee, local funds	SEG-L	C	-0-	-0-
14	(qr) Sesquicentennial commemorative				
15	registration plates	SEG	S	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			629,200	887,900
	OTHER			(249,900)	(249,900)
	SERVICE			(379,300)	(638,000)
	SEGREGATED FUNDS			113,250,700	114,315,700
	FEDERAL			(3,985,700)	(4,338,300)
	OTHER			(109,265,000)	(109,977,400)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			113,879,900	115,203,600
16	(6) DEBT SERVICES				
17	(aq) Principal repayment and interest,				
18	transportation facilities, state funds	SEG	S	6,386,600	6,422,000

**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(ar) Principal repayment and interest,				
2	buildings, state funds	SEG	S	604,900	477,900
3	(as) Transportation facilities and				
4	highway projects revenue				
5	obligation repayment	SEG	C	-0-	-0-
	(6) PROGRAM TOTALS				
	SEGREGATED FUNDS			6,991,500	6,899,900
	OTHER			(6,991,500)	(6,899,900)
	TOTAL-ALL SOURCES			6,991,500	6,899,900
6	(9) GENERAL PROVISIONS				
7	(qh) Highways, bridges and local				
8	transportation assistance clearing				
9	account	SEG	C	-0-	-0-
10	(qj) Hwys., bridges & local transp.				
11	assist. clearing acct., fed. funded				
12	pos.	SEG-F	C	-0-	-0-
	(9) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.395 DEPARTMENT TOTALS				
	PROGRAM REVENUE			737,900	996,600
	OTHER			(358,600)	(358,600)
	SERVICE			(379,300)	(638,000)
	SEGREGATED FUNDS			1,552,193,700	1,573,589,800
	FEDERAL			(409,016,300)	(374,720,500)
	OTHER			(986,558,500)	(1,006,730,000)
	SERVICE			(106,160,300)	(141,175,200)
	LOCAL			(50,458,600)	(50,964,100)
	TOTAL-ALL SOURCES			1,552,931,600	1,574,586,400
	Environmental Resources				
	FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			194,401,500	196,995,800

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
PROGRAM REVENUE			40,927,300	40,708,100
FEDERAL			(15,039,800)	(14,709,600)
OTHER			(16,992,100)	(16,844,400)
SERVICE			(8,895,400)	(9,154,100)
SEGREGATED FUNDS			1,783,664,000	1,799,353,500
FEDERAL			(432,399,200)	(398,170,300)
OTHER			(1,192,831,900)	(1,207,227,600)
SERVICE			(107,974,300)	(142,991,500)
LOCAL			(50,458,600)	(50,964,100)
TOTAL-ALL SOURCES			2,018,992,800	2,037,057,400

**Human Relations and Resources**

1	<b>20.410 Corrections, department of</b>				
2	(1) ADULT CORRECTIONAL SERVICES				
3	(a) General program operations	GPR	A	246,339,600	254,387,600
4	(aa) Institutional repair and				
5	maintenance	GPR	A	2,806,000	2,929,000
6	(ab) Intergovernmental corrections				
7	agreements	GPR	A	20,349,500	20,486,400
8	(ag) Corrections agreements with				
9	private persons	GPR	A	8,212,500	8,212,500
10	(b) Services for community corrections	GPR	A	104,180,400	109,329,100
11	(bn) Reimbursing counties for probation,				
12	community supervision and parole				
13	holds	GPR	A	3,653,000	3,653,000
14	(c) Reimbursement claims of counties				
15	containing state prisons	GPR	S	146,100	146,100
16	(cm) Home detention program	GPR	A	-0-	-0-
17	(cw) Mother-young child care program	GPR	A	200,000	200,000

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(d) Purchased services for offenders	GPR	A	18,546,000	20,006,800
2	(e) Principal repayment and interest	GPR	S	40,016,000	46,042,800
3	(ec) Prison industries principal, interest				
4	and rebates	GPR	S	-0-	-0-
5	(ed) Correctional facilities rental	GPR	A	-0-	-0-
6	(ef) Lease rental payments	GPR	S	-0-	-0-
7	(f) Energy costs	GPR	A	8,572,100	8,975,800
8	(fm) Offender release information	GPR	B	-0-	-0-
9	(g) Loan fund for persons on probation,				
10	community supervision or parole	PR	A	6,000	6,000
11	(gb) Drug testing	PR	C	38,900	38,900
12	(gc) Sex offender honesty testing	PR	C	-0-	-0-
13	(ge) Administrative and minimum				
14	supervision	PR	A	742,900	754,100
15	(gf) Probation, community supervision				
16	and parole	PR	A	4,033,500	4,038,800
17	(gg) Supervision of defendants and				
18	offenders	PR	A	23,300	23,300
19	(gi) General operations	PR	A	3,801,900	3,803,200
20	(gm) Sale of fuel and utility service	PR	A	-0-	-0-
21	(gr) Home detention services	PR	A	1,523,600	1,584,300
22	(gt) Telephone company commissions	PR	A	272,800	272,800
23	(h) Administration of restitution	PR	A	506,100	513,300



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(i) Gifts and grants	PR	C	33,400	33,400
2	(j) State-owned housing maintenance	PR	A	5,800	5,800
3	(jp) Correctional officer training	PR	A	1,459,500	1,470,300
4	(kc) Correctional institution enterprises;				
5	inmate activities and employment	PR-S	C	532,200	594,600
6	(kf) Correctional farms	PR-S	A	2,375,900	2,419,800
7	(kk) Institutional operations and				
8	charges	PR-S	A	9,817,100	9,870,500
9	(km) Prison industries	PR-S	A	17,035,400	17,912,100
10	(ko) Prison industries principal				
11	repayment, interest and rebates	PR-S	S	146,000	242,800
12	(kw) Information technology				
13	development projects	PR-S	A	-0-	-0-
14	(kx) Interagency and intra-agency				
15	programs	PR-S	C	1,405,100	3,218,500
16	(ky) Interagency and intra-agency aids	PR-S	C	1,442,100	1,442,100
17	(kz) Interagency and intra-agency local				
18	assistance	PR-S	C	-0-	-0-
19	(m) Federal project operations	PR-F	C	31,000	31,000
20	(n) Federal program operations	PR-F	C	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			453,021,200	474,369,100
	PROGRAM REVENUE			45,232,500	48,275,600
	FEDERAL			(31,000)	(31,000)
	OTHER			(12,447,700)	(12,544,200)

**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
SERVICE				(32,753,800)	(35,700,400)
TOTAL-ALL SOURCES				498,253,700	522,644,700
1	(2) PAROLE COMMISSION				
2	(a) General program operations	GPR	A	655,300	658,500
3	(kx) Interagency and intra-agency				
4	programs	PR-S	C	41,400	41,400
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				655,300	658,500
PROGRAM REVENUE				41,400	41,400
SERVICE				(41,400)	(41,400)
TOTAL-ALL SOURCES				696,700	699,900
5	(3) JUVENILE CORRECTIONAL SERVICES				
6	(a) General program operations	GPR	A	1,355,000	1,348,100
7	(c) Reimbursement claims of counties				
8	containing secured correctional				
9	facilities	GPR	A	200,000	200,000
10	(cd) Community youth and family aids	GPR	A	74,516,700	74,516,700
11	(cg) Serious juvenile offenders	GPR	A	4,824,200	9,804,000
12	(e) Principal repayment and interest	GPR	S	2,851,500	3,174,000
13	(g) Legal service collections	PR	C	-0-	-0-
14	(gg) Collection remittances to local units				
15	of government	PR	C	-0-	-0-
16	(hm) Juvenile correctional services	PR	A	67,171,300	62,382,400
17	(ho) Juvenile residential aftercare	PR	A	6,183,500	6,708,800
18	(hr) Juvenile corrective sanctions				
19	program	PR	A	5,086,300	5,484,500

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(i) Gifts and grants	PR	C	5,300	5,300
2	(j) State-owned housing maintenance	PR	A	30,500	30,500
3	(jk) Youth diversion program	PR	B	450,000	450,000
4	(jr) Institutional operations and				
5	charges	PR	A	198,400	190,900
6	(jv) Secure detention services	PR	C	-0-	-0-
7	(ko) Interagency programs; community				
8	youth and family aids	PR-S	C	2,449,200	2,449,200
9	(kp) Interagency programs; alcohol and				
10	other drug abuse	PR-S	C	300,000	300,000
11	(kx) Interagency and intra-agency				
12	programs	PR-S	C	1,246,900	1,266,000
13	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
14	(kz) Interagency and intra-agency local				
15	assistance	PR-S	C	-0-	-0-
16	(m) Federal project operations	PR-F	C	-0-	-0-
17	(n) Federal program operations	PR-F	C	-0-	-0-
18	(o) Federal aid; foster care and				
19	treatment foster care	PR-F	C	-0-	-0-
20	(q) Girls school benevolent trust fund	SEG	C	-0-	-0-

**(3) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	83,747,400	89,042,800
PROGRAM REVENUE	83,121,400	79,267,600
FEDERAL	(-0-)	(-0-)
OTHER	(79,125,300)	(75,252,400)
SERVICE	(3,996,100)	(4,015,200)
SEGREGATED FUNDS	-0-	-0-

**SENATE BILL 77**

**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			166,868,800	168,310,400
2 0 . 4 1 0 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			537,423,900	564,070,400
PROGRAM REVENUE			128,395,300	127,584,600
FEDERAL			(31,000)	(31,000)
OTHER			(91,573,000)	(87,796,600)
SERVICE			(36,791,300)	(39,757,000)
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			665,819,200	691,655,000

**1 20.425 Employment relations commission**

**2 (1) PROMOTION OF PEACE IN LABOR RELATIONS**

<b>3</b>	(a)	General program operations	GPR	A	2,384,100	2,384,100
<b>4</b>	(g)	Publications	PR	A	29,500	29,500
<b>5</b>	(h)	Collective bargaining training	PR	C	-0-	-0-
<b>6</b>	(i)	Fees	PR	A	328,000	328,000
<b>7</b>	(ka)	Information technology				
<b>8</b>		development projects	PR-S	A	-0-	-0-

2 0 . 4 2 5 D E P A R T M E N T T O T A L S

GENERAL PURPOSE REVENUES	2,384,100	2,384,100
PROGRAM REVENUE	357,500	357,500
OTHER	(357,500)	(357,500)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	2,741,600	2,741,600

**9 20.432 Board on aging and long-term care**

**10 (1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED**

<b>11</b>	(a)	General program operations	GPR	A	543,800	543,800
<b>12</b>	(i)	Gifts and grants	PR	C	-0-	-0-
<b>13</b>	(k)	Contracts with state agencies	PR-S	A	168,600	172,400

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kb) Insurance and other information,				
2	counseling and assistance	PR-S	A	177,400	180,400
3	(kc) Information technology				
4	development projects	PR-S	A	-0-	-0-
5	(m) Federal aid	PR-F	C	-0-	-0-
<b>20.432 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			543,800	543,800
	PROGRAM REVENUE			346,000	352,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(346,000)	(352,800)
	TOTAL-ALL SOURCES			889,800	896,600
6	<b>20.433 Child abuse and neglect prevention board</b>				
7	(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
8	(b) Early childhood family education				
9	center grants	GPR	A	-0-	-0-
10	(g) General program operations	PR	A	279,300	283,900
11	(h) Grants to organizations	PR	C	1,480,000	1,480,000
12	(i) Gifts and grants	PR	C	-0-	-0-
13	(k) Interagency programs	PR-S	C	-0-	-0-
14	(m) Federal project operations	PR-F	C	108,500	108,500
15	(ma) Federal project aids	PR-F	C	350,000	350,000
16	(q) Children's trust fund grants	SEG	C	-0-	-0-
17	(r) Children's trust fund; general				
18	program operations and statewide				
19	projects	SEG	A	30,000	30,000

**SENATE BILL 77**

**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
2 0 . 4 3 3 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			2,217,800	2,222,400
FEDERAL			(458,500)	(458,500)
OTHER			(1,759,300)	(1,763,900)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			30,000	30,000
OTHER			(30,000)	(30,000)
TOTAL-ALL SOURCES			2,247,800	2,252,400

1     **20.435 Health and family services, department of**

2     (1)    HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS

3     (a)    General program operations           GPR     A           11,584,300     11,626,200

4     (bm)   Medical assistance administration   GPR     B           14,896,600     14,385,800

5     (gm)   Licensing, review and certifying  
6           activities                           PR     A           4,851,400     4,927,400

7     (gr)   Supplemental food program for  
8           women, infants and children  
9           adminstration                       PR     C           -0-           -0-

10    (hg)   General program operations: health  
11          care information                   PR     A           1,359,600     1,359,600

12    (hi)   Compilations and special reports       PR     C           -0-           -0-

13    (i)    Gifts and grants                       PR     C           261,300       213,900

14    (in)   Community options program; estate  
15          recovery administration           PR     A           65,400       66,400

16    (j)    Fees for services and supplies       PR     A           1,280,400     1,296,600

17    (jb)   Congenital disorders; operations       PR     A           16,200       16,200

18    (km)   Internal services                       PR-S   A           2,044,900     2,069,700

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	1,783,000	1,804,000
3	(m) Federal project operations	PR-F	C	11,371,100	11,469,100
4	(mc) Block grant operations	PR-F	C	6,013,600	6,104,100
5	(n) Federal program operations	PR-F	C	21,671,000	22,021,100
6	(p) Federal aid; medical assistance				
7	contracts administration	PR-F	C	34,389,000	26,010,700
8	(q) Groundwater and air quality				
9	standards	SEG	A	292,200	291,700
10	(rg) Emergency medical services;				
11	general program operations	SEG	A	362,900	362,600
12	(u) Health insurance risk-sharing				
13	plan; administration	SEG	A	47,300	94,600
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			26,480,900	26,012,000
	PROGRAM REVENUE			85,106,900	77,358,800
	FEDERAL			(73,444,700)	(65,605,000)
	OTHER			(7,834,300)	(7,880,100)
	SERVICE			(3,827,900)	(3,873,700)
	SEGREGATED FUNDS			702,400	748,900
	OTHER			(702,400)	(748,900)
	TOTAL-ALL SOURCES			112,290,200	104,119,700
14	(2) CARE AND TREATMENT FACILITIES				
15	(a) General program operations	GPR	A	36,507,800	36,999,700
16	(aa) Institutional repair and				
17	maintenance	GPR	A	499,200	499,200
18	(b) Wisconsin resource center	GPR	A	15,900,400	17,070,600

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>	
1	(bj) Conditional and supervised release					
2	treatment and services	GPR	B	4,912,900	6,444,200	
3	(bm) Secure mental health units or					
4	facilities	GPR	A	6,774,500	8,547,500	
5	(ee) Principal repayment and interest	GPR	S	8,039,400	7,876,800	
6	(ef) Lease rental payments	GPR	S	-0-	-0-	
7	(f) Energy costs	GPR	A	1,621,100	1,628,900	
8	(gk) Institutional operations and					
9	charges	PR	A	147,711,200	152,225,200	
10	(gs) Sex offender honesty testing	PR	C	-0-	-0-	
11	(i) Gifts and grants	PR	C	123,400	123,400	
12	(kx) Interagency and intra-agency					
13	programs	PR-S	C	4,994,900	5,141,100	
14	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-	
15	(kz) Interagency and intra-agency local					
16	assistance	PR-S	C	-0-	-0-	
17	(m) Federal project operations	PR-F	C	-0-	-0-	
	<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			74,255,300	79,066,900	
	PROGRAM REVENUE			152,829,500	157,489,700	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(147,834,600)	(152,348,600)	
	SERVICE			(4,994,900)	(5,141,100)	
	TOTAL-ALL SOURCES			227,084,800	236,556,600	
18	(3) CHILDREN AND FAMILY SERVICES					
19	(a) General program operations	GPR	A	3,911,200	3,811,200	



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cd) Domestic abuse grants	GPR	A	3,580,800	3,580,800
2	(cf) Foster, treatment foster and				
3	family-operated group home ins. &				
4	liability	GPR	A	60,000	60,000
5	(cw) Milwaukee child welfare services;				
6	general program operations	GPR	A	10,920,300	9,534,300
7	(cx) Milwaukee child welfare services;				
8	aids	GPR	A	1,325,600	14,138,600
9	(cz) Foster care services and aid to				
10	minor custodial parents	GPR	A	3,004,800	2,970,800
11	(dd) State foster care and adoption				
12	services	GPR	A	13,721,300	15,413,400
13	(dg) State adoption information				
14	exchange and state adoption center	GPR	A	150,000	150,000
15	(dh) Foster grandparent project	GPR	A	266,300	266,300
16	(dn) Food distribution grants	GPR	A	170,000	170,000
17	(dr) Community-based hunger				
18	prevention program grants	GPR	A	250,000	250,000
19	(eg) Programs for adolescents and				
20	adolescent parents	GPR	A	1,921,400	1,921,400
21	(em) Grants for prevention and				
22	intervention programs	GPR	A	3,525,000	3,525,000
23	(f) Community intervention program	GPR	A	3,750,000	3,750,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(fm) Community alcohol and other drug				
2	abuse prevention programs	GPR	A	250,000	250,000
3	(g) Aid for alcohol and other drug				
4	abuse programs	PR	C	1,900,000	1,900,000
5	(gx) Milwaukee child welfare services;				
6	collections	PR	C	2,319,700	4,639,500
7	(hh) Domestic abuse assessment grants	PR	C	300,000	300,000
8	(hr) Alcohol and other drug abuse				
9	prevention and intervention				
10	programs; admin.	PR	A	723,500	759,600
11	(i) Gifts and grants	PR	C	-0-	-0-
12	(jb) Fees for administrative services	PR	C	-0-	-0-
13	(jj) Searches for birth parents and				
14	adoption record information;				
15	foreign adopt	PR	A	57,700	58,700
16	(jm) Licensing activities	PR	A	743,900	794,600
17	(kc) Interagency and intra-agency aids;				
18	kinship care	PR-S	A	15,720,400	22,116,400
19	(kw) Interagency and intra-agency aids;				
20	Milwaukee child welfare services	PR-S	C	24,365,900	48,731,700
21	(kx) Interagency and intra-agency				
22	programs	PR-S	C	1,676,900	1,713,500
23	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kz) Interagency and intra-agency local				
2	assistance	PR-S	C	1,090,000	1,090,000
3	(m) Federal project operations	PR-F	C	1,244,100	1,250,200
4	(ma) Federal project aids	PR-F	C	1,593,300	1,593,300
5	(mb) Federal project local assistance	PR-F	C	-0-	-0-
6	(mc) Federal block grant operations	PR-F	C	4,222,400	4,221,200
7	(md) Federal block grant aids	PR-F	C	6,490,300	6,142,700
8	(mw) Federal aid; Milwaukee child				
9	welfare services general program				
10	operations	PR-F	C	11,555,200	9,765,400
11	(mx) Federal aid; Milwaukee child				
12	welfare services aids	PR-F	C	8,179,900	16,842,600
13	(n) Federal program operations	PR-F	C	5,506,100	5,483,800
14	(na) Federal program aids	PR-F	C	2,051,900	2,054,600
15	(nL) Federal program local assistance	PR-F	C	11,986,100	11,689,900
16	(pd) Federal aid; state foster care and				
17	adoption services	PR-F	C	12,169,600	14,413,200
	<b>(3) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			46,806,700	59,791,800
	PROGRAM REVENUE			113,896,900	155,560,900
	FEDERAL			(64,998,900)	(73,456,900)
	OTHER			(6,044,800)	(8,452,400)
	SERVICE			(42,853,200)	(73,651,600)
	TOTAL-ALL SOURCES			160,703,600	215,352,700
18	(5) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; AIDS & LOCAL ASSISTANCE				

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ah) HIRSP; premium and deductible				
2	reduction subsidy	GPR	B	435,600	780,800
3	(am) Services, reimburse & payment				
4	related to acquired				
5	immunodeficiency syndrome	GPR	A	3,398,000	3,978,600
6	(b) Medical assistance program				
7	benefits	GPR	B	924,320,400	943,879,700
8	(bs) Relief block grants to tribal				
9	governing bodies	GPR	A	800,000	800,000
10	(bt) Relief block grants to counties with				
11	a population of 500,000 or more	GPR	A	-0-	-0-
12	(bu) Relief block grants to counties with				
13	a population of less than 500,000	GPR	A	2,000,000	2,000,000
14	(cb) Women's health services	GPR	A	1,690,000	1,200,000
15	(cc) Cancer treatment, training,				
16	follow-up, control and prevention	GPR	A	1,482,800	1,082,800
17	(ce) Services for homeless individuals	GPR	C	125,000	125,000
18	(d) Facility appeals mechanism	GPR	A	546,800	546,800
19	(de) Dental services	GPR	A	2,300,000	2,300,000
20	(ds) Statewide poison control program	GPR	A	187,500	187,500
21	(e) Disease aids	GPR	B	4,598,700	4,952,100
22	(ed) Radon aids	GPR	A	30,000	30,000
23	(ef) Lead poisoning or lead exposure				
24	services	GPR	A	879,100	879,100

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(eg) Pregnancy counseling	GPR	A	275,000	275,000
2	(ek) Cooperative American Indian				
3	health projects	GPR	A	120,000	120,000
4	(em) Supplemental food program for				
5	women, infants and children				
6	benefits	GPR	C	112,000	112,000
7	(ev) Pregnancy outreach	GPR	A	250,000	250,000
8	(f) Family planning	GPR	A	1,955,200	1,955,200
9	(g) Hlth. ins. risk sharing plan;				
10	premium & deduct. reduct. subs.;				
11	subs. recov.	PR	C	-0-	-0-
12	(gp) Health care; aids	PR	C	1,500,000	1,500,000
13	(hp) HIRSP; premium and deductible				
14	reduct. subsidy; insurer assess. &				
15	penalties	PR	C	1,021,900	2,043,800
16	(i) Gifts and grants; aids	PR	C	-0-	-0-
17	(im) Medical assistance; recovery of				
18	correct payments	PR	C	10,895,300	11,253,800
19	(ja) Congenital disorders; diagnosis,				
20	special dietary treatment and				
21	counseling	PR	A	1,456,400	1,456,400
22	(ky) Interagency and intra-agency aids	PR-S	C	517,000	517,000
23	(kz) Interagency and intra-agency local				
24	assistance	PR-S	C	234,100	234,100

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ma) Federal project aids	PR-F	C	3,614,100	3,614,100
2	(md) Block grant aids	PR-F	C	9,174,000	9,174,000
3	(na) Federal program aids	PR-F	C	63,337,500	63,337,500
4	(o) Federal aid; medical assistance	PR-F	C	1,560,894,100	1,593,279,500
5	(rm) Emergency medical services; aids	SEG	A	2,200,000	2,200,000
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			945,506,100	965,454,600
	PROGRAM REVENUE			1,652,644,400	1,686,410,200
	FEDERAL			(1,637,019,700)	(1,669,405,100)
	OTHER			(14,873,600)	(16,254,000)
	SERVICE			(751,100)	(751,100)
	SEGREGATED FUNDS			2,200,000	2,200,000
	OTHER			(2,200,000)	(2,200,000)
	TOTAL-ALL SOURCES			2,600,350,500	2,654,064,800
6	(6) SUPPORTIVE LIVING; STATE OPERATIONS				
7	(a) General program operations	GPR	A	13,038,000	12,944,900
8	(d) Council on physical disabilities	GPR	A	9,500	9,500
9	(dm) Nursing home monitoring and				
10	receivership supplement	GPR	S	-0-	-0-
11	(e) Principal repayment and interest	GPR	S	34,200	33,100
12	(ee) Admin. exp. for state suppl to				
13	federal supplemental security				
14	income program	GPR	A	1,245,600	1,214,800
15	(g) Nursing facility resident protection	PR	A	-0-	-0-
16	(ga) Community-based residential				
17	facility monitoring and receivership				
18	ops	PR	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(gb) Alcohol and drug abuse initiatives	PR	C	638,500	649,000
2	(gd) Group home revolving loan fund	PR	A	100,000	100,000
3	(gg) Contractural services	PR	C	19,200	19,500
4	(hs) Interpreter services for hearing				
5	impaired	PR	A	40,000	40,000
6	(hx) Services for drivers, receipts	PR	A	-0-	-0-
7	(i) Gifts and grants	PR	C	451,400	427,000
8	(jb) Fees for administrative services	PR	C	156,400	156,400
9	(jm) Licensing and support services	PR	A	2,276,900	2,351,800
10	(k) Nursing home monitoring and				
11	receivership operations	PR-S	C	-0-	-0-
12	(kx) Interagency and intra-agency				
13	programs	PR-S	C	1,614,100	1,634,800
14	(m) Federal project operations	PR-F	C	9,262,700	9,256,200
15	(mc) Federal block grant operations	PR-F	C	1,710,100	1,671,100
16	(n) Federal program operations	PR-F	C	10,200,100	10,319,200
	(6) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			14,327,300	14,202,300
	PROGRAM REVENUE			26,469,400	26,625,000
	FEDERAL			(21,172,900)	(21,246,500)
	OTHER			(3,682,400)	(3,743,700)
	SERVICE			(1,614,100)	(1,634,800)
	TOTAL-ALL SOURCES			40,796,700	40,827,300
17	(7) SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE				
18	(b) Community aids	GPR	A	174,472,800	174,472,800
19	(bc) Grants for community programs	GPR	A	2,713,500	2,179,800

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(bd) Community options program and				
2	long-term support pilot projects	GPR	A	84,013,100	86,072,800
3	(be) Mental health treatment services	GPR	A	11,961,000	11,961,000
4	(bg) Alzheimer's disease; training and				
5	information grants	GPR	A	132,700	132,700
6	(bL) Community support program				
7	grants	GPR	A	186,900	186,900
8	(bm) Purchased services for clients	GPR	A	163,900	163,900
9	(bt) Early intervention services for				
10	infants and toddlers with				
11	disabilities	GPR	A	4,709,200	4,709,200
12	(c) Independent living centers	GPR	A	1,039,400	1,039,400
13	(ce) Services for homeless individuals	GPR	A	45,000	45,000
14	(cg) Guardianship grant program	GPR	A	193,600	193,600
15	(co) Integrated services programs for				
16	children with severe disabilities	GPR	A	133,300	133,300
17	(cp) Capacity building for treatment				
18	programs	GPR	A	-0-	-0-
19	(d) Telecommunication aid for the				
20	hearing impaired	GPR	A	80,000	80,000
21	(da) Reimbursements to local units of				
22	government	GPR	S	400,000	400,000
23	(dh) Programs for senior citizens and				
24	elder abuse services	GPR	A	6,925,100	6,925,100



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(dj) Benefit specialist program	GPR	A	1,356,500	1,356,500
2	(dL) Indian aids	GPR	A	271,600	271,600
3	(dm) Indian drug abuse prevention and				
4	education	GPR	A	500,000	500,000
5	(ed) State supplement to federal				
6	supplemental security income				
7	program	GPR	S	128,113,400	128,113,400
8	(gg) Collection remittances to local units				
9	of government	PR	C	100,000	100,000
10	(hy) Services for drivers, local assistance	PR	A	1,150,000	1,150,000
11	(i) Gifts and grants; local assistance	PR	C	-0-	-0-
12	(im) Community options program;				
13	recovery of costs of care	PR	C	10,000	15,000
14	(kb) Severely emotionally disturbed				
15	children	PR	C	6,285,900	6,285,900
16	(kc) Independent living center grants	PR-S	A	300,000	300,000
17	(kd) Rehabilitation teaching aids	PR-S	C	22,700	22,700
18	(kw) Interagency community aids	PR-S	A	31,800,000	31,800,000
19	(ky) Interagency and intra-agency aids	PR-S	C	2,088,000	2,620,800
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	6,521,400	6,387,800

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(md) Federal block grant aids	PR-F	C	4,197,500	4,145,000
2	(me) Federal block grant local assistance	PR-F	C	2,947,400	2,947,400
3	(na) Federal program aids	PR-F	C	21,822,500	21,822,500
4	(nL) Federal program local assistance	PR-F	C	5,553,800	5,553,800
5	(o) Federal aid; community aids	PR-F	C	95,092,900	94,183,600
<b>(7) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			417,411,000	418,937,000
	PROGRAM REVENUE			192,864,500	192,306,900
	FEDERAL			(148,607,000)	(147,511,600)
	OTHER			(7,545,900)	(7,550,900)
	SERVICE			(36,711,600)	(37,244,400)
	TOTAL-ALL SOURCES			610,275,500	611,243,900
6	(8) GENERAL ADMINISTRATION				
7	(a) General program operations	GPR	A	11,645,200	11,694,800
8	(g) Legal services collections	PR	C	12,200	12,200
9	(i) Gifts and grants	PR	C	500	500
10	(k) Administrative and support				
11	services	PR-S	A	27,756,600	24,280,900
12	(ka) Information technology				
13	development projects	PR-S	A	-0-	-0-
14	(kx) Interagency and intra-agency				
15	programs	PR-S	C	115,400	110,600
16	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
17	(kz) Interagency and intra-agency local				
18	assistance	PR-S	C	-0-	-0-
19	(m) Federal project operations	PR-F	C	7,000	7,000

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ma) Federal project aids	PR-F	C	-0-	-0-
2	(mb) Income augmentation services				
3	receipts	PR-F	C	-0-	-0-
4	(mc) Federal block grant operations	PR-F	C	1,366,200	1,393,600
5	(n) Federal program operations	PR-F	C	515,600	520,500
6	(pz) Indirect cost reimbursements	PR-F	C	2,021,900	2,044,400
	<b>(8) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			11,645,200	11,694,800
	PROGRAM REVENUE			31,795,400	28,369,700
	FEDERAL			(3,910,700)	(3,965,500)
	OTHER			(12,700)	(12,700)
	SERVICE			(27,872,000)	(24,391,500)
	TOTAL-ALL SOURCES			43,440,600	40,064,500
	<b>20.435 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			1,536,432,500	1,575,159,400
	PROGRAM REVENUE			2,255,607,000	2,324,121,200
	FEDERAL			(1,949,153,900)	(1,981,190,600)
	OTHER			(187,828,300)	(196,242,400)
	SERVICE			(118,624,800)	(146,688,200)
	SEGREGATED FUNDS			2,902,400	2,948,900
	OTHER			(2,902,400)	(2,948,900)
	TOTAL-ALL SOURCES			3,794,941,900	3,902,229,500
7	<b>20.440 Health and educational facilities authority</b>				
8	(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
9	(a) General program operations	GPR	C	-0-	-0-
	<b>(1) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
10	(2) RURAL HOSPITAL LOAN GUARANTEE				
11	(a) Rural assistance loan fund	GPR	C	-0-	-0-

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
20.440 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-

1	<b>20.445 Industry, labor and job development, department of</b>					
2	(1)	INDUSTRY, LABOR AND JOB DEVELOPMENT				
3	(a)	General program operations	GPR	A	6,666,900	6,682,200
4	(aa)	Special death benefit	GPR	S	400,000	400,000
5	(bc)	Assistance for dislocated workers	GPR	A	-0-	-0-
6	(cm)	Wisconsin service corps member				
7		compensation and support	GPR	C	94,300	94,300
8	(em)	Youth apprenticeship training				
9		grants	GPR	A	800,000	1,300,000
10	(ev)	Division of connecting education				
11		and work	GPR	A	796,200	797,000
12	(f)	Death and disability benefit				
13		payments; public insurrections	GPR	S	-0-	-0-
14	(fa)	School-to-work programs for				
15		children at risk	GPR	A	250,000	250,000
16	(g)	Gifts and grants	PR	C	-0-	-0-
17	(ga)	Auxiliary services	PR	C	649,500	649,600
18	(gb)	Local agreements	PR	C	6,509,700	6,294,400
19	(gc)	Unemployment administration	PR	C	-0-	-0-

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(gd) Unemployment interest and				
2	penalty payments	PR	C	246,000	246,000
3	(ge) Unemployment reserve fund				
4	research	PR	A	282,300	282,700
5	(gf) Employment security				
6	administration	PR	A	1,538,000	1,563,000
7	(ha) Worker's compensation operations	PR	A	8,454,500	8,464,100
8	(hb) Worker's compensation contracts	PR	C	211,000	211,000
9	(hp) Uninsured employers program;				
10	administration	PR	A	866,300	867,300
11	(jm) Dislocated worker program grants	PR	C	-0-	-0-
12	(jr) Wisconsin service corps member				
13	compensation & support; sponsor				
14	contribution	PR	C	-0-	-0-
15	(k) Fees	PR	C	86,200	86,400
16	(ka) Interagency and intra-agency				
17	agreements	PR-S	C	11,481,300	11,095,300
18	(kb) Funds transferred from the				
19	technical college system board;				
20	school-to-work	PR-S	C	494,400	494,400
21	(kc) Administrative services	PR-S	A	27,744,600	27,637,300
22	(kd) Information technology				
23	development projects	PR-S	A	-0-	-0-

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(km) Wisconsin service corps member				
2	compensation and support; service				
3	funds	PR-S	C	-0-	-0-
4	(L) Child support-related fees	PR	C	-0-	-0-
5	(m) Federal funds	PR-F	C	7,309,300	7,311,900
6	(ma) Federal aid — program				
7	administration	PR-F	C	5,502,200	5,508,000
8	(mb) Federal aid — employment and				
9	training local assistance	PR-F	C	2,500,000	2,500,000
10	(mc) Federal aid — employment and				
11	training aids	PR-F	C	33,292,800	33,292,800
12	(n) Unemployment administration;				
13	federal moneys	PR-F	C	69,037,200	69,026,000
14	(na) Employment security buildings and				
15	equipment	PR-F	C	53,100	-0-
16	(pz) Indirect cost reimbursements	PR-F	C	234,000	234,000
17	(s) Self-insured employers liability				
18	fund	SEG	C	-0-	-0-
19	(sm) Uninsured employers fund;				
20	payments	SEG	S	1,050,000	1,200,000
21	(t) Work injury supplemental benefit				
22	fund	SEG	C	2,500,000	2,500,000
23	(ux) Employment transit aids, federal				
24	funds	SEG-F	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(uy) Employment transit aids, federal				
2	oil overcharge funds	SEG-F	C	-0-	-0-
3	(uz) Employment transit aids, state				
4	funds	SEG	A	579,100	579,100
(1) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			9,007,400	9,523,500
	PROGRAM REVENUE			176,492,400	175,764,200
	FEDERAL			(117,928,600)	(117,872,700)
	OTHER			(18,843,500)	(18,664,500)
	SERVICE			(39,720,300)	(39,227,000)
	SEGREGATED FUNDS			4,129,100	4,279,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(4,129,100)	(4,279,100)
	TOTAL-ALL SOURCES			189,628,900	189,566,800
5	(2) REVIEW COMMISSION				
6	(a) General program operations, review				
7	commission	GPR	A	168,600	168,900
8	(ha) Worker's compensation operations	PR	A	531,500	532,300
9	(m) Federal moneys	PR-F	C	109,900	110,200
10	(n) Unemployment administration;				
11	federal moneys	PR-F	C	1,479,900	1,483,400
(2) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			168,600	168,900
	PROGRAM REVENUE			2,121,300	2,125,900
	FEDERAL			(1,589,800)	(1,593,600)
	OTHER			(531,500)	(532,300)
	TOTAL-ALL SOURCES			2,289,900	2,294,800
12	(3) ECONOMIC SUPPORT				
13	(a) General program operations	GPR	A	33,183,700	33,057,900
14	(br) Public assistance reform studies	GPR	C	525,300	525,300

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cb) Child support collections; county				
2	administration	GPR	A	1,840,100	1,840,100
3	(cm) Wisconsin works child care	GPR	A	26,757,100	27,967,100
4	(cr) State supplement to employment				
5	opportunity demonstration projects	GPR	A	250,000	250,000
6	(dc) Emergency assistance program	GPR	A	1,659,700	1,659,700
7	(dz) Wisconsin works and other public				
8	assistance administration and				
9	benefits	GPR	A	148,190,500	149,701,000
10	(e) Job access loans	GPR	B	3,645,600	866,800
11	(em) Employment skills advancement				
12	program	GPR	A	291,700	350,000
13	(g) Child support collections	PR	C	73,151,000	73,151,000
14	(i) Gifts and grants	PR	C	15,900	15,900
15	(ja) Child support state operations-fees	PR	C	327,200	1,077,600
16	(jb) Fees for administrative services	PR	C	481,600	481,600
17	(jg) State child care program operations	PR	C	75,000	75,000
18	(jL) Job access loan repayments	PR	C	414,400	1,469,800
19	(jm) Wisconsin works fees	PR	A	-0-	-0-
20	(k) Child support transfers	PR	C	-0-	-0-
21	(kp) Delinquent support and maintenace				
22	payments	PR-S	C	-0-	-0-



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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	869,000	869,100
3	(ky) Interagency and intra-agency aids	PR-S	C	3,110,600	3,110,600
4	(kz) Interagency and intra-agency local				
5	assistance	PR-S	C	-0-	-0-
6	(L) Welfare fraud and error reductions;				
7	state operations	PR	A	894,900	895,900
8	(Lm) Welfare fraud and error reduction;				
9	local assistance	PR	C	1,469,800	1,469,800
10	(m) Federal project operations	PR-F	C	81,100	81,200
11	(ma) Federal project aids	PR-F	C	61,000	61,000
12	(mb) Federal project local assistance	PR-F	C	-0-	-0-
13	(mc) Federal block grant operations	PR-F	C	24,901,100	22,354,700
14	(md) Federal block grant aids	PR-F	C	315,933,100	320,559,100
15	(n) Federal program operations	PR-F	C	45,239,400	41,182,900
16	(na) Federal program aids	PR-F	C	5,000,000	5,000,000
17	(nL) Federal program local assistance	PR-F	C	71,205,400	71,205,400
18	(pm) Food stamp employment and				
19	training program; administration	PR-F	C	349,100	360,400
20	(ps) Food stamp employment and				
21	training program; aids	PR-F	C	17,447,300	17,436,000
22	(pz) Income augmentation services				
23	receipts	PR-F	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(q) Centralized support receipt and				
2	disbursement; interest	SEG	S	-0-	112,500
3	(r) Support receipt and disbursement				
4	program; payments	SEG	C	-0-	-0-
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			216,343,700	216,217,900
	PROGRAM REVENUE			561,026,900	560,857,000
	FEDERAL			(480,217,500)	(478,240,700)
	OTHER			(76,829,800)	(78,636,600)
	SERVICE			(3,979,600)	(3,979,700)
	SEGREGATED FUNDS			-0-	112,500
	OTHER			(-0-)	(112,500)
	TOTAL-ALL SOURCES			777,370,600	777,187,400
5	(4) ADJUDICATION OF CLAIMS				
6	(a) Administration of mining damage				
7	claims	GPR	A	-0-	-0-
8	(b) Funding for mining damage claims	GPR	S	-0-	-0-
<b>(4) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
9	(5) VOCATIONAL REHABILITATION SERVICES				
10	(a) General program operations	GPR	A	5,053,800	5,066,500
11	(bm) Purchased services for clients	GPR	A	5,354,500	5,354,500
12	(gg) Contractual services	PR	C	32,200	32,200
13	(gp) Contractual services aids	PR	C	2,162,000	2,162,000
14	(h) Enterprises and services for blind				
15	and visually impaired	PR	C	127,700	127,800
16	(hd) Rehabilitation teaching aids	PR	A	22,700	22,700

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(he) Supervised business enterprise	PR	C	188,100	188,100
2	(i) Gifts and grants	PR	C	10,100	10,100
3	(kx) Interagency and intra-agency				
4	programs	PR-S	C	169,900	170,300
5	(ky) Interagency and intra-agency aids	PR-S	C	60,000	60,000
6	(kz) Interagency and intra-agency local				
7	assistance	PR-S	C	-0-	-0-
8	(m) Federal project operations	PR-F	C	494,000	494,100
9	(ma) Federal project aids	PR-F	C	660,600	660,600
10	(n) Federal program operations	PR-F	C	19,737,800	19,833,100
11	(na) Federal program aids	PR-F	C	28,834,300	28,834,300
12	(nL) Federal program local assistance	PR-F	C	-0-	-0-
<b>(5) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			10,408,300	10,421,000
	PROGRAM REVENUE			52,499,400	52,595,300
	FEDERAL			(49,726,700)	(49,822,100)
	OTHER			(2,542,800)	(2,542,900)
	SERVICE			(229,900)	(230,300)
	TOTAL-ALL SOURCES			62,907,700	63,016,300
13	(6) WISCONSIN CONSERVATION CORPS				
14	(b) General enrollee operations	GPR	B	1,656,500	1,656,500
15	(c) Administrative support; general				
16	program operations	GPR	A	228,300	228,700
17	(j) General enrollee operations;				
18	sponsor contribution	PR	C	10,000	10,000

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(ja) Administrative support; sponsor				
2	contribution	PR	C	-0-	-0-
3	(jb) Gifts and related support	PR	C	-0-	-0-
4	(k) General enrollee operations; service				
5	funds	PR-S	C	587,600	587,600
6	(ka) Information technology				
7	development projects	PR-S	A	-0-	-0-
8	(kb) Administrative support; service				
9	funds	PR-S	C	38,900	39,000
10	(m) General enrollee operations; federal				
11	funds	PR-F	C	-0-	-0-
12	(n) Administrative support; federal				
13	funds	PR-F	C	-0-	-0-
14	(u) General enrollee operations;				
15	conservation fund	SEG	B	2,553,200	2,567,800
16	(v) General enrollee operations;				
17	transportation fund	SEG	B	281,100	281,100
18	(w) General enrollee operations;				
19	environmental fund	SEG	B	76,700	76,700
20	(x) General enrollee operations;				
21	waterfront projects; conservation				
22	fund	SEG	B	141,700	141,700
23	(y) Administrative support;				
24	conservation fund	SEG	A	449,300	451,100

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**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,884,800	1,885,200
PROGRAM REVENUE			636,500	636,600
FEDERAL			(-0-)	(-0-)
OTHER			(10,000)	(10,000)
SERVICE			(626,500)	(626,600)
SEGREGATED FUNDS			3,502,000	3,518,400
OTHER			(3,502,000)	(3,518,400)
TOTAL-ALL SOURCES			6,023,300	6,040,200
20.445 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			237,812,800	238,216,500
PROGRAM REVENUE			792,776,500	791,979,000
FEDERAL			(649,462,600)	(647,529,100)
OTHER			(98,757,600)	(100,386,300)
SERVICE			(44,556,300)	(44,063,600)
SEGREGATED FUNDS			7,631,100	7,910,000
FEDERAL			(-0-)	(-0-)
OTHER			(7,631,100)	(7,910,000)
TOTAL-ALL SOURCES			1,038,220,400	1,038,105,500
<b>1</b>	<b>20.455</b>	<b>Justice, department of</b>		
<b>2</b>	(1)	LEGAL SERVICES		
<b>3</b>	(a)	General program operations	GPR A	11,563,800 11,572,600
<b>4</b>	(b)	Special counsel	GPR S	1,100,000 1,100,000
<b>5</b>	(d)	Legal expenses	GPR B	903,000 903,000
<b>6</b>	(gh)	Investigations and prosecution	PR A	-0- -0-
<b>7</b>	(gs)	Delinquent obligation collection	PR A	-0- -0-
<b>8</b>	(hm)	Restitution	PR C	-0- -0-
<b>9</b>	(k)	Environment litigation project	PR-S C	294,900 294,900
<b>10</b>	(km)	Interagency and intra-agency		
<b>11</b>		assistance	PR-S A	387,400 387,400
<b>12</b>	(kt)	Telecommunications positions	PR C	113,200 113,200

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(m) Federal aid	PR-F	C	803,500	810,900
	(1) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			13,566,800	13,575,600
	PROGRAM REVENUE			1,599,000	1,606,400
	FEDERAL			(803,500)	(810,900)
	OTHER			(113,200)	(113,200)
	SERVICE			(682,300)	(682,300)
	TOTAL-ALL SOURCES			15,165,800	15,182,000
2	(2) LAW ENFORCEMENT SERVICES				
3	(a) General program operations	GPR	A	11,539,700	11,906,400
4	(am) Officer training reimbursement	GPR	S	125,000	125,000
5	(b) Investigations and operations	GPR	A	-0-	-0-
6	(c) Crime laboratory equipment	GPR	B	-0-	-0-
7	(d) County-tribal law enforcement				
8	programs	GPR	A	60,000	60,000
9	(dg) Weed and seed and law				
10	enforcement technology	GPR	A	500,000	500,000
11	(dq) Law enforcement community				
12	policing grants	GPR	B	-0-	-0-
13	(e) Drug enforcement	GPR	A	360,400	593,700
14	(g) Gaming law enforcement; racing				
15	revenues	PR	A	96,900	98,300
16	(gc) Gaming law enforcement; Indian				
17	gaming	PR	A	76,100	77,800
18	(gm) Criminal history searches;				
19	fingerprint identification	PR	C	1,782,000	1,882,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(gr) Gun purchaser record checks	PR	C	326,800	326,800
2	(h) Terminal charges	PR	A	2,529,800	2,529,800
3	(hm) County-tribal programs, surcharge				
4	receipts	PR	A	-0-	-0-
5	(hn) County-tribal programs, local				
6	assistance	PR	A	547,200	547,200
7	(ho) County-tribal programs, state				
8	operations	PR	A	48,000	48,000
9	(i) Penalty assessment surcharge,				
10	receipts	PR	A	-0-	-0-
11	(j) Law enforcement training fund,				
12	local assistance	PR	A	3,465,000	3,420,100
13	(ja) Law enforcement training fund,				
14	state operations	PR	A	2,268,100	2,290,100
15	(jb) Crime laboratory equipment and				
16	supplies	PR	B	377,300	377,300
17	(k) Interagency and intra-agency				
18	assistance; investigations	PR-S	C	1,752,300	1,952,600
19	(kd) Crime laboratories; drug law				
20	enforcement	PR-S	A	150,700	614,200
21	(kg) Interagency and intra-agency				
22	assistance; fingerprint				
23	identification	PR-S	A	850,300	850,300

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(Lm) Crime laboratories;				
2	deoxyribonucleic acid analysis	PR	C	998,200	3,063,400
3	(m) Federal aid, state operations	PR-F	C	74,500	74,500
4	(ma) Federal aid, drug enforcement	PR-F	C	1,076,400	-0-
5	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
6	(q) Computers for transaction				
7	information for management of				
8	enforcement system	SEG	A	1,048,500	1,048,500
9	(r) Gaming law enforcement; lottery				
10	revenues	SEG	A	225,800	229,600
<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			12,585,100	13,185,100
	PROGRAM REVENUE			16,419,600	18,152,400
	FEDERAL			(1,150,900)	(74,500)
	OTHER			(12,515,400)	(14,660,800)
	SERVICE			(2,753,300)	(3,417,100)
	SEGREGATED FUNDS			1,274,300	1,278,100
	OTHER			(1,274,300)	(1,278,100)
	TOTAL-ALL SOURCES			30,279,000	32,615,600
11	(3) ADMINISTRATIVE SERVICES				
12	(a) General program operations	GPR	A	3,555,500	3,555,500
13	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
14	(k) Interagency and intra-agency				
15	assistance	PR-S	A	-0-	-0-
16	(ka) Information technology				
17	development projects	PR-S	A	-0-	-0-
18	(m) Federal aid, state operations	PR-F	C	-0-	-0-



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(pz) Indirect cost reimbursements	PR-F	C	76,100	76,100
	(3) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			3,555,500	3,555,500
	PROGRAM REVENUE			76,100	76,100
	FEDERAL			(76,100)	(76,100)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,631,600	3,631,600
2	(5) VICTIMS AND WITNESSES				
3	(a) General program operations	GPR	A	807,000	810,000
4	(b) Awards for victims of crimes	GPR	A	1,324,200	1,324,200
5	(c) Reimbursement for victim and				
6	witness services	GPR	A	1,497,100	1,497,100
7	(g) Crime victim and witness				
8	assistance surcharge, general				
9	services	PR	A	2,361,200	2,361,200
10	(gc) Crime victim and witness				
11	surcharge, sexual assault victim				
12	services	PR	C	1,000,000	1,000,000
13	(h) Crime victim compensation services	PR	A	39,300	39,300
14	(i) Victim compensation, inmate				
15	payments	PR	C	-0-	-0-
16	(j) Victim payments, victim surcharge	PR	A	488,800	488,800
17	(k) Interagency and intra-agency				
18	assistance	PR-S	A	954,300	954,300
19	(m) Federal aid; victim compensation	PR-F	C	643,900	643,900
20	(mh) Federal aid; victim assistance	PR-F	C	2,433,000	2,433,000

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,628,300	3,631,300
PROGRAM REVENUE			7,920,500	7,920,500
FEDERAL			(3,076,900)	(3,076,900)
OTHER			(3,889,300)	(3,889,300)
SERVICE			(954,300)	(954,300)
TOTAL-ALL SOURCES			11,548,800	11,551,800
20.455 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			33,335,700	33,947,500
PROGRAM REVENUE			26,015,200	27,755,400
FEDERAL			(5,107,400)	(4,038,400)
OTHER			(16,517,900)	(18,663,300)
SERVICE			(4,389,900)	(5,053,700)
SEGREGATED FUNDS			1,274,300	1,278,100
OTHER			(1,274,300)	(1,278,100)
TOTAL-ALL SOURCES			60,625,200	62,981,000

1	<b>20.465 Military affairs, department of</b>					
2	(1)	NATIONAL GUARD OPERATIONS				
3	(a)	General program operations	GPR	A	4,291,000	4,300,400
4	(b)	Repair and maintenance	GPR	A	644,800	644,800
5	(c)	Public emergencies	GPR	S	48,500	48,500
6	(d)	Principal repayment and interest	GPR	S	2,493,400	2,524,800
7	(e)	State service flags	GPR	A	400	400
8	(f)	Energy costs	GPR	A	1,494,100	1,537,500
9	(g)	Military property	PR	A	380,100	445,000
10	(h)	Intergovernmental services	PR	A	186,300	186,300
11	(k)	Armory store operations	PR-S	A	202,400	202,400
12	(km)	Agency services	PR-S	A	68,200	68,200

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(kn) Information technology				
2	development projects; national				
3	guard	PR-S	A	-0-	-0-
4	(Li) Gifts and grants	PR	C	-0-	-0-
5	(m) Federal aid	PR-F	C	12,219,100	12,924,100
6	(pz) Indirect cost reimbursements	PR-F	C	135,400	135,400
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,972,200	9,056,400
	PROGRAM REVENUE			13,191,500	13,961,400
	FEDERAL			(12,354,500)	(13,059,500)
	OTHER			(566,400)	(631,300)
	SERVICE			(270,600)	(270,600)
	TOTAL-ALL SOURCES			22,163,700	23,017,800
7	(2) GUARD MEMBERS' BENEFITS				
8	(a) Tuition grants	GPR	A	3,578,700	3,578,700
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,578,700	3,578,700
	TOTAL-ALL SOURCES			3,578,700	3,578,700
9	(3) EMERGENCY MANAGEMENT SERVICES				
10	(a) General program operations	GPR	A	514,600	514,600
11	(e) Disaster recovery aid	GPR	S	881,200	881,200
12	(g) Program services	PR	A	1,026,500	1,018,800
13	(i) Emergency planning and reporting;				
14	administration	PR	A	710,500	710,500
15	(j) State emergency response board;				
16	gifts and grants	PR	C	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(jm) State emergency response board;				
2	emergency planning grants	PR	C	834,700	834,700
3	(jt) Regional emergency response				
4	reimbursement	PR	C	-0-	-0-
5	(m) Federal aid, state operations	PR-F	C	1,307,400	1,307,400
6	(n) Federal aid, local assistance	PR-F	C	4,182,200	4,182,200
7	(o) Federal aid, individuals and				
8	organizations	PR-F	C	42,000	42,000
9	(q) Civil air patrol aids	SEG	A	19,000	19,000
10	(r) State emergency response board;				
11	petroleum inspection fund	SEG	A	465,700	465,700
12	(rg) Regional emergency response				
13	teams	SEG	C	1,400,000	1,400,000
14	(rk) Hazardous substance emergency				
15	response; admin	SEG	A	79,600	79,600
16	(rp) Emergency response equipment	SEG	A	720,000	720,000
17	(rt) Emergency response supplement	SEG	C	-0-	-0-
18	(s) Emergency response training -				
19	transportation fund	SEG	B	75,500	75,500
20	(t) Emergency response training -				
21	environmental fund	SEG	B	75,300	75,300
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			1,395,800	1,395,800
	PROGRAM REVENUE			8,103,300	8,095,600
	FEDERAL			(5,531,600)	(5,531,600)
	OTHER			(2,571,700)	(2,564,000)
	SEGREGATED FUNDS			2,835,100	2,835,100

**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
OTHER			(2,835,100)	(2,835,100)
TOTAL-ALL SOURCES			12,334,200	12,326,500

**20.465 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES			13,946,700	14,030,900
PROGRAM REVENUE			21,294,800	22,057,000
FEDERAL			(17,886,100)	(18,591,100)
OTHER			(3,138,100)	(3,195,300)
SERVICE			(270,600)	(270,600)
SEGREGATED FUNDS			2,835,100	2,835,100
OTHER			(2,835,100)	(2,835,100)
TOTAL-ALL SOURCES			38,076,600	38,923,000

**1 20.475 District attorneys**

**2 (1) DISTRICT ATTORNEYS**

<b>3</b>	(d)	Salaries and fringe benefits	GPR	A	30,639,200	30,688,400
<b>4</b>	(h)	Gifts and grants	PR	C	1,032,300	987,000
<b>5</b>	(i)	Other Employees	PR	A	159,000	164,600
<b>6</b>	(k)	Interagency and intra-agency				
<b>7</b>		assistance	PR-S	C	51,500	51,500
<b>8</b>	(m)	Federal aid	PR-F	C	-0-	-0-

**20.475 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES			30,639,200	30,688,400
PROGRAM REVENUE			1,242,800	1,203,100
FEDERAL			(-0-)	(-0-)
OTHER			(1,191,300)	(1,151,600)
SERVICE			(51,500)	(51,500)
TOTAL-ALL SOURCES			31,882,000	31,891,500

**9 20.485 Veterans affairs, department of**

**10 (1) HOME FOR VETERANS**

**11 (b) General fund supplement to**

<b>12</b>		institutional operations	GPR	B	-0-	-0-
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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(d) Cemetery maintenance and				
2	beautification	GPR	A	24,900	24,900
3	(e) Lease rental payments	GPR	S	-0-	-0-
4	(f) Principal repayment and interest	GPR	S	1,200,100	1,312,600
5	(g) Home exchange	PR	A	262,600	267,600
6	(gd) Veterans home cemetery operations	PR	C	-0-	-0-
7	(gk) Institutional operations	PR	A	33,901,100	34,522,900
8	(gm) Sale of fuel and utility service	PR	A	41,300	41,300
9	(go) Self-amortizing housing facilities;				
10	principal repayment and interest	PR	S	17,400	94,800
11	(h) Gifts and bequests	PR	C	264,700	214,700
12	(hm) Gifts and grants	PR	C	-0-	-0-
13	(i) State-owned housing maintenance	PR	A	65,700	65,700
14	(j) Geriatric program receipts	PR	C	115,400	115,400
15	(m) Federal aid; care at veterans home	PR-F	C	-0-	-0-
16	(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
17	(mn) Federal projects	PR-F	C	15,000	15,000
18	(t) Veterans home member accounts	SEG	C	-0-	-0-
19	(u) Rentals; improvements; equipment;				
20	land acquisition	SEG	A	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			1,225,000	1,337,500
	PROGRAM REVENUE			34,683,200	35,337,400
	FEDERAL			(15,000)	(15,000)
	OTHER			(34,668,200)	(35,322,400)
	SEGREGATED FUNDS			-0-	-0-

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			35,908,200	36,674,900
1	(2) LOANS AND AIDS TO VETERANS				
2	(b) Wisconsin veterans museum space				
3	rental	GPR	A	334,700	345,800
4	(c) Operation of Wisconsin veterans				
5	museum	GPR	A	485,400	479,300
6	(d) Veterans memorials at The				
7	Highground	GPR	C	-0-	-0-
8	(db) General fund supplement to				
9	veterans trust fund	GPR	A	-0-	-0-
10	(g) Consumer reporting agency fees	PR	C	-0-	-0-
11	(ka) Information technology				
12	development projects	PR-S	A	-0-	-0-
13	(m) Federal aid projects	PR-F	C	272,600	272,600
14	(mn) Federal projects; museum				
15	acquisitions and operations	PR-F	C	-0-	-0-
16	(rm) Veterans assistance program	SEG	B	1,037,200	1,049,500
17	(rp) Veterans assistance program				
18	receipts	SEG	C	-0-	-0-
19	(s) Veterans memorial grants	SEG	C	-0-	-0-
20	(sm) Payments related to The				
21	Highground	SEG	C	-0-	-0-
22	(tm) Facilities	SEG	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(u) Administration of loans and aids to				
2	veterans	SEG	A	2,607,400	2,664,100
3	(v) Wisconsin veterans museum sales				
4	receipts	SEG	C	132,700	132,700
5	(vm) Veterans aids and treatment	SEG	A	793,200	793,200
6	(vo) Veterans of World War I	SEG	A	2,500	2,500
7	(vw) Payments to veterans organizations				
8	for claims service	SEG	A	75,000	75,000
9	(vx) County grants	SEG	A	326,500	326,500
10	(vy) Veterans education and retraining	SEG	A	2,954,400	3,203,300
11	(w) Home for needy veterans	SEG	C	10,000	10,000
12	(wd) Operation of Wisconsin veterans				
13	museum	SEG	A	5,000	5,000
14	(yg) Acquisition of 1981 revenue bond				
15	mortgages	SEG	S	-0-	-0-
16	(yn) Veterans trust fund loans and				
17	expenses	SEG	C	7,800,000	7,800,000
18	(yo) Personal loan program repayments	SEG	C	262,500	1,511,300
19	(z) Gifts	SEG	C	-0-	-0-
20	(zm) Museum gifts and bequests	SEG	C	-0-	-0-
<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			820,100	825,100
	PROGRAM REVENUE			272,600	272,600
	FEDERAL			(272,600)	(272,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			16,006,400	17,573,100



**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
OTHER				(16,006,400)	(17,573,100)
TOTAL-ALL SOURCES				17,099,100	18,670,800
1	(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
2	(b) Self insurance	GPR	S	-0-	-0-
3	(e) General program deficiency	GPR	S	-0-	-0-
4	(q) Foreclosure loss payments	SEG	C	801,000	801,000
5	(r) Funded reserves	SEG	C	50,000	50,000
6	(rm) Other reserves	SEG	C	-0-	-0-
7	(s) General program operations	SEG	A	3,859,100	3,920,600
8	(sm) County grants	SEG	A	489,800	489,800
9	(t) Debt service	SEG	C	55,697,600	67,717,600
10	(v) Revenue obligation repayment	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
SEGREGATED FUNDS				60,897,500	72,979,000
OTHER				(60,897,500)	(72,979,000)
TOTAL-ALL SOURCES				60,897,500	72,979,000
11	(4) VETERANS MEMORIAL CEMETERIES				
12	(a) Cemetery administration and				
13	maintenance, general fund	GPR	A	100	100
14	(f) Repayment of principal and				
15	interest	GPR	S	-0-	-0-
16	(g) Cemetery operations	PR	A	106,500	94,500
17	(h) Gifts, grants and bequests	PR	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(m) Federal aid; cemetery operations				
2	and burials	PR-F	C	-0-	-0-
3	(q) Cemetery administration and				
4	maintenance	SEG	A	270,200	282,200
5	(r) Cemetery energy costs	SEG	A	11,800	11,800
<b>(4) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			100	100
	PROGRAM REVENUE			106,500	94,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(106,500)	(94,500)
	SEGREGATED FUNDS			282,000	294,000
	OTHER			(282,000)	(294,000)
	TOTAL-ALL SOURCES			388,600	388,600
<b>20.485 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			2,045,200	2,162,700
	PROGRAM REVENUE			35,062,300	35,704,500
	FEDERAL			(287,600)	(287,600)
	OTHER			(34,774,700)	(35,416,900)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			77,185,900	90,846,100
	OTHER			(77,185,900)	(90,846,100)
	TOTAL-ALL SOURCES			114,293,400	128,713,300
6	<b>20.490 Wisconsin housing and economic development authority</b>				
7	(1) FACILITATION OF CONSTRUCTION				
8	(a) Capital reserve fund deficiency	GPR	C	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
9	(2) HOUSING REHABILITATION LOAN PROGRAM				
10	(a) General program operations	GPR	C	-0-	-0-
11	(q) Loan loss reserve fund	SEG	C	-0-	-0-
<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
1	(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
2	(g) Disadvantaged business				
3	mobilization loan guarantee	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
5	(a) Wisconsin development reserve				
6	fund	GPR	C	-0-	-0-
7	(q) Recycling fund transfer to				
8	Wisconsin development reserve				
9	fund	SEG	C	-0-	-0-
10	(r) Agrichemical management fund				
11	transfer to Wisconsin development				
12	reserve fd.	SEG	C	-0-	-0-
13	(s) Petroleum inspection fund transfer				
14	to WDRF	SEG	A	-0-	-0-
15	(t) Recycling fund transfer for				
16	brownfields redevelopment	SEG	C	4,000,000	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			4,000,000	-0-
	OTHER			(4,000,000)	(-0-)
	TOTAL-ALL SOURCES			4,000,000	-0-

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1 (6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
2 (a) Wisconsin job training reserve fund	GPR	S	-0-	-0-
3 (k) Department of commerce				
4 appropriation transfer to Wisconsin				
5 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			4,000,000	-0-
OTHER			(4,000,000)	(-0-)
TOTAL-ALL SOURCES			4,000,000	-0-
6 <b>20.495 University of Wisconsin hospitals and clinics board</b>				
7 (1) CONTRACTUAL SERVICES				
8 (g) General program operations	PR	C	54,347,800	55,306,000
20.495 DEPARTMENT TOTALS				
PROGRAM REVENUE			54,347,800	55,306,000
OTHER			(54,347,800)	(55,306,000)
TOTAL-ALL SOURCES			54,347,800	55,306,000
Human Relations and Resources				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,394,563,900	2,461,203,700
PROGRAM REVENUE			3,317,663,000	3,388,643,500
FEDERAL			(2,622,387,100)	(2,652,126,300)
OTHER			(490,245,500)	(500,279,800)
SERVICE			(205,030,400)	(236,237,400)
SEGREGATED FUNDS			95,858,800	105,848,200
FEDERAL			(-0-)	(-0-)
OTHER			(95,858,800)	(105,848,200)
SERVICE			(-0-)	(-0-)

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			5,808,085,700	5,955,695,400

**General Executive Functions**

1	<b>20.505 Administration, department of</b>				
2	(1) SUPERVISION AND MANAGEMENT				
3	(a) General program operations	GPR	A	8,708,300	8,783,400
4	(ab) General program operations; state				
5	prosecutor	GPR	A	203,500	203,500
6	(b) Midwest interstate low-level				
7	radioactive waste compact; loan				
8	from gen. fund	GPR	C	-0-	-0-
9	(d) Energy development and				
10	demonstration fund	GPR	A	-0-	-0-
11	(f) Badger state games assistance	GPR	A	-0-	-0-
12	(g) Midwest interstate low-level				
13	radioactive waste compact;				
14	membership & costs	PR	A	60,700	60,700
15	(i) Land information; aids to counties	PR	C	1,799,000	1,799,000
16	(ie) Land information; general program				
17	operations	PR	A	385,900	378,900
18	(ig) Land information; technical				
19	assistance and education	PR	A	-0-	-0-
20	(im) Services to nonstate governmental				
21	units	PR	A	1,475,000	1,475,000

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(is) Information technology processing				
2	services to nonstate entities	PR	C	-0-	-0-
3	(iu) Plat review	PR	C	335,600	335,600
4	(j) Gifts and donations	PR	C	-0-	-0-
5	(ja) Justice information systems	PR	A	2,837,000	3,623,200
6	(ka) Materials and services to state				
7	agencies and certain districts	PR-S	A	4,314,800	4,325,300
8	(kb) Transportation services	PR-S	A	15,931,400	14,821,200
9	(kc) Capital planning and building				
10	construction services	PR-S	A	9,835,600	9,868,900
11	(kd) Printing, document sales, mail				
12	distribution and record services	PR-S	A	18,546,800	19,079,500
13	(ke) Telecommunications and data				
14	processing services	PR-S	A	33,424,900	33,474,700
15	(kj) Financial services	PR-S	A	8,802,800	8,907,700
16	(kk) Processing of federal grant				
17	applications	PR-S	A	-0-	-0-
18	(kL) Information technology processing				
19	services to agencies	PR-S	C	38,109,000	37,947,900
20	(kn) Multi-agency information				
21	technology development projects	PR-S	A	-0-	-0-
22	(ko) Information technology				
23	development projects; justice				
24	information systems	PR-S	A	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kp) Interagency assistance; justice				
2	information system	PR-S	A	754,500	1,495,300
3	(kr) Information technology				
4	development and management				
5	services	PR-S	A	-0-	-0-
6	(ks) Land information; state agency				
7	support	PR-S	C	460,800	300,500
8	(ma) Federal grants and contracts	PR-F	C	45,100	45,100
9	(mb) Federal energy grants and				
10	contracts	PR-F	C	895,300	895,300
11	(mc) Coastal zone management	PR-F	C	1,112,100	1,112,100
12	(md) Oil overcharge restitution funds	PR-F	C	6,877,500	6,877,500
13	(n) Federal aid; local assistance	PR-F	C	-0-	-0-
14	(pz) Indirect cost reimbursements	PR-F	C	81,700	81,700
15	(q) Geographic information systems	SEG	A	275,000	225,000
16	(r) Information technology investment				
17	fund administration	SEG	A	-0-	-0-
18	(s) Educational telecommunications				
19	access support	SEG	S	2,500,000	3,000,000
20	(v) General program operations —				
21	environmental improvement				
22	programs; state funds	SEG	A	734,900	734,900

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(x) General program operations —				
2	clean water fund program; federal				
3	funds	SEG-F	C	-0-	-0-
4	(y) General program operations — safe				
5	drinking water loan program;				
6	federal funds	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,911,800	8,986,900
	PROGRAM REVENUE			146,085,500	146,905,100
	FEDERAL			(9,011,700)	(9,011,700)
	OTHER			(6,893,200)	(7,672,400)
	SERVICE			(130,180,600)	(130,221,000)
	SEGREGATED FUNDS			3,509,900	3,959,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(3,509,900)	(3,959,900)
	TOTAL-ALL SOURCES			158,507,200	159,851,900
7	(2) RISK MANAGEMENT				
8	(a) General fund supplement — risk				
9	management claims	GPR	S	-0-	-0-
10	(k) Risk management costs	PR-S	C	20,100,000	20,500,000
11	(ki) Risk management administration	PR-S	A	4,397,500	4,397,500
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			24,497,500	24,897,500
	SERVICE			(24,497,500)	(24,897,500)
	TOTAL-ALL SOURCES			24,497,500	24,897,500
12	(3) COMMITTEES AND INTERSTATE BODIES				
13	(a) General program operations	GPR	A	271,800	271,800
14	(b) Women's council operations	GPR	A	90,400	90,400
15	(e) Mediation office operations	GPR	A	-0-	-0-



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(g) Gifts and grants	PR	C	-0-	-0-
2	(h) Program fees	PR	A	6,100	6,100
3	(m) Federal aid	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			362,200	362,200
	PROGRAM REVENUE			6,100	6,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,100)	(6,100)
	TOTAL-ALL SOURCES			368,300	368,300
4	(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS				
5	(a) Adjudication of tax appeals	GPR	A	506,900	511,200
6	(b) Adjudication of equalization				
7	appeals	GPR	S	-0-	-0-
8	(c) Claims board; general program				
9	operations	GPR	A	43,800	43,800
10	(d) Claims awards	GPR	S	25,000	25,000
11	(f) Hearings and appeals operations	GPR	A	1,866,400	1,871,900
12	(gm) Gifts and grants	PR	C	-0-	-0-
13	(h) Program services	PR	A	26,000	26,000
14	(is) Relay service	PR	A	5,000,000	5,000,000
15	(j) National and community service				
16	board; gifts and grants	PR	C	-0-	-0-
17	(k) Waste facility siting board; general				
18	program operations	PR-S	A	115,100	115,100
19	(ka) State use board — general program				
20	operations	PR-S	A	133,000	133,000

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kb) Info tech development projects;				
2	attached divisions, boards and				
3	commissions	PR-S	A	-0-	-0-
4	(kp) Hearings and appeals fees	PR-S	A	1,600,700	1,613,000
5	(o) National and community service				
6	board; federal aid for				
7	administration	PR-F	C	205,500	174,900
8	(p) National and community service				
9	board; federal aid for grants	PR-F	C	1,500,000	1,500,000
10	(q) Hearings and appeals operations;				
11	transportation fund	SEG	A	143,200	143,200
12	(r) State capitol and executive				
13	residence board; gifts and grants	SEG	C	-0-	-0-
<b>(4) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			2,442,100	2,451,900
	PROGRAM REVENUE			8,580,300	8,562,000
	FEDERAL			(1,705,500)	(1,674,900)
	OTHER			(5,026,000)	(5,026,000)
	SERVICE			(1,848,800)	(1,861,100)
	SEGREGATED FUNDS			143,200	143,200
	OTHER			(143,200)	(143,200)
	TOTAL-ALL SOURCES			11,165,600	11,157,100
14	(5) FACILITIES MANAGEMENT				
15	(g) Principal repayment, interest and				
16	rebates; parking	PR-S	S	908,200	1,460,100
17	(ka) Facility operations and				
18	maintenance; police and protection				
19	functions	PR-S	A	28,525,300	28,903,400

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(kb) Parking	PR	A	566,000	585,800
2	(kc) Principal repayment, interest and				
3	rebates	PR-S	C	11,310,200	11,148,900
4	(q) Energy efficiency	SEG	S	-0-	-0-
(5) PROGRAM TOTALS					
	PROGRAM REVENUE			41,309,700	42,098,200
	OTHER			(566,000)	(585,800)
	SERVICE			(40,743,700)	(41,512,400)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			41,309,700	42,098,200
5	(6) OFFICE OF JUSTICE ASSISTANCE				
6	(a) General program operations	GPR	A	277,700	278,400
7	(c) Law enforcement officer				
8	supplement grants	GPR	A	1,000,000	1,000,000
9	(g) Anti-drug enforcement program,				
10	penalty assessment - local	PR	C	2,170,300	1,980,400
11	(h) Anti-drug enforcement program,				
12	penalty assessment - state	PR	C	1,269,700	1,068,900
13	(k) Anti-drug enforcement program —				
14	administration	PR-S	C	110,300	110,300
15	(m) Federal aid, planning and				
16	administration, state operations	PR-F	C	203,600	203,700
17	(o) Federal aid, criminal justice				
18	improvement projects, state				
19	operations	PR-F	C	2,453,400	587,000

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(p) Federal aid, criminal justice				
2	improvement projects, local				
3	assistance	PR-F	C	1,966,700	2,125,900
4	(pa) Federal aid, criminal justice				
5	improvement projects, aid to				
6	organizations	PR-F	C	1,108,500	1,139,800
7	(pb) Federal aid, anti-drug enforcement				
8	program, aids and local assistance	PR-F	C	6,490,500	6,155,400
9	(pc) Federal aid, anti-drug enforcement				
10	program, state operations	PR-F	C	4,312,500	3,472,300
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,277,700	1,278,400
	PROGRAM REVENUE			20,085,500	16,843,700
	FEDERAL			(16,535,200)	(13,684,100)
	OTHER			(3,440,000)	(3,049,300)
	SERVICE			(110,300)	(110,300)
	TOTAL-ALL SOURCES			21,363,200	18,122,100
11	(7) HOUSING ASSISTANCE				
12	(a) General program operations	GPR	A	921,500	921,500
13	(b) Housing grants and loans	GPR	B	2,800,300	2,800,300
14	(c) Payments to designated agents	GPR	A	-0-	-0-
15	(d) Grants to local housing				
16	organizations	GPR	B	500,000	500,000
17	(dm) Transitional housing grants	GPR	A	375,000	375,000
18	(fm) Shelter for homeless and				
19	transitional housing	GPR	A	1,131,000	1,131,000
20	(g) Gifts and grants	PR	C	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(gm) Funding for the homeless	PR	C	-0-	-0-
2	(h) Interest on real estate trust				
3	accounts	PR	C	-0-	-0-
4	(jf) Mobile home parks, dealers and				
5	salespersons	PR-S	A	132,600	132,600
6	(k) Sale of materials or services	PR-S	C	-0-	-0-
7	(kg) Housing program services	PR-S	C	6,696,100	6,696,100
8	(km) Weatherization assistance	PR-S	C	10,000,000	10,000,000
9	(m) Federal aid; state operations	PR-F	C	4,023,300	4,023,300
10	(n) Federal aid; local assistance	PR-F	C	1,777,000	1,777,000
11	(o) Federal aid; individuals and				
12	organizations	PR-F	C	72,269,300	72,269,300
<b>(7) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			5,727,800	5,727,800
	PROGRAM REVENUE			94,898,300	94,898,300
	FEDERAL			(78,069,600)	(78,069,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(16,828,700)	(16,828,700)
	TOTAL-ALL SOURCES			100,626,100	100,626,100
13	(8) DIVISION OF GAMING				
14	(g) General program operations; racing	PR	A	2,240,100	2,254,500
15	(h) General program operations; Indian				
16	gaming	PR	A	930,400	874,300
17	(i) County fair association grants	PR	C	50,000	50,000
18	(j) General program operations;				
19	charitable and crane games	PR	A	292,100	308,100

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
(8) PROGRAM TOTALS					
PROGRAM REVENUE				3,512,600	3,486,900
OTHER				(3,512,600)	(3,486,900)
TOTAL-ALL SOURCES				3,512,600	3,486,900
1	(9) COLLEGE TUITION PREPAYMENT PROGRAM				
2	(a) Administrative expenses; initial				
3	funds	GPR	C	-0-	-0-
4	(q) Payment of tuition	SEG	S	-0-	-0-
5	(r) Payment of refunds	SEG	S	-0-	-0-
6	(s) Administrative expenses	SEG	A	691,200	691,200
(9) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
SEGREGATED FUNDS				691,200	691,200
OTHER				(691,200)	(691,200)
TOTAL-ALL SOURCES				691,200	691,200
20.505 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				18,721,600	18,807,200
PROGRAM REVENUE				338,975,500	337,697,800
FEDERAL				(105,322,000)	(102,440,300)
OTHER				(19,443,900)	(19,826,500)
SERVICE				(214,209,600)	(215,431,000)
SEGREGATED FUNDS				4,344,300	4,794,300
FEDERAL				(-0-)	(-0-)
OTHER				(4,344,300)	(4,794,300)
TOTAL-ALL SOURCES				362,041,400	361,299,300
7	<b>20.507 Board of commissioners of public lands</b>				
8	(1) TRUST LANDS AND INVESTMENTS				
9	(h) Trust lands and investments -				
10	general program operations	PR-S	A	1,127,300	818,800

**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(k) Trust lands and investments -				
2	interagency and intra-agency				
3	assistance	PR-S	A	-0-	-0-
4	(mg) Federal aid — flood control	PR-F	C	52,700	52,700
<b>20.507 DEPARTMENT TOTALS</b>					
	PROGRAM REVENUE			1,180,000	871,500
	FEDERAL			(52,700)	(52,700)
	SERVICE			(1,127,300)	(818,800)
	TOTAL-ALL SOURCES			1,180,000	871,500
5	<b>20.510 Elections board</b>				
6	(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS				
7	(a) General program operations;				
8	general purpose revenue	GPR	B	741,400	741,900
9	(g) Recount fees	PR	C	-0-	-0-
10	(h) Materials and services	PR	A	25,400	25,400
11	(i) General program operations;				
12	program revenue	PR	A	27,100	27,200
13	(ka) Information technology				
14	development projects	PR-S	A	-0-	-0-
15	(q) Wisconsin election campaign fund	SEG	C	100,000	700,000
<b>20.510 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			741,400	741,900
	PROGRAM REVENUE			52,500	52,600
	OTHER			(52,500)	(52,600)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			100,000	700,000
	OTHER			(100,000)	(700,000)
	TOTAL-ALL SOURCES			893,900	1,494,500

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>	
1	<b>20.512 Employment relations, department of</b>					
2	(1) EMPLOYMENT RELATIONS					
3	(a) General program operations	GPR	A	5,477,600	5,548,400	
4	(i) Services to nonstate governmental					
5	units	PR	A	149,900	150,400	
6	(j) Gifts and donations	PR	C	-0-	-0-	
7	(jm) Employe development and training					
8	services	PR	A	386,200	364,200	
9	(ka) Publications	PR-S	A	141,400	141,400	
10	(kb) Information technology					
11	development projects	PR-S	A	-0-	-0-	
12	(km) Collective bargaining grievance					
13	arbitrations	PR-S	A	70,000	70,000	
14	(m) Federal grants and contracts	PR-F	C	-0-	-0-	
15	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,477,600	5,548,400	
	PROGRAM REVENUE			747,500	726,000	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(536,100)	(514,600)	
	SERVICE			(211,400)	(211,400)	
	TOTAL-ALL SOURCES			6,225,100	6,274,400	
16	(2) AFFIRMATIVE ACTION COUNCIL					
17	(a) General program operations	GPR	A	8,200	8,200	
18	(j) Gifts and donations	PR	C	-0-	-0-	
19	(m) Federal grants and contracts	PR-F	C	-0-	-0-	



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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			8,200	8,200
PROGRAM REVENUE			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			8,200	8,200
20.512 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,485,800	5,556,600
PROGRAM REVENUE			747,500	726,000
FEDERAL			(-0-)	(-0-)
OTHER			(536,100)	(514,600)
SERVICE			(211,400)	(211,400)
TOTAL-ALL SOURCES			6,233,300	6,282,600

1	<b>20.515</b>	<b>Employe trust funds, department of</b>			
2	(1)	EMPLOYE BENEFIT PLANS			
3	(a)	Annuity supplements and			
4		payments	GPR	S	299,700 265,600
5	(b)	Health insurance payments for			
6		certain retired state employees	GPR	S	-0- -0-
7	(c)	Contingencies	GPR	S	-0- -0-
8	(ka)	Information technology			
9		development projects	PR-S	A	-0- -0-
10	(t)	Automated operating system	SEG	C	649,000 614,400
11	(u)	Employe-funded reimbursement			
12		account plan	SEG	C	-0- -0-
13	(um)	Benefit administration	SEG	B	5,000 5,000
14	(ut)	Health insurance data collection			
15		and analysis contracts	SEG	A	320,900 300,900
16	(w)	Administration	SEG	A	12,159,100 12,338,000

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
20.515 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			299,700	265,600
PROGRAM REVENUE			-0-	-0-
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			13,134,000	13,258,300
OTHER			(13,134,000)	(13,258,300)
TOTAL-ALL SOURCES			13,433,700	13,523,900
<b>1 20.521 Ethics board</b>				
2 (1) ETHICS AND LOBBYING REGULATION				
3 (a) General program operations;				
4 general purpose revenue	GPR	A	192,100	192,100
5 (g) General program operations;				
6 program revenue	PR	A	261,600	261,600
7 (h) Gifts and grants	PR	C	-0-	-0-
8 (i) Materials and services	PR	A	15,000	15,000
9 (ka) Information technology				
10 development projects	PR-S	A	-0-	-0-
20.521 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			192,100	192,100
PROGRAM REVENUE			276,600	276,600
OTHER			(276,600)	(276,600)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			468,700	468,700
<b>11 20.525 Office of the governor</b>				
12 (1) EXECUTIVE ADMINISTRATION				
13 (a) General program operations	GPR	S	2,306,000	2,306,000
14 (b) Contingent fund	GPR	S	21,700	21,700
15 (c) Membership in national				
16 associations	GPR	S	124,800	128,600

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cm) National Governors Association				
2	conference	GPR	C	200,000	-0-
3	(d) Disability board	GPR	S	-0-	-0-
4	(e) Wisconsin sesquicentennial				
5	commission; gen prog ops	GPR	B	-0-	-0-
6	(em) Wisconsin sesquicentennial				
7	commission; gen. prog. operations				
8	supplement	GPR	C	-0-	-0-
9	(f) Literacy improvement aids	GPR	A	28,000	28,000
10	(g) Gifts and grants; Wisconsin				
11	sesquicentennial commission	PR	C	-0-	-0-
12	(h) Wisconsin sesquicentennial				
13	commission; license revenue	PR	C	-0-	-0-
14	(i) Gifts and grants	PR	C	-0-	-0-
15	(k) Wisconsin sesquicentennial				
16	commission; supplementable gifts &				
17	grants	PR-S	C	-0-	-0-
18	(ka) Information technology				
19	development projects	PR-S	A	-0-	-0-
20	(m) Federal aid	PR-F	C	-0-	-0-
21	(qr) Wisconsin sesquicentennial				
22	commission; vehicle registration				
23	plates	SEG	C	-0-	-0-
<b>(1) PROGRAM TOTALS</b>					
<b>GENERAL PURPOSE REVENUES</b>				<b>2,680,500</b>	<b>2,484,300</b>
<b>PROGRAM REVENUE</b>				<b>-0-</b>	<b>-0-</b>

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,680,500	2,484,300
1	(2) EXECUTIVE RESIDENCE				
2	(a) General program operations	GPR	S	171,100	171,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			171,100	171,100
	TOTAL-ALL SOURCES			171,100	171,100
	20.525 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,851,600	2,655,400
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,851,600	2,655,400
3	<b>20.536 Investment board</b>				
4	(1) INVESTMENT OF FUNDS				
5	(k) General program operations	PR-S	A	12,049,700	10,239,100
6	(ka) General program operations;				
7	environmental improvement fund	PR-S	C	-0-	-0-
	20.536 DEPARTMENT TOTALS				
	PROGRAM REVENUE			12,049,700	10,239,100
	SERVICE			(12,049,700)	(10,239,100)
	TOTAL-ALL SOURCES			12,049,700	10,239,100
8	<b>20.540 Office of the lieutenant governor</b>				
9	(1) EXECUTIVE COORDINATION				
10	(a) General program operations	GPR	A	470,500	470,500

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
2	(k) Grants from state agencies	PR-S	C	-0-	-0-
3	(ka) Information technology				
4	development projects	PR-S	A	-0-	-0-
5	(m) Federal aid	PR-F	C	-0-	-0-
<b>20.540 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			470,500	470,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			470,500	470,500
6	<b>20.547 Personnel commission</b>				
7	(1) REVIEW OF PERSONNEL DECISIONS				
8	(a) General program operations	GPR	A	800,600	804,000
9	(h) Publications	PR	A	3,000	3,000
10	(ka) Information technology				
11	development projects	PR-S	A	-0-	-0-
12	(m) Federal aid	PR-F	C	-0-	-0-
<b>20.547 DEPARTMENT TOTALS</b>					
	GENERAL PURPOSE REVENUES			800,600	804,000
	PROGRAM REVENUE			3,000	3,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(3,000)	(3,000)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			803,600	807,000
13	<b>20.550 Public defender board</b>				
14	(1) LEGAL ASSISTANCE				
15	(a) Program administration	GPR	A	1,265,800	1,278,400

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(b) Appellate representation	GPR	A	3,643,200	3,673,100
2	(c) Trial representation	GPR	A	32,330,900	32,146,200
3	(d) Private bar and investigator				
4	reimbursement	GPR	B	17,634,100	18,741,900
5	(e) Private bar and investigator				
6	payments; administration costs	GPR	A	504,700	504,700
7	(f) Transcript and record payments	GPR	A	1,399,600	1,399,600
8	(fb) Payments from clients;				
9	administrative costs	PR	A	122,500	122,500
10	(g) Gifts and grants	PR	C	-0-	-0-
11	(h) Contractual agreements	PR-S	A	-0-	-0-
12	(i) Tuition payments	PR	C	-0-	-0-
13	(j) Conferences and training	PR	A	117,800	117,800
14	(L) Private bar and inv.				
15	reimbursement; payments for legal				
16	representation	PR	C	1,055,900	1,024,700
17	(m) Federal aid	PR-F	C	-0-	-0-
<b>2 0 . 5 5 0 D E P A R T M E N T T O T A L S</b>					
	GENERAL PURPOSE REVENUES			56,778,300	57,743,900
	PROGRAM REVENUE			1,296,200	1,265,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,296,200)	(1,265,000)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			58,074,500	59,008,900

18 **20.566 Revenue, department of**

19 (1) COLLECTION OF TAXES

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(a) General program operations	GPR	A	31,961,200	32,102,900
2	(g) Administration of county sales and				
3	use taxes	PR	A	2,083,000	2,052,000
4	(ga) Cigarette tax stamps	PR	A	177,800	177,800
5	(gb) Business tax registration	PR	A	1,410,500	1,395,500
6	(gc) Audits of occasional sales of motor				
7	vehicles	PR	A	590,600	587,500
8	(gd) Administration of special district				
9	taxes	PR	A	-0-	-0-
10	(gg) Administration of local taxes	PR	A	184,600	192,200
11	(h) Debt collection	PR	A	155,600	164,300
12	(ha) Administration of liquor tax	PR	A	145,000	143,400
13	(hm) Collections under contracts	PR	S	352,700	352,700
14	(hp) Administration of endangered				
15	resources voluntary payments	PR	A	29,600	29,600
16	(hq) Delinquent tax collection fees	PR	A	9,968,500	9,970,100
17	(i) Gifts and grants	PR	C	-0-	-0-
18	(m) Federal funds; state operations	PR-F	C	-0-	-0-
19	(q) Recycling surcharge administration	SEG	A	309,000	309,000
20	(s) Petroleum inspection fee collection	SEG	A	114,400	114,400
21	(u) Motor fuel tax administration	SEG	A	1,034,400	1,027,200
<b>(1) PROGRAM TOTALS</b>					
	<b>GENERAL PURPOSE REVENUES</b>			<b>31,961,200</b>	<b>32,102,900</b>
	<b>PROGRAM REVENUE</b>			<b>15,097,900</b>	<b>15,065,100</b>
	<b>FEDERAL</b>			<b>(-0-)</b>	<b>(-0-)</b>

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	OTHER			(15,097,900)	(15,065,100)
	SEGREGATED FUNDS			1,457,800	1,450,600
	OTHER			(1,457,800)	(1,450,600)
	TOTAL-ALL SOURCES			48,516,900	48,618,600
1	(2) STATE AND LOCAL FINANCE				
2	(a) General program operations	GPR	A	9,558,400	9,512,800
3	(g) County assessment studies	PR	C	-0-	-0-
4	(gi) Municipal finance report				
5	compliance	PR	A	40,300	40,300
6	(gm) Auditing of real estate transfer fee	PR	A	106,800	116,800
7	(h) Reassessments	PR	A	635,700	635,700
8	(hi) Wisconsin property assessment				
9	manual	PR	A	68,500	194,600
10	(ht) Telephone tax administration	PR	A	305,700	281,700
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	76,100	173,700
15	(r) Lottery credit administration	SEG	A	119,800	119,800
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,558,400	9,512,800
	PROGRAM REVENUE			1,157,000	1,269,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,157,000)	(1,269,100)
	SEGREGATED FUNDS			195,900	293,500
	OTHER			(195,900)	(293,500)
	TOTAL-ALL SOURCES			10,911,300	11,075,400
16	(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(a) General program operations	GPR	A	12,541,900	12,468,300
2	(c) Expert professional services	GPR	A	8,000	8,000
3	(g) Services	PR	A	56,800	56,800
4	(gm) Reciprocity agreement and				
5	publications	PR	A	216,900	200,900
6	(i) Gifts and grants	PR	C	-0-	-0-
7	(it) Technology for tax administration	PR	C	611,700	619,800
8	(k) Internal services	PR-S	A	180,300	180,300
9	(ka) Information technology				
10	development projects	PR-S	A	-0-	-0-
11	(m) Federal funds; state operations	PR-F	C	-0-	-0-
<b>(3) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			12,549,900	12,476,300
	PROGRAM REVENUE			1,065,700	1,057,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(885,400)	(877,500)
	SERVICE			(180,300)	(180,300)
	TOTAL-ALL SOURCES			13,615,600	13,534,100
12	(7) INVESTMENT AND LOCAL IMPACT FUND				
13	(e) Investment and local impact fund				
14	supplement	GPR	A	-0-	-0-
15	(g) Investment and local impact fund				
16	administrative expenses	PR	A	41,800	41,800
17	(n) Federal mining revenue	PR-F	C	-0-	-0-
18	(v) Investment and local impact fund	SEG	C	-0-	-0-
<b>(7) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			41,800	41,800

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99
	FEDERAL			(-0-)	(-0-)
	OTHER			(41,800)	(41,800)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			41,800	41,800
1	(8) LOTTERY				
2	(q) General program operations	SEG	A	23,338,100	23,811,600
3	(r) Retailer compensation	SEG	S	27,173,800	28,946,800
4	(s) Prizes	SEG	S	-0-	-0-
5	(v) On-line vendor fees	SEG	S	10,597,000	10,794,900
	(8) PROGRAM TOTALS				
	SEGREGATED FUNDS			61,108,900	63,553,300
	OTHER			(61,108,900)	(63,553,300)
	TOTAL-ALL SOURCES			61,108,900	63,553,300
	20.566 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			54,069,500	54,092,000
	PROGRAM REVENUE			17,362,400	17,433,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(17,182,100)	(17,253,500)
	SERVICE			(180,300)	(180,300)
	SEGREGATED FUNDS			62,762,600	65,297,400
	OTHER			(62,762,600)	(65,297,400)
	TOTAL-ALL SOURCES			134,194,500	136,823,200
6	<b>20.575 Secretary of state</b>				
7	(1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
8	(g) Program fees	PR	A	396,800	397,900
9	(ka) Agency collections	PR-S	A	4,000	4,000
	20.575 DEPARTMENT TOTALS				
	PROGRAM REVENUE			400,800	401,900
	OTHER			(396,800)	(397,900)
	SERVICE			(4,000)	(4,000)
	TOTAL-ALL SOURCES			400,800	401,900

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	<b>20.585 Treasurer, state</b>				
2	(1) CUSTODIAN OF STATE FUNDS				
3	(b) Insurance	GPR	A	-0-	-0-
4	(e) Unclaimed property; contingency				
5	appropriation	GPR	S	-0-	-0-
6	(g) Processing services	PR	A	149,600	150,400
7	(h) Training conferences	PR	C	-0-	-0-
8	(j) Unclaimed property; claims and				
9	administrative expenses	PR	C	616,900	975,800
10	(jt) Cash management services	PR	A	16,800	14,600
11	(ka) Information technology				
12	development projects	PR-S	A	-0-	-0-
13	(kb) General program operations	PR-S	A	412,100	427,600
14	(km) Credit card use charges	PR-S	C	-0-	-0-

**20.585 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	1,195,400	1,568,400
OTHER	(783,300)	(1,140,800)
SERVICE	(412,100)	(427,600)
TOTAL-ALL SOURCES	1,195,400	1,568,400

General Executive Functions  
**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	140,411,100	141,329,200
PROGRAM REVENUE	373,539,600	370,535,700
FEDERAL	(105,374,700)	(102,493,000)
OTHER	(39,970,500)	(40,730,500)
SERVICE	(228,194,400)	(227,312,200)
SEGREGATED FUNDS	80,340,900	84,050,000
FEDERAL	(-0-)	(-0-)
OTHER	(80,340,900)	(84,050,000)
SERVICE	(-0-)	(-0-)

**SENATE BILL 77**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			594,291,600	595,914,900

**Judicial**

1	<b>20.625 Circuit courts</b>			
2	(1) COURT OPERATIONS			
3	(a) Circuit courts	GPR	S	42,962,400 42,962,400
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	S	134,100 134,100
7	(d) Circuit court support payments	GPR	B	16,489,600 16,489,600
8	(e) Guardian ad litum costs	GPR	A	4,738,500 4,738,500
9	(k) Drug court costs; local assistance	PR	C	160,000 160,000
10	(m) Federal aid	PR-F	C	-0- -0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	64,324,600	64,324,600
PROGRAM REVENUE	160,000	160,000
FEDERAL	(-0-)	(-0-)
OTHER	(160,000)	(160,000)
TOTAL-ALL SOURCES	64,484,600	64,484,600

11	(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES			
12	(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	64,324,600	64,324,600
PROGRAM REVENUE	160,000	160,000
FEDERAL	(-0-)	(-0-)

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	OTHER			(160,000)	(160,000)
	TOTAL-ALL SOURCES			64,484,600	64,484,600
1	<b>20.660 Court of appeals</b>				
2	(1) APPELLATE PROCEEDINGS				
3	(a) General program operations	GPR	S	6,072,800	6,055,200
4	(m) Federal aid	PR-F	C	-0-	-0-
	<b>20.660 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			6,072,800	6,055,200
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,072,800	6,055,200
5	<b>20.665 Judicial commission</b>				
6	(1) JUDICIAL CONDUCT				
7	(a) General program operations	GPR	A	199,300	199,700
8	(cm) Contractual agreements	GPR	B	18,200	18,200
9	(ka) Information technology				
10	development projects	PR-S	A	-0-	-0-
11	(mm) Federal aid	PR-F	C	-0-	-0-
	<b>20.665 DEPARTMENT TOTALS</b>				
	GENERAL PURPOSE REVENUES			217,500	217,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			217,500	217,900
12	<b>20.680 Supreme court</b>				
13	(1) SUPREME COURT PROCEEDINGS				
14	(a) General program operations	GPR	S	3,299,200	3,283,200
15	(m) Federal aid	PR-F	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99	
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				3,299,200	3,283,200	
PROGRAM REVENUE				-0-	-0-	
FEDERAL				(-0-)	(-0-)	
TOTAL-ALL SOURCES				3,299,200	3,283,200	
1	(2)	DIRECTOR OF STATE COURTS				
2	(a)	General program operations	GPR	A	4,342,900	4,340,900
3	(b)	Judicial planning and research	GPR	A	-0-	-0-
4	(g)	Gifts and grants	PR	C	-0-	-0-
5	(h)	Materials and services	PR	A	50,900	50,900
6	(i)	Municipal judge training	PR	A	111,300	111,300
7	(j)	Circuit court automation systems	PR	A	5,749,600	5,999,600
8	(ka)	Information technology				
9		development projects	PR-S	A	-0-	-0-
10	(kc)	Central services	PR-S	A	152,400	179,600
11	(kd)	Court operations information				
12		technology	PR-S	A	-0-	-0-
13	(ke)	Interagency and intra-agency				
14		automation assistance	PR-S	C	-0-	-0-
15	(m)	Federal aid	PR-F	C	-0-	-0-
16	(qm)	Mediation fund	SEG	C	643,900	643,900
(2) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				4,342,900	4,340,900	
PROGRAM REVENUE				6,064,200	6,341,400	
FEDERAL				(-0-)	(-0-)	
OTHER				(5,911,800)	(6,161,800)	
SERVICE				(152,400)	(179,600)	
SEGREGATED FUNDS				643,900	643,900	

**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	OTHER			(643,900)	(643,900)
	TOTAL-ALL SOURCES			11,051,000	11,326,200
1	(3) BAR EXAMINERS AND RESPONSIBILITY				
2	(g) Board of bar examiners	PR	C	463,300	463,300
3	(h) Board of attorneys professional				
4	responsibility	PR	C	1,319,800	1,319,800
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			1,783,100	1,783,100
	OTHER			(1,783,100)	(1,783,100)
	TOTAL-ALL SOURCES			1,783,100	1,783,100
5	(4) LAW LIBRARY				
6	(a) General program operations	GPR	A	925,100	925,100
7	(g) Library collections and services	PR	A	94,600	103,000
8	(h) Gifts and grants	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			925,100	925,100
	PROGRAM REVENUE			94,600	103,000
	OTHER			(94,600)	(103,000)
	TOTAL-ALL SOURCES			1,019,700	1,028,100
	20.680 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			8,567,200	8,549,200
	PROGRAM REVENUE			7,941,900	8,227,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(7,789,500)	(8,047,900)
	SERVICE			(152,400)	(179,600)
	SEGREGATED FUNDS			643,900	643,900
	OTHER			(643,900)	(643,900)
	TOTAL-ALL SOURCES			17,153,000	17,420,600
	Judicial FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			79,182,100	79,146,900
	PROGRAM REVENUE			8,101,900	8,387,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(7,949,500)	(8,207,900)
	SERVICE			(152,400)	(179,600)

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**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
SEGREGATED FUNDS			643,900	643,900
FEDERAL			(-0-)	(-0-)
OTHER			(643,900)	(643,900)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			87,927,900	88,178,300

**Legislative**

1	<b>20.765 Legislature</b>			
2	(1) ENACTMENT OF STATE LAWS			
3	(a) General program operations —			
4	assembly	GPR	S	19,237,500      19,158,300
5	(b) General program operations —			
6	senate	GPR	S	12,475,800      12,478,900
7	(d) Legislative documents	GPR	S	4,907,000      4,907,000
8	(e) H. Rupert Theobald plaque	GPR	C	-0-      -0-
9	(ka) Information technology			
10	development projects	PR-S	A	-0-      -0-
		(1) PROGRAM TOTALS		
	GENERAL PURPOSE REVENUES			36,620,300      36,544,200
	PROGRAM REVENUE			-0-      -0-
	SERVICE			(-0-)      (-0-)
	TOTAL-ALL SOURCES			36,620,300      36,544,200
11	(2) SPECIAL STUDY GROUPS			
12	(a) Retirement committees	GPR	A	162,300      162,300
13	(ab) Retirement actuarial studies	GPR	B	14,700      14,700
14	(b) Commission on uniform state laws	GPR	B	35,400      36,500



**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			212,400	213,500
	TOTAL-ALL SOURCES			212,400	213,500
1	(3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
2	(a) Revisor of statutes bureau	GPR	B	614,500	620,700
3	(b) Legislative reference bureau	GPR	B	3,172,200	3,166,800
4	(c) Legislative audit bureau	GPR	B	3,952,200	3,952,200
5	(d) Legislative fiscal bureau	GPR	B	2,287,600	2,298,000
6	(e) Joint Legislative council	GPR	B	2,551,300	2,551,300
7	(em) Legislative data processing	GPR	B	893,600	893,600
8	(f) Joint committee on legislative				
9	organization	GPR	B	-0-	-0-
10	(fa) Membership in national				
11	associations	GPR	S	223,600	228,300
12	(g) Gifts and grants to service agencies	PR	C	-0-	-0-
13	(ka) Audit bureau reimbursable audits	PR-S	A	1,312,900	1,331,300
14	(m) Federal aid	PR-F	C	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,695,000	13,710,900
	PROGRAM REVENUE			1,312,900	1,331,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,312,900)	(1,331,300)
	TOTAL-ALL SOURCES			15,007,900	15,042,200
	20.765 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			50,527,700	50,468,600
	PROGRAM REVENUE			1,312,900	1,331,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)

**SENATE BILL 77**

**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
SERVICE			(1,312,900)	(1,331,300)
TOTAL-ALL SOURCES			51,840,600	51,799,900
Legislative				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			50,527,700	50,468,600
PROGRAM REVENUE			1,312,900	1,331,300
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(1,312,900)	(1,331,300)
SEGREGATED FUNDS			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			51,840,600	51,799,900

**General Appropriations**

1	<b>20.835 Shared revenue and tax relief</b>					
2	(1) SHARED REVENUE PAYMENTS					
3	(b) Small municipalities shared					
4	revenue	GPR	S	10,000,000	10,000,000	
5	(c) Expenditure restraint program					
6	account	GPR	S	48,000,000	48,000,000	
7	(d) Shared revenue account	GPR	S	930,459,800	930,459,800	
8	(f) County mandate relief account	GPR	S	20,159,000	20,159,000	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,008,618,800	1,008,618,800	
	TOTAL-ALL SOURCES			1,008,618,800	1,008,618,800	
9	(2) TAX RELIEF					
10	(b) Claim of right credit	GPR	S	-0-	-0-	
11	(c) Homestead tax credit	GPR	S	95,500,000	95,500,000	

**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(ci) Development zones investment				
2	credit	GPR	S	2,500	2,500
3	(cL) Development zones location credit	GPR	S	2,000	2,000
4	(cm) Development zones jobs credit	GPR	S	1,250,000	450,000
5	(cn) Development zones sales tax credit	GPR	S	350,000	125,000
6	(d) Farmers' drought property tax				
7	credit	GPR	S	-0-	-0-
8	(dm) Farmland preservation credit	GPR	S	22,000,000	22,000,000
9	(ep) Cigarette tax refunds	GPR	S	11,000,000	11,850,000
10	(f) Earned income tax credit	GPR	S	75,500,000	88,000,000
11	(q) Farmland tax relief credit	SEG	S	12,000,000	11,800,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			205,604,500	217,929,500
	SEGREGATED FUNDS			12,000,000	11,800,000
	OTHER			(12,000,000)	(11,800,000)
	TOTAL-ALL SOURCES			217,604,500	229,729,500
12	(3) STATE PROPERTY TAX CREDITS				
13	(b) School levy tax credit	GPR	S	469,305,000	469,305,000
14	(q) Lottery credit	SEG	S	250,844,800	116,576,300
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			469,305,000	469,305,000
	SEGREGATED FUNDS			250,844,800	116,576,300
	OTHER			(250,844,800)	(116,576,300)
	TOTAL-ALL SOURCES			720,149,800	585,881,300
15	(4) COUNTY AND LOCAL TAXES				
16	(g) County taxes	PR	C	-0-	-0-
17	(gb) Special district taxes	PR	C	-0-	-0-

**SENATE BILL 77****SECTION 169**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(gg) Local taxes	PR	C	-0-	-0-
	(4) P R O G R A M T O T A L S				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
2	(5) PAYMENTS IN LIEU OF TAXES				
3	(a) Payments for municipal services	GPR	A	16,828,800	16,828,800
	(5) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			16,828,800	16,828,800
	TOTAL-ALL SOURCES			16,828,800	16,828,800
	2 0 . 8 3 5 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			1,700,357,100	1,712,682,100
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			262,844,800	128,376,300
	OTHER			(262,844,800)	(128,376,300)
	TOTAL-ALL SOURCES			1,963,201,900	1,841,058,400
4	<b>20.855 Miscellaneous appropriations</b>				
5	(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
6	(a) Obligation on operating notes	GPR	S	14,300,000	19,600,000
7	(b) Operating note expenses	GPR	S	110,000	110,000
8	(c) Interest payments to program				
9	revenue accounts	GPR	S	-0-	-0-
10	(d) Interest payments to segregated				
11	funds	GPR	S	-0-	-0-
12	(e) Interest on prorated local				
13	government payments	GPR	S	-0-	-0-
14	(q) Redemption of operating notes	SEG	S	-0-	-0-
15	(r) Interest payments to general fund	SEG	S	-0-	-0-

**SENATE BILL 77****SECTION 169**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997-98	1998-99	
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				14,410,000	19,710,000	
SEGREGATED FUNDS				-0-	-0-	
OTHER				(-0-)	(-0-)	
TOTAL-ALL SOURCES				14,410,000	19,710,000	
1	(3)	RELOCATION EXPENSES				
2	(a)	Capitol offices relocation	GPR	S	2,113,500	2,113,500
(3) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				2,113,500	2,113,500	
TOTAL-ALL SOURCES				2,113,500	2,113,500	
3	(4)	TAX, ASSISTANCE AND TRANSFER PAYMENTS				
4	(a)	Interest on overpayment of taxes	GPR	S	500,000	500,000
5	(am)	Great Lakes protection fund				
6		contribution	GPR	C	-0-	-0-
7	(b)	Election campaign payments	GPR	S	295,000	285,000
8	(c)	Minnesota income tax reciprocity	GPR	S	33,800,000	34,800,000
9	(ca)	Minnesota income tax reciprocity				
10		bench mark	GPR	A	16,000	-0-
11	(e)	Transfer to conservation fund; land				
12		acquisition reimbursement	GPR	S	22,100	116,900
13	(q)	Terminal tax distribution	SEG	S	1,162,100	1,162,100
14	(r)	Petroleum allowance	SEG	S	400,000	400,000
15	(s)	Transfer to conservation fund;				
16		motorboat formula	SEG	S	8,967,400	9,255,900
17	(t)	Transfer to conservation fund;				
18		snowmobile formula	SEG	S	3,328,300	3,513,200

**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(u) Transfer to conservation fund;				
2	all-terrain vehicle formula	SEG	S	470,400	515,600
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			34,633,100	35,701,900
	SEGREGATED FUNDS			14,328,200	14,846,800
	OTHER			(14,328,200)	(14,846,800)
	TOTAL-ALL SOURCES			48,961,300	50,548,700
3	(5) STATE HOUSING AUTHORITY RESERVE FUND				
4	(a) Enhancement of credit of authority				
5	debt	GPR	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
6	(6) MISCELLANEOUS RECEIPTS				
7	(g) Gifts and grants	PR	C	-0-	-0-
8	(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
9	(i) Miscellaneous program revenue	PR	A	-0-	-0-
10	(j) Custody accounts	PR	C	-0-	-0-
11	(k) Aids to individuals and				
12	organizations	PR-S	C	-0-	-0-
13	(ka) Local assistance	PR-S	C	-0-	-0-
14	(m) Federal aid	PR-F	C	-0-	-0-
15	(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-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(7) DEBT COLLECTIONS				
2	(j) Delinquent support and				
3	maintenance payments	PR	C	-0-	-0-
	(7) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(9) STATE CAPITOL RENOVATION AND RESTORATION				
5	(a) South wing renovation and				
6	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			51,156,600	57,525,400
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			14,328,200	14,846,800
	OTHER			(14,328,200)	(14,846,800)
	TOTAL-ALL SOURCES			65,484,800	72,372,200
7	<b>20.865 Program supplements</b>				
8	(1) EMPLOYE COMPENSATION AND SUPPORT				
9	(a) Judgments and legal expenses	GPR	S	50,000	50,000
10	(c) Compensation and related				
11	adjustments	GPR	S	-0-	-0-
12	(ci) Nonrepresented university system				
13	faculty and academic pay				
14	adjustments	GPR	S	-0-	-0-

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(cj) Pay adjustments for certain				
2	university employes	GPR	A	-0-	-0-
3	(d) Employer fringe benefit costs	GPR	S	2,607,700	2,607,700
4	(em) Financial services	GPR	A	140,300	191,400
5	(fm) Risk management	GPR	A	-0-	-0-
6	(fn) Physically handicapped				
7	supplements	GPR	A	6,900	6,900
8	(g) Judgments and legal expenses;				
9	program revenues	PR	S	-0-	-0-
10	(i) Compensation and related				
11	adjustments; program revenues	PR	S	-0-	-0-
12	(ic) Nonrepresented university system				
13	faculty and academic pay				
14	adjustments	PR	S	-0-	-0-
15	(j) Employer fringe benefit costs;				
16	program revenues	PR	S	-0-	-0-
17	(js) Financial services; program				
18	revenues	PR	S	-0-	-0-
19	(kr) Risk management; program				
20	revenues	PR-S	S	-0-	-0-
21	(Ln) Physically handicapped				
22	supplements; program revenues	PR	S	-0-	-0-
23	(q) Judgments and legal expenses;				
24	segregated revenues	SEG	S	-0-	-0-



**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(s) Compensation and related				
2	adjustments; segregated revenues	SEG	S	-0-	-0-
3	(si) Nonrepresented university system				
4	faculty and academic pay				
5	adjustments	SEG	S	-0-	-0-
6	(t) Employer fringe benefit costs;				
7	segregated revenues	SEG	S	-0-	-0-
8	(ts) Financial services; segregated				
9	revenues	SEG	S	-0-	-0-
10	(ur) Risk management; segregated				
11	revenues	SEG	S	-0-	-0-
12	(vn) Physically handicapped				
13	supplements; segregated revenues	SEG	S	-0-	-0-
	<b>(1) PROGRAM TOTALS</b>				
	GENERAL PURPOSE REVENUES			2,804,900	2,856,000
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,804,900	2,856,000
14	(2) STATE PROGRAMS AND FACILITIES				
15	(a) Space management and child care	GPR	A	1,611,600	1,371,600
16	(ag) State-owned office rent supplement	GPR	A	-0-	-0-
17	(d) State deposit fund	GPR	S	-0-	-0-
18	(e) Maintenance of capitol and				
19	executive residence	GPR	A	3,874,600	3,874,600

**SENATE BILL 77**

	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>	
1	(eb) Executive residence furnishings					
2	replacement	GPR	C	25,000	25,000	
3	(em) Groundwater survey and analysis	GPR	A	231,200	231,200	
4	(g) Space management and child care;					
5	program revenues	PR	S	-0-	-0-	
6	(gg) State-owned office rent					
7	supplement; program revenues	PR	S	-0-	-0-	
8	(j) State deposit fund; program					
9	revenues	PR	S	-0-	-0-	
10	(L) Data processing and					
11	telecommunications study; program					
12	revenues	PR-S	S	-0-	-0-	
13	(q) Space management and child care;					
14	segregated revenues	SEG	S	-0-	-0-	
15	(qg) State-owned office rent					
16	supplement; segregated revenues	SEG	S	-0-	-0-	
17	(t) State deposit fund; segregated					
18	revenues	SEG	S	-0-	-0-	
	<b>(2) PROGRAM TOTALS</b>					
	GENERAL PURPOSE REVENUES			5,742,400	5,502,400	
	PROGRAM REVENUE			-0-	-0-	
	OTHER			(-0-)	(-0-)	
	SERVICE			(-0-)	(-0-)	
	SEGREGATED FUNDS			-0-	-0-	
	OTHER			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			5,742,400	5,502,400	
19	(3) TAXES AND SPECIAL CHARGES					

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(a) Property taxes	GPR	S	-0-	-0-
2	(g) Property taxes; program revenues	PR	S	-0-	-0-
3	(i) Payments for municipal services;				
4	program revenues	PR	S	-0-	-0-
5	(q) Property taxes; segregated				
6	revenues	SEG	S	-0-	-0-
7	(s) Payments for municipal services;				
8	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-
9	(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
10	(a) General purpose revenue funds				
11	general program supplementation	GPR	B	352,200	352,200
12	(c) Wisconsin sesquicentennial				
13	commission appropriation				
14	supplementation	GPR	C	-0-	-0-
15	(g) Program revenue funds general				
16	program supplementation	PR	S	-0-	-0-
17	(u) Segregated funds general program				
18	supplementation	SEG	S	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			352,200	352,200
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)

**SENATE BILL 77**

**SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			352,200	352,200
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			8,899,500	8,710,600
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,899,500	8,710,600
5	<b>20.866 Public debt</b>				
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-
8	<b>20.867 Building commission</b>				
9	(1) STATE OFFICE BUILDINGS				
10	(a) Principal repayment and interest;				
11	housing of state agencies	GPR	S	-0-	-0-

**SENATE BILL 77**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
1	(b) Principal repayment and interest;				
2	capitol and executive residence	GPR	S	4,437,200	6,055,900
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,437,200	6,055,900
	TOTAL-ALL SOURCES			4,437,200	6,055,900
3	(2) ALL STATE-OWNED FACILITIES				
4	(b) Asbestos removal	GPR	A	-0-	-0-
5	(c) Hazardous materials removal	GPR	A	-0-	-0-
6	(f) Facilities preventive maintenance	GPR	A	-0-	-0-
7	(ka) Information technology				
8	development projects	PR-S	A	-0-	-0-
9	(q) Building trust fund	SEG	C	-0-	-0-
10	(r) Planning and design	SEG	C	-0-	-0-
11	(u) Aids for buildings	SEG	C	-0-	-0-
12	(v) Building program funding				
13	contingency	SEG	C	-0-	-0-
14	(w) Building program funding	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
15	(3) STATE BUILDING PROGRAM				
16	(a) Principal repayment and interest	GPR	S	16,574,500	24,103,700
17	(b) Principal repayment and interest	GPR	S	-0-	-0-

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	<b>STATUTE, AGENCY AND PURPOSE</b>	<b>SOURCE</b>	<b>TYPE</b>	<b>1997-98</b>	<b>1998-99</b>
1	(c) Lease rental payments	GPR	S	-0-	-0-
2	(d) Interest rebates on obligation				
3	proceeds; general fund	GPR	S	-0-	-0-
4	(e) Principal repayment, interest and				
5	rebates; parking ramp	GPR	S	-0-	-0-
6	(g) Principal repayment, interest and				
7	rebates; program revenues	PR	S	-0-	-0-
8	(h) Principal repayment, interest and				
9	rebates	PR	S	-0-	-0-
10	(i) Principal repayment, interest and				
11	rebates; capital equipment	PR	S	-0-	-0-
12	(k) Interest rebates on obligation				
13	proceeds; program revenues	PR-S	C	-0-	-0-
14	(q) Principal repayment and interest;				
15	segregated revenues	SEG	S	-0-	-0-
16	(r) Interest rebates on obligation				
17	proceeds; conservation fund	SEG	S	-0-	-0-
18	(s) Interest rebates on obligation				
19	proceeds; transportation fund	SEG	S	-0-	-0-
20	(t) Interest rebates on obligation				
21	proceeds; veterans trust fund	SEG	S	-0-	-0-
22	(w) Bonding services	SEG	S	1,024,200	1,024,200
<b>(3) PROGRAM TOTALS</b>					
	<b>GENERAL PURPOSE REVENUES</b>			<b>16,574,500</b>	<b>24,103,700</b>
	<b>PROGRAM REVENUE</b>			<b>-0-</b>	<b>-0-</b>
	<b>OTHER</b>			<b>(-0-)</b>	<b>(-0-)</b>
	<b>SERVICE</b>			<b>(-0-)</b>	<b>(-0-)</b>

**SENATE BILL 77****SECTION 169**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			17,598,700	25,127,900
1	(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
2	(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
3	(r) Interest on veterans obligations	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.867 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			21,011,700	30,159,600
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			22,035,900	31,183,800
4	<b>20.870 Information technology investment fund</b>				
5	(1) INFORMATION TECHNOLOGY DEVELOPMENT				
6	(q) Special projects; fee revenue	SEG	A	3,100,000	2,500,000
7	(r) Special projects; agency revenues	SEG	A	-0-	-0-
8	(s) Special projects; gifts and grants	SEG	A	-0-	-0-
	20.870 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			3,100,000	2,500,000
	OTHER			(3,100,000)	(2,500,000)
	TOTAL-ALL SOURCES			3,100,000	2,500,000
9	<b>20.875 Budget stabilization fund</b>				
10	(1) TRANSFERS TO FUND				
11	(a) General fund transfer	GPR	A	-0-	-0-

**SENATE BILL 77**

**SECTION 169**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997-98	1998-99		
(1) PROGRAM TOTALS						
	GENERAL PURPOSE REVENUES		-0-	-0-		
	TOTAL-ALL SOURCES		-0-	-0-		
1	(2)	TRANSFERS FROM FUND				
2	(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		1,781,424,900	1,809,077,700		
	PROGRAM REVENUE		-0-	-0-		
	FEDERAL		(-0-)	(-0-)		
	OTHER		(-0-)	(-0-)		
	SERVICE		(-0-)	(-0-)		
	SEGREGATED FUNDS		281,297,200	146,747,300		
	FEDERAL		(-0-)	(-0-)		
	OTHER		(281,297,200)	(146,747,300)		
	SERVICE		(-0-)	(-0-)		
	LOCAL		(-0-)	(-0-)		
	TOTAL-ALL SOURCES		2,062,722,100	1,955,825,000		
STATE TOTAL			18,093,092,800	18,251,423,100		
	GENERAL PURPOSE REVENUES		9,535,807,900	9,739,579,300		
	PROGRAM REVENUE		6,051,341,900	6,151,003,000		
	FEDERAL		(3,746,964,400)	(3,776,651,500)		
	OTHER		(1,815,599,600)	(1,849,117,900)		
	SERVICE		(488,777,900)	(525,233,600)		
	SEGREGATED FUNDS		2,505,943,000	2,360,840,800		
	FEDERAL		(432,399,200)	(398,170,300)		
	OTHER		(1,915,110,900)	(1,768,714,900)		
	SERVICE		(107,974,300)	(142,991,500)		
	LOCAL		(50,458,600)	(50,964,100)		

3

4

**SECTION 170.** 20.115 (1) (j) of the statutes is amended to read:



**SENATE BILL 77****SECTION 170**

1           20.115 (1) (j) *Weights and measures inspection*. The amounts in the schedule  
2 for weights and measures inspection, testing and enforcement under ch. 98. All  
3 moneys received under ss. 93.06 (1p), 97.30 (3) (am), 98.04 (2), 98.05 (5), 98.16 and,  
4 98.18 and 98.245 (7) shall be credited to this appropriation.

5           **SECTION 171.** 20.115 (3) (jm) of the statutes is created to read:

6           20.115 (3) (jm) *Stray voltage program; rural electric cooperatives*. The amounts  
7 in the schedule for the administration of s. 93.41. All moneys received under s. 93.41  
8 (3) shall be credited to this appropriation account.

9           **SECTION 172.** 20.115 (4) (c) of the statutes is amended to read:

10           20.115 (4) (c) (title) ~~*Research and development grants*~~ *Agricultural investment*  
11 *aids*. Biennially, the amounts in the schedule for agricultural research and  
12 development grants under s. 93.46 (2) and sustainable agriculture grants under s.  
13 93.47.

14           **SECTION 173.** 20.115 (4) (cd) of the statutes is created to read:

15           20.115 (4) (cd) *Federal dairy policy reform*. Biennially, the amounts in the  
16 schedule for efforts to reform federal dairy pricing policies under s. 93.06 (12).

17           **SECTION 174.** 20.115 (4) (d) of the statutes is created to read:

18           20.115 (4) (d) *Farmer tuition assistance grants*. Biennially, the amounts in the  
19 schedule for farmer tuition assistance grants under s. 93.51.

20           **SECTION 175.** 20.115 (4) (g) of the statutes is amended to read:

21           20.115 (4) (g) *Pari-mutuel racing supplemental aid*. All moneys received  
22 transferred from s. 20.197 (1) the appropriation account under s. 20.505 (8) (g) 1., to  
23 provide state aids to counties and agricultural societies, associations or boards and  
24 to incorporated dairy or livestock associations.

25           **SECTION 176.** 20.115 (4) (h) of the statutes is amended to read:

**SENATE BILL 77****SECTION 176**

1           20.115 (4) (h) *Pari-mutuel racing supplemental aid to Wisconsin livestock*  
2 *breeders association*. All moneys transferred from the appropriation account under  
3 s. ~~20.197 (1)~~ 20.505 (8) (g) 1r. to provide aid to the Wisconsin livestock breeders  
4 association for the conduct of junior livestock shows and other livestock educational  
5 programs under s. 93.31.

6           **SECTION 177.** 20.115 (7) (dm) of the statutes is repealed.

7           **SECTION 178.** 20.115 (7) (e) of the statutes is amended to read:

8           20.115 (7) (e) *Agricultural chemical cleanup program; general fund*. ~~As a~~  
9 ~~continuing appropriation~~ Biennially, the amounts in the schedule for  
10 reimbursement of corrective action costs under s. 94.73.

11          **SECTION 179.** 20.115 (7) (h) of the statutes is amended to read:

12          20.115 (7) (h) *Fertilizer research assessments*. All moneys collected under s. ss.  
13 94.64 (4) (am) (a) 2. and 94.65 (6) (a) 3. to be used as provided in s. 94.64 (8m) for  
14 fertilizer research. ~~From this paragraph,~~ The department may use up to 3.5% of the  
15 gross amount collected shall be transferred to the appropriation under sub. (1) (a) as  
16 reimbursement for administrative expenses incurred by the department ~~in~~  
17 ~~connection with the moneys collected to collect moneys~~ under s. ss. 94.64 (4) (am) (a)  
18 2. and 94.65 (6) (a) 3. Moneys under this paragraph may not be ~~utilized~~ used for any  
19 other research or to influence either state or federal legislation.

20          **SECTION 180.** 20.115 (7) (i) of the statutes is created to read:

21          20.115 (7) (i) *Agricultural chemical cleanup reimbursement*. All moneys  
22 received under ss. 94.64 (3r) (b) and (4) (a) 5., 94.681 (3) and (6) (a) 4., 94.685 (3) (a)  
23 2., 94.703 (3) (a) 2., 94.704 (3) (a) 2. and 94.73 (5) (e) and (8) and all moneys  
24 transferred under 1997 Wisconsin Act .... (this act), section 9204 (2), for  
25 reimbursement of corrective action costs under s. 94.73.

**SENATE BILL 77****SECTION 181**

1           **SECTION 181.** 20.115 (7) (w) of the statutes is repealed.

2           **SECTION 182.** 20.115 (8) (hm) of the statutes is created to read:

3           20.115 (8) (hm) *Restitution.* All moneys received by the department as  
4 court-ordered restitution to victims or payments for other persons represented by  
5 the department for the purpose of making the restitution or payments and for the  
6 department's costs in administering the restitution or payments, as authorized by  
7 court order.

8           **SECTION 183.** 20.115 (8) (j) of the statutes is renumbered 20.115 (3) (j).

9           **SECTION 184.** 20.115 (8) (k) of the statutes is amended to read:

10           20.115 (8) (k) *Computer system equipment, staff and services.* The amounts in  
11 the schedule for the costs of computer system equipment, staff and services. All  
12 moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (j), (kp), (ks),  
13 (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (m), (r) and (s), (2) (g), (ha),  
14 (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m), and (7) (g), (ga), (gm), (k) and (m)  
15 and (9) (m) shall be credited to this appropriation account.

16           **SECTION 185.** 20.115 (9) of the statutes is repealed.

17           **SECTION 186.** 20.143 (1) (b) of the statutes is amended to read:

18           20.143 (1) (b) (title) *Economic development promotion, plans and studies.* The  
19 amounts in the schedule for economic development promotion under ch. 560 and for  
20 economic development plans and studies under ss. 560.01, 560.03, 560.07, 560.08,  
21 560.09 and 560.905.

22           **SECTION 187.** 20.143 (1) (c) of the statutes is amended to read:

23           20.143 (1) (c) (title) *Wisconsin development fund; grants and, loans and,*  
24 *reimbursements and assistance.* Biennially, As a continuing appropriation, the  
25 amounts in the schedule for grants under s. 560.615; for grants and loans under ss.

**SENATE BILL 77****SECTION 187**

1 560.62, ~~560.625~~, 560.63 and 560.66; for ~~loans~~ grants under s. 560.16; for  
2 reimbursements under s. 560.167; for providing assistance under s. 560.06; and for  
3 the grants under 1995 Wisconsin Act 27, section 9116 (7gg), and 1995 Wisconsin Act  
4 119, section 2 (1). Of the amounts in the schedule, \$50,000 shall be allocated in each  
5 of fiscal years 1997-98, 1998-99 and 1999-2000 for providing the assistance under  
6 s. 560.06. Notwithstanding s. 560.62 (3) and (4), of the amounts in the schedule,  
7 \$125,000 shall be allocated in each of 4 consecutive fiscal years, beginning with fiscal  
8 year 1998-99, for grants and loans under s. 560.62 (1) (a).

9 **SECTION 188.** 20.143 (1) (er) of the statutes is amended to read:

10 20.143 (1) (er) *Rural economic development program.* Biennially As a  
11 continuing appropriation, the amounts in the schedule for grants and loans under  
12 s. 560.17.

13 **SECTION 189.** 20.143 (1) (f) of the statutes is created to read:

14 20.143 (1) (f) *Physician and health care provider loan assistance programs;*  
15 *repayments and contract.* As a continuing appropriation, the amounts in the  
16 schedule for loan repayments under ss. 560.183 and 560.184 and for contracting  
17 under ss. 560.183 (8) and 560.184 (7).

18 **SECTION 190.** 20.143 (1) (fc) of the statutes is repealed.

19 **SECTION 191.** 20.143 (1) (fd) of the statutes is repealed.

20 **SECTION 192.** 20.143 (1) (fe) of the statutes is repealed.

21 **SECTION 193.** 20.143 (1) (fg) of the statutes is amended to read:

22 20.143 (1) (fg) *Community-based economic development programs.* The As a  
23 continuing appropriation, the amounts in the schedule for grants under ~~ss. 560.037~~  
24 and s. 560.14 and for the grant under 1993 Wisconsin Act 16, section 9115 (1c).

25 **SECTION 194.** 20.143 (1) (fm) of the statutes is amended to read:

**SENATE BILL 77****SECTION 194**

1           20.143 (1) (fm) *Minority business projects; grants and loans.* Biennially, the  
2 amounts in the schedule for grants under ~~ss. 560.038, 560.039~~ and s. 560.82, grants  
3 and loans under s. 560.83 and the grant under 1993 Wisconsin Act 110, section 3.

4           **SECTION 195.** 20.143 (1) (gc) of the statutes is created to read:

5           20.143 (1) (gc) *Business development assistance center.* All moneys received  
6 under s. 560.42 (3) (a) for providing materials and services under subch. III of ch. 560.

7           **SECTION 196.** 20.143 (1) (gm) of the statutes is created to read:

8           20.143 (1) (gm) *Wisconsin development fund, administration of grants and*  
9 *loans.* All moneys received from origination fees under s. 560.68 (3) for  
10 administering the programs under subch. V of ch. 560 and for the costs of  
11 underwriting grants and loans awarded under subch. V of ch. 560.

12           **SECTION 197.** 20.143 (1) (ie) of the statutes, as affected by 1995 Wisconsin Act  
13 27, section 512bc, is amended to read:

14           20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received  
15 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.16, 1995  
16 stats., s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989 Wisconsin  
17 Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m) and 1989  
18 Wisconsin Act 336, section 3015 (3gx), to be used for grants and loans under subch.  
19 V of ch. 560 except s. 560.65, for ~~loans~~ grants under s. 560.16 and for reimbursements  
20 under s. 560.167.

21           **SECTION 198.** 20.143 (1) (if) of the statutes is created to read:

22           20.143 (1) (if) *Mining economic development grants and loans; repayments.* All  
23 moneys received in repayment of grants or loans under s. 560.135 to be used for  
24 grants and loans under s. 560.135.

25           **SECTION 199.** 20.143 (1) (ij) of the statutes is renumbered 20.505 (1) (iu).

**SENATE BILL 77****SECTION 200**

1           **SECTION 200.** 20.143 (1) (L) of the statutes is amended to read:

2           20.143 (1) (L) *Recycling market development; repayments.* All moneys received  
3 in repayment of loans ~~made~~ awarded by the recycling market development board  
4 under s. 287.46 (1) and received under s. 287.46 (3) in repayment of loans made by  
5 recipients of financial assistance ~~from~~ awarded by the recycling market development  
6 board under s. 287.46 (1), to be used to provide financial assistance under ~~s. 287.46~~  
7 ~~(1)~~ subch. III of ch. 287.

8           **SECTION 201.** 20.143 (1) (q) of the statutes is created to read:

9           20.143 (1) (q) *Brownfields grant program.* From the recycling fund, as a  
10 continuing appropriation, the amounts in the schedule for grants under s. 560.13.

11           **SECTION 202.** 20.143 (1) (qa) of the statutes is created to read:

12           20.143 (1) (qa) *Staff for business development center.* From the petroleum  
13 inspection fund, the amounts in the schedule for staff for the business development  
14 assistance center under subch. III of ch. 560.

15           **SECTION 203.** 20.143 (1) (r) of the statutes is created to read:

16           20.143 (1) (r) *Mining economic development grants and loans.* From the  
17 investment and local impact fund, as a continuing appropriation, the amounts in the  
18 schedule for mining and economic development grants and loans under s. 560.135.

19           **SECTION 204.** 20.143 (1) (st) of the statutes is amended to read:

20           20.143 (1) (st) *Recycling market development board; operations.* From the  
21 recycling fund, the amounts in the schedule for ~~staff,~~ permanent property, supplies  
22 ~~and,~~ services and department of commerce staff support for the recycling market  
23 development board.

24           **SECTION 205.** 20.143 (1) (tm) of the statutes is amended to read:

**SENATE BILL 77****SECTION 205**

1           20.143 (1) (tm) (title) *Recycling market development board; contracts and*  
2 *assistance*. Biennially, from the recycling fund, the amounts in the schedule for  
3 recycling market development board contracts under s. 287.42 (3) and financial  
4 assistance under s. ~~287.46~~ subch. III of ch. 287.

5           **SECTION 206.** 20.143 (3) (j) of the statutes is amended to read:

6           20.143 (3) (j) *Safety and building operations*. The amounts in the schedule for  
7 the purposes of subchs. I, II, III, IV and VI of ch. 101 ~~and~~, chs. 145 and 168 and ss.  
8 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145  
9 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82  
10 (4) ~~and~~, 101.973 (7) and 236.12 (7) shall be credited to this appropriation.

11           **SECTION 207.** 20.144 (1) (g) of the statutes is amended to read:

12           20.144 (1) (g) *General program operations*. The amounts in the schedule for  
13 the general program operations of the department of financial institutions. Except  
14 as provided in pars. (a), (h), (i) and (u), all moneys received by the department, other  
15 than by the office of credit unions, the division of banking and the division of savings  
16 ~~and loan~~ institutions, and 88% of all moneys received by the department's division  
17 of banking and the department's division of savings ~~and loan~~ institutions shall be  
18 credited to this appropriation, but any balance at the close of a fiscal year exceeding  
19 10% of the previous fiscal year's expenditures under this appropriation shall lapse  
20 to the general fund. Annually, \$200,000 of the amounts received under this  
21 appropriation account shall be transferred to the appropriation account under s.  
22 20.575 (1) (g).

23           **SECTION 208.** 20.145 (1) (g) of the statutes is amended to read:

24           20.145 (1) (g) *General program operations*. The amounts in the schedule for  
25 general program operations ~~and for funding the activities of the office of health care~~

**SENATE BILL 77****SECTION 208**

1 ~~information under s. 153.05 (8).~~ Ninety percent of all moneys received under ss.  
2 601.31, 601.32, 601.45 and 601.47 shall be credited to this appropriation.

3 **SECTION 209.** 20.145 (1) (k) of the statutes is created to read:

4 20.145 (1) (k) *Administrative and support services.* The amounts in the  
5 schedule for administrative and support services and products. All moneys received  
6 by the office of the commissioner of insurance from the office of the commissioner of  
7 insurance as payment for administrative and support services and products shall be  
8 credited to this appropriation account.

9 **SECTION 210.** 20.145 (7) (title) of the statutes is repealed.

10 **SECTION 211.** 20.145 (7) (a) of the statutes is renumbered 20.435 (5) (ah) and  
11 amended to read:

12 20.435 (5) (ah) (title) *Premium Health insurance risk-sharing plan; premium*  
13 *and deductible reduction subsidy.* Biennially, the amounts in the schedule for the  
14 purpose of subsidizing premium reductions under s. ~~619.165~~ 149.165 and deductible  
15 reductions under s. ~~619.14~~ 149.14 (5) (a).

16 **SECTION 212.** 20.145 (7) (b) of the statutes is repealed.

17 **SECTION 213.** 20.145 (7) (g) of the statutes is renumbered 20.435 (5) (hp) and  
18 amended to read:

19 20.435 (5) (hp) (title) *Premium Health insurance risk-sharing plan; premium*  
20 *and deductible reduction subsidy; insurer assessments and penalties.* All moneys  
21 received from insurer assessments and penalties under s. ~~619.135~~ 149.135 for  
22 subsidizing premium reductions under s. ~~619.165~~ 149.165 and deductible reductions  
23 under s. ~~619.14~~ 149.14 (5) (a).

24 **SECTION 214.** 20.145 (7) (u) of the statutes is renumbered 20.435 (1) (u) and  
25 amended to read:



**SENATE BILL 77****SECTION 214**

1           20.435 (1) (u) (title) *Administration Health insurance risk-sharing plan;*  
2 *administration.* The amounts in the schedule from the health insurance  
3 risk-sharing plan fund for the administration of subch. II of ch. 619 ~~149~~.

4           **SECTION 215.** 20.145 (8) (title) of the statutes is repealed.

5           **SECTION 216.** 20.145 (8) (hg) of the statutes is renumbered 20.435 (1) (hg) and  
6 amended to read:

7           20.435 (1) (hg) (title) *General program operations; ~~office of health care~~*  
8 *information.* The amounts in the schedule to fund the activities of the ~~office of health~~  
9 ~~care information~~ department of health and family services and the board on health  
10 care information under ch. 153. The assessments paid under s. 153.60 shall be  
11 credited to this appropriation account.

12           **SECTION 217.** 20.145 (8) (hi) of the statutes is renumbered 20.435 (1) (hi), and  
13 20.435 (1) (hi) (title), as renumbered, is amended to read:

14           20.435 (1) (hi) (title) *Compilations and special reports; ~~office of health care~~*  
15 *information.*

16           **SECTION 218.** 20.145 (8) (hj) of the statutes is repealed.

17           **SECTION 219.** 20.145 (8) (kx) of the statutes is repealed.

18           **SECTION 220.** 20.145 (8) (mr) of the statutes is repealed.

19           **SECTION 221.** 20.155 (1) (q) of the statutes is created to read:

20           20.155 (1) (q) *Universal telecommunications service.* From the universal  
21 service fund, a sum sufficient for the promotion of universal telecommunications  
22 service for the purposes specified in s. 196.218 (5) (a) 1. to 4.

23           **SECTION 222.** 20.155 (2) (g) of the statutes is amended to read:

24           20.155 (2) (g) *Railroad regulation and general program operations.* The  
25 amounts in the schedule for railroad regulation under chs. 189 to 192 and 195 and

**SENATE BILL 77****SECTION 222**

1 general program operations of the office of the commissioner of railroads. Ninety  
2 percent of all moneys received by the office under s. 184.10 (3) or 195.60 (1) and 90%  
3 of the remainder received by the office under s. 195.60 (2) shall be credited to this  
4 appropriation.

5 **SECTION 223.** 20.165 (1) (g) of the statutes is amended to read:

6 20.165 (1) (g) *General program operations.* The amounts in the schedule for  
7 the licensing, rule making and regulatory functions of the department, except for  
8 preparing, administering and grading examinations. Ninety percent of all moneys  
9 received under chs. 440 to 480, except ~~s.~~ ss. 440.03 (13) and 440.05 (1) (b), less \$10  
10 of each renewal fee received under s. 452.12 (5), and all moneys transferred from the  
11 appropriation under par. (i) and all moneys received under s. 440.055 (2), shall be  
12 credited to this appropriation.

13 **SECTION 224.** 20.165 (1) (gm) of the statutes, as created by 1995 Wisconsin Act  
14 461, is repealed and recreated to read:

15 20.165 (1) (gm) *Applicant investigation reimbursement.* All moneys received  
16 from applicants for credentials under s. 440.03 (13), for the purpose of conducting  
17 investigations under s. 440.03 (13).

18 **SECTION 225.** 20.190 (1) (m) of the statutes is created to read:

19 20.190 (1) (m) *Federal funds.* All moneys received from the federal government  
20 for the state fair park board as authorized under s. 16.54 to be used for the purposes  
21 for which received.

22 **SECTION 226.** 20.197 (intro.) of the statutes is repealed.

23 **SECTION 227.** 20.197 (1) (title) of the statutes is renumbered 20.505 (8) (title)  
24 and amended to read:

25 20.505 (8) (title) ~~GAMING OPERATIONS~~ DIVISION OF GAMING.

**SENATE BILL 77**

1           **SECTION 228.** 20.197 (1) (g) of the statutes is renumbered 20.505 (8) (g), and  
2           20.505 (8) (g) (intro.), as renumbered, is amended to read:

3           20.505 (8) (g) *General program operations; racing.* (intro.) The amounts in the  
4           schedule for general program operations under ch. 562. All moneys received by the  
5           ~~gaming board~~ department of administration under ss. 562.02 (2) (f), 562.04 (1) (b) 4.  
6           and (2) (d), 562.05 (2), 562.065 (3) (d) and (4) and 562.09 (2) (e), less the amounts  
7           appropriated under s. 20.455 (2) (g), shall be credited to this appropriation account.  
8           The unencumbered balance in this appropriation on June 30 of each fiscal year which  
9           exceeds 10% of that fiscal year's expenditures under this appropriation, but not more  
10          than the total amount received during that fiscal year under s. 562.065 (3) (d) and  
11          (4), shall be transferred as follows:

12          **SECTION 229.** 20.197 (1) (h) of the statutes is renumbered 20.505 (8) (h), and  
13          20.505 (8) (h) (title), as renumbered, is amended to read:

14          20.505 (8) (h) (title) *General program operations; Indian gaming regulation.*

15          **SECTION 230.** 20.197 (1) (j) of the statutes is renumbered 20.505 (8) (j) and  
16          amended to read:

17          20.505 (8) (j) *General program operations; charitable and crane games.* The  
18          amounts in the schedule for general program operations under chs. 563 and 564. All  
19          moneys received by the ~~gaming board~~ department of administration under ch. 563,  
20          except s. 563.80, and under s. 564.02 (2) shall be credited to this appropriation  
21          account.

22          **SECTION 231.** 20.197 (1) (q) of the statutes is repealed.

23          **SECTION 232.** 20.197 (3) (title) of the statutes is repealed.

24          **SECTION 233.** 20.197 (3) (i) of the statutes is renumbered 20.505 (8) (i).

25          **SECTION 234.** 20.225 (1) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 234**

1           20.225 (1) (b) *Energy costs*. The amounts in the schedule to pay for utilities and  
2 for fuel, heat and air conditioning, and to pay costs incurred under ~~s. ss. 16.858 and~~  
3 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans  
4 made to the board under s. 16.847 (6).

5           **SECTION 235.** 20.225 (1) (e) of the statutes is repealed.

6           **SECTION 236.** 20.235 (title) of the statutes is amended to read:

7           **20.235 (title) ~~Department of education; higher~~ Higher educational aids**  
8 **board.**

9           **SECTION 237.** 20.235 (1) (fy) (title) of the statutes is repealed and recreated to  
10 read:

11           20.235 (1) (fy) (title) *Governor's scholarship program*.

12           **SECTION 238.** 20.235 (1) (g) of the statutes is amended to read:

13           20.235 (1) (g) *Student loans*. The amounts in the schedule for additional loans  
14 under s. 39.32, for repurchase of loans assigned, sold or conveyed and for repayment  
15 of advances by the investment board. All moneys received from the principal repaid  
16 on student loans made under s. 49.42, 1963 stats., and s. 39.32 other than principal  
17 repaid on loans assigned, sold or conveyed, and all moneys received as an advance  
18 from the investment board, under s. 25.17 (3) (bf), 1977 stats., shall be credited to this  
19 appropriation. Moneys credited to the ~~department of education~~ higher educational  
20 aids board as a result of investments shall be considered under this appropriation  
21 as repayments. The amount of advances to the ~~department of education~~ higher  
22 educational aids board charged against the authorization under s. 25.17 (3) (bf), 1977  
23 stats., shall be decreased by the amount of any repayments to the investment board  
24 under this appropriation. Advances repaid to the investment board shall be  
25 reappropriated to the ~~department of education~~ higher educational aids board for the

**SENATE BILL 77****SECTION 238**

1 purpose of providing additional loans subject to s. 25.17 (3) (bf) 2., 1977 stats.  
2 Principal repayments on loans assigned, sold or conveyed shall be repaid under this  
3 appropriation. The state auditor may annually audit the portfolio of student loans  
4 and notes thereon in the possession of the ~~department of education~~ higher  
5 educational aids board and report his or her determination of the current condition  
6 of the student notes receivable portfolio to the investment board, the joint committee  
7 on finance, the ~~department of education~~ higher educational aids board and the  
8 department of administration.

9 **SECTION 239.** 20.235 (2) (aa) of the statutes is created to read:

10 20.235 (2) (aa) *General program operations.* The amounts in the schedule for  
11 general program operations.

12 **SECTION 240.** 20.235 (2) (bd) of the statutes is amended to read:

13 20.235 (2) (bd) *Purchase of defective student loans.* A sum sufficient for the  
14 repurchase of student loans made under s. 39.32 that have been sold by the  
15 ~~department of education~~ higher educational aids board or the building commission  
16 and subsequently found to be defective.

17 **SECTION 241.** 20.235 (2) (n) of the statutes is created to read:

18 20.235 (2) (n) *Federal aid; state operations.* All moneys received from the  
19 federal government as authorized by the governor under s. 16.54 to carry out the  
20 purpose for which made. The executive secretary of the board may transfer not more  
21 than \$150,000 from this appropriation for purposes of carrying out the functions  
22 under s. 39.33.

23 **SECTION 242.** 20.235 (3) (title) of the statutes is created to read:

24 20.235 (3) (title) EDUCATIONAL APPROVAL BOARD.

25 **SECTION 243.** 20.245 (2) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 243**

1           20.245 (2) (c) *Energy costs.* The amounts in the schedule to be used at the  
2 historic sites operated by the society at Eagle, Greenbush, Cassville, Mineral Point,  
3 Madeline Island and Prairie du Chien to pay for utilities and for fuel, heat and air  
4 conditioning, to pay costs incurred by or on behalf of the historical society under s.  
5 ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the  
6 society under s. 16.847 (6).

7           **SECTION 244.** 20.245 (4) (c) of the statutes is amended to read:

8           20.245 (4) (c) *Energy costs.* The amounts in the schedule to be used at the  
9 historical society building located at 816 State Street in the city of Madison to pay  
10 for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on  
11 behalf of the society under s. ss. 16.858 and 16.895, and to repay to the energy  
12 efficiency fund loans made to the society under s. 16.847 (6).

13           **SECTION 245.** 20.245 (5) (c) of the statutes is amended to read:

14           20.245 (5) (c) *Energy costs.* The amounts in the schedule to be used at the  
15 historical society museum to pay for utilities and for fuel, heat and air conditioning,  
16 to pay costs incurred by or on behalf of the historical society under s. ss. 16.858 and  
17 16.895, and to repay to the energy efficiency fund loans made to the society under s.  
18 16.847 (6).

19           **SECTION 246.** 20.255 (title) and (intro.) of the statutes are amended to read:

20           **20.255** (title) **Education Public instruction, department of.** (intro.)  
21 There is appropriated to the department of education public instruction for the  
22 following programs:

23           **SECTION 247.** 20.255 (1) (a) of the statutes is amended to read:

24           20.255 (1) (a) *General program operations.* The amounts in the schedule for  
25 the improvement of curriculum, instruction and educational resources for local

**SENATE BILL 77****SECTION 247**

1 educational agencies, and the improvement of library services ~~and the~~  
2 ~~administration of higher educational aids.~~ The amounts include the matching of  
3 federal funds available under applicable federal acts or programs. At least \$5,000 of  
4 the amounts in the schedule in each fiscal year shall be allocated for support of the  
5 governor's council on business and education partnerships.

6 **SECTION 248.** 20.255 (1) (c) of the statutes is amended to read:

7 20.255 (1) (c) *Energy costs.* The amounts in the schedule to be used at the  
8 schools for the deaf and visually handicapped to pay for utilities and for fuel, heat  
9 and air conditioning, to pay costs incurred by or on behalf of the department under  
10 ~~s. ss. 16.858 and~~ 16.895, and to repay to the energy efficiency fund loans made to the  
11 department under s. 16.847 (6).

12 **SECTION 249.** 20.255 (1) (dw) of the statutes is amended to read:

13 20.255 (1) (dw) *Pupil assessment.* The amounts in the schedule for the costs  
14 of the examinations developed and administered under s. 118.30.

15 **SECTION 250.** 20.255 (1) (gb) of the statutes is created to read:

16 20.255 (1) (gb) *Residential schools; nonresident fees.* All moneys received from  
17 fees charged nonresident pupils under s. 115.52 (3) for services provided at the  
18 residential schools under s. 115.52.

19 **SECTION 251.** 20.255 (1) (hf) of the statutes is repealed.

20 **SECTION 252.** 20.255 (1) (hr) of the statutes is renumbered 20.435 (3) (hr) and  
21 amended to read:

22 20.435 (3) (hr) (title) *Alcohol and other drug abuse ~~program, prevention and~~*  
23 *intervention programs; administration.* All moneys received under s. 165.87 (1) The  
24 amounts in the schedule for the purpose of s. ~~115.36~~ ss. 46.72 (2) and the

**SENATE BILL 77****SECTION 252**

1 administration of ~~s. 115.36~~ ss. 46.72 (3) and 46.73. All moneys received under s.  
2 165.87 (1) shall be credited to this appropriation account.

3 **SECTION 253.** 20.255 (1) (u) of the statutes is renumbered 20.235 (2) (qb).

4 **SECTION 254.** 20.255 (2) (ac) of the statutes is amended to read:

5 20.255 (2) (ac) *General equalization aids.* ~~A sum sufficient~~ The amounts in the  
6 schedule for the payment of educational aids under ss. 121.08, 121.09 and 121.105  
7 and subch. VI of ch. 121 equal to the amount determined by the joint committee on  
8 finance under s. 121.15 (3m) (e).

9 **SECTION 255.** 20.255 (2) (cw) of the statutes is amended to read:

10 20.255 (2) (cw) *Aid for transportation to institutions of higher education.* The  
11 amounts in the schedule for the payment of state aid for the transportation of pupils  
12 attending an institution of higher education under s. ~~118.37~~ 118.55 (7g).

13 **SECTION 256.** 20.255 (2) (dm) (title) of the statutes is amended to read:

14 20.255 (2) (dm) (title) *Grants for early alcohol and other drug abuse prevention*  
15 *and intervention programs* drug abuse resistance education.

16 **SECTION 257.** 20.255 (2) (ec) of the statutes is amended to read:

17 20.255 (2) (ec) *Aid to Milwaukee public schools.* The amounts in the schedule  
18 to correct the academic deficiencies of educationally and economically  
19 disadvantaged pupils and to achieve a more effective and responsive educational  
20 program in the school district operating under ch. 119. In the 1993-94 fiscal year and  
21 in each fiscal year thereafter, the amount in the schedule shall be distributed  
22 according to the spending plan under s. 119.80. The department of education public  
23 instruction may not distribute any funds in the appropriation under this paragraph  
24 in the 1993-94 fiscal year or in any fiscal year thereafter until the spending plan for  
25 that fiscal year has been approved under s. 119.80.



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1           **SECTION 258.** 20.255 (2) (fm) of the statutes is created to read:

2           20.255 (2) (fm) *Charter schools.* A sum sufficient to make the payments to  
3 charter schools under s. 118.40 (2r) (e).

4           **SECTION 259.** 20.255 (2) (fy) of the statutes is repealed.

5           **SECTION 260.** 20.255 (2) (g) of the statutes is renumbered 20.435 (3) (g) and  
6 amended to read:

7           20.435 (3) (g) *Aid for alcohol and other drug abuse programs.* All moneys  
8 received under s. 165.87 (1) for the purpose of s. ~~115.36~~ 46.72 (3).

9           **SECTION 261.** 20.255 (2) (k) of the statutes is amended to read:

10           20.255 (2) (k) *Funds transferred from other state agencies; local aids.* ~~All~~  
11 Except as provided in par. (ka), all moneys received from other state agencies to carry  
12 out the purposes for which received.

13           **SECTION 262.** 20.255 (2) (ka) of the statutes is created to read:

14           20.255 (2) (ka) *Funds transferred from the technical college system board;*  
15 *school-to-work programs.* All moneys transferred from the appropriation account  
16 under s. 20.292 (1) (mn) to carry out the purposes under 20 USC 2301 to 2471.

17           **SECTION 263.** 20.255 (2) (r) of the statutes is amended to read:

18           20.255 (2) (r) *Driver education; local assistance.* From the transportation fund,  
19 the amounts in the schedule to be distributed to school districts which operate driver  
20 education courses in accordance with s. 121.41 (1). The distribution shall be made  
21 to school districts upon such reports in such form and containing such information  
22 as the ~~department of education~~ state superintendent of public instruction requires.

23           **SECTION 264.** 20.255 (2) (s) of the statutes is amended to read:

**SENATE BILL 77****SECTION 264**

1           20.255 (2) (s) *School library aids.* ~~All moneys received as~~ From the common  
2 school fund income, the amounts in the schedule to be distributed as provided in ss.  
3 24.78 and 43.70.

4           **SECTION 265.** 20.255 (2) (t) of the statutes is repealed.

5           **SECTION 266.** 20.255 (4) (title) of the statutes is repealed.

6           **SECTION 267.** 20.255 (4) (g) of the statutes is renumbered 20.235 (3) (g) and  
7 amended to read:

8           20.235 (3) (g) *Proprietary school programs.* The amounts in the schedule for  
9 the examination and approval of proprietary school programs. All moneys received  
10 from the issuance of solicitor's permits under s. ~~38.51~~ 39.51 (8) and fees under s. ~~38.51~~  
11 39.51 (10) shall be credited to this appropriation.

12           **SECTION 268.** 20.255 (4) (m) of the statutes is renumbered 20.235 (3) (m).

13           **SECTION 269.** 20.265 of the statutes is repealed.

14           **SECTION 270.** 20.275 of the statutes is created to read:

15           **20.275 Technology for educational achievement in Wisconsin board.**

16 There is appropriated to the technology for educational achievement in Wisconsin  
17 board for the following program:

18           **(1) EDUCATIONAL TECHNOLOGY.** (a) *General program operations.* The amounts  
19 in the schedule for general program operations.

20           (es) *Principal, interest and rebates; general purpose revenue.* A sum sufficient  
21 to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
22 in financing subsidized educational technology infrastructure loans to school  
23 districts under s. 44.72 (4) and to make full payment of the amounts determined by  
24 the building commission under s. 13.488 (1) (m), to the extent that these costs and  
25 payments are not paid under par. (h).

**SENATE BILL 77****SECTION 270**

1           (et) *Grants to cooperative educational service agencies.* The amounts in the  
2 schedule to award grants to cooperative educational service agencies under s. 44.72  
3 (1).

4           (f) *Educational technology block grants.* The amounts in the schedule to make  
5 payments to school districts under s. 44.72 (2) (b).

6           (g) *Gifts and grants.* All moneys received from gifts, grants and bequests to  
7 carry out the purposes for which made or received.

8           (h) *Principal, interest and rebates; program revenue.* All moneys received  
9 under s. 44.72 (4) (c) to reimburse s. 20.866 (1) (u) for the payment of principal and  
10 interest costs incurred in financing subsidized educational technology  
11 infrastructure loans to school districts under s. 44.72 (4) and to make full payment  
12 of the amounts determined by the building commission under s. 13.488 (1) (m).

13           (L) *Equipment purchases and leases.* All moneys received from school districts,  
14 cooperative educational service agencies and public educational institutions for the  
15 purchase or lease of educational technology equipment under s. 44.71 (2) (h), for the  
16 purpose of purchasing such equipment.

17           (m) *Federal aid.* All federal moneys received as authorized under s. 16.54 to  
18 be administered and expended in accordance with the provisions of the federal grant  
19 or program under which the moneys were received.

20           (u) *Educational technology aid.* From the common school fund income, the  
21 amounts in the schedule to make payments to school districts under s. 44.72 (2) (a).

22           **SECTION 271.** 20.285 (1) (c) of the statutes is amended to read:

23           20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and  
24 for fuel, heat and air conditioning, and to pay costs incurred under s. ss. 16.858 and  
25 16.895, including all operating costs recommended by the department of

**SENATE BILL 77****SECTION 271**

1 administration that result from the installation of pollution abatement equipment  
2 in state-owned or operated heating, cooling or power plants, by or on behalf of the  
3 board of regents, and to repay to the energy efficiency fund loans made to the board  
4 under s. 16.847 (6).

5 **SECTION 272.** 20.285 (1) (cm) of the statutes is created to read:

6 20.285 (1) (cm) *Educational technology.* The amounts in the schedule for  
7 educational technology projects under s. 36.25 (38).

8 **SECTION 273.** 20.285 (1) (h) of the statutes is amended to read:

9 20.285 (1) (h) *Auxiliary enterprises.* Except as provided under par. (gm) and  
10 subs. (5) (i) and (6) (g), all moneys received by the university of Wisconsin system for  
11 or on account of any housing facility, commons, dining halls, cafeteria, student union,  
12 athletic activities, stationery stand or bookstore, parking facilities or car fleet, or  
13 such other auxiliary enterprise activities as the board designates and including such  
14 fee revenues as allocated by the board and including such moneys received under  
15 leases entered into previously with nonprofit building corporations as the board  
16 designates to be receipts under this paragraph, to be used for the operation,  
17 maintenance and capital expenditures of activities specified in this paragraph,  
18 including the transfer of funds to pars. (kd) and (ke) and to nonprofit building  
19 corporations to be used by the corporations for the retirement of existing  
20 indebtedness and such other payments as may be required under existing loan  
21 agreements, and for optional rental payments in addition to the mandatory rental  
22 payments under the leases and subleases in connection with the providing of  
23 facilities for such activities. A separate account shall be maintained for each campus,  
24 the center system and extension. Upon the request of the extension or any  
25 institution or center within the system, the board of regents may transfer surplus

**SENATE BILL 77****SECTION 273**

1 moneys appropriated under this paragraph to the appropriation account under par.  
2 (kp).

3 **SECTION 274.** 20.285 (1) (hm) of the statutes is amended to read:

4 20.285 (1) (hm) *Extension outreach.* All moneys collected under s. 94.64 (4) ~~(ar)~~  
5 ~~(a) 3.~~ to be used for university of Wisconsin-extension outreach services.

6 **SECTION 275.** 20.285 (1) (im) of the statutes is amended to read:

7 20.285 (1) (im) *Academic student fees.* Except as provided in sub. (2) (i) 1., the  
8 amounts in the schedule for degree credit instruction, other than for credit outreach  
9 instruction sponsored by the University of Wisconsin-Extension, and for funding the  
10 cost of any salary increase granted under s. 36.09 (1) (j) 2. or 3. to correct a salary  
11 inequity or to recognize competitive factors. Except as provided under pars. (ip),  
12 (Lm) and (Ls), all moneys received from academic student fees shall be credited to  
13 this appropriation.

14 **SECTION 276.** 20.285 (1) (ip) of the statutes is created to read:

15 20.285 (1) (ip) *Extension student fees.* Except as provided under pars. (Lm) and  
16 (Ls), all moneys received from academic student fees at the University of  
17 Wisconsin-Extension, for credit outreach instruction sponsored by the University of  
18 Wisconsin-Extension.

19 **SECTION 277.** 20.285 (1) (kp) of the statutes is created to read:

20 20.285 (1) (kp) *Student - related activities.* All moneys transferred from par.  
21 (h) for the one-time, fixed-duration costs of any student-related activity.

22 **SECTION 278.** 20.285 (2) (a) 1. of the statutes is amended to read:

23 20.285 (2) (a) 1. Any moneys in program revenue appropriations to the board  
24 of regents for operation may be temporarily transferred to or from any other program  
25 revenue appropriation, but any moneys so transferred shall be repaid to the

**SENATE BILL 77****SECTION 278**

1 appropriation from which taken before the close of the fiscal year in which the  
2 transfer was made. This subdivision does not apply to moneys transferred from the  
3 appropriation account under par. (h) to the appropriation account under par. (kp).

4 **SECTION 279.** 20.285 (2) (i) 1. of the statutes is renumbered 20.285 (2) (i) 1.  
5 (intro.) and amended to read:

6 20.285 (2) (i) 1. (intro.) Notwithstanding s. 20.001 (3) (a), the amount of the  
7 appropriation under sub. (1) (im) for the ~~1987-88~~ 1997-98 fiscal year and any fiscal  
8 year thereafter consists of the amount in the schedule, together with an all of the  
9 following:

10 a. An amount equal to not more than the amount by which the expenditure  
11 estimate under s. 16.50 (1) for ~~that the~~ the appropriation under sub. (1) (im) exceeded  
12 actual expenditures from that appropriation for the previous fiscal year, to the extent  
13 that sufficient revenues are available in the appropriation account under sub. (1)  
14 (im) to finance this appropriation.

15 **SECTION 280.** 20.285 (2) (i) 1. b. of the statutes is created to read:

16 20.285 (2) (i) 1. b. An amount equal to 5% of the amount in the schedule for the  
17 appropriation under sub. (1) (im), to the extent that sufficient revenues are available  
18 in the appropriation account under sub. (1) (im) to finance this appropriation.

19 **SECTION 281.** 20.285 (2) (i) 1. c. of the statutes is created to read:

20 20.285 (2) (i) 1. c. In the 2nd fiscal year of a fiscal biennium, an amount equal  
21 to 5% of the sum of the amount in the schedule for the appropriation under sub. (1)  
22 (im) in the current fiscal year and the amount determined under subd. 1. b. for the  
23 previous fiscal year, to the extent that sufficient revenues are available in the  
24 appropriation account under sub. (1) (im) to finance this appropriation.

25 **SECTION 282.** 20.292 (1) (cm) of the statutes is repealed.

**SENATE BILL 77**

1           **SECTION 283.** 20.292 (1) (eg) of the statutes is created to read:

2           20.292 (1) (eg) *Faculty development grants.* The amounts in the schedule for  
3 faculty development grants under s. 38.33.

4           **SECTION 284.** 20.292 (1) (mn) of the statutes is created to read:

5           20.292 (1) (mn) *Federal aid; applied technology, school-to-work programs.* All  
6 moneys received as federal aid under 20 USC 2301 to 2471 to carry out the purposes  
7 for which received and to make transfers to the appropriation accounts under ss.  
8 20.255 (2) (ka) and 20.445 (1) (kb).

9           **SECTION 285.** 20.315 (1) (a) of the statutes is repealed.

10          **SECTION 286.** 20.315 (1) (q) of the statutes is amended to read:

11          20.315 (1) (q) *General program operations — conservation fund.* From the  
12 conservation fund, the amounts in the schedule for general program operations,  
13 including the cost of the actual and necessary expenses incurred by the members of  
14 the commission and members of the advisory committees in the performance of their  
15 duties under s. 14.82 (1).

16          **SECTION 287.** 20.320 (intro.) of the statutes is amended to read:

17          **20.320 (title) ~~Clean water fund~~ Environmental improvement program.**  
18 (intro.) There is appropriated for the clean water fund environmental improvement  
19 program:

20          **SECTION 288.** 20.320 (1) (title) of the statutes is amended to read:

21          20.320 (1) (title) CLEAN WATER FUND PROGRAM OPERATIONS.

22          **SECTION 289.** 20.320 (1) (a) of the statutes is amended to read:

23          20.320 (1) (a) (title) *Environmental aids — clean water fund program.* The  
24 amounts in the schedule to be paid into the environmental improvement fund for the  
25 clean water fund program under s. 281.58.

**SENATE BILL 77****SECTION 290**

1           **SECTION 290.** 20.320 (1) (c) of the statutes is amended to read:

2           20.320 (1) (c) (title) *Principal repayment and interest — clean water fund*  
3 *program.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal  
4 and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the clean  
5 water environmental improvement fund for the purposes ~~specified in s. 25.43 (3) of~~  
6 the clean water fund program under s. 281.58.

7           **SECTION 291.** 20.320 (1) (q) of the statutes is amended to read:

8           20.320 (1) (q) (title) *Clean water fund program revenue obligation funding.* As  
9 a continuing appropriation, all proceeds from revenue obligations issued under  
10 subch. II or IV of ch. 18, as authorized under s. 281.59 (4) and deposited in the fund  
11 in the state treasury created under s. 18.57 (1), providing for reserves and for  
12 expenses of issuance and management of the revenue obligations, and the remainder  
13 to be transferred to the ~~clean water~~ environmental improvement fund for the  
14 purposes ~~specified in s. 25.43 (3) of the clean water fund program under s. 281.58.~~  
15 Estimated disbursements under this paragraph shall not be included in the schedule  
16 under s. 20.005.

17           **SECTION 292.** 20.320 (1) (r) of the statutes is amended to read:

18           20.320 (1) (r) (title) *Clean water fund program repayment of revenue*  
19 *obligations.* From the ~~clean water~~ environmental improvement fund, a sum  
20 sufficient to repay the fund in the state treasury created under s. 18.57 (1) the  
21 amount needed to retire revenue obligations issued under subch. II or IV of ch. 18,  
22 as authorized under s. 281.59 (4).

23           **SECTION 293.** 20.320 (1) (s) of the statutes is amended to read:

24           20.320 (1) (s) (title) *Clean water fund program financial assistance.* From the  
25 ~~clean water~~ environmental improvement fund, a sum sufficient for the purposes of



**SENATE BILL 77****SECTION 293**

1 ~~ss. 25.43, providing clean water fund program financial assistance under s. 281.58~~  
2 ~~and 281.59, other than general program operations specified under s. 20.370 (2) (mt)~~  
3 ~~or (mx) or 20.505 (1) (v) or (x) and other than administration of ss. 25.43, 281.58 and~~  
4 ~~281.59.~~

5 **SECTION 294.** 20.320 (1) (sm) of the statutes is created to read:

6 20.320 (1) (sm) *Land recycling loan program financial assistance.* From the  
7 clean water fund program federal revolving loan fund account in the environmental  
8 improvement fund, a sum sufficient, not to exceed a total of \$20,000,000, to provide  
9 land recycling loan program financial assistance under s. 281.60.

10 **SECTION 295.** 20.320 (1) (t) of the statutes is amended to read:

11 20.320 (1) (t) (title) *Principal repayment and interest — clean water fund*  
12 *program bonds.* From the ~~clean water~~ environmental improvement fund, the  
13 amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal  
14 and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the ~~clean~~  
15 ~~water~~ environmental improvement fund for the purposes specified in ~~s. 25.43 (3) of~~  
16 the clean water fund program under s. 281.58. Fifty percent of all moneys received  
17 from municipalities as payment of interest on loans or portions of loans under ~~ss.~~  
18 ~~144.241 and 144.2415~~ s. 281.58 the revenues of which have not been pledged to  
19 secure revenue obligations shall be credited to this appropriation account.

20 **SECTION 296.** 20.320 (1) (u) of the statutes is amended to read:

21 20.320 (1) (u) (title) *Principal repayment and interest — clean water fund*  
22 *program revenue obligation repayment.* From the fund in the state treasury created  
23 under s. 18.57 (1), all moneys received by the fund and not transferred under s.  
24 281.59 (4) (c) to the ~~clean water~~ environmental improvement fund, for the purpose  
25 of the retirement of revenue obligations, providing for reserves and for operations

**SENATE BILL 77****SECTION 296**

1 relating to the management and retirement of revenue obligations issued under  
2 subch. II or IV of ch. 18, as authorized under s. 281.59 (4). All moneys received are  
3 irrevocably appropriated in accordance with subch. II of ch. 18 and further  
4 established in resolutions authorizing the issuance of the revenue obligations and  
5 setting forth the distribution of funds to be received thereafter.

6 **SECTION 297.** 20.320 (1) (x) of the statutes is created to read:

7 20.320 (1) (x) *Clean water fund program financial assistance; federal.* From  
8 the clean water fund program federal revolving loan fund account in the  
9 environmental improvement fund, all moneys received from the federal government  
10 to provide financial assistance under the clean water fund program under s. 281.58,  
11 as authorized by the governor under s. 16.54, for financial assistance under the clean  
12 water fund program under s. 281.58.

13 **SECTION 298.** 20.320 (2) of the statutes is created to read:

14 20.320 (2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS. (c) *Principal*  
15 *repayment and interest — safe drinking water loan program.* A sum sufficient to  
16 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
17 in financing the safe drinking water loan program under s. 20.866 (2) (td).

18 (s) *Safe drinking water loan programs financial assistance.* From the  
19 environmental improvement fund, a sum sufficient for financial assistance under  
20 the safe drinking water loan program under s. 281.61, for other drinking water  
21 quality activities under s. 281.62 and to transfer funds to the Wisconsin drinking  
22 water reserve fund under s. 234.933, as authorized under s. 281.625 (4).

23 (x) *Safe drinking water loan programs financial assistance; federal.* From the  
24 safe drinking water loan program federal revolving loan fund account in the  
25 environmental improvement fund, all moneys received from the federal government

**SENATE BILL 77****SECTION 298**

1 to provide financial assistance under the safe drinking water loan program under s.  
2 281.61, for other drinking water quality activities under s. 281.62 and for drinking  
3 water loan guarantees under s. 234.86, as authorized by the governor under s. 16.54,  
4 for financial assistance under the safe drinking water loan program under s. 281.61,  
5 other drinking water quality activities under s. 281.62 and to transfer funds to the  
6 Wisconsin drinking water reserve fund under s. 234.933, as authorized under s.  
7 281.625 (4).

8 **SECTION 299.** 20.360 (1) (a) of the statutes is repealed.

9 **SECTION 300.** 20.370 (1) (title) of the statutes is repealed and recreated to read:  
10 20.370 (1) (title) LAND.

11 **SECTION 301.** 20.370 (1) (fs) of the statutes is amended to read:

12 20.370 (1) (fs) *Endangered resources — voluntary payments; sales, leases and*  
13 *fees.* As a continuing appropriation, from moneys received as amounts designated  
14 under s. 71.10 (5) (b), the net amounts certified under s. 71.10 (5) (h) 4., all moneys  
15 received from the sale or lease of resources derived from the land in the state natural  
16 areas system and all moneys received from fees collected under ss. 23.27 (3) (b),  
17 29.092 (11) (g) and (h) and 341.14 (6r) (b) 5., for the purposes of the endangered  
18 resources program, as defined under s. 71.10 (5) (a) 2. Three-percent of the moneys  
19 certified under s. 71.10 (5) (h) 4. in each fiscal year, but not to exceed \$100,000, shall  
20 be allocated for wildlife damage control and payment of claims for damage associated  
21 with endangered or threatened species.

22 **SECTION 302.** 20.370 (1) (gg) of the statutes is renumbered 20.370 (7) (gg).

23 **SECTION 303.** 20.370 (1) (gh) of the statutes is renumbered 20.370 (7) (gh) and  
24 amended to read:

**SENATE BILL 77****SECTION 303**

1           20.370 (7) (gh) *State trails — gifts and grants.* ~~All~~ From the conservation fund,  
2 all moneys received from gifts, grants or bequests for the development of state trails  
3 under s. 23.175 to be expended for the purposes for which made and received.

4           **SECTION 304.** 20.370 (1) (hq) of the statutes is renumbered 20.370 (7) (fw) and  
5 amended to read:

6           20.370 (7) (fw) *Resource acquisition and development — Mississippi and St.*  
7 *Croix rivers management.* ~~As~~ From the conservation fund, as a continuing  
8 appropriation, the amounts in the schedule for river management activities for  
9 habitat and recreational projects on the Mississippi and lower St. Croix rivers and  
10 for environmental and resource management studies on the Mississippi and lower  
11 St. Croix rivers.

12           **SECTION 305.** 20.370 (1) (hr) (title) of the statutes is amended to read:

13           20.370 (1) (hr) (title) ~~*Resource acquisition and development — pheasant*~~  
14 ~~*Pheasant restoration.*~~

15           **SECTION 306.** 20.370 (1) (hs) of the statutes is renumbered 20.370 (7) (fv) and  
16 amended to read:

17           20.370 (7) (fv) *Resource acquisition and development — fish and wildlife*  
18 *projects.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts  
19 in the schedule for fish and wildlife habitat projects for the payment of conservation  
20 corps enrollee compensation and for the payment of other costs incurred with these  
21 projects if those costs are not paid by project sponsors. Conservation corps enrollee  
22 compensation includes the costs of salaries, benefits, incentive payments and  
23 vouchers.

24           **SECTION 307.** 20.370 (1) (ht) (title) of the statutes is amended to read:

**SENATE BILL 77****SECTION 307**

1           20.370 (1) (ht) (title) *Resource acquisition and development — wild Wild turkey*  
2 *restoration.*

3           **SECTION 308.** 20.370 (1) (is) of the statutes is renumbered 20.370 (3) (is).

4           **SECTION 309.** 20.370 (1) (jr) of the statutes is amended to read:

5           20.370 (1) (jr) *Rental property and equipment — maintenance and replacement.*

6 All moneys received by the department from the rental of real property and  
7 equipment that are owned by the department and are utilized for resource land and  
8 wildlife management, to be used for the maintenance and replacement of this real  
9 property and equipment.

10          **SECTION 310.** 20.370 (1) (kb) of the statutes is renumbered 20.370 (7) (fa) and  
11 amended to read:

12          20.370 (7) (fa) *Resource maintenance and development — state funds.* As a  
13 continuing appropriation ~~from the general fund~~, the amounts in the schedule for the  
14 maintenance and development of state parks under ch. 27; of recreation areas, other  
15 than game or fish refuges, in state forests under ch. 28; of lands owned, managed,  
16 supervised or controlled by the department in the lower Wisconsin state riverway as  
17 defined in s. 30.40 (15); and of other recreational lands owned by the department, and  
18 for the maintenance of the ice age trail. Of the amounts appropriated under this  
19 paragraph, \$50,000 may be expended only to match at the ratio of 1 to 1 funds  
20 received under par. (gg) from a county, city, village, town or organization after August  
21 9, 1989, that are given specifically for the purchase of equipment and materials for  
22 maintenance of the ice age trail. At least \$150,000 in each fiscal year shall be  
23 expended from this appropriation for maintaining and developing historic sites at  
24 least \$10,000 of which shall be expended in each fiscal year for maintaining and  
25 developing Heritage Hill state park.

**SENATE BILL 77****SECTION 311**

1           **SECTION 311.** 20.370 (1) (kp) of the statutes is renumbered 20.370 (7) (ft) and  
2 amended to read:

3           20.370 (7) (ft) *Resource acquisition and development — boating access.* As  
4 From the conservation fund, as a continuing appropriation, the amounts in the  
5 schedule for state recreational boating projects which provide public access to inland  
6 waters, as defined in s. 29.01 (9), which are lakes in the region identified under s.  
7 25.29 (7) (a).

8           **SECTION 312.** 20.370 (1) (kq) (title) of the statutes is amended to read:

9           20.370 (1) (kq) (title) *Resource acquisition and development — taxes* Taxes and  
10 assessments; conservation fund.

11           **SECTION 313.** 20.370 (1) (kr) of the statutes is renumbered 20.370 (7) (fu) and  
12 amended to read:

13           20.370 (7) (fu) *Resource acquisition and development — nonmotorized boating*  
14 *improvements.* ~~All~~ From the conservation fund, all moneys received from  
15 contributions collected under s. 30.525 for the development or enhancement of  
16 programs or services which provide benefits relating directly to nonmotorized  
17 boating activities including, but not limited to, land acquisition and the development  
18 of public access sites and camping sites with access to water.

19           **SECTION 314.** 20.370 (1) (ks) of the statutes is renumbered 20.370 (7) (fs) and  
20 amended to read:

21           20.370 (7) (fs) *Resource acquisition and development — state funds.* As From  
22 the conservation fund, as a continuing appropriation, the amounts in the schedule  
23 for land acquisition, development and improvement under s. 23.09 (2).

24           **SECTION 315.** 20.370 (1) (kt) (title) of the statutes is renumbered 20.370 (1) (hu)  
25 (title) and amended to read:

**SENATE BILL 77****SECTION 315**

1           20.370 (1) (hu) (title) ~~Resource acquisition and development — wetlands~~  
2           ~~Wetlands habitat improvement.~~

3           **SECTION 316.** 20.370 (1) (kt) of the statutes is renumbered 20.370 (1) (hu).

4           **SECTION 317.** 20.370 (1) (ku) (title) of the statutes is renumbered 20.370 (4) (ku)  
5 (title) and amended to read:

6           20.370 (4) (ku) (title) ~~Resource acquisition and development — Great Lakes~~  
7           ~~trout and salmon.~~

8           **SECTION 318.** 20.370 (1) (ku) of the statutes is renumbered 20.370 (4) (ku).

9           **SECTION 319.** 20.370 (1) (kv) (title) of the statutes is renumbered 20.370 (4) (kv)  
10 (title) and amended to read:

11           20.370 (4) (kv) (title) ~~Resource acquisition and development — trout~~ Trout  
12           ~~habitat improvement.~~

13           **SECTION 320.** 20.370 (1) (kv) of the statutes is renumbered 20.370 (4) (kv).

14           **SECTION 321.** 20.370 (1) (ky) of the statutes is renumbered 20.370 (7) (fy) and  
15 amended to read:

16           20.370 (7) (fy) *Resource acquisition and development — federal funds.* ~~All~~ From  
17 the conservation fund, all moneys received from the federal government for land  
18 acquisition and development and improvement of land and facilities.

19           **SECTION 322.** 20.370 (1) (kz) of the statutes is renumbered 20.370 (7) (fr) and  
20 amended to read:

21           20.370 (7) (fr) *Resource acquisition and development — boating access to*  
22 *southeastern lakes.* ~~As~~ From the conservation fund, as a continuing appropriation,  
23 the amounts in the schedule for state recreational boating projects that provide  
24 public access to lakes.

25           **SECTION 323.** 20.370 (1) (Lt) of the statutes is created to read:

**SENATE BILL 77****SECTION 323**

1           20.370 (1) (Lt) *Hunter education and firearm safety program.* All moneys  
2 received from the sale of wild animals and their carcasses under s. 29.06 for the  
3 hunter education and firearm safety program and other educational hunting, fishing  
4 and trapping activities conducted by the department.

5           **SECTION 324.** 20.370 (1) (Lu) of the statutes is renumbered 20.370 (9) (hu).

6           **SECTION 325.** 20.370 (1) (mg) of the statutes is amended to read:

7           20.370 (1) (mg) *General program operations — endangered resources.* ~~All From~~  
8 the general fund, all moneys received from gifts and contributions under the  
9 Wisconsin natural areas heritage program and all moneys received from the sale of  
10 state-owned lands withdrawn from the state natural areas system for the purposes  
11 of natural heritage land acquisition activities, natural area land acquisition  
12 activities and administration of the natural areas inventory program.

13           **SECTION 326.** 20.370 (1) (mr) (title) of the statutes is renumbered 20.370 (7) (fq)  
14 (title) and amended to read:

15           20.370 (7) (fq) (title) *General program operations Resource maintenance and*  
16 *development* — *state park, forest and riverway roads.*

17           **SECTION 327.** 20.370 (1) (mr) of the statutes is renumbered 20.370 (7) (fq).

18           **SECTION 328.** 20.370 (1) (mt) (title) of the statutes is renumbered 20.370 (3)  
19 (mt) (title) and amended to read:

20           20.370 (3) (mt) (title) *General program operations, nonpoint source —*  
21 *environmental fund.*

22           **SECTION 329.** 20.370 (1) (mt) of the statutes is renumbered 20.370 (3) (mt).

23           **SECTION 330.** 20.370 (1) (mu) of the statutes is amended to read:

24           20.370 (1) (mu) *General program operations — state funds.* The amounts in  
25 the schedule for general program operations that do not relate to the management



**SENATE BILL 77****SECTION 330**

1 and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203  
2 and 30.277, subch. VI of ch. 77 and chs. 26, 28 and 29.

3 **SECTION 331.** 20.370 (1) (my) of the statutes is amended to read:

4 20.370 (1) (my) *General program operations — federal funds.* All moneys  
5 received as federal aid for land and wildlife management, as authorized by the  
6 governor under s. 16.54 for the purposes for which received.

7 **SECTION 332.** 20.370 (2) (title) of the statutes is repealed and recreated to read:

8 20.370 (2) (title) AIR AND WASTE.

9 **SECTION 333.** 20.370 (2) (af) of the statutes is renumbered 20.370 (4) (af) and  
10 amended to read:

11 20.370 (4) (af) *Water resources — remedial action.* As a continuing  
12 appropriation from the general fund, the amounts in the schedule for remedial action  
13 in the Great Lakes and their tributaries under s. 281.83.

14 **SECTION 334.** 20.370 (2) (ah) of the statutes is renumbered 20.370 (4) (ah) and  
15 amended to read:

16 20.370 (4) (ah) *Water resources — Great Lakes protection fund.* ~~All~~ From the  
17 general fund, all moneys received from the Great Lakes protection fund for Great  
18 Lakes protection activities under s. 281.85.

19 **SECTION 335.** 20.370 (2) (aq) of the statutes is renumbered 20.370 (4) (aq) and  
20 amended to read:

21 20.370 (4) (aq) *Water resources management — lake and river management.*  
22 ~~From the conservation fund, the~~ The amounts in the schedule for lake and river  
23 management activities.

24 **SECTION 336.** 20.370 (2) (ar) of the statutes is renumbered 20.370 (4) (ar).

25 **SECTION 337.** 20.370 (2) (bg) of the statutes is amended to read:

**SENATE BILL 77****SECTION 337**

1           20.370 (2) (bg) *Air management — stationary sources.* The amounts in the  
2 schedule for purposes related to stationary sources of air contaminants as specified  
3 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)  
4 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees  
5 imposed under s. 285.69 (2) (a), except moneys appropriated under ~~sub.~~ subs. (3) (bg),  
6 (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69 (7)  
7 shall be credited to this appropriation.

8           **SECTION 338.** 20.370 (2) (bj) of the statutes is renumbered 20.370 (4) (bj) and  
9 amended to read:

10           20.370 (4) (bj) *Storm water management — fees.* ~~The~~ From the general fund,  
11 the amounts in the schedule for the administration of the storm water discharge  
12 permit program under s. 283.33. All moneys received under s. 283.33 (9) shall be  
13 credited to this appropriation account.

14           **SECTION 339.** 20.370 (2) (bL) of the statutes is renumbered 20.370 (4) (bL) and  
15 amended to read:

16           20.370 (4) (bL) *Wastewater management — fees.* ~~All~~ From the general fund, all  
17 moneys received under s. 281.17 (3) for the certification of operators of water  
18 systems, wastewater treatment plants and septage servicing vehicles and under s.  
19 281.48 (4s) (a) and (b) for wastewater management activities.

20           **SECTION 340.** 20.370 (2) (ci) of the statutes is amended to read:

21           20.370 (2) (ci) *Air management — permit review and enforcement.* The  
22 amounts in the schedule for any purpose specified under s. 285.69 (1) or (5), except  
23 for purposes described in par. ~~(ei)~~ (bi), and for other activities to reduce air pollution,  
24 as provided in s. 285.69 (6). All moneys received from fees imposed under s. 285.69

**SENATE BILL 77****SECTION 340**

1 (1) and (5), except moneys appropriated under par. ~~(ei)~~ (bi), shall be credited to this  
2 appropriation.

3 **SECTION 341.** 20.370 (2) (cj) of the statutes is repealed.

4 **SECTION 342.** 20.370 (2) (dg) of the statutes is amended to read:

5 20.370 (2) (dg) *Solid waste management — solid and hazardous waste disposal*  
6 *administration.* All moneys received from fees under ss. 289.43 (7) (e) 1. and 2.,  
7 289.61, 291.05 (7) and 291.33, except for moneys appropriated under sub. (9) (mj),  
8 for the purpose of administering ss. 289.43, 289.47, 289.53, 289.95, 291.23, 291.25,  
9 291.29, 291.31 and 291.87 and subch. III of ch. 289.

10 **SECTION 343.** 20.370 (2) (dh) of the statutes is amended to read:

11 20.370 (2) (dh) *Solid waste management — remediated property.* All moneys  
12 received under ss. 292.11 (8m) (c), 292.13 (3), 292.15 (5) and, 292.35 (13) and 292.55  
13 (2) for the department's activities related to the issuance of determinations under s.  
14 292.13 (2), remedial action cost recovery under s. 292.35 and remediation of property  
15 under s. ss. 292.11 (8m), 292.15 (2) and (4) and 292.55 (1).

16 **SECTION 344.** 20.370 (2) (dt) of the statutes is amended to read:

17 20.370 (2) (dt) *Solid waste management — closure and long-term care.* From  
18 the waste management fund, all moneys received under s. 289.41 (11) (a) 1., 3. and,  
19 4. and 5. for compliance with closure and long-term care requirements under s.  
20 289.41 (11) (b) 1.

21 **SECTION 345.** 20.370 (2) (dz) of the statutes is amended to read:

22 20.370 (2) (dz) *Solid waste management — corrective action; moneys recovered*  
23 *from assessments and legal action.* From the waste management fund, all moneys  
24 received under s. 289.41 (11) (am) 3. and, 4. and 5. for compliance with corrective  
25 action requirements under s. 289.41 (11) (bm).

**SENATE BILL 77****SECTION 346**

1           **SECTION 346.** 20.370 (2) (ei) of the statutes is renumbered 20.370 (2) (bi).

2           **SECTION 347.** 20.370 (2) (fj) of the statutes is renumbered 20.370 (3) (fj).

3           **SECTION 348.** 20.370 (2) (fr) of the statutes is renumbered 20.370 (4) (au).

4           **SECTION 349.** 20.370 (2) (fs) of the statutes is renumbered 20.370 (4) (av) and  
5 amended to read:

6           20.370 (4) (av) *Cooperative remedial action; interest on contributions.* From the  
7 environmental fund, a sum sufficient equal to the amounts earned by the investment  
8 fund on revenue received by the department of natural resources under par. ~~(fr)~~ (au),  
9 as determined quarterly by the department of administration, to conduct cooperative  
10 remedial action.

11           **SECTION 350.** 20.370 (2) (ma) of the statutes is amended to read:

12           20.370 (2) (ma) *General program operations — state funds.* The amounts in the  
13 schedule ~~for the management and protection of the state's water resources,~~ for the  
14 management and regulation of solid waste disposal and for related technical  
15 services.

16           **SECTION 351.** 20.370 (2) (mk) of the statutes is amended to read:

17           20.370 (2) (mk) *General program operations — service funds.* All moneys  
18 received by the department from the department and from other state agencies for  
19 purposes relating to its ~~environmental quality~~ air and waste functions.

20           **SECTION 352.** 20.370 (2) (mq) of the statutes is amended to read:

21           20.370 (2) (mq) *General program operations — environmental fund.* From the  
22 environmental fund, the amounts in the schedule for administration of  
23 environmental activities under chs. ~~160, 281 to 285 and 289 to 299,~~ ~~except s. 281.48.~~

24           **SECTION 353.** 20.370 (2) (mr) of the statutes is renumbered 20.370 (4) (mr).

**SENATE BILL 77****SECTION 354**

1           **SECTION 354.** 20.370 (2) (mt) of the statutes is renumbered 20.370 (4) (mt) and  
2 amended to read:

3           20.370 (4) (mt) (title) *General program operations — ~~clean water fund program~~*  
4 *environmental improvement programs; state funds.* From the ~~clean water~~  
5 environmental improvement fund, the amounts in the schedule for general program  
6 operations under s. 281.58 ~~or~~, 281.59, 281.60, 281.61 or 281.62.

7           **SECTION 355.** 20.370 (2) (mu) of the statutes is amended to read:

8           20.370 (2) (mu) *Petroleum inspection fund supplement to environmental fund;*  
9 *environmental repair and well compensation.* From the petroleum inspection fund,  
10 the amounts in the schedule, including \$80,000 in each fiscal year as a well  
11 compensation fee, to be transferred to the environmental fund for environmental  
12 repair management.

13           **SECTION 356.** 20.370 (2) (mw) of the statutes is renumbered 20.370 (4) (mw) and  
14 amended to read:

15           20.370 (4) (mw) *Petroleum inspection fund supplement to environmental fund;*  
16 *groundwater management.* From the petroleum inspection fund, the amounts in the  
17 schedule to be transferred to the environmental fund for ~~groundwater~~  
18 environmental management.

19           **SECTION 357.** 20.370 (2) (mx) of the statutes is renumbered 20.370 (4) (mx) and  
20 amended to read:

21           20.370 (4) (mx) *General program operations — clean water fund program;*  
22 *federal funds.* As a continuing appropriation, from the clean water fund program  
23 federal revolving loan fund account in the ~~clean water~~ environmental improvement  
24 fund, the amounts in the schedule for general program operations of the clean water  
25 fund program under s. 281.58 or 281.59.

**SENATE BILL 77****SECTION 358**

1           **SECTION 358.** 20.370 (3) (title) of the statutes is amended to read:

2           20.370 (3) (title) ENFORCEMENT AND SCIENCE.

3           **SECTION 359.** 20.370 (3) (bg) of the statutes is created to read:

4           20.370 (3) (bg) *Enforcement — stationary sources.* From the general fund, from  
5 the moneys received from fees imposed, under s. 285.69 (2) (a), the amounts in the  
6 schedule for enforcement operations related to stationary sources of air  
7 contaminants.

8           **SECTION 360.** 20.370 (3) (bh) of the statutes is renumbered 20.370 (4) (bh).

9           **SECTION 361.** 20.370 (3) (bi) of the statutes is renumbered 20.370 (4) (bi) and  
10 amended to read:

11           20.370 (4) (bi) *Water regulation and zoning — fees.* All From the general fund,  
12 all moneys received under ss. 23.32 (3), 30.28, 31.39 and 281.22 for activities relating  
13 to permits and approvals issued under chs. 30 and 31, water quality standards under  
14 subch. II of ch. 281 and for wetland mapping under s. 23.32.

15           **SECTION 362.** 20.370 (3) (br) of the statutes is renumbered 20.370 (4) (br).

16           **SECTION 363.** 20.370 (3) (mr) of the statutes is created to read:

17           20.370 (3) (mr) *Recycling; enforcement and research.* From the recycling fund,  
18 the amounts in the schedule for research and enforcement under subch. II of ch. 287,  
19 other than under ss. 287.21, 287.23 and 287.25.

20           **SECTION 364.** 20.370 (3) (ms) of the statutes is created to read:

21           20.370 (3) (ms) *General program operations — pollution prevention.* From the  
22 petroleum inspection fund, the amounts in the schedule for science services related  
23 to pollution prevention.

24           **SECTION 365.** 20.370 (4) (title) of the statutes is created to read:

25           20.370 (4) (title) WATER.

**SENATE BILL 77****SECTION 366**

1           **SECTION 366.** 20.370 (4) (ag) of the statutes is created to read:

2           20.370 (4) (ag) *Water resources — pollution credits.* From the general fund, all  
3 moneys received under s. 283.84 (1) (c) for activities to reduce water pollution in pilot  
4 project areas.

5           **SECTION 367.** 20.370 (4) (as) of the statutes is created to read:

6           20.370 (4) (as) *Water resources — trading water pollution credits.* As a  
7 continuing appropriation, from the environmental fund, the amounts in the schedule  
8 for water pollution credit trading pilot projects under s. 283.84.

9           **SECTION 368.** 20.370 (4) (ma) of the statutes is created to read:

10          20.370 (4) (ma) *General program operations — state funds.* From the general  
11 fund, the amounts in the schedule for the management and protection of the state's  
12 water resources and the state's fishery resources.

13          **SECTION 369.** 20.370 (4) (mi) of the statutes is created to read:

14          20.370 (4) (mi) *General program operations — private and public sources.*  
15 From the general fund, all moneys not otherwise appropriated that are received from  
16 private or public sources, other than state agencies and the federal government, for  
17 facilities, materials or services provided by the department relating to the  
18 management of the state's water resources and the state's fishery resources to pay  
19 for expenses associated with those facilities, materials or services.

20          **SECTION 370.** 20.370 (4) (mk) of the statutes is created to read:

21          20.370 (4) (mk) *General program operations — service funds.* All moneys  
22 received by the department from the department and from other state agencies for  
23 purposes relating to the department's function relating to the state's water resources  
24 and the state's fishery resources.

25          **SECTION 371.** 20.370 (4) (mm) of the statutes is created to read:

**SENATE BILL 77****SECTION 371**

1           20.370 (4) (mm) *General program operations — federal funds.* From the  
2 general fund, all moneys received as federal aid for the state's water resources and  
3 the state's fishery resources, as authorized by the governor under s. 16.54, for the  
4 purposes for which received.

5           **SECTION 372.** 20.370 (4) (mq) of the statutes is created to read:

6           20.370 (4) (mq) *General program operations — environmental fund.* From the  
7 environmental fund, the amounts in the schedule for administration of  
8 environmental activities under chs. 160, 281 and 283, except s. 281.48.

9           **SECTION 373.** 20.370 (4) (mu) of the statutes is created to read:

10           20.370 (4) (mu) *General program operations — state funds.* The amounts in  
11 the schedule for general program operations that relate to the management and  
12 protection of the state's fishery resources under ss. 23.09 to 23.11, 30.203 and 30.277  
13 and ch. 29.

14           **SECTION 374.** 20.370 (4) (my) of the statutes is created to read:

15           20.370 (4) (my) *General program operations — environmental fund; federal*  
16 *funds.* From the environmental fund, all moneys received as federal aid for the  
17 state's water resources, as authorized by the governor under s. 16.54, for the  
18 purposes for which received.

19           **SECTION 375.** 20.370 (4) (mz) of the statutes is created to read:

20           20.370 (4) (mz) *General program operations — federal funds.* Except as  
21 provided in sub. (9) (my), all moneys received as federal aid for the state's water  
22 resources and the state's fishery resources, as authorized by the governor under s.  
23 16.54, for the purposes for which received.

24           **SECTION 376.** 20.370 (4) (nz) of the statutes is created to read:



**SENATE BILL 77****SECTION 376**

1           20.370 (4) (nz) *General program operations — safe drinking water loan*  
2 *programs; federal funds.* As a continuing appropriation, from the safe drinking  
3 water loan program federal revolving loan fund account in the environmental  
4 improvement fund, the amounts in the schedule for general program operations of  
5 the safe drinking water loan program under s. 281.59 or 281.61 and other drinking  
6 water quality activities under s. 281.62.

7           **SECTION 377.** 20.370 (5) (av) of the statutes is created to read:

8           20.370 (5) (av) *Resource aids — private forest grants.* As a continuing  
9 appropriation, the amounts in the schedule for private forest grants under s. 26.38.

10          **SECTION 378.** 20.370 (5) (by) of the statutes is created to read:

11          20.370 (5) (by) *Resource aids — fire suppression grants.* The amounts in the  
12 schedule for grants for fire suppression clothing, supplies, equipment and vehicles  
13 under s. 26.145.

14          **SECTION 379.** 20.370 (5) (cw) of the statutes is repealed.

15          **SECTION 380.** 20.370 (5) (eq) of the statutes is amended to read:

16          20.370 (5) (eq) *Enforcement aids — boating enforcement.* From the moneys  
17 received under s. 30.52 (3), the amounts in the schedule for the payment of state aids  
18 under s. 30.79, after first deducting the amounts appropriated under ~~subs.~~ sub. (3)  
19 (ar) and ~~(8) (dr)~~.

20          **SECTION 381.** 20.370 (5) (et) of the statutes is created to read:

21          20.370 (5) (et) *Enforcement aids — boating.* From the moneys transferred to  
22 the conservation fund from the appropriation account under s. 20.855 (4) (s), the  
23 amounts in the schedule for the payment of state aids under s. 30.79.

24          **SECTION 382.** 20.370 (5) (ga) of the statutes is repealed.

**SENATE BILL 77****SECTION 383**

1           **SECTION 383.** 20.370 (5) (gb) of the statutes is renumbered 20.370 (9) (gb) and  
2 amended to read:

3           20.370 (9) (gb) *Education programs — program fees.* ~~From Biennially, from the~~  
4 general fund, the amounts in the schedule for department educational activities at  
5 the MacKenzie environmental center. All moneys received from fees collected under  
6 s. ~~23.405~~ 23.425 (2) for the use of the center shall be credited to this appropriation.

7           **SECTION 384.** 20.370 (5) (gq) of the statutes is repealed.

8           **SECTION 385.** 20.370 (5) (gr) of the statutes is repealed.

9           **SECTION 386.** 20.370 (5) (gx) of the statutes is repealed.

10          **SECTION 387.** 20.370 (5) (hL) (title) of the statutes is renumbered 20.370 (9) (jL)  
11 (title) and amended to read:

12          20.370 (9) (jL) (title) ~~*Water resources— Fox river management; fees.*~~

13          **SECTION 388.** 20.370 (5) (hL) of the statutes is renumbered 20.370 (9) (jL).

14          **SECTION 389.** 20.370 (5) (hu) (title) of the statutes is renumbered 20.370 (9) (ju)  
15 (title) and amended to read:

16          20.370 (9) (ju) (title) ~~*Water resources— Fox river management.*~~

17          **SECTION 390.** 20.370 (5) (hu) of the statutes is renumbered 20.370 (9) (ju).

18          **SECTION 391.** 20.370 (5) (hx) of the statutes is repealed.

19          **SECTION 392.** 20.370 (5) (mk) of the statutes is repealed.

20          **SECTION 393.** 20.370 (5) (mu) of the statutes is repealed.

21          **SECTION 394.** 20.370 (5) (mv) of the statutes is repealed.

22          **SECTION 395.** 20.370 (5) (mw) of the statutes is renumbered 20.370 (9) (mw).

23          **SECTION 396.** 20.370 (5) (my) of the statutes is repealed.

24          **SECTION 397.** 20.370 (6) (aa) of the statutes is amended to read:

**SENATE BILL 77****SECTION 397**

1           20.370 (6) (aa) *Environmental aids; nonpoint source*. Biennially, the amounts  
2 in the schedule for cost-sharing grants and assistance under the nonpoint source  
3 water pollution abatement program under s. 281.65 and for transfers to the  
4 appropriation account under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t). The  
5 department shall allocate \$300,000 in each fiscal year from this appropriation for  
6 grants under s. 281.65 (8) (cm).

7           **SECTION 398.** 20.370 (6) (ag) of the statutes is created to read:

8           20.370 (6) (ag) *Environmental aids — nonpoint repayments*. All moneys  
9 received as repayments of cash surpluses and cash advances from recipients of  
10 grants under the nonpoint source water pollution abatement program under s.  
11 281.65, for grants and assistance under the nonpoint source water pollution  
12 abatement program under s. 281.65.

13           **SECTION 399.** 20.370 (6) (at) (title) of the statutes is renumbered 20.370 (4) (at)  
14 (title) and amended to read:

15           20.370 (4) (at) (title) *Environmental aids Watershed — nonpoint source*  
16 *contracts*.

17           **SECTION 400.** 20.370 (6) (at) of the statutes is renumbered 20.370 (4) (at).

18           **SECTION 401.** 20.370 (6) (cq) of the statutes is repealed.

19           **SECTION 402.** 20.370 (6) (ma) of the statutes is repealed.

20           **SECTION 403.** 20.370 (6) (mk) of the statutes is repealed.

21           **SECTION 404.** 20.370 (6) (mm) of the statutes is repealed.

22           **SECTION 405.** 20.370 (6) (mq) of the statutes is repealed.

23           **SECTION 406.** 20.370 (6) (mr) of the statutes is repealed.

24           **SECTION 407.** 20.370 (6) (ms) of the statutes is renumbered 20.370 (9) (is) and  
25 amended to read:

**SENATE BILL 77****SECTION 407**

1           20.370 (9) (is) (title) *Aids Statewide recycling administration — recycling*  
2 *grants*. From the recycling fund, the amounts in the schedule for the administration  
3 of ~~municipal and county grants under s. 287.23~~ and ~~waste reduction and recycling~~  
4 ~~demonstration grants under s. 287.25~~ recycling activities under ch. 287.

5           **SECTION 408.** 20.370 (6) (mu) of the statutes is renumbered 20.370 (9) (mt) and  
6 amended to read:

7           20.370 (9) (mt) (title) *Aids administration — ~~clean water fund program~~*  
8 *environmental improvement programs; state funds*. From the ~~clean water~~  
9 environmental improvement fund, the amounts in the schedule for the  
10 administration of ~~s. ss. 281.58, 280.60, 281.61 and 281.62~~.

11           **SECTION 409.** 20.370 (6) (mx) of the statutes is renumbered 20.370 (9) (mx) and  
12 amended to read:

13           20.370 (9) (mx) *Aids administration — clean water fund program; federal*  
14 *funds*. From the clean water fund program federal revolving loan fund account in  
15 the ~~clean water~~ environmental improvement fund, all moneys received from the  
16 federal government to administer the clean water fund program, as authorized by  
17 the governor under s. 16.54, for the administration of the clean water fund program  
18 under s. 281.58 or 281.59.

19           **SECTION 410.** 20.370 (7) (title) of the statutes is amended to read:

20           20.370 (7) (title) DEBT SERVICE AND DEVELOPMENT.

21           **SECTION 411.** 20.370 (7) (aa) of the statutes, as affected by 1995 Wisconsin Act  
22 225, is amended to read:

23           20.370 (7) (aa) *Resource acquisition and development — principal repayment*  
24 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
25 principal and interest costs incurred in financing the placement of structures and fill

**SENATE BILL 77****SECTION 411**

1 under s. 30.203, in financing the acquisition, construction, development,  
2 enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and  
3 (tr), in financing state aids for land acquisition and development of local parks under  
4 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and  
5 (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice  
6 age trail development under s. 20.866 (2) (tw) and in funding the stewardship  
7 program under s. 20.866 (2) (tz), other than payment of principal and interest costs  
8 for the purpose specified in par. (au), but not including payments made under sub.  
9 (7) (ac).

10 **SECTION 412.** 20.370 (7) (aa) of the statutes, as affected by 1997 Wisconsin Act  
11 .... (this act), is repealed and recreated to read:

12 20.370 (7) (aa) *Resource acquisition and development — principal repayment*  
13 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
14 principal and interest costs incurred in financing the placement of structures and fill  
15 under s. 30.203, in financing the acquisition, construction, development,  
16 enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and  
17 (tr), in financing state aids for land acquisition and development of local parks under  
18 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and  
19 (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice  
20 age trail development under s. 20.866 (2) (tw) and in funding the stewardship  
21 program under s. 20.866 (2) (tz), but not including payments made under sub. (7) (ac).

22 **SECTION 413.** 20.370 (7) (au) of the statutes is created to read:

23 20.370 (7) (au) *State forest acquisition and development — principal repayment*  
24 *and interest.* From the conservation fund, the amounts in the schedule to reimburse  
25 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing

**SENATE BILL 77****SECTION 413**

1 land acquisition and development for state forests from the appropriation under s.  
2 20.866 (2) (tz).

3 **SECTION 414.** 20.370 (7) (au) of the statutes, as created by 1997 Wisconsin Act  
4 .... (this act), is repealed.

5 **SECTION 415.** 20.370 (7) (jr) of the statutes is created to read:

6 20.370 (7) (jr) *Rental property and equipment — maintenance and replacement.*

7 From the conservation fund all moneys received by the department from the rental  
8 of real property and equipment that are owned by the department, except moneys  
9 appropriated under sub. (1) (jr), to be used for the maintenance and replacement of  
10 this real property and equipment.

11 **SECTION 416.** 20.370 (7) (mi) of the statutes is created to read:

12 20.370 (7) (mi) *General program operations — private and public sources.* All  
13 moneys not otherwise appropriated that are received from private or public sources,  
14 other than state agencies and the federal government, for facilities, materials or  
15 services provided by the department relating to resource acquisition or development  
16 to pay for expenses associated with those facilities, materials or services.

17 **SECTION 417.** 20.370 (8) (title) of the statutes is repealed and recreated to read:

18 20.370 (8) (title) ADMINISTRATION AND TECHNOLOGY.

19 **SECTION 418.** 20.370 (8) (ba) of the statutes is renumbered 20.370 (7) (ha) and  
20 amended to read:

21 20.370 (7) (ha) (title) *Facilities — general fund acquisition, development and*  
22 *maintenance.* As a continuing appropriation, ~~from the general fund,~~ the amounts in  
23 the schedule for the acquisition, development and construction costs of new  
24 structures and buildings and for the maintenance costs of existing structures and  
25 buildings under the control of the department.

**SENATE BILL 77****SECTION 419**

1           **SECTION 419.** 20.370 (8) (br) of the statutes is renumbered 20.370 (7) (hq) and  
2 amended to read:

3           20.370 (7) (hq) (title) *Facilities acquisition, development and maintenance —*  
4 *conservation fund.* ~~As~~ From the conservation fund, as a continuing appropriation,  
5 the amounts in the schedule for the acquisition, development and construction costs  
6 of new structures and buildings and for the maintenance costs of existing structures  
7 and buildings under the control of the department.

8           **SECTION 420.** 20.370 (8) (cq) of the statutes is repealed.

9           **SECTION 421.** 20.370 (8) (dq) of the statutes is repealed.

10          **SECTION 422.** 20.370 (8) (dr) of the statutes is repealed.

11          **SECTION 423.** 20.370 (8) (ds) of the statutes is repealed.

12          **SECTION 424.** 20.370 (8) (es) of the statutes is repealed.

13          **SECTION 425.** 20.370 (8) (ez) of the statutes is repealed.

14          **SECTION 426.** 20.370 (8) (iq) of the statutes is renumbered 20.370 (9) (iq).

15          **SECTION 427.** 20.370 (8) (is) of the statutes is repealed.

16          **SECTION 428.** 20.370 (8) (ix) of the statutes is renumbered 20.370 (9) (ms) and  
17 amended to read:

18          20.370 (9) (ms) (title) *General program operations — pollution prevention*  
19 *cooperative environmental assistance.* From the petroleum inspection fund, the  
20 amounts in the schedule for ~~pollution prevention~~ cooperative environmental  
21 assistance.

22          **SECTION 429.** 20.370 (8) (Lu) of the statutes is repealed.

23          **SECTION 430.** 20.370 (8) (mg) of the statutes is amended to read:

24          20.370 (8) (mg) *General program operations — stationary sources.* From the  
25 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a), the

**SENATE BILL 77****SECTION 430**

1 amounts in the schedule for the administration of the operation permit program  
2 under ch. 285 and s. 299.15.

3 **SECTION 431.** 20.370 (8) (mi) of the statutes is amended to read:

4 20.370 (8) (mi) *General program operations — private and public sources.*

5 From the general fund, all moneys received from public or private sources, other than  
6 state agencies and the federal government, for facilities, materials or services  
7 provided by the department related to administration and technology, to pay for costs  
8 and expenses associated with those facilities, materials or services.

9 **SECTION 432.** 20.370 (8) (mn) of the statutes is repealed.

10 **SECTION 433.** 20.370 (8) (mr) of the statutes is amended to read:

11 20.370 (8) (mr) (title) *General program operations — ~~clean-water~~*  
12 *environmental improvement fund*. From the ~~clean-water~~ environmental  
13 improvement fund, the amounts in the schedule for the general administration and  
14 field administration of the department.

15 **SECTION 434.** 20.370 (9) (title) of the statutes is repealed and recreated to read:

16 20.370 (9) (title) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS.

17 **SECTION 435.** 20.370 (9) (eg) of the statutes is created to read:

18 20.370 (9) (eg) *Gifts and grants; environmental performance council.* From the  
19 general fund, all moneys received from gifts, grants or bequests by the  
20 environmental performance council to be used for the purposes for which made.

21 **SECTION 436.** 20.370 (9) (eq) of the statutes is created to read:

22 20.370 (9) (eq) *Environmental performance council operations.* As a continuing  
23 appropriation, from the environmental fund, the amounts in the schedule for the  
24 operations of the environmental performance council.

25 **SECTION 437.** 20.370 (9) (hs) of the statutes is created to read:



**SENATE BILL 77****SECTION 437**

1           20.370 (9) (hs) *Approval list revenues*. All moneys received from fees under s.  
2           29.09 (8r), to be used for the costs of collecting, storing, managing, compiling and  
3           providing identifying information about persons receiving approvals under ch. 29  
4           and for data systems, systems for issuing approvals and other informational  
5           activities performed by the department as provided in s. 29.09 (8r) (d).

6           **SECTION 438.** 20.370 (9) (ht) of the statutes is created to read:

7           20.370 (9) (ht) *Approval fees to Lac du Flambeau band*. A sum sufficient that  
8           is equal to the amount calculated under s. 29.139 (4) (b), for the purpose of making  
9           payments to the Lac du Flambeau band of the Lake Superior Chippewa under s.  
10          29.139 (4) (a).

11          **SECTION 439.** 20.370 (9) (ma) of the statutes is created to read:

12          20.370 (9) (ma) *General program operations — state funds*. From the general  
13          fund, the amounts in the schedule for communications, customer services and aids  
14          administration.

15          **SECTION 440.** 20.370 (9) (mg) of the statutes is repealed.

16          **SECTION 441.** 20.370 (9) (mh) of the statutes is created to read:

17          20.370 (9) (mh) *General program operations — stationary sources*. From the  
18          general fund, from the moneys received from fees imposed under s. 285.69 (2) (a), the  
19          amounts in the schedule for customer service, communications and aids  
20          administration for the operation permit program under ch. 285 and s. 299.15.

21          **SECTION 442.** 20.370 (9) (mi) of the statutes is created to read:

22          20.370 (9) (mi) *General program operations — private and public sources*.  
23          From the general fund, all moneys received from public or private sources, other than  
24          state agencies and the federal government, for facilities, materials or services

**SENATE BILL 77****SECTION 442**

1 provided by the department related to customer service and external relations, to  
2 pay for costs and expenses associated with those facilities, materials or services.

3 **SECTION 443.** 20.370 (9) (mj) of the statutes is created to read:

4 20.370 (9) (mj) *General program operations — solid and hazardous waste.*

5 From the general fund, from the moneys received from fees under ss. 289.43 (7) (e)  
6 1. and 2., 289.61, 291.05 (7) and 291.33, the amounts in the schedule for customer  
7 assistance and external relations relating to ss. 289.43, 289.47, 289.53, 289.95,  
8 291.23, 291.25, 291.31 and 291.87 and subch. III of ch. 289.

9 **SECTION 444.** 20.370 (9) (mk) of the statutes is created to read:

10 20.370 (9) (mk) *General program operations — service funds.* From the general  
11 fund, all moneys received by the department from the department and from other  
12 state agencies for facilities, materials or services provided by the department  
13 relating to communications, customer services, licensing and aids administration.

14 **SECTION 445.** 20.370 (9) (mm) of the statutes is created to read:

15 20.370 (9) (mm) *General program operations — federal funds.* From the  
16 general fund, all moneys received as federal aid for communications, customer  
17 services and aids administration, as authorized by the governor under s. 16.54, for  
18 the purposes for which received.

19 **SECTION 446.** 20.370 (9) (mq) of the statutes is renumbered 20.370 (8) (zq).

20 **SECTION 447.** 20.370 (9) (mq) of the statutes is created to read:

21 20.370 (9) (mq) *General program operations — mobile sources.* From the  
22 petroleum inspection fund, the amounts in the schedule for customer services,  
23 communications and aids administration for the mobile source air pollution program  
24 under ch. 285.

**SENATE BILL 77****SECTION 448**

1           **SECTION 448.** 20.370 (9) (mr) of the statutes is renumbered 20.370 (8) (mt) and  
2 amended to read:

3           20.370 (8) (mt) *Equipment pool operations.* All moneys received by the  
4 department from the department from car, truck, airplane, heavy equipment and,  
5 information technology or radio pools for operation, maintenance, replacement and  
6 purchase of vehicles and, equipment and information technology.

7           **SECTION 449.** 20.370 (9) (mu) of the statutes is created to read:

8           20.370 (9) (mu) *General program operations — state funds.* The amounts in  
9 the schedule for communications, customer services, licensing, registration and aids  
10 administration.

11           **SECTION 450.** 20.370 (9) (mv) of the statutes is created to read:

12           20.370 (9) (mv) *General program operations — environmental fund.* From the  
13 environmental fund, the amounts in the schedule for communications, customer  
14 services and aids administration.

15           **SECTION 451.** 20.370 (9) (my) of the statutes is created to read:

16           20.370 (9) (my) *General program operations — federal funds.* All moneys  
17 received as federal aid for the restoration and repair of the Fox river navigational  
18 system, for expenses of the Fox river management commission, for the  
19 Fox-Winnebago regional management commission and for communications,  
20 customer services and aids administration, as authorized by the governor under s.  
21 16.54, for the purposes for which received.

22           **SECTION 452.** 20.370 (9) (mz) of the statutes is created to read:

23           20.370 (9) (mz) *Indirect cost reimbursements.* All moneys received from the  
24 federal government as reimbursement of indirect costs of grants and contracts

**SENATE BILL 77****SECTION 452**

1 relating to communications, customer services and aids administration for the  
2 purposes authorized in s. 16.54 (9) (b).

3 **SECTION 453.** 20.370 (9) (ny) of the statutes is created to read:

4 20.370 (9) (ny) *Aids administration — safe drinking water loan programs;*  
5 *federal funds.* From the safe drinking water loan program federal revolving loan  
6 fund account in the environmental improvement fund, all moneys received from the  
7 federal government to administer the safe drinking water loan program, as  
8 authorized by the governor under s. 16.54, for the administration of the safe drinking  
9 water loan program under s. 281.59 or 281.61 and other drinking water quality  
10 activities under s. 281.62.

11 **SECTION 454.** 20.370 (9) (yx) of the statutes is renumbered 20.9045 (1) and  
12 amended to read:

13 20.9045 (1) PROGRAM BALANCES. At the close of each fiscal year the  
14 unencumbered balances of appropriations financed by unassigned revenues of the  
15 conservation fund under subs. (1), (3), (5), (6) and (8) s. 20.370 shall revert to the  
16 respective accounts under sub. (1) s. 20.370 in the ratio that revenues were allotted  
17 from such accounts and, together with the anticipated respective unassigned  
18 revenues by programs in the succeeding year, shall constitute the source of moneys  
19 available for appropriation to the programs under ~~such subsections~~ s. 20.370 in the  
20 succeeding year.

21 **SECTION 455.** 20.370 (9) (yy) of the statutes is renumbered 20.9045 (2) and  
22 amended to read:

23 20.9045 (2) REVENUES AND APPROPRIATIONS. All moneys received pursuant to the  
24 operation of programs under subs. (1), (3), (5) and (6) s. 20.370 shall be credited to  
25 the program which generated them. Revenues which are assigned by law to a

**SENATE BILL 77****SECTION 455**

1 particular purpose shall be credited to and may be expended for that purpose.  
2 Unassigned revenue shall be credited to the general purpose segregated revenue of  
3 the proper program, but the expenditure from such revenue shall be limited to the  
4 appropriation of general purpose segregated revenue appearing in the schedule.  
5 Whenever the estimated unassigned revenues and available unassigned revenue  
6 appropriation balances are insufficient to cover the appropriations of general  
7 purpose segregated revenue under each program, the department shall so inform the  
8 department of administration and shall indicate the amounts which should be  
9 deducted from respective unassigned revenue appropriations to bring the  
10 appropriated amounts into agreement with the money available, and the  
11 department of administration shall adjust its records accordingly. Actual  
12 unassigned revenues in excess of estimated unassigned revenues appropriated may  
13 not be spent unless released by the joint committee on finance.

14 **SECTION 456.** 20.380 (1) (a) of the statutes is amended to read:

15 20.380 (1) (a) (title) *General program operations and heritage tourism grants.*

16 The amounts in the schedule for general program operations under subch. II of ch.  
17 41, except for those functions under ss. 41.11 (4) and 41.17, and for grants under s.  
18 41.19 (2m) (c).

19 **SECTION 457.** 20.380 (1) (b) of the statutes is amended to read:

20 20.380 (1) (b) *Tourism marketing.* The amounts in the schedule for tourism  
21 marketing service expenses and the execution of the functions under ss. 41.11 (4) and  
22 41.17. Of the amounts under this paragraph, not more than 50% shall be used to  
23 match funds allocated under s. 41.17 by private or public organizations for the joint  
24 effort marketing of tourism with the state. The department shall expend at least  
25 \$125,000 in each fiscal year from this appropriation to conduct or contract for

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1 marketing activities related to sporting activities and events. Of the amounts in the  
2 schedule, \$25,000 shall be allocated in each fiscal year for media sponsorship related  
3 to musical events.

4 **SECTION 458.** 20.380 (1) (bm) of the statutes is repealed.

5 **SECTION 459.** 20.380 (1) (h) of the statutes is created to read:

6 20.380 (1) (h) *Tourism promotion and international trade, business and*  
7 *economic development grants; tourism receipts.* All moneys received under s. 41.23  
8 (4) (a), for the following purposes:

9 1. Three-quarters of the amount for tourism promotion activities.

10 2. One-quarter of the amount for making grants to statewide organizations  
11 under s. 41.25.

12 **SECTION 460.** 20.380 (1) (hm) of the statutes is created to read:

13 20.380 (1) (hm) *Tourism promotion and international trade, business and*  
14 *economic development grants; statewide organization receipts.* All moneys received  
15 under s. 41.23 (4) (b), for the following purposes:

16 1. One-half of the amount for tourism promotion activities.

17 2. One-half of the amount for making grants to statewide organizations under  
18 s. 41.25.

19 **SECTION 461.** 20.380 (3) (title) of the statutes is repealed.

20 **SECTION 462.** 20.380 (3) (a) of the statutes is repealed.

21 **SECTION 463.** 20.380 (3) (j) of the statutes is renumbered 20.380 (1) (j) and  
22 amended to read:

23 20.380 (1) (j) (title) *Administrative services Tourism promotion — private and*  
24 *public sources.* All moneys not otherwise appropriated that are received from private  
25 or public sources, other than state agencies and the federal government, for facilities,

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1 materials or services provided by the department relating to ~~administrative services~~  
2 tourism promotion to pay for expenses associated with those facilities, materials or  
3 services.

4 **SECTION 464.** 20.380 (3) (k) of the statutes is repealed.

5 **SECTION 465.** 20.380 (3) (q) of the statutes is renumbered 20.380 (1) (q).

6 **SECTION 466.** 20.380 (3) (y) of the statutes is repealed.

7 **SECTION 467.** 20.380 (4) of the statutes is repealed.

8 **SECTION 468.** 20.395 (1) (bv) of the statutes is amended to read:

9 20.395 (1) (bv) (title) *Transit and demand management aids, local funds.* All  
10 moneys received from any local unit of government or other source for urban mass  
11 transit purposes under s. 85.20 ~~or, for~~ rural public transportation purposes under s.  
12 85.23 or for demand management and ride-sharing purposes under s. 85.24 that are  
13 not funded from other appropriations under this subsection, for such purposes.

14 **SECTION 469.** 20.395 (1) (bx) of the statutes is amended to read:

15 20.395 (1) (bx) (title) *Transit and demand management aids, federal funds.* All  
16 moneys received from the federal government for urban mass transit purposes under  
17 s. 85.20 ~~or, for~~ rural public transportation purposes under s. 85.23 or for demand  
18 management and ride-sharing purposes under s. 85.24 that are not funded from  
19 other appropriations under this subsection, for such purposes.

20 **SECTION 470.** 20.395 (1) (gr) of the statutes is created to read:

21 20.395 (1) (gr) *Transportation aids to professional baseball park districts, state*  
22 *funds.* As a continuing appropriation, the amounts in the schedule for  
23 transportation aids to professional baseball park districts under s. 85.60.

24 **SECTION 471.** 20.395 (2) (bq) of the statutes is amended to read:

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1           20.395 (2) (bq) *Rail service assistance, state funds.* As a continuing  
2 appropriation, the amounts in the schedule for rail property and rail property  
3 improvements acquisition, ~~for s. 85.08, for freight railroad planning and technical~~  
4 ~~assistance under s. 85.08 (4), for administrative activities related to railroad~~  
5 ~~crossings under chs. 84 to 86 and for administration of railroad programs under ch.~~  
6 85.

7           **SECTION 472.** 20.395 (2) (br) of the statutes is renumbered 20.395 (2) (cr).

8           **SECTION 473.** 20.395 (2) (bu) of the statutes is amended to read:

9           20.395 (2) (bu) *Freight rail infrastructure improvements, state funds.* As a  
10 continuing appropriation, the amounts in the schedule for loans under s. 85.08 (4m)  
11 (d) and (e) ~~and~~, to make payments under s. 85.085 and to transfer moneys to the  
12 appropriation account under par. (pu) as provided in s. 85.52 (3) (c).

13           **SECTION 474.** 20.395 (2) (bv) of the statutes is amended to read:

14           20.395 (2) (bv) *Rail service assistance, local funds.* All moneys received from  
15 any local unit of government or other sources for the purposes of freight railroad  
16 assistance under s. 85.08, except for moneys received under par. (bw), for abandoned  
17 rail property and rail property improvements acquisition under s. 85.09, for  
18 technical assistance under s. 85.08 (4), for grants and loans under s. 85.08 (4m) (e)  
19 and (d), for loans under s. 85.08 (4m) (e) for administrative activities related to  
20 railroad crossings under chs. 84 to 86 and for administration of railroad programs  
21 under ch. 85, for such purposes.

22           **SECTION 475.** 20.395 (2) (bx) of the statutes is amended to read:

23           20.395 (2) (bx) *Rail service assistance, federal funds.* All moneys received from  
24 the federal government for the purposes of abandoned rail property and rail property  
25 improvements acquisition under s. 85.09, for technical freight railroad assistance



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1 under s. 85.08 (4), ~~for grants and loans under s. 85.08 (4m) (e) and (d), for loans under~~  
2 ~~s. 85.08 (4m) (e),~~ for administrative activities related to railroad crossings under chs.  
3 84 to 86 and for administration of railroad programs under ch. 85, for such purposes.

4 **SECTION 476.** 20.395 (2) (cv) of the statutes is created to read:

5 20.395 (2) (cv) *Rail passenger service, local funds.* All moneys received from  
6 any local unit of government or other sources for purposes of rail passenger service  
7 assistance and promotion under s. 85.06, for such purposes.

8 **SECTION 477.** 20.395 (2) (cx) of the statutes is created to read:

9 20.395 (2) (cx) *Rail passenger service, federal funds.* All moneys received from  
10 the federal government for purposes of rail passenger service assistance and  
11 promotion under s. 85.06, for such purposes.

12 **SECTION 478.** 20.395 (2) (gg) of the statutes is created to read:

13 20.395 (2) (gg) *Railroad crossing protection improvements, state funds.* From  
14 the general fund, all moneys received from assessments under s. 195.60 (2), after  
15 first deducting the remainder under s. 195.60 (2), for the purpose of railroad crossing  
16 protection improvements under s. 195.28 (2).

17 **SECTION 479.** 20.395 (2) (gr) of the statutes is amended to read:

18 20.395 (2) (gr) *Railroad crossing improvement and protection installation,*  
19 *state funds.* The As a continuing appropriation, the amounts in the schedule to pay  
20 the costs for railroad crossing protection improvements under s. 195.28 (2).

21 **SECTION 480.** 20.395 (2) (mq) of the statutes is repealed.

22 **SECTION 481.** 20.395 (2) (mv) of the statutes is repealed.

23 **SECTION 482.** 20.395 (2) (mx) of the statutes is repealed.

24 **SECTION 483.** 20.395 (2) (nv) of the statutes is created to read:

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1           20.395 (2) (nv) *Transportation enhancement activities, local funds.* All moneys  
2 received from any local unit of government for purposes of transportation  
3 enhancement activities under s. 85.026, for such purposes.

4           **SECTION 484.** 20.395 (2) (nx) of the statutes is created to read:

5           20.395 (2) (nx) *Transportation enhancement activities, federal funds.* All  
6 moneys received from the federal government for purposes of transportation  
7 enhancement activities under s. 85.026, for such purposes.

8           **SECTION 485.** 20.395 (2) (ph) of the statutes is created to read:

9           20.395 (2) (ph) *Transportation infrastructure loans, gifts and grants.* From the  
10 transportation infrastructure loan fund, all moneys received from gifts, grants and  
11 bequests under s. 25.405 (2) (e), to be expended for the purposes for which made and  
12 received.

13           **SECTION 486.** 20.395 (2) (pq) of the statutes is created to read:

14           20.395 (2) (pq) *Transportation infrastructure loans, state funds.* From the  
15 transportation infrastructure loan fund, as a continuing appropriation, the amounts  
16 in the schedule for the purpose of making transportation infrastructure loans and  
17 providing other assistance under s. 85.52, for the costs of issuance and management  
18 of revenue obligations issued under s. 85.52 and for providing related reserve funds.

19           **SECTION 487.** 20.395 (2) (pu) of the statutes is created to read:

20           20.395 (2) (pu) *Transportation infrastructure loans, service funds.* From the  
21 transportation infrastructure loan fund, all moneys transferred from the  
22 appropriation accounts under par. (bu) and sub. (3) (bq) and (cq) to make loans and  
23 to provide other assistance under s. 85.52, for such purposes.

24           **SECTION 488.** 20.395 (2) (pv) of the statutes is created to read:

**SENATE BILL 77****SECTION 488**

1           20.395 (2) (pv) *Transportation infrastructure loans, local funds.* From the  
2 transportation infrastructure loan fund, all moneys received from any local unit of  
3 government for purposes of making loans and providing other assistance under s.  
4 85.52 (3), for retiring revenue obligations issued under s. 85.52, for providing related  
5 reserve funds and for administering the loan program under s. 85.52. All moneys  
6 received are irrevocably appropriated in accordance with subch. II of ch. 18 and  
7 further established in resolutions authorizing the issuance of the revenue  
8 obligations and setting forth the distribution of funds received thereunder.

9           **SECTION 489.** 20.395 (2) (px) of the statutes is created to read:

10           20.395 (2) (px) *Transportation infrastructure loans, federal funds.* From the  
11 transportation infrastructure loan fund, all moneys received from the federal  
12 government to make transportation infrastructure loans and to provide other  
13 assistance under s. 85.52 and for the administration of s. 85.52, for such purposes.

14           **SECTION 490.** 20.395 (3) (bq) of the statutes is amended to read:

15           20.395 (3) (bq) *Major highway development, state funds.* As a continuing  
16 appropriation, the amounts in the schedule for major development of state trunk and  
17 connecting highways, for transfers of moneys to the appropriation account under  
18 sub. (2) (pu) as provided in s. 85.52 (3) (c) and, before October 1, 1997, for the  
19 disadvantaged business demonstration and training program under s. 84.076.

20           **SECTION 491.** 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

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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 transfers of moneys to the  
6 appropriation account under sub. (2) (pu) as provided in s. 85.52 (3) (c); and, before  
7 October 1, 1997, for the disadvantaged business demonstration and training  
8 program under s. 84.076.

9 **SECTION 492.** 20.395 (3) (iq) of the statutes is amended to read:

10 20.395 (3) (iq) *Administration and planning, state funds.* The amounts in the  
11 schedule for the administration and planning of departmental programs ~~by the~~  
12 ~~division of highways and transportation services~~ under subs. (1) to (3).

13 **SECTION 493.** 20.395 (3) (iv) of the statutes is amended to read:

14 20.395 (3) (iv) *Administration and planning, local funds.* All moneys received  
15 from any local unit of government or other source for the administration and  
16 planning of departmental programs ~~by the division of highways and transportation~~  
17 ~~services~~ under subs. (1) to (3).

18 **SECTION 494.** 20.395 (3) (ix) of the statutes is amended to read:

19 20.395 (3) (ix) *Administration and planning, federal funds.* All moneys  
20 received from the federal government for the administration and planning of  
21 departmental programs ~~by the division of highways and transportation services~~  
22 under subs. (1) to (3).

23 **SECTION 495.** 20.395 (4) (aq) of the statutes is amended to read:

24 20.395 (4) (aq) *Departmental management and operations, state funds.* The  
25 amounts in the schedule for departmental planning and administrative activities

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1 and the administration and management of departmental programs except those  
2 programs under subs. (2) (bq), (cq), and (dq) ~~and (mq)~~ and (3) (iq), including those  
3 activities in s. 85.07 and including not less than \$220,000 in each fiscal year to  
4 reimburse the department of justice for legal services provided the department  
5 under s. 165.25 (4) (a) and including activities related to the demand management  
6 and ride-sharing program under s. 85.24 that are not funded from the  
7 ~~appropriations~~ appropriation under subs. (1) ~~and (2)~~ sub. (1) (bs), (bv) or (bx), the  
8 minority civil engineer scholarship and loan repayment incentive grant program  
9 under s. 85.107, the Type 1 motorcycle, moped and motor bicycle safety program  
10 under s. 85.30 ~~and the grant under 1993 Wisconsin Act 16, section 9154 (1g)~~ and to  
11 match federal funds for mass transit planning.

12 **SECTION 496.** 20.395 (4) (av) of the statutes is amended to read:

13 20.395 (4) (av) *Departmental management and operations, local funds.* All  
14 moneys received from any local unit of government or other source for departmental  
15 planning and administrative activities, for the administration and management of  
16 departmental programs except those programs under subs. (2) (bv), and (dv) ~~and~~  
17 ~~(mv)~~ and (3) (iv), and for activities related to the demand management and  
18 ride-sharing program under s. 85.24 that are not funded from the ~~appropriations~~  
19 appropriation under subs. (1) ~~and (2)~~ sub. (1) (bs), (bv) or (bx), for such purposes.

20 **SECTION 497.** 20.395 (4) (ax) of the statutes is amended to read:

21 20.395 (4) (ax) *Departmental management and operations, federal funds.* All  
22 moneys received from the federal government for the administration and  
23 management of departmental programs except those programs under subs. (2) (bx),  
24 and (dx) ~~and (mx)~~ and (3) (ix), and for departmental planning and administrative  
25 activities including all moneys received as federal aid as authorized by the governor

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1 under s. 16.54 to promote highway safety and continue the local traffic safety  
2 representatives program and for purposes of s. 85.07 and for activities related to the  
3 demand management and ride-sharing program under s. 85.24 that are not funded  
4 from the ~~appropriations~~ appropriation under ~~subs. (1) and (2)~~ sub. (1) (bs), (bv) or  
5 (bx), for such purposes.

6 **SECTION 498.** 20.395 (5) (ck) of the statutes is created to read:

7 20.395 (5) (ck) *Breath screening instruments, service funds.* From the general  
8 fund, the amounts in the schedule for the purchase and maintenance of breath  
9 screening instruments. All moneys transferred from the appropriation account  
10 under s. 20.435 (6) (hx) shall be credited to this appropriation account.  
11 Notwithstanding s. 20.001 (3) (a), the unencumbered balance in this appropriation  
12 account on June 30 of each year shall be transferred to the appropriation account  
13 under s. 20.435 (6) (hx).

14 **SECTION 499.** 20.395 (5) (dg) of the statutes is created to read:

15 20.395 (5) (dg) *Escort, security and traffic enforcement services, state funds.*  
16 From the general fund, all moneys received under s. 348.26 (2) for motor carrier  
17 escort services and under s. 85.51 for security and traffic enforcement services, for  
18 those purposes.

19 **SECTION 500.** 20.395 (5) (dh) of the statutes is created to read:

20 20.395 (5) (dh) *Traffic academy tuition payments, state funds.* From the  
21 general fund, all moneys received as payment for tuition charges under s. 110.065  
22 to sponsor training under s. 110.065.

23 **SECTION 501.** 20.410 (1) (a) of the statutes is amended to read:

24 20.410 (1) (a) *General program operations.* The amounts in the schedule to  
25 operate institutions ~~and, to~~ provide field services and administrative services and to

**SENATE BILL 77****SECTION 501**

1 provide reimbursement under 1997 Wisconsin Act .... (this act), section 9111 (2) (a).

2 No payments may be made under this paragraph for payments in accordance with  
3 other states party to the interstate corrections compact under s. 302.25.

4 **SECTION 502.** 20.410 (1) (ag) of the statutes is created to read:

5 20.410 (1) (ag) *Corrections agreements with private persons.* The amounts in  
6 the schedule for payments made in accordance with contracts entered into with  
7 private persons under s. 301.22.

8 **SECTION 503.** 20.410 (1) (ai) of the statutes is repealed.

9 **SECTION 504.** 20.410 (1) (b) of the statutes is amended to read:

10 20.410 (1) (b) (title) *Field supervision Services for community corrections.* The  
11 amounts in the schedule to provide services related to probation, community  
12 supervision and parole, the intensive sanctions program under s. 301.048, the  
13 community residential confinement program under s. 301.046, programs of  
14 intensive supervision of adult offenders and minimum security correctional  
15 institutions established under s. 301.13. No payments may be made under this  
16 paragraph for payments in accordance with other states party to the interstate  
17 corrections compact under s. 302.25.

18 **SECTION 505.** 20.410 (1) (bn) of the statutes is amended to read:

19 20.410 (1) (bn) (title) *Reimbursing counties for probation, community*  
20 *supervision and parole holds.* The amounts in the schedule for payments to counties  
21 under s. 302.33 (2) (a) for costs relating to maintaining persons in custody pending  
22 the disposition of their parole, community supervision or probation revocation  
23 proceedings.

24 **SECTION 506.** 20.410 (1) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 506**

1           20.410 (1) (d) *Purchased services for offenders.* The amounts in the schedule  
2 for the purchase of goods, care and services, including community-based residential  
3 care, authorized under s. 301.08 (1) (b) 1., for inmates, probationers, parolees and  
4 ~~other offenders, except as provided in par. (dd)~~ persons on community supervision.  
5 In addition, funds from this appropriation shall be used to reimburse programs  
6 under s. 38.04 (12).

7           **SECTION 507.** 20.410 (1) (dd) of the statutes is repealed.

8           **SECTION 508.** 20.410 (1) (f) of the statutes is amended to read:

9           20.410 (1) (f) *Energy costs.* The amounts in the schedule to be used at state  
10 correctional institutions to pay for utilities and for fuel, heat and air conditioning,  
11 to pay costs incurred by or on behalf of the department under s. ss. 16.858 and 16.895,  
12 and to repay to the energy efficiency fund loans made to the department under s.  
13 16.847 (6).

14           **SECTION 509.** 20.410 (1) (g) of the statutes is amended to read:

15           20.410 (1) (g) (title) *Loan fund for persons on probation, community supervision*  
16 *or parole.* The amounts in the schedule for the purposes specified in ss. 301.32 (3)  
17 and 304.075. All moneys received belonging to absconding probationers and,  
18 parolees, and persons on community supervision under ss. 301.32 (3) and 304.075  
19 shall be credited to this appropriation.

20           **SECTION 510.** 20.410 (1) (gb) of the statutes is amended to read:

21           20.410 (1) (gb) *Drug testing.* All moneys received from probation, community  
22 supervision and parole clients who are required to pay for their drug testing, as  
23 prescribed by rule in accordance with s. 301.03 (3), for expenditures related to the  
24 drug testing program for probationers and, parolees and persons on community  
25 supervision under s. 301.03 (3).



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1           **SECTION 511.** 20.410 (1) (gc) of the statutes is amended to read:

2           20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from  
3           probation, community supervision and parole clients who are required to pay for  
4           polygraph examinations, as prescribed by rule in accordance with s. 301.132 (3), for  
5           expenditures related to the lie detector test program for probationers, community  
6           supervision and parolees under s. 301.132.

7           **SECTION 512.** 20.410 (1) (ge) of the statutes is amended to read:

8           20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the  
9           schedule for the supervision of probationers ~~and~~, parolees and persons on community  
10          supervision under minimum or administrative supervision and for the department's  
11          costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from  
12          vendors under ~~contracts under~~ s. 301.08 (1) (c) ~~2.~~ 4. and from fees charged under s.  
13          304.073 (2) shall be credited to this appropriation account.

14          **SECTION 513.** 20.410 (1) (gf) of the statutes is amended to read:

15          20.410 (1) (gf) (title) *Probation, community supervision and parole.* The  
16          amounts in the schedule for probation, community supervision and parole. All  
17          moneys received from fees charged under s. 304.074 (2) shall be credited to this  
18          appropriation account.

19          **SECTION 514.** 20.410 (3) (a) of the statutes is amended to read:

20          20.410 (3) (a) *General program operations.* The amounts in the schedule to  
21          operate the department's juvenile correctional institutions, to provide field services  
22          and administrative services and to provide for the operating costs of the gang  
23          violence prevention council.

24          **SECTION 515.** 20.410 (3) (e) of the statutes is amended to read:

**SENATE BILL 77****SECTION 515**

1           20.410 (3) (e) *Principal repayment and interest.* A sum sufficient to reimburse  
2 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing  
3 the acquisition, construction, development, enlargement or improvement of the  
4 department's juvenile correctional facilities.

5           **SECTION 516.** 20.410 (3) (f) of the statutes is renumbered 20.435 (3) (f) and  
6 amended to read:

7           20.435 (3) (f) *Community intervention program.* The amounts in the schedule  
8 for the community intervention program under s. ~~301.263~~ 46.263.

9           **SECTION 517.** 20.410 (3) (g) of the statutes is created to read:

10           20.410 (3) (g) *Legal services collections.* All moneys received as reimbursement  
11 for costs of legal actions authorized under ss. 301.03 (18) and 301.12 to be used to pay  
12 costs associated with such legal actions.

13           **SECTION 518.** 20.410 (3) (gg) of the statutes is created to read:

14           20.410 (3) (gg) *Collection remittances to local units of government.* All moneys  
15 received under ss. 301.03 (18) and 301.12 for the purposes of remitting departmental  
16 collections under ss. 301.03 (18) (g) and 301.12 (8) (i).

17           **SECTION 519.** 20.410 (3) (hm) of the statutes is amended to read:

18           20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)  
19 and (hr), the amounts in the schedule for juvenile correctional services specified in  
20 s. 301.26 (4) (c) and (d) and to operate the correctional institution authorized under  
21 1997 Wisconsin Act .... (this act), section 9111 (2) (a). All moneys received from the  
22 sale of surplus property, including vehicles, from juvenile correctional institutions  
23 operated by the department, all moneys received as payments in restitution of  
24 property damaged at juvenile correctional institutions operated by the department,  
25 all moneys received from miscellaneous services provided at a juvenile correctional

**SENATE BILL 77****SECTION 519**

1 institution operated by the department, all moneys transferred under s. 301.26 (4)  
2 (cm), all moneys received under 1997 Wisconsin Act ... (this act), section 9111 (2) (a)  
3 and, except as provided in par. (hr), all moneys received in payment for juvenile  
4 correctional services specified in s. 301.26 (4) (d) and (dt) shall be credited to this  
5 appropriation account. If moneys generated by the ~~monthly~~ daily rate under s.  
6 301.26 (4) (d) exceed actual fiscal year institutional costs, other than the cost of  
7 operating the correctional institution authorized under 1997 Wisconsin Act ... (this  
8 act), section 9111 (2) (a), by 2% or more, all moneys in excess of that 2% shall be  
9 remitted to the counties during the subsequent calendar year or transferred to the  
10 appropriation account under par. (kx) during the subsequent fiscal year. Each  
11 county and the department shall receive a proportionate share of the remittance and  
12 transfer depending on the total number of days of placement at juvenile correctional  
13 institutions including the Mendota Juvenile Treatment Center. Counties shall use  
14 the funds for purposes specified in s. 301.26. The department shall deposit in the  
15 general fund the amounts transferred under this paragraph to the appropriation  
16 account under par. (kx).

17 **SECTION 520.** 20.410 (3) (ho) of the statutes is amended to read:

18 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for  
19 providing foster care, treatment foster care, group home care and institutional child  
20 care to delinquent ~~children~~ juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and  
21 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in  
22 payment for providing foster care, treatment foster care, group home care and  
23 institutional child care to delinquent ~~children~~ juveniles under ss. 49.19 (10) (d),  
24 938.48 (4) and (14) and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited  
25 to this appropriation account. If moneys generated by the ~~monthly~~ daily rate exceed

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1 actual fiscal year foster care, treatment foster care, group home care and  
2 institutional child care costs by 2% or more, all moneys in excess of 2% shall be  
3 remitted to the counties during the subsequent calendar year or transferred to the  
4 appropriation account under par. (kx) during the subsequent fiscal year. Each  
5 county and the department shall receive a proportionate share of the remittance and  
6 transfer depending on the total number of days of placement in foster care, treatment  
7 foster care, group home care or institutional child care. Counties shall use the funds  
8 for purposes specified in s. 301.26. The department shall deposit in the general fund  
9 the amounts transferred under this paragraph to the appropriation account under  
10 par. (kx).

11 **SECTION 521.** 20.410 (3) (jv) of the statutes is created to read:

12 20.410 (3) (jv) *Secure detention services.* All moneys received from counties  
13 under s. 938.224 (3) (a) for holding juveniles in secure custody in secured correctional  
14 facilities under s. 938.224 (1).

15 **SECTION 522.** 20.410 (3) (ko) of the statutes is created to read:

16 20.410 (3) (ko) *Interagency programs; community youth and family aids.* All  
17 moneys transferred from the appropriation account under s. 20.435 (3) (nL) for the  
18 purposes of s. 301.26, to be used for those purposes.

19 **SECTION 523.** 20.410 (3) (kp) of the statutes is created to read:

20 20.410 (3) (kp) *Interagency programs; alcohol and other drug abuse.* All  
21 moneys transferred from the appropriation account under s. 20.435 (7) (md) for  
22 alcohol and other drug abuse education and treatment under s. 301.265 (2), to be  
23 used to provide that education and treatment.

24 **SECTION 524.** 20.410 (3) (oo) of the statutes is repealed.

25 **SECTION 525.** 20.410 (3) (p) of the statutes is repealed.

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1           **SECTION 526.** 20.434 of the statutes is repealed.

2           **SECTION 527.** 20.435 (1) (title) of the statutes is amended to read:

3           20.435 (1) (title) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE  
4           OPERATIONS.

5           **SECTION 528.** 20.435 (1) (am) of the statutes is renumbered 20.435 (5) (am).

6           **SECTION 529.** 20.435 (1) (b) of the statutes is renumbered 20.435 (5) (b) and  
7           amended to read:

8           20.435 (5) (b) *Medical assistance program benefits.* Biennially, the amounts in  
9           the schedule to provide the state share of medical assistance program benefits  
10          administered under s. 49.45, to provide medical assistance program benefits  
11          administered under s. 49.45 that are not also provided under par. (o), to provide  
12          health care coverage under s. 49.153 and to fund the pilot project under s. 46.27 (9)  
13          and (10). Notwithstanding s. 20.002 (1), the department may transfer from this  
14          appropriation to the appropriation under sub. ~~(3)~~ (7) (kb) funds in the amount of and  
15          for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002  
16          (1), the department may credit or deposit into this appropriation and may transfer  
17          between fiscal years funds that it transfers from the appropriation under sub. ~~(3)~~ (7)  
18          (kb) for the purposes specified in s. 46.485 (3r).

19          **SECTION 530.** 20.435 (1) (br) of the statutes is repealed.

20          **SECTION 531.** 20.435 (1) (bs) of the statutes is renumbered 20.435 (5) (bs).

21          **SECTION 532.** 20.435 (1) (bt) of the statutes is renumbered 20.435 (5) (bt).

22          **SECTION 533.** 20.435 (1) (bu) of the statutes is renumbered 20.435 (5) (bu).

23          **SECTION 534.** 20.435 (1) (cc) of the statutes is renumbered 20.435 (5) (cc) and  
24          amended to read:

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1           20.435 (5) (cc) *Cancer treatment, training, follow-up, control and prevention.*

2           The amounts in the schedule for cancer control and prevention grants under s.  
3           255.05, for the breast cancer screening program under s. 255.06 and, for grants for  
4           training to perform colposcopic examinations and follow-up activities under s.  
5           255.07 and for breast cancer screening activities under 1997 Wisconsin Act ... (this  
6           act), section 9123 (10). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
7           department may transfer funds for grants under s. 255.05, funds for screening and  
8           services under s. 255.06 and funds for grants under s. 255.07 between fiscal years  
9           under this paragraph. All funds allocated by the department under s. 255.05 (2) but  
10          not encumbered by December 31 of each year lapse to the general fund on the next  
11          January 1 unless transferred to the next calendar year by the joint committee on  
12          finance.

13           **SECTION 535.** 20.435 (1) (cd) of the statutes is renumbered 20.435 (3) (cd).

14           **SECTION 536.** 20.435 (1) (ce) of the statutes is renumbered 20.435 (5) (ce).

15           **SECTION 537.** 20.435 (1) (cj) of the statutes is repealed.

16           **SECTION 538.** 20.435 (1) (cm) of the statutes is repealed.

17           **SECTION 539.** 20.435 (1) (cp) of the statutes is repealed.

18           **SECTION 540.** 20.435 (1) (d) of the statutes is renumbered 20.435 (5) (d).

19           **SECTION 541.** 20.435 (1) (de) of the statutes is renumbered 20.435 (5) (de).

20           **SECTION 542.** 20.435 (1) (dm) of the statutes is renumbered 20.435 (6) (dm).

21           **SECTION 543.** 20.435 (1) (ds) of the statutes is renumbered 20.435 (5) (ds).

22           **SECTION 544.** 20.435 (1) (e) of the statutes is renumbered 20.435 (5) (e).

23           **SECTION 545.** 20.435 (1) (ed) of the statutes is renumbered 20.435 (5) (ed).

24           **SECTION 546.** 20.435 (1) (ef) of the statutes is renumbered 20.435 (5) (ef).

25           **SECTION 547.** 20.435 (1) (eg) of the statutes is renumbered 20.435 (5) (eg).

**SENATE BILL 77****SECTION 548**

1           **SECTION 548.** 20.435 (1) (ei) of the statutes is repealed.

2           **SECTION 549.** 20.435 (1) (ek) of the statutes is renumbered 20.435 (5) (ek).

3           **SECTION 550.** 20.435 (1) (em) of the statutes is renumbered 20.435 (5) (em).

4           **SECTION 551.** 20.435 (1) (ev) of the statutes is renumbered 20.435 (5) (ev).

5           **SECTION 552.** 20.435 (1) (f) of the statutes is renumbered 20.435 (5) (f).

6           **SECTION 553.** 20.435 (1) (g) of the statutes is renumbered 20.435 (6) (g).

7           **SECTION 554.** 20.435 (1) (gp) of the statutes is renumbered 20.435 (5) (gp).

8           **SECTION 555.** 20.435 (1) (gr) of the statutes is created to read:

9           20.435 (1) (gr) *Supplemental food program for women, infants and children*  
10 *administration.* All moneys received from the enforcement assessments on fines,  
11 forfeitures and recoupments that are levied by a court under s. 253.06 (4) (c) and on  
12 forfeitures and recoupments that are levied by the department under s. 253.06 (5)  
13 (c) to finance fraud reduction in the supplemental food program for women, infants  
14 and children under s. 253.06.

15           **SECTION 556.** 20.435 (1) (hh) of the statutes is renumbered 20.435 (3) (hh).

16           **SECTION 557.** 20.435 (1) (im) of the statutes is renumbered 20.435 (5) (im).

17           **SECTION 558.** 20.435 (1) (j) of the statutes is amended to read:

18           20.435 (1) (j) *Fees for services and supplies.* The amounts in the schedule for  
19 the purposes provided in ch. 69 and ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.495,  
20 50.57, 50.981 and 254.41 and to conduct health facility plan and rule development  
21 activities, for accrediting nursing homes, convalescent homes and homes for the  
22 aged, for the purchase and distribution of the medical supplies ~~and~~, to conduct  
23 capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36  
24 (2) and to analyze and provide data under s. 250.04. All moneys received under ch.  
25 69 and ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.495, 50.57, 50.981, 250.04 (3m) and

**SENATE BILL 77****SECTION 558**

1 254.41 and as reimbursement for medical supplies shall be credited to this  
2 appropriation.

3 **SECTION 559.** 20.435 (1) (ja) of the statutes is renumbered 20.435 (5) (ja) and  
4 amended to read:

5 20.435 (5) (ja) *Congenital disorders; diagnosis, special dietary treatment and*  
6 *counseling.* The amounts in the schedule to provide diagnostic services, special  
7 dietary treatment and follow-up counseling for congenital disorders and periodic  
8 evaluation of infant screening programs as specified under s. 253.13. All moneys  
9 received by the department under s. 253.13 (2), less the amounts appropriated under  
10 ~~par. sub. (1)~~ (jb), shall be credited to this appropriation.

11 **SECTION 560.** 20.435 (1) (k) of the statutes is renumbered 20.435 (6) (k).

12 **SECTION 561.** 20.435 (1) (kx) of the statutes is amended to read:

13 20.435 (1) (kx) *Interagency and intra-agency programs.* All moneys received  
14 from other state agencies and all moneys received by the department from the  
15 department not directed to be deposited under par. ~~(k) or (km)~~ or sub. (6) (k) for the  
16 administration of programs or projects for which received.

17 **SECTION 562.** 20.435 (1) (ky) of the statutes is renumbered 20.435 (5) (ky) and  
18 amended to read:

19 20.435 (5) (ky) *Interagency and intra-agency aids.* All moneys received from  
20 other state agencies and all moneys received by the department from the department  
21 not directed to be deposited under ~~par. (k) or (km)~~ sub. (1) (km) or (6) (k) for aids to  
22 individuals and organizations.

23 **SECTION 563.** 20.435 (1) (kz) of the statutes is renumbered 20.435 (5) (kz) and  
24 amended to read:



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1           20.435 (5) (kz) *Interagency and intra-agency local assistance.* All moneys  
2 received from other state agencies and all moneys received by the department from  
3 the department not directed to be deposited under par. ~~(k) or (km)~~ sub. (1) (km) or  
4 (6) (k) for local assistance.

5           **SECTION 564.** 20.435 (1) (ma) of the statutes is renumbered 20.435 (5) (ma).

6           **SECTION 565.** 20.435 (1) (md) of the statutes is renumbered 20.435 (5) (md).

7           **SECTION 566.** 20.435 (1) (na) of the statutes is renumbered 20.435 (5) (na).

8           **SECTION 567.** 20.435 (1) (o) of the statutes is renumbered 20.435 (5) (o).

9           **SECTION 568.** 20.435 (1) (rm) of the statutes is renumbered 20.435 (5) (rm).

10          **SECTION 569.** 20.435 (2) (f) of the statutes is amended to read:

11           20.435 (2) (f) *Energy costs.* The amounts in the schedule to be used at mental  
12 health institutes and centers for the developmentally disabled to pay for utilities and  
13 for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the  
14 department under s. ss.16.858 and 16.895, and to repay to the energy efficiency fund  
15 loans made to the department under s. 16.847 (6).

16          **SECTION 570.** 20.435 (2) (gk) of the statutes is amended to read:

17           20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
18 schedule for care provided by the centers for the developmentally disabled to  
19 reimburse the cost of providing the services and to remit any credit balances to  
20 county departments that occur on and after July 1, 1978, in accordance with s. 51.437  
21 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of  
22 providing the services and to remit any credit balances to county departments that  
23 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for  
24 maintenance of state-owned housing at centers for the developmentally disabled  
25 and mental health institutes; for repair or replacement of property damaged at the

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1 mental health institutes or at centers for the developmentally disabled; and for  
2 reimbursing the total cost of using, producing and providing services, products and  
3 care. All moneys received as payments from medical assistance on and after August  
4 1, 1978; as payments from all other sources including other payments under s. 46.10  
5 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical  
6 assistance payments, other payments under s. 46.10 and payments under s. 51.42  
7 (3) (as) 2. received on and after January 1, 1979; as payments under s. 51.07 (4); as  
8 payments for the rental of state-owned housing and other institutional facilities at  
9 centers for the developmentally disabled and mental health institutes; for the sale  
10 of electricity, steam or chilled water; as payments in restitution of property damaged  
11 at the mental health institutes or at centers for the developmentally disabled; for the  
12 sale of surplus property, including vehicles, at the mental health institutes or at  
13 centers for the developmentally disabled; and for other services, products and care  
14 shall be credited to this appropriation, except that any payment under s. 46.10  
15 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20  
16 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)  
17 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed  
18 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of  
19 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health  
20 institute or Winnebago mental health institute shall be treated as general purpose  
21 revenue — earned, as defined under s. 20.001 (4).

22 **SECTION 571.** 20.435 (3) (title) of the statutes is amended to read:

23 20.435 (3) (title) YOUTH CHILDREN AND FAMILY SERVICES.

24 **SECTION 572.** 20.435 (3) (bt) of the statutes is renumbered 20.435 (7) (bt).

25 **SECTION 573.** 20.435 (3) (co) of the statutes is renumbered 20.435 (7) (co).

**SENATE BILL 77****SECTION 574**

1           **SECTION 574.** 20.435 (3) (cw) of the statutes is amended to read:

2           20.435 (3) (cw) (title) *Child Milwaukee child welfare services in Milwaukee*  
3 *County; general program operations.* The amounts in the schedule for activities  
4 under ~~1995 Wisconsin Act 303, section 9127 (1), (5), (6) and (7)~~ general program  
5 operations relating to the assumption by the department of the duty and authority  
6 to provide child welfare services in Milwaukee County providing services to children  
7 and families under s. 48.48 (17).

8           **SECTION 575.** 20.435 (3) (cx) of the statutes is created to read:

9           20.435 (3) (cx) *Milwaukee child welfare services; aids.* The amounts in the  
10 schedule for providing services to children and families under s. 48.48 (17).

11           **SECTION 576.** 20.435 (3) (cz) of the statutes is created to read:

12           20.435 (3) (cz) *Foster care services and aid to minor custodial parents.* The  
13 amounts in the schedule for the cost of foster care and treatment foster care provided  
14 by nonlegally responsible relatives under s. 46.261 (2) (a) 3. or 4. and to provide aid  
15 to minor custodial parents under s. 46.261 (2) (a) 1.

16           **SECTION 577.** 20.435 (3) (dh) of the statutes is created to read:

17           20.435 (3) (dh) *Foster grandparent project.* The amounts in the schedule for  
18 the purpose of distributing funds under s. 46.80 (2m) (b) to supplement any federal  
19 foster grandparent project funds received under 42 USC 5011 (a).

20           **SECTION 578.** 20.435 (3) (eg) of the statutes is amended to read:

21           20.435 (3) (eg) *Programs for adolescents and adolescent parents.* The amounts  
22 in the schedule for the provision of grants to provide adolescent pregnancy  
23 prevention programs or pregnancy services under s. 46.93, for the provision of  
24 adolescent self-sufficiency and pregnancy prevention programs under s. 46.995, for

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1 adolescent services under s. 46.996 and for adolescent choices project grants under  
2 s. 46.997 (2).

3 **SECTION 579.** 20.435 (3) (em) of the statutes is created to read:

4 20.435 (3) (em) *Grants for prevention and intervention programs.* The amounts  
5 in the schedule for grants to school districts for prevention and intervention  
6 programs under s. 46.73.

7 **SECTION 580.** 20.435 (3) (gx) of the statutes is created to read:

8 20.435 (3) (gx) *Milwaukee child welfare services; collections.* All moneys  
9 received by the department in payment for services provided to children and families  
10 under s. 48.48 (17), to be used to provide those services.

11 **SECTION 581.** 20.435 (3) (jb) of the statutes is created to read:

12 20.435 (3) (jb) *Fees for administrative services.* All moneys received from fees  
13 charged for providing state mailings, special computer services, training programs,  
14 printed materials and publications, for the purpose of providing state mailings,  
15 special computer services, training programs, printed materials and publications.

16 **SECTION 582.** 20.435 (3) (jm) of the statutes is created to read:

17 20.435 (3) (jm) *Licensing activities.* The amounts in the schedule for the costs  
18 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster  
19 homes under s. 48.62, group homes under s. 48.625, day care centers under s. 48.65  
20 and shelter care facilities under s. 938.22 (7). All moneys received for these licensing  
21 activities and from fees under ss. 48.615, 48.625, 48.65 (3) and 938.22 (7) (b) and (c)  
22 shall be credited to this appropriation account.

23 **SECTION 583.** 20.435 (3) (kb) of the statutes is renumbered 20.435 (7) (kb) and  
24 amended to read:

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1           20.435 (7) (kb) *Severely emotionally disturbed children.* As a continuing  
2 appropriation, all moneys transferred from the appropriation under sub. (1) (5) (b)  
3 to this appropriation to provide, under s. 46.485, mental health care and treatment  
4 and community-based mental health services for severely emotionally disturbed  
5 children. Notwithstanding s. 20.002 (1), the department of health and family  
6 services may transfer from this appropriation to the appropriation under sub. (1) (5)  
7 (b) funds as specified in s. 46.485 (3r).

8           **SECTION 584.** 20.435 (3) (kc) of the statutes is created to read:

9           20.435 (3) (kc) *Interagency and intra-agency aids; kinship care.* The amounts  
10 in the schedule for payments under s. 48.57 (3m). All moneys transferred from the  
11 appropriation account under s. 20.445 (3) (md) to this appropriation account shall be  
12 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the  
13 unencumbered balance on June 30 of each year is transferred to the appropriation  
14 account under s. 20.445 (3) (md).

15           **SECTION 585.** 20.435 (3) (kw) of the statutes is created to read:

16           20.435 (3) (kw) *Interagency and intra-agency aids; Milwaukee child welfare*  
17 *services.* All moneys received from other state agencies and all moneys received by  
18 the department from the department for providing services to children and families  
19 under s. 48.48 (17), for such purposes.

20           **SECTION 586.** 20.435 (3) (kx) of the statutes is amended to read:

21           20.435 (3) (kx) *Interagency and intra-agency programs.* All Except as provided  
22 in par. (kw), all moneys received from other state agencies and all moneys received  
23 by the department from the department for the administration of programs or  
24 projects for which received, for such purposes.

25           **SECTION 587.** 20.435 (3) (ky) of the statutes is amended to read:

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1           20.435 (3) (ky) *Interagency and intra-agency aids*. ~~All~~ Except as provided in  
2 par. (kw), all moneys received from other state agencies and all moneys received by  
3 the department from the department for aids to individuals and organizations, for  
4 such purposes.

5           **SECTION 588.** 20.435 (3) (kz) of the statutes is amended to read:

6           20.435 (3) (kz) *Interagency and intra-agency local assistance*. ~~All~~ Except as  
7 provided in par. (kw), all moneys received from other state agencies and all moneys  
8 received by the department from the department for local assistance, for such  
9 purposes.

10          **SECTION 589.** 20.435 (3) (mw) of the statutes is amended to read:

11          20.435 (3) (mw) (title) *Federal aid; Milwaukee child welfare services in*  
12 *Milwaukee County general program operations*. ~~All federal moneys received for~~  
13 ~~activities under 1995 Wisconsin Act 303, section 9127 (1),~~ general program  
14 operations relating to the ~~assumption by the department of the duty and authority~~  
15 ~~to provide child welfare services in Milwaukee County~~ providing services to children  
16 and families under s. 48.48 (17), to carry out the purposes for which received.

17          **SECTION 590.** 20.435 (3) (mx) of the statutes is created to read:

18          20.435 (3) (mx) *Federal aid; Milwaukee child welfare services aids*. All federal  
19 moneys received for providing services to children and families under s. 48.48 (17),  
20 to carry out the purposes for which received.

21          **SECTION 591.** 20.435 (5) (title) of the statutes is created to read:

22          20.435 (5) (title) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; AIDS AND  
23 LOCAL ASSISTANCE.

24          **SECTION 592.** 20.435 (5) (cb) of the statutes is created to read:

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1           20.435 (5) (cb) *Women's health services*. The amounts in the schedule for health  
2 screening for low-income women under s. 255.075, for conduct of a women's health  
3 campaign under 1997 Wisconsin Act ... (this act), section 9123 (6) (a) and for women's  
4 health projects under 1997 Wisconsin Act ... (this act), section 9123 (6) (b).

5           **SECTION 593.** 20.435 (5) (g) of the statutes is created to read:

6           20.435 (5) (g) *Health insurance risk-sharing plan; premium and deductible*  
7 *reduction subsidy; subsidies recovery*. All moneys received under s. 149.168, for the  
8 purpose of subsidizing premium reductions under s. 149.165 and deductible  
9 reductions under s. 149.14 (5) (a).

10          **SECTION 594.** 20.435 (5) (i) of the statutes is created to read:

11          20.435 (5) (i) *Gifts and grants; aids*. All moneys received from gifts, grants and  
12 bequests to provide aids to individuals for health services consistent with the  
13 purpose of the gift, grant or bequest.

14          **SECTION 595.** 20.435 (6) (title) of the statutes is amended to read:

15          20.435 (6) (title) ~~COMMUNITY SERVICES~~ SUPPORTIVE LIVING; STATE OPERATIONS.

16          **SECTION 596.** 20.435 (6) (gs) of the statutes is renumbered 20.435 (2) (gs).

17          **SECTION 597.** 20.435 (6) (hx) of the statutes is amended to read:

18          20.435 (6) (hx) *Services for drivers, receipts*. The amounts in the schedule for  
19 services for drivers. ~~Of the~~ All moneys received by the state treasurer from the driver  
20 improvement surcharge on court fines and forfeitures authorized under s. 346.655,  
21 ~~15%~~ shall be credited to this appropriation. These moneys may be transferred to sub.  
22 (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (ck) and 20.455 (5) (h) by  
23 the secretary of administration after consultation with the secretaries of health and  
24 family services, ~~education~~ and transportation, the superintendent of public

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1 instruction, the attorney general and the president of the university of Wisconsin  
2 system.

3 **SECTION 598.** 20.435 (7) (title) of the statutes is amended to read:

4 20.435 (7) (title) ~~COMMUNITY SERVICES~~ SUPPORTIVE LIVING; AIDS AND LOCAL  
5 ASSISTANCE.

6 **SECTION 599.** 20.435 (7) (bd) of the statutes is amended to read:

7 20.435 (7) (bd) *Community options program and long-term support pilot*  
8 *projects*. The amounts in the schedule for assessments, case planning, services and  
9 administration under s. 46.27 and for pilot projects ~~for home and community-based~~  
10 ~~long-term support services~~ under s. 46.271. Notwithstanding ss. 20.001 (3) (a) and  
11 20.002 (1), the department may under this paragraph transfer moneys between  
12 fiscal years. Except for moneys authorized for transfer under this appropriation ~~or~~,  
13 under s. 46.27 (7) (fm) or (g) or under 1997 Wisconsin Act ... (this act), section 9123  
14 (2) all moneys under this appropriation that are allocated under s. 46.27 and are not  
15 spent or encumbered by counties or by the department by December 31 of each year  
16 shall lapse to the general fund on the succeeding January 1 unless transferred to the  
17 next calendar year by the joint committee on finance.

18 **SECTION 600.** 20.435 (7) (ce) of the statutes is amended to read:

19 20.435 (7) (ce) *Services for homeless individuals*. ~~As a continuing~~  
20 ~~appropriation, the~~ The amounts in the schedule for services for homeless individuals  
21 under s. 46.972 (3).

22 **SECTION 601.** 20.435 (7) (dn) of the statutes is renumbered 20.435 (3) (dn).

23 **SECTION 602.** 20.435 (7) (dr) of the statutes is renumbered 20.435 (3) (dr).

24 **SECTION 603.** 20.435 (7) (ed) of the statutes is amended to read:



**SENATE BILL 77****SECTION 603**

1           20.435 (7) (ed) *State supplement to federal supplemental security income*  
2 *program. A sum sufficient for payments of supplemental grants to supplemental*  
3 *security income recipients under s. 49.77 and for payments for children of*  
4 *supplemental security income recipients under s. 49.775.*

5           **SECTION 604.** 20.435 (7) (f) of the statutes is renumbered 20.435 (3) (fm) and  
6 amended to read:

7           20.435 (3) (fm) (title) *Community alcohol and other drug abuse prevention pilot*  
8 *program. The amounts in the schedule for the community alcohol and other drug*  
9 *abuse prevention pilot program under s. 51.45 (5).*

10          **SECTION 605.** 20.435 (7) (hz) of the statutes is repealed.

11          **SECTION 606.** 20.435 (7) (kw) of the statutes is created to read:

12          20.435 (7) (kw) *Interagency community aids. The amounts in the schedule for*  
13 *human services under s. 46.40, for reimbursement to counties having a population*  
14 *of less than 500,000 for the cost of court attached intake services under s. 48.06 (4),*  
15 *for shelter care under ss. 48.58 and 938.22, for foster care and treatment foster care*  
16 *under s. 49.19 (10) and for mental health services under s. 51.423 (1). All moneys*  
17 *transferred from the appropriation account under s. 20.445 (3) (md) for those*  
18 *purposes shall be credited to this appropriation account.*

19          **SECTION 607.** 20.435 (8) (gg) of the statutes is renumbered 20.435 (6) (gg).

20          **SECTION 608.** 20.435 (8) (mb) of the statutes is created to read:

21          20.435 (8) (mb) *Income augmentation services receipts. All moneys received*  
22 *from the federal government as the result of income augmentation services for which*  
23 *the state has contracted, for the state administration of continuing programs to be*  
24 *expended for the purposes specified.*

25          **SECTION 609.** 20.435 (8) (mc) of the statutes is created to read:

**SENATE BILL 77****SECTION 609**

1           20.435 (8) (mc) *Federal block grant operations*. All block grant moneys received  
2 from the federal government for the state administration of federal block grants for  
3 the purposes specified.

4           **SECTION 610.** 20.445 (1) (ev) of the statutes is amended to read:

5           20.445 (1) (ev) (title) *Division of workforce excellence connecting education and*  
6 *work*. The amounts in the schedule for the general program operations of the division  
7 of ~~workforce excellence~~ connecting education and work under s. 106.12 and 106.13.

8           **SECTION 611.** 20.445 (1) (fa) of the statutes is created to read:

9           20.445 (1) (fa) *School-to-work programs for children at risk*. The amounts in  
10 the schedule for grants under s. 106.135 (4).

11           **SECTION 612.** 20.445 (1) (gd) of the statutes is amended to read:

12           20.445 (1) (gd) *Unemployment interest and penalty payments*. From the  
13 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and  
14 108.22 and assessments under s. 108.19 (1m), all moneys not appropriated under  
15 par. (ge) and (gf) for the payment of benefits specified in s. 108.07 (5) and 1987  
16 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under  
17 s. 108.17 (3m) and for the payment of interest due on advances from the federal  
18 unemployment account under title XII of the social security act to the unemployment  
19 reserve fund, and for payments made to the unemployment reserve fund to obtain  
20 a lower interest rate or deferral of interest payments on these advances, except as  
21 otherwise provided in s. 108.20, and for the payment of career counseling center  
22 grants under s. 106.14.

23           **SECTION 613.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act  
24 .... (this act), is repealed and recreated to read:

**SENATE BILL 77****SECTION 613**

1           20.445 (1) (gd) *Unemployment interest and penalty payments.* From the  
2 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and  
3 108.22 and assessments under s. 108.19 (1m), all moneys not appropriated under  
4 par. (ge) and (gf) for the payment of benefits specified in s. 108.07 (5) and 1987  
5 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under  
6 s. 108.17 (3m) and for the payment of interest due on advances from the federal  
7 unemployment account under title XII of the social security act to the unemployment  
8 reserve fund, and for payments made to the unemployment reserve fund to obtain  
9 a lower interest rate or deferral of interest payments on these advances, except as  
10 otherwise provided in s. 108.20.

11           **SECTION 614.** 20.445 (1) (k) of the statutes is renumbered 20.445 (1) (L) and  
12 amended to read:

13           20.445 (1) (L) (title) *Fees Child support-related fees.* All moneys received from  
14 fees charged to counties under ss. 49.22 (8) and 108.13 (4) (f) and all moneys received  
15 under s. 49.854 (11) (b) for administrative costs incurred in the enforcement of child  
16 and spousal support obligations under 42 USC 654.

17           **SECTION 615.** 20.445 (1) (ka) of the statutes is amended to read:

18           20.445 (1) (ka) (title) *Interagency and intra-agency agreements.* All moneys  
19 received through contracts or financial agreements ~~for~~ from other state agencies for  
20 the provision of services to other those state agencies and all moneys received by the  
21 department from the department for the provision of services to the department,  
22 except moneys appropriated under par. (k) or (kc), for the purpose of providing the  
23 services.

24           **SECTION 616.** 20.445 (1) (ka) of the statutes, as affected by 1997 Wisconsin Act  
25 .... (this act), is repealed and recreated to read:

**SENATE BILL 77****SECTION 616**

1           20.445 (1) (ka) *Interagency and intra-agency agreements*. All moneys received  
2 through contracts or financial agreements from other state agencies for the provision  
3 of services to those state agencies and all moneys received by the department from  
4 the department for the provision of services to the department, except moneys  
5 appropriated under par. (kc) or (L), for the purpose of providing the services.

6           **SECTION 617.** 20.445 (1) (kb) of the statutes is created to read:

7           20.445 (1) (kb) *Funds transferred from the technical college system board;*  
8 *school-to-work programs*. All moneys transferred from the appropriation account  
9 under s. 20.292 (1) (mn) to carry out the purposes under s. 106.135.

10          **SECTION 618.** 20.445 (3) (a) of the statutes is amended to read:

11          20.445 (3) (a) *General program operations*. The amounts in the schedule for  
12 general program operations relating to economic support, including field services  
13 and administrative services, for costs associated with receiving and disbursing  
14 support and support-related payments, including any contract costs, and for  
15 administering the program under s. 49.22 and all other purposes specified in s. 49.22.  
16 No moneys may be expended under this paragraph for the program under, or any  
17 other purpose specified in, s. 49.22 unless moneys appropriated under par. (ja) are  
18 insufficient for the purposes specified under that paragraph.

19          **SECTION 619.** 20.445 (3) (cm) of the statutes is created to read:

20          20.445 (3) (cm) *Wisconsin works child care*. The amounts in the schedule for  
21 paying child care subsidies under s. 49.155. Before October 1, 1997, moneys  
22 appropriated under this paragraph may be used to fund child care costs of  
23 individuals who secure unsubsidized employment and lose eligibility for aid to  
24 families with dependent children as provided under s. 49.191 (2), for child care and

**SENATE BILL 77****SECTION 619**

1 related transportation costs under s. 49.26 (1) (e), for at-risk and low-income child  
2 care under s. 49.132 and for child care costs under ss. 49.191 (1) and 49.193 (8).

3 **SECTION 620.** 20.445 (3) (cn) of the statutes is repealed.

4 **SECTION 621.** 20.445 (3) (cp) of the statutes is repealed.

5 **SECTION 622.** 20.445 (3) (d) of the statutes is repealed.

6 **SECTION 623.** 20.445 (3) (de) of the statutes is repealed.

7 **SECTION 624.** 20.445 (3) (df) of the statutes is repealed.

8 **SECTION 625.** 20.445 (3) (dg) of the statutes is repealed.

9 **SECTION 626.** 20.445 (3) (dy) of the statutes is repealed.

10 **SECTION 627.** 20.445 (3) (dz) of the statutes is amended to read:

11 20.445 (3) (dz) (title) *Wisconsin works and other public assistance*  
12 *administration and benefits.* The amounts in the schedule for administration and  
13 benefit payments under Wisconsin works under ss. 49.141 to 49.161, the job  
14 opportunities and basic skills program under s. 49.193, the learnfare program under  
15 s. 49.26, the work experience and job search program under s. 49.36, the food stamp  
16 employment and training program under s. 49.124 (1m) and the parental  
17 responsibility pilot program under s. 49.25; for payment distribution under s. 49.33  
18 (8) for county administration of public assistance benefits and medical assistance  
19 eligibility determination and payments to American Indian tribes for administration  
20 of public assistance programs; to provide state aid for county administered public  
21 assistance programs for which reimbursement is provided under s. 49.33 (9); for child  
22 care costs under ss. 49.191 (1) and (2), 49.193 (8) and 49.26 (1) (e); and for funeral  
23 expenses under s. 49.30. Payments may be made from this appropriation to counties  
24 for fraud investigation and error reduction under s. 49.197 (1m) and (4). Moneys  
25 appropriated under this paragraph may be used to match federal funds received

**SENATE BILL 77****SECTION 627**

1 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department  
2 may transfer funds between fiscal years under this paragraph. All funds allocated  
3 by the department but not encumbered by December 31 of each year lapse to the  
4 general fund on the next January 1 unless transferred to the next calendar year by  
5 the joint committee on finance.

6 **SECTION 628.** 20.445 (3) (g) of the statutes is repealed.

7 **SECTION 629.** 20.445 (3) (ja) of the statutes is amended to read:

8 20.445 (3) (ja) *Child support state operations — fees.* All moneys received from  
9 fees charged under s. 49.22 (8), from fees ordered under s. 767.29 (1) (d) and from fees  
10 charged and incentive payments and collections retained under s. 49.22 (7m), for  
11 costs associated with receiving and disbursing support and support-related  
12 payments, including any contract costs, and for administering the program under s.  
13 49.22 and all other purposes specified in s. 49.22.

14 **SECTION 630.** 20.445 (3) (jL) of the statutes is created to read:

15 20.445 (3) (jL) *Job access loan repayments.* All moneys received from  
16 repayments of loans made under s. 49.147 (6) for the purpose of making loans under  
17 s. 49.147 (6).

18 **SECTION 631.** 20.445 (3) (k) of the statutes is created to read:

19 20.445 (3) (k) *Child support transfers.* All moneys transferred from the  
20 appropriation account under par. (r), to be distributed for the support of dependent  
21 children in accordance with applicable federal and state statutes, federal regulations  
22 and state rules.

23 **SECTION 632.** 20.445 (3) (md) of the statutes is amended to read:

24 20.445 (3) (md) *Federal block grant aids.* All block grant moneys received from  
25 the federal government or any of its agencies and all moneys transferred from the

**SENATE BILL 77****SECTION 632**

1 appropriation accounts under s. 20.435 (3) (kc) and (7) (kw) to be expended as aids  
2 to individuals or organizations and to be transferred to the appropriation accounts  
3 under s. 20.435 (3) (kc) and (7) (kw).

4 **SECTION 633.** 20.445 (3) (my) of the statutes is repealed.

5 **SECTION 634.** 20.445 (3) (p) of the statutes is repealed.

6 **SECTION 635.** 20.445 (3) (pm) of the statutes is amended to read:

7 20.445 (3) (pm) (title) *Employment programs Food stamp employment and*  
8 *training program; administration.* All federal moneys received for the  
9 administrative costs associated with ~~the learnfare program under s. 49.26 (1), the job~~  
10 ~~opportunities and basic skills program under s. 49.193 and the food stamp~~  
11 ~~employment and training program under s. 49.124 (1m), to carry out those purposes~~  
12 that purpose.

13 **SECTION 636.** 20.445 (3) (ps) of the statutes is amended to read:

14 20.445 (3) (ps) (title) *Employment programs Food stamp employment and*  
15 *training program; aids.* All federal moneys received for the provision or purchase of  
16 services for ~~the learnfare program under s. 49.26 (1), the job opportunities and basic~~  
17 ~~skills program under s. 49.193, the parental responsibility pilot program under s.~~  
18 ~~49.25 and the food stamp employment and training program under s. 49.124 (1m),~~  
19 ~~to carry out those purposes~~ that purpose.

20 **SECTION 637.** 20.445 (3) (pz) of the statutes is created to read:

21 20.445 (3) (pz) *Income augmentation services receipts.* All moneys received  
22 from the federal government as the result of income augmentation services for which  
23 the state has contracted, for the state administration of continuing programs to be  
24 expended for the purposes specified.

25 **SECTION 638.** 20.445 (3) (q) of the statutes is created to read:

**SENATE BILL 77****SECTION 638**

1           20.445 (3) (q) *Centralized support receipt and disbursement; interest.* From the  
2 support collections trust fund, a sum sufficient equal to the amounts earned by the  
3 support collections trust fund for costs associated with receiving and disbursing  
4 payments under ss. 767.265 and 767.29, including any contract costs, and for costs  
5 associated with any other support enforcement function.

6           **SECTION 639.** 20.445 (3) (r) of the statutes is created to read:

7           20.445 (3) (r) *Support receipt and disbursement program; payments.* All  
8 moneys received under s. 49.854, except for moneys received under s. 49.854 (11) (b),  
9 by the support collections trust fund for disbursement to the persons for whom the  
10 payments are awarded and for transfer to the appropriation account under par. (k)  
11 if assigned under s. 46.261, 48.57 (3m) (b) 2., 49.145 (2) (s) or 49.19 (4) (h) 1. b.  
12 Estimated disbursements under this paragraph shall not be included in the schedule  
13 under s. 20.005.

14           **SECTION 640.** 20.445 (3) (r) of the statutes, as created by 1997 Wisconsin Act  
15 .... (this act), is amended to read:

16           20.445 (3) (r) *Support receipt and disbursement program; payments.* From the  
17 support collections trust fund, all moneys received under s. 49.854, except for moneys  
18 received under s. 49.854 (11) (b), all moneys received under ss. 767.265 and 767.29  
19 for child or family support, maintenance, spousal support, health care expenses or  
20 birth expenses, and all other moneys received under judgments or orders in actions  
21 affecting the family, as defined in s. 767.02 (1), for disbursement to the persons for  
22 whom the payments are awarded and for transfer to the appropriation account under  
23 par. (k) if assigned under s. 46.261, 48.57 (3m) (b) 2., 49.145 (2) (s) or 49.19 (4) (h) 1.  
24 b. Estimated disbursements under this paragraph shall not be included in the  
25 schedule under s. 20.005.



**SENATE BILL 77****SECTION 641**

1           **SECTION 641.** 20.445 (6) (k) of the statutes is amended to read:

2           20.445 (6) (k) *General enrollee operations; service funds.* All moneys received  
3 by the department from other state agencies and by the department from the  
4 department under agreements entered into under s. 106.215 (8) (i) ~~with state~~  
5 ~~agencies~~, except moneys appropriated under par. (kb), for the payment of the  
6 sponsor's share of costs for Wisconsin conservation corps projects including the  
7 payment of any corps enrollee compensation as specified in those agreements. Corps  
8 enrollee compensation includes the cost of salaries, benefits, incentive payments and  
9 vouchers.

10           **SECTION 642.** 20.445 (6) (kb) of the statutes is amended to read:

11           20.445 (6) (kb) *Administrative support; service funds.* All moneys received by  
12 the department from other state agencies and by the department from the  
13 department under agreements entered into under s. 106.215 (8) (i) ~~with state~~  
14 ~~agencies~~, except moneys appropriated under par. (k), for the payment of  
15 administrative expenses related to the Wisconsin conservation corps program as  
16 specified in those agreements.

17           **SECTION 643.** 20.455 (2) (e) of the statutes is amended to read:

18           20.455 (2) (e) *Drug enforcement.* The amounts in the schedule for drug law  
19 enforcement programs to work with local law enforcement agencies in a coordinated  
20 effort, and for operating costs of the crime laboratory in the city of Wausau, ~~and to~~  
21 ~~match federal funds under par. (ma) if matching funds under s. 20.505 (6) (h) are~~  
22 ~~insufficient.~~

23           **SECTION 644.** 20.455 (2) (kd) of the statutes is created to read:

24           20.455 (2) (kd) *Crime laboratories; drug law enforcement.* The amounts in the  
25 schedule for activities of the state and regional crime laboratories relating to drug

**SENATE BILL 77****SECTION 644**

1 law enforcement assistance and drug investigations and analysis. All moneys  
2 transferred from the appropriation account under par. (Lm) shall be credited to this  
3 appropriation account.

4 **SECTION 645.** 20.455 (2) (Lm) of the statutes is amended to read:

5 20.455 (2) (Lm) (title) *Deoxyribonucleic Crime laboratories; deoxyribonucleic*  
6 *acid analysis.* All moneys received from crime laboratories assessments authorized  
7 under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s.  
8 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay for  
9 the salary and fringe benefits of one assistant district attorney for Milwaukee county  
10 who conducts prosecutions using deoxyribonucleic acid analysis, to pay for the costs  
11 of mailing and materials under s. 165.76 for the submission of biological specimens  
12 by the departments of corrections and health and family services and by county  
13 sheriffs and to provide statewide training regarding prosecutions using  
14 deoxyribonucleic acid analysis transfer to the appropriation account under par. (kd)  
15 the amounts in the schedule under par. (kd).

16 **SECTION 646.** 20.455 (5) (g) of the statutes is amended to read:

17 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*  
18 The amounts in the schedule for purposes of ch. 950. All moneys received from part  
19 A of crime victim and witness assistance surcharges authorized under s. 973.045 (3)  
20 (a) 1. and from delinquency victim and witness assistance surcharges authorized  
21 under s. 938.34 (8d) (a) shall be credited to this appropriation account. The  
22 department of justice shall transfer ~~not more than \$488,800 in fiscal year 1995-96~~  
23 ~~and not more than \$488,800 in fiscal year 1996-97~~ from this appropriation account  
24 to the appropriation account under par. (j) the amounts in the schedule under par.  
25 (j).

**SENATE BILL 77****SECTION 647**

1           **SECTION 647.** 20.465 (1) (f) of the statutes is amended to read:

2           20.465 (1) (f) *Energy costs.* The amounts in the schedule to be used at military  
3 buildings under control of the department to pay for utilities and for fuel, heat and  
4 air conditioning, to pay costs incurred by or on behalf of the department under s. ss.  
5 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the  
6 department under s. 16.847 (6).

7           **SECTION 648.** 20.465 (1) (g) of the statutes is amended to read:

8           20.465 (1) (g) *Military property.* The amounts in the schedule for rent of  
9 state-owned military lands or buildings used by, acquired for or erected for the  
10 Wisconsin national guard under s. 21.19 (2), for rental of buildings and grounds  
11 maintenance equipment owned by the state and required to properly maintain  
12 properties supported by state-federal cooperative funding agreements, for the  
13 repair and maintenance of state-owned military lands or buildings, for the payment  
14 of municipal assessments related to state-owned military property and for the  
15 purchase and construction of new military property, real and personal. All moneys  
16 received on account of lost military property, from the sale of obsolete or  
17 unserviceable military property, from the sale of any state-owned military property,  
18 real and personal, under s. 21.19 (3), from the rental of state-owned housing, or from  
19 the provision of housing-related services to military personnel shall be credited to  
20 this appropriation.

21           **SECTION 649.** 20.465 (2) (a) of the statutes is amended to read:

22           20.465 (2) (a) *Tuition grants.* The amounts in the schedule for the payment of  
23 tuition grants to members of the Wisconsin national guard under s. 21.49 (3), ~~less the~~  
24 ~~amounts appropriated as applied receipts under par. (g).~~

25           **SECTION 650.** 20.465 (2) (g) of the statutes is repealed.

**SENATE BILL 77****SECTION 651**

1           **SECTION 651.** 20.465 (3) (d) of the statutes is repealed.

2           **SECTION 652.** 20.465 (3) (jm) of the statutes is amended to read:

3           20.465 (3) (jm) *State emergency response board; emergency planning grants.*

4           All moneys received by the state emergency response board from fees assessed under  
5           s. 166.20 (7), except moneys appropriated under par. (i) for the payment of grants  
6           under s. 166.21, except grants under s. 166.21 (2) (bm). ~~The secretary of~~  
7           ~~administration shall lapse from this appropriation amounts totaling the amount~~  
8           ~~expended under par. (d) at the times and in the instalments determined by the~~  
9           ~~secretary of administration.~~

10          **SECTION 653.** 20.485 (2) (rm) of the statutes is amended to read:

11          20.485 (2) (rm) (title) *Veterans rehabilitation assistance program.* Biennially,  
12          the amounts in the schedule for general program operations of the veterans  
13          ~~rehabilitation~~ assistance program under s. 45.357.

14          **SECTION 654.** 20.485 (2) (rp) of the statutes is created to read:

15          20.485 (2) (rp) *Veterans assistance program receipts.* All moneys received from  
16          fees under s. 45.357 (2) for general program operations of the department.

17          **SECTION 655.** 20.485 (2) (tf) of the statutes is repealed.

18          **SECTION 656.** 20.485 (2) (vm) of the statutes, as affected by 1995 Wisconsin Act  
19          27, section 1040q, is amended to read:

20          20.485 (2) (vm) *Veterans aids and treatment.* The amounts in the schedule for  
21          payment of benefits to veterans and their dependents under ss. s. 45.351 (1), 45.396  
22          ~~and 45.397~~ and (1j).

23          **SECTION 657.** 20.485 (2) (vm) of the statutes, as affected by 1997 Wisconsin Act  
24          .... (this act), is amended to read:

**SENATE BILL 77****SECTION 657**

1           20.485 (2) (vm) *Veterans aids and treatment*. The amounts in the schedule for  
2           payment of benefits to veterans and their dependents under s. 45.351 (1) and (1j).

3           **SECTION 658.** 20.485 (2) (vy) of the statutes is created to read:

4           20.485 (2) (vy) *Veterans education and retraining*. The amounts in the schedule  
5           for the payment of benefits under ss. 45.25, 45.396 and 45.397.

6           **SECTION 659.** 20.485 (2) (y) of the statutes is repealed.

7           **SECTION 660.** 20.485 (2) (ym) of the statutes is repealed.

8           **SECTION 661.** 20.485 (2) (yn) of the statutes is created to read:

9           20.485 (2) (yn) *Veterans trust fund loans and expenses*. All moneys received  
10          under ss. 45.356 (9) (b) and 45.79 (7) (a) and (c) for the purpose of providing loans  
11          under the personal loan program under s. 45.356 and for the payment of expenses  
12          and other payments as a consequence of being a mortgagee or owner under s. 45.351  
13          (2), 1995 stats., s. 45.352, 1971 stats., s. 45.356, 1995 stats., and s. 45.80, 1989 stats.

14          **SECTION 662.** 20.485 (2) (yo) of the statutes is created to read:

15          20.485 (2) (yo) *Personal loan program repayment*. All moneys received from  
16          repayments of loans and payments of interest on loans made under s. 45.356 and the  
17          net proceeds from the sale of mortgaged properties related to those loans for the  
18          payment of debt service costs for moneys received under s. 45.356 (9) (b) or 45.79 (7)  
19          (a).

20          **SECTION 663.** 20.485 (3) (u) of the statutes is repealed.

21          **SECTION 664.** 20.485 (4) (f) of the statutes is created to read:

22          20.485 (4) (f) *Repayment of principal and interest*. A sum sufficient to  
23          reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
24          in financing the acquisition, construction, development, enlargement or  
25          improvement of veterans cemeteries provided under s. 20.866 (2) (z).

**SENATE BILL 77****SECTION 665**

1           **SECTION 665.** 20.485 (4) (r) of the statutes is amended to read:

2           20.485 (4) (r) *Cemetery energy costs.* From the veterans trust fund, the amounts  
3 in the schedule to be used at the veterans memorial cemeteries operated under s.  
4 45.358 for utilities and for fuel, heat and air conditioning and for costs incurred by  
5 or on behalf of the department of veterans affairs under s. ss. 16.858 and 16.895.

6           **SECTION 666.** 20.490 (5) (t) of the statutes is created to read:

7           20.490 (5) (t) *Recycling fund transfer for brownfields redevelopment.* From the  
8 recycling fund, as a continuing appropriation, the amounts in the schedule to be  
9 transferred to the Wisconsin development reserve fund under s. 234.93 for the  
10 program under s. 234.88.

11           **SECTION 667.** 20.505 (1) (is) of the statutes is amended to read:

12           20.505 (1) (is) *Information technology processing services to nonstate entities.*  
13 All moneys received from local governmental units and entities in the private sector  
14 for provision of computer services, telecommunications services and supercomputer  
15 services under s. 16.973 (2) and (3) or under s. 196.218 (4r) (c) 4., to be used for the  
16 purpose of providing those services.

17           **SECTION 668.** 20.505 (1) (ja) of the statutes is amended to read:

18           20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for  
19 the development and operation of automated justice information systems under s.  
20 16.971 (9). ~~Eighty percent~~ Four-sevenths of the moneys received under s. 814.635  
21 (1) shall be credited to this appropriation account.

22           **SECTION 669.** 20.505 (1) (ka) of the statutes is amended to read:

23           20.505 (1) (ka) *Materials and services to state agencies and certain districts.*  
24 The amounts in the schedule to provide services primarily to state agencies or local  
25 professional baseball park districts created under subch. III of ch. 229, other than

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1 services specified in pars. (im), (is) and (kb) to ~~(kr)~~ (ks) and subs. (2) (k) and (5) (ka),  
2 and to repurchase inventory items sold primarily to state agencies or such districts.  
3 All moneys received from the provision of services primarily to state agencies and  
4 such districts and from the sale of inventory items primarily to state agencies and  
5 such districts, other than moneys received and disbursed under pars. (im), (is) and  
6 (kb) to ~~(kr)~~ (ks) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation  
7 account.

8 **SECTION 670.** 20.505 (1) (kc) of the statutes is amended to read:

9 20.505 (1) (kc) *Capital planning and building construction services.* The  
10 amounts in the schedule to provide capital planning services under s. 13.48 (5) and  
11 building construction services under subch. V of ch. 16 on behalf of state agencies and  
12 local professional baseball park districts created under subch. III of ch. 229. The  
13 secretary of administration shall credit moneys transferred to this appropriation  
14 account under s. 229.85 (3) and may credit moneys received for the provision of  
15 building construction and capital planning services on behalf of state agencies and  
16 such districts to this appropriation account.

17 **SECTION 671.** 20.505 (1) (kp) of the statutes is created to read:

18 20.505 (1) (kp) *Interagency assistance; justice information system.* The  
19 amounts in the schedule for the development and operation of automated justice  
20 information systems under s. 16.971 (9). All moneys transferred from the  
21 appropriation account under sub. (6) (pc) shall be credited to this appropriation  
22 account.

23 **SECTION 672.** 20.505 (1) (ks) of the statutes is created to read:

24 20.505 (1) (ks) *Land information; state agency support.* All moneys received  
25 from assessments levied against state agencies under s. 16.966 for the functions of

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1 the department relating to land information under s. 16.967 and the functions of the  
2 Wisconsin land council under s. 16.023.

3 **SECTION 673.** 20.505 (1) (q) of the statutes is created to read:

4 20.505 (1) (q) *Geographic information systems.* From the recycling fund, the  
5 amounts in the schedule for development and maintenance of geographic  
6 information systems under s. 16.967 (3) (f).

7 **SECTION 674.** 20.505 (1) (s) of the statutes is created to read:

8 20.505 (1) (s) *Educational telecommunications access support.* From the  
9 universal service fund, a sum sufficient to pay under s. 196.218 (5) (a) 5., any  
10 amounts due telecommunications providers under contracts with the department  
11 under s. 16.974 (7) to the extent that these amounts are not paid from the  
12 appropriation under par. (is).

13 **SECTION 675.** 20.505 (1) (v) of the statutes is amended to read:

14 20.505 (1) (v) (title) *General program operations — ~~clean water fund program~~*  
15 *environmental improvement programs; state funds.* From the ~~clean water~~  
16 environmental improvement fund, the amounts in the schedule for general program  
17 operations under s. 281.58 ~~or~~, 281.59, 281.60 or 281.61.

18 **SECTION 676.** 20.505 (1) (x) of the statutes is amended to read:

19 20.505 (1) (x) *General program operations — ~~clean water fund program; federal~~*  
20 *funds.* As a continuing appropriation, from the clean water fund program federal  
21 revolving loan fund account in the ~~clean water~~ environmental improvement fund,  
22 the amounts in the schedule for general program operations of the clean water fund  
23 program under s. 281.58 or 281.59.

24 **SECTION 677.** 20.505 (1) (y) of the statutes is created to read:



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1           20.505 (1) (y) *General program operations — safe drinking water loan program;*  
2 *federal funds.* As a continuing appropriation, from the safe drinking water loan  
3 program federal revolving loan fund account in the environmental improvement  
4 fund, the amounts in the schedule for general program operations of the safe  
5 drinking water loan program under s. 281.59 or 281.61.

6           **SECTION 678.** 20.505 (3) (a) of the statutes is amended to read:

7           20.505 (3) (a) *General program operations.* The amounts in the schedule for  
8 the expenses of committees created by law or executive order, for the state's  
9 contribution to the advisory commission on intergovernmental relations, and for  
10 state membership dues and travel expenses and miscellaneous expenses for state  
11 participation in the Education Commission of the States under s. 39.76, Midwestern  
12 Higher Education Compact under s. 39.80, Northeast Midwest Institute, Council of  
13 Great Lakes Governors, Great Lakes Commission, and such other national or  
14 regional interstate governmental bodies as the governor determines.

15           **SECTION 679.** 20.505 (3) (be) of the statutes is repealed.

16           **SECTION 680.** 20.505 (4) (ee) of the statutes is repealed.

17           **SECTION 681.** 20.505 (4) (er) of the statutes is repealed.

18           **SECTION 682.** 20.505 (4) (ie) of the statutes is renumbered 20.505 (1) (ie) and  
19 amended to read:

20           20.505 (1) (ie) (title) *Land information board; general program operations.*  
21 From the moneys received by the ~~land information board~~ department under s. 59.72  
22 (5) (a), the amounts in the schedule for ~~general program operations~~ the functions of  
23 ~~the board~~ department relating to land information under s. 16.967 and the functions  
24 of the Wisconsin land council under s. 16.023.

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1           **SECTION 683.** 20.505 (4) (ig) of the statutes is renumbered 20.505 (1) (ig) and  
2 amended to read:

3           20.505 (1) (ig) (title) *Land information board; technical assistance and*  
4 *education.* The amounts in the schedule for the ~~land information board~~ department  
5 to provide technical assistance to counties and to conduct educational seminars,  
6 courses or conferences under s. 16.967 (9). ~~The~~ All charges paid by the counties and  
7 participants in educational seminars, courses and conferences under s. 16.967 (9)  
8 shall be credited to this appropriation account.

9           **SECTION 684.** 20.505 (4) (im) of the statutes is renumbered 20.505 (1) (i) and  
10 amended to read:

11           20.505 (1) (i) (title) *Land information board; aids to counties.* From the moneys  
12 received by the ~~land information board~~ department under s. 59.72 (5) (a), all moneys  
13 not appropriated under par. (ie) for the purpose of providing aids to counties for land  
14 information projects under s. 16.967 (7).

15           **SECTION 685.** 20.505 (4) (kp) of the statutes is amended to read:

16           20.505 (4) (kp) *Hearings and appeals fees.* The amounts in the schedule for  
17 hearings and appeals services to the ~~departments~~ department of health and family  
18 services and under s. 227.43 (1) (bu), the department of industry, labor and job  
19 development under s. 227.43 (1) (by) and to all agencies under s. 227.43 (1m). All  
20 moneys received from the fees charged under s. 227.43 (3) (c) ~~and, (d) and (e)~~ shall  
21 be credited to this appropriation account.

22           **SECTION 686.** 20.505 (5) (ka) of the statutes is amended to read:

23           20.505 (5) (ka) *Facility operations and maintenance; police and protection*  
24 *functions.* The amounts in the schedule for the purpose of financing the costs of  
25 operation of state-owned or operated facilities that are not funded from other

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1 appropriations, including custodial and maintenance services; minor projects;  
2 utilities, fuel, heat and air conditioning; costs incurred under s. ss.16.858 and 16.895  
3 by or on behalf of the department; repayment to the energy efficiency fund loans  
4 made to the department under s. 16.847 (6); and supplementing the costs of operation  
5 of child care facilities for children of state employes under s. 16.841; and for police  
6 and protection functions under s. 16.84 (2) and (3). All moneys received from state  
7 agencies for the operation of such facilities, parking rental fees established under s.  
8 16.843 (2) (bm) and miscellaneous other sources, all moneys received from  
9 assessments under s. 16.895, all moneys received for the performance of gaming  
10 protection functions under s. 16.84 (3), and all moneys transferred from the  
11 appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this  
12 appropriation account.

13 **SECTION 687.** 20.505 (6) (g) of the statutes is amended to read:

14 20.505 (6) (g) *Anti-drug enforcement program, penalty assessment — local.* All  
15 moneys received from the penalty assessment surcharge on court fines and  
16 forfeitures as allocated under s. 165.87 (1) to match federal funds made available  
17 under subtitle K of title I of P.L. 99-570, except as provided in par. (h) and s. 20.410  
18 (3) (jk). The executive staff director of the office of justice assistance may transfer  
19 moneys not needed as matching funds under this paragraph to par. (h). The  
20 secretary of administration shall transfer \$450,000 from this paragraph to s. 20.410  
21 (3) (jk) in each fiscal year. The secretary of administration shall transfer \$200,000  
22 in fiscal year ~~1995-96~~ 1997-98 and \$200,000 in fiscal year ~~1996-97~~ 1998-99 from  
23 this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug  
24 enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year

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1 1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for  
2 a drug enforcement strategic intelligence unit.

3 **SECTION 688.** 20.505 (7) (jf) of the statutes is amended to read:

4 20.505 (7) (jf) (title) *Mobile home parks, dealers and salespersons.* The amounts  
5 in the schedule for the licensing and regulation of mobile home parks under s. 16.366  
6 and the regulation of mobile home dealers and salespersons under subch. VI of ch.  
7 218. All moneys received under s. 16.366 and subch. VI of ch. 218 shall be credited  
8 to this appropriation.

9 **SECTION 689.** 20.505 (7) (ji) of the statutes is repealed.

10 **SECTION 690.** 20.505 (8) (title) of the statutes is repealed.

11 **SECTION 691.** 20.505 (8) (a) of the statutes is renumbered 20.505 (1) (ab), and  
12 20.505 (1) (ab) (title), as renumbered, is amended to read:

13 20.505 (1) (ab) (title) *General program operations; state prosecutor.*

14 **SECTION 692.** 20.505 (9) (a) of the statutes is amended to read:

15 20.505 (9) (a) *Administrative expenses; initial funds.* The As a continuing  
16 appropriation, the amounts in the schedule for the administrative expenses of the  
17 college tuition prepayment program under s. 16.24, including the expense of  
18 promoting the program. ~~No funds may be encumbered from this appropriation after~~  
19 ~~June 30, 1997.~~

20 **SECTION 693.** 20.507 (intro.) of the statutes is created to read:

21 **20.507 Board of commissioners of public lands.** (intro.) There is  
22 appropriated to the board of commissioners of public lands for the following program:

23 **SECTION 694.** 20.510 (1) (a) (title) of the statutes is amended to read:

24 20.510 (1) (a) (title) *General program operations; general purpose revenue.*

25 **SECTION 695.** 20.510 (1) (i) of the statutes is created to read:

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1           20.510 (1) (i) *General program operations; program revenue.* The amounts in  
2 the schedule for general program operations. All moneys received from fees imposed  
3 under s. 11.055 (1) shall be credited to this appropriation account.

4           **SECTION 696.** 20.525 (1) (cm) of the statutes is created to read:

5           20.525 (1) (cm) *National Governors Association conference.* As a continuing  
6 appropriation, the amounts in the schedule to provide programmatic support for a  
7 meeting of the National Governors Association to be held in the city of Milwaukee  
8 on August 1 to 4, 1998.

9           **SECTION 697.** 20.525 (1) (cm) of the statutes, as created by 1997 Wisconsin Act  
10 .... (this act), is repealed.

11           **SECTION 698.** 20.525 (1) (f) of the statutes is created to read:

12           20.525 (1) (f) *Literacy improvement aids.* The amounts in the schedule for the  
13 governor to provide grants for literacy improvement under s. 14.20.

14           **SECTION 699.** 20.536 (1) (ka) of the statutes is amended to read:

15           20.536 (1) (ka) (title) *General program operations; clean water environmental*  
16 *improvement fund.* All moneys received for providing services to the department of  
17 administration or the department of natural resources in administering ss. 25.43,  
18 281.58 and, 281.59, 281.60, 281.61 and 281.62, for general program operations.

19           **SECTION 700.** 20.566 (1) (g) of the statutes is amended to read:

20           20.566 (1) (g) *Administration of county sales and use taxes.* From moneys  
21 received from the appropriation under s. 20.835 (4) (g), the amounts in the schedule  
22 for the purpose of administering the county taxes under subch. V of ch. 77. The  
23 balance of all taxes collected under subch. V of ch. 77, after the distribution under  
24 s. 77.76 (3), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a),

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1 at the end of the fiscal year the unencumbered balance of this appropriation account  
2 lapses to the general fund.

3 **SECTION 701.** 20.566 (1) (hq) of the statutes is amended to read:

4 20.566 (1) (hq) *Delinquent tax collection fees.* ~~All moneys received from~~ From  
5 the fees collected under s. 73.03 (33m), the amounts in the schedule to pay costs  
6 incurred by the department of revenue in collecting delinquent taxes.  
7 Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year, from the  
8 unencumbered balance, an amount equal to 10% of the sum of the amount expended  
9 from this appropriation account during the fiscal year and the amount encumbered  
10 in respect to this appropriation account during the fiscal year remains in this  
11 appropriation account, and of the amount obtained by subtracting the amount  
12 retained in this appropriation account from the account's unencumbered balance  
13 75% is transferred to the appropriation account under sub. (3) (it) and 25% lapses to  
14 the general fund.

15 **SECTION 702.** 20.566 (2) (gm) of the statutes is created to read:

16 20.566 (2) (gm) *Auditing of real estate transfer fee.* The amounts in the schedule  
17 to audit payments of the real estate transfer fee under subch. II of ch. 77. An amount  
18 equal to eighty percent of the amount that is collected under subch. II of ch. 77 and  
19 that is attributable to the department of revenue's auditing, minus 80% of the  
20 amount of refunds under s. 77.26 (5) attributable to the department of revenue's  
21 auditing, and minus \$424,600, shall annually be credited to this appropriation  
22 account. The amount received under s. 77.265 (9) from sales of information shall  
23 annually be credited to this appropriation account. Notwithstanding s. 20.001 (3)  
24 (a), at the end of each fiscal year, from the unencumbered balance, an amount equal  
25 to 10% of the sum of the amount expended from this appropriation account during

**SENATE BILL 77****SECTION 702**

1 the fiscal year and the amount encumbered in respect to this appropriation account  
2 during the fiscal year remains in this appropriation account, and of the amount  
3 obtained by subtracting the amount retained in this appropriation account from the  
4 account's unencumbered balance, 75% is transferred to the appropriation account  
5 under sub. (3) (it) and 25% lapses to the general fund.

6 **SECTION 703.** 20.566 (3) (it) of the statutes is created to read:

7 20.566 (3) (it) *Technology for tax administration.* All moneys transferred from  
8 the appropriation accounts under subs. (1) (hq) and (2) (gm) for expenditures on  
9 technology for tax collection, tax administration and state and local finance  
10 responsibilities and expenditures for technology for which general purpose revenues  
11 would be otherwise necessary.

12 **SECTION 704.** 20.566 (7) (v) of the statutes is amended to read:

13 20.566 (7) (v) *Investment and local impact fund.* From the investment and local  
14 impact fund, all moneys received under s. 70.395 (1) (a), ~~(1g) (b)~~ (1e) and (2) (dc) and  
15 (dg), less the moneys appropriated under s. ~~ss. 20.143 (1) (r) and~~ 20.370 (2) (gr), to  
16 be disbursed under ss. 70.395 (2) (d) to (g), 293.33 (4) and ~~293.85~~ 293.65 (5) (a) .

17 **SECTION 705.** 20.575 (1) (g) of the statutes is amended to read:

18 20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of  
19 carrying out general program operations. Except as provided under par. (ka), all  
20 amounts received by the secretary of state, including fees under chs. 132 and 137 and  
21 all moneys transferred from the appropriation under s. ~~20.566 (4)~~ 20.144 (1) (g), shall  
22 be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any  
23 unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's  
24 expenditures under this appropriation shall lapse to the general fund.

25 **SECTION 706.** 20.575 (1) (h) of the statutes is repealed.

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1           **SECTION 707.** 20.575 (1) (i) of the statutes is repealed.

2           **SECTION 708.** 20.585 (2) (title) of the statutes is renumbered 20.507 (1) (title)  
3 and amended to read:

4           20.507 (1) (title) ~~DIVISION OF TRUST~~ TRUST LANDS AND INVESTMENTS.

5           **SECTION 709.** 20.585 (2) (h) of the statutes is renumbered 20.507 (1) (h) and  
6 amended to read:

7           20.507 (1) (h) *Trust lands and investments — general program operations.* The  
8 amounts in the schedule for the general program operations of the ~~division of trust~~  
9 ~~lands and investments board~~ as provided under ss. 24.04, 24.09 (1) (bm), 24.53 and  
10 24.62 (1). All amounts deducted from the gross receipts of the appropriate funds as  
11 provided under ss. 24.04, 24.09 (1) (bm), 24.53 and 24.62 (1) shall be credited to this  
12 appropriation account. ~~On each June 30~~ Notwithstanding s. 20.001 (3) (a), at the end  
13 of each fiscal year, an amount shall lapse from this appropriation account to the  
14 general fund as equal to the lesser of the unencumbered balance in this account or  
15 an amount determined by the secretary of administration by multiplying the average  
16 rate determined by used for the department of administration ~~for the office of state~~  
17 ~~treasurer~~ during that fiscal year to establish indirect cost reimbursements, as  
18 defined in s. 16.54 (9) (a) 2., by the cost to continue payment under this paragraph  
19 of salaries for all positions for the division of trust lands and investments at the  
20 beginning of that fiscal year, as affected by the applicable biennial budget act.  
21 Notwithstanding s. 20.001 (3) (a), after the lapse to the general fund, any remaining  
22 unencumbered amount shall be transferred to the trust funds, as defined under s.  
23 24.60 (5). The amount transferred to each trust fund, as defined under s. 24.60 (5),  
24 shall bear the same proportion to the total amount transferred to the trust funds that



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1 the gross receipts of that trust fund bears to the total gross receipts credited to this  
2 appropriation account during that fiscal year.

3 **SECTION 710.** 20.585 (2) (k) of the statutes is renumbered 20.507 (1) (k) and  
4 amended to read:

5 20.507 (1) (k) *Trust lands and investments — interagency and intra-agency*  
6 *assistance.* The amounts in the schedule to provide services to state agencies relating  
7 to trust lands and investments. All moneys received from the ~~office of the state~~  
8 ~~treasurer~~ department of administration or any other state agency for services  
9 relating to trust lands and investments shall be credited to this appropriation  
10 account.

11 **SECTION 711.** 20.585 (2) (mg) of the statutes is renumbered 20.507 (1) (mg).

12 **SECTION 712.** 20.625 (1) (c) of the statutes is amended to read:

13 20.625 (1) (c) *Court interpreter fees.* ~~The amounts in the schedule~~ A sum  
14 sufficient to pay interpreter fees under s. 885.37 (4) (a) 2.

15 **SECTION 713.** 20.680 (2) (j) of the statutes is amended to read:

16 20.680 (2) (j) *Circuit court automation systems.* The amounts in the schedule  
17 for the operation of circuit court automation systems under s. 758.19 (4). All moneys  
18 received under ss. 814.61, 814.62 and 814.63 that are required to be credited to this  
19 appropriation account under those sections and two-sevenths of the moneys  
20 received under s. 814.635 (1) shall be credited to this appropriation account.

21 **SECTION 714.** 20.680 (2) (k) of the statutes is repealed.

22 **SECTION 715.** 20.680 (2) (kd) of the statutes is amended to read:

23 20.680 (2) (kd) *Court operations information technology.* ~~All moneys~~  
24 ~~transferred from the appropriation account under s. 20.505 (1) (ja)~~ The amounts in  
25 the schedule to provide information technology development and management

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1 services to the court system. All moneys transferred from the appropriation account  
2 under s. 20.505 (1) (ja) shall be credited to this appropriation account.

3 **SECTION 716.** 20.680 (2) (ke) of the statutes is created to read:

4 20.680 (2) (ke) *Interagency and intra-agency automation assistance.* All  
5 moneys received from a court or any state agency for services provided to the court  
6 or state agency related to the circuit court automation system to provide court  
7 automation services.

8 **SECTION 717.** 20.835 (3) (r) of the statutes is repealed.

9 **SECTION 718.** 20.835 (4) (gb) of the statutes is amended to read:

10 20.835 (4) (gb) *Special district taxes.* All moneys received from the taxes  
11 imposed under s. 77.705, for the purpose of distribution to the special districts that  
12 adopt a resolution imposing taxes under subch. V of ch. 77, for the purpose of making  
13 any transfer required under s. 299.85, and for the purpose of financing a local  
14 professional baseball park district, except that of those tax revenues collected under  
15 subch. V of ch. 77 3% for the first 2 years of collection and 1.5% thereafter shall be  
16 credited to the appropriation account under s. 20.566 (1) (gd).

17 **SECTION 719.** 20.835 (4) (gg) of the statutes is amended to read:

18 20.835 (4) (gg) *Local taxes.* Ninety-seven percent of the moneys received from  
19 the taxes imposed under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch. 77  
20 by districts, for distribution to the districts under subch. II of ch. 229 that impose  
21 those taxes; and 97% of the moneys received from the tax imposed under subch. VIII  
22 of ch. 77 by units of government that establish a commission to create a premier  
23 resort center, for distribution to the units of government that impose that tax.

24 **SECTION 720.** 20.855 (4) (r) of the statutes is created to read:

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1           20.855 (4) (r) *Petroleum allowance*. From the petroleum inspection fund, a sum  
2 sufficient for the payment of allowances and interest under s. 168.12 (6).

3           **SECTION 721.** 20.855 (7) (title) of the statutes is repealed.

4           **SECTION 722.** 20.855 (7) (j) of the statutes is renumbered 20.445 (3) (kp) and  
5 amended to read:

6           20.445 (3) (kp) *Delinquent support and maintenance payments*. All moneys  
7 received from the department of revenue and the department of administration  
8 under s. 49.855 for child support, maintenance, medical expenses or birth expenses,  
9 to be distributed ~~to clerks of court~~ in accordance with state law and federal  
10 regulations.

11           **SECTION 723.** 20.865 (1) (a) of the statutes is amended to read:

12           20.865 (1) (a) *Judgments and legal expenses*. A sum sufficient to pay for legal  
13 expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and for the costs  
14 of judgments, orders and settlements of actions, appeals and complaints under  
15 subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders  
16 and settlements under ss. 21.13, 165.25 (6), 775.04 and 895.46 that are not otherwise  
17 reimbursable as liability costs under par. (fm). Release of moneys under this  
18 paragraph pursuant to any settlement agreement, whether or not incorporated into  
19 an order, is subject to approval of the attorney general and the department of  
20 administration.

21           **SECTION 724.** 20.865 (1) (g) of the statutes is amended to read:

22           20.865 (1) (g) *Judgments and legal expenses; program revenues*. From the  
23 appropriate program revenue and program revenue-service accounts, a sum  
24 sufficient to pay for legal expenses under s. 59.32 (3), for costs under ss. 227.485 and  
25 814.245 and for the cost of judgments, orders and settlements of actions, appeals and

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1 complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those  
2 judgments, awards, orders and settlements under ss. 21.13, 165.25 (6), 775.04 and  
3 895.46 that are not otherwise reimbursable as liability costs under par. (fm). Release  
4 of moneys under this paragraph pursuant to any settlement agreement, whether or  
5 not incorporated into an order, is subject to approval of the attorney general and the  
6 department of administration.

7 **SECTION 725.** 20.865 (1) (q) of the statutes is amended to read:

8 20.865 (1) (q) *Judgments and legal expenses; segregated revenues.* From the  
9 appropriate segregated funds, a sum sufficient to pay for legal expenses under s.  
10 59.32 (3), for costs under ss. 227.485 and 814.245 and for the cost of judgments,  
11 orders and settlements of actions, appeals and complaints under subch. II of ch. 111  
12 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements  
13 under ss. 21.13, 165.25 (6), 775.04 and 895.46 that are not otherwise reimbursable  
14 as liability costs under par. (fm). Release of moneys under this paragraph pursuant  
15 to any settlement agreement, whether or not incorporated into an order, is subject  
16 to approval of the attorney general and the department of administration.

17 **SECTION 726.** 20.866 (1) (u) of the statutes is amended to read:

18 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
19 appropriated under sub. (2) (zp) and ss. 20.190 (1) (c), (i) and (j), 20.225 (1) (c), 20.245  
20 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (es),  
21 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370  
22 (7) (aa), (ac), (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ea) and (eq), 20.395 (6) (aq)  
23 and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)  
24 (d), 20.485 (1) (f) and (go) ~~and~~, (3) (t) and (4) (f), 20.505 (5) (g) and (kc) and 20.867 (1)

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1 (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest  
2 on public debt contracted under subchs. I and IV of ch. 18.

3 **SECTION 727.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act  
4 .... (this act), is repealed and recreated to read:

5 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
6 appropriated under sub. (2) (zp) and ss. 20.190 (1) (c), (i) and (j), 20.225 (1) (c), 20.245  
7 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (es),  
8 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370  
9 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ea) and (eq), 20.395 (6) (aq) and  
10 (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d),  
11 20.485 (1) (f) and (go), (3) (t) and (4) (f), 20.505 (5) (g) and (kc) and 20.867 (1) (a) and  
12 (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on  
13 public debt contracted under subchs. I and IV of ch. 18.

14 **SECTION 728.** 20.866 (2) (tc) of the statutes is amended to read:

15 20.866 (2) (tc) (title) *Clean water fund program.* From the capital improvement  
16 fund, a sum sufficient to be transferred to the ~~clean water~~ environmental  
17 improvement fund for the purposes of the clean water fund program under ss. 281.58  
18 and 281.59. The state may contract public debt in an amount not to exceed  
19 ~~\$553,194,000~~ \$544,830,400 for this purpose. Of this amount, the amount needed to  
20 meet the requirements for state deposits under 33 USC 1382 is allocated for those  
21 deposits. Of this amount, \$8,250,000 is allocated to fund the minority business  
22 development and training program under s. 66.905 (2) (b).

23 **SECTION 729.** 20.866 (2) (td) of the statutes is created to read:

24 20.866 (2) (td) *Safe drinking water loan program.* From the capital  
25 improvement fund, a sum sufficient to be transferred to the environmental

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1 improvement fund for the safe drinking water loan program under s. 281.61. The  
2 state may contract public debt in an amount not to exceed \$22,000,000 for this  
3 purpose.

4 **SECTION 730.** 20.866 (2) (te) of the statutes is amended to read:

5 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital  
6 improvement fund, a sum sufficient for the department of natural resources to  
7 provide funds for nonpoint source water pollution abatement projects under s.  
8 281.65. The state may contract public debt in an amount not to exceed \$20,000,000  
9 \$32,363,600 for this purpose. Of this amount, \$2,000,000 may only be used for  
10 projects selected under s. 281.65 (4c) (c) after July 1, 1998.

11 **SECTION 731.** 20.866 (2) (tg) of the statutes is amended to read:

12 20.866 (2) (tg) *Natural resources; environmental repair.* From the capital  
13 improvement fund, a sum sufficient for the department of natural resources to fund  
14 investigations and remedial action under s. 292.11 (7) (a) or 292.31 and remedial  
15 action under s. 281.83 and for payment of this state's share of environmental repair  
16 that is funded under 42 USC 6991 to 6991i or 42 USC 9601 to 9675. The state may  
17 contract public debt in an amount not to exceed ~~\$31,500,000~~ \$43,000,000 for this  
18 purpose. Of this amount, ~~\$9,000,000~~ \$5,000,000 is allocated for remedial action  
19 under s. 281.83.

20 **SECTION 732.** 20.866 (2) (tw) of the statutes is amended to read:

21 20.866 (2) (tw) *Natural resources; ice age trail.* From the capital improvement  
22 fund, as a part of the outdoor recreation land acquisition program, a sum sufficient  
23 for the department of natural resources for the acquisition and development of the  
24 ice age trail under s. 23.17. The state may contract public debt in an amount not to  
25 exceed \$750,000 for this purpose. Moneys expended from this appropriation in each

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1 fiscal year may not exceed an amount equal to the sum of the amount received under  
2 s. 20.370 (1) ~~(gg)~~ (7) ~~(gg)~~ from gifts, grants and bequests for that fiscal year plus an  
3 amount equal to the valuation of the land accepted for dedication under s. 23.293 (5)  
4 in that fiscal year.

5 **SECTION 733.** 20.866 (2) (uv) of the statutes is amended to read:

6 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital  
7 improvement fund, a sum sufficient for the department of transportation to provide  
8 grants for harbor improvements. The state may contract public debt in an amount  
9 not to exceed \$12,000,000 \$15,000,000 for this purpose.

10 **SECTION 734.** 20.866 (2) (uw) of the statutes is amended to read:

11 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the  
12 capital improvement fund, a sum sufficient for the department of transportation to  
13 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and  
14 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).  
15 The state may contract public debt in an amount not to exceed \$14,500,000  
16 \$19,000,000 for these purposes.

17 **SECTION 735.** 20.866 (2) (w) of the statutes is renumbered 20.866 (2) (uz) and  
18 amended to read:

19 20.866 (2) (uz) (title) ~~*Health and family services*~~ *Corrections; juvenile*  
20 *correctional facilities.* From the capital improvement fund, a sum sufficient for the  
21 department of ~~health and family services~~ corrections to acquire, construct, develop,  
22 enlarge or improve juvenile correctional facilities. The state may contract public  
23 debt in an amount not to exceed \$29,441,500 for this purpose.

24 **SECTION 736.** 20.866 (2) (zc) of the statutes is created to read:

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1           20.866 (2) (zc) *Technology for educational achievement in Wisconsin board;*  
2 *educational technology infrastructure loans.* From the capital improvement fund, a  
3 sum sufficient for the technology for educational achievement in Wisconsin board to  
4 make subsidized educational technology infrastructure loans to school districts  
5 under s. 44.72 (4). The state may contract public debt in an amount not to exceed  
6 \$50,000,000 for this purpose.

7           **SECTION 737.** 20.866 (2) (zc) of the statutes, as created by 1997 Wisconsin Act  
8 .... (this act), is amended to read:

9           20.866 (2) (zc) *Technology for educational achievement in Wisconsin board;*  
10 *educational technology infrastructure loans.* From the capital improvement fund, a  
11 sum sufficient for the technology for educational achievement in Wisconsin board to  
12 make subsidized educational technology infrastructure loans to school districts  
13 under s. 44.72 (4). The state may contract public debt in an amount not to exceed  
14 \$50,000,000 \$100,000,000 for this purpose.

15           **SECTION 738.** 20.866 (2) (zh) (title) of the statutes is amended to read:

16           20.866 (2) (zh) (title) ~~*Education*~~ *Public instruction; state schools and library*  
17 *facilities.*

18           **SECTION 739.** 20.866 (2) (zh) of the statutes is amended to read:

19           20.866 (2) (zh) (title) ~~*Education*~~ *public instruction; state schools and library*  
20 *facilities.* From the capital improvement fund, a sum sufficient for the department  
21 of education *public instruction* to acquire, construct, develop, enlarge or improve  
22 institutional facilities for the hearing impaired and the visually handicapped and  
23 reference and loan library facilities. The state may contract public debt in an amount  
24 not to exceed \$7,367,700 for this purpose.

25           **SECTION 740.** 20.866 (2) (zo) of the statutes is amended to read:



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1           20.866 (2) (zo) *Veterans affairs; refunding bonds.* From the funds and accounts  
2 under s. 18.04 (6) (b), a sum sufficient for the department of veterans affairs to fund,  
3 refund or acquire the whole or any part of public debt as set forth in s. 18.04 (5). The  
4 building commission may contract public debt in an amount not to exceed  
5 ~~\$625,000,000~~ \$665,000,000 for these purposes, exclusive of any amount issued to  
6 fund public debt contracted under par. (zn).

7           **SECTION 741.** 20.903 (2) (b) of the statutes is amended to read:

8           20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys  
9 expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and  
10 (es) and 20.505 (1) (im), (ka), (kb), (kc) and (kd) in an additional amount not  
11 exceeding the depreciated value of equipment for operations financed under ss.  
12 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), (kc) and  
13 (kd). The secretary of administration may require such statements of assets and  
14 liabilities as he or she deems necessary before approving expenditure estimates in  
15 excess of the unexpended moneys in the appropriation account.

16           **SECTION 742.** 20.903 (2) (bp) of the statutes is created to read:

17           20.903 (2) (bp) Notwithstanding sub. (1), liabilities may be created and moneys  
18 expended from the appropriation under s. 20.435 (2) (gk) in an additional amount not  
19 exceeding the value of the equipment and buildings of the Mendota Mental Health  
20 Institute and the Winnebago Mental Health Institute for operations financed under  
21 s. 20.435 (2) (gk).

22           **SECTION 743.** 20.903 (2) (c) of the statutes is amended to read:

23           20.903 (2) (c) All expenditures authorized by this subsection are subject to the  
24 estimate approval procedure provided in s. 16.50 (2). Notwithstanding pars. (a), (b)  
25 ~~and~~, (bn) and (bp), the maximum amounts that may be expended from a program

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1 revenue or program revenue-service appropriation which is limited to the amounts  
2 in the schedule are the amounts in the schedule, except as authorized by the  
3 department of administration under s. 16.515 or the joint committee on finance  
4 under s. 13.101.

5 **SECTION 744.** 20.9045 (title) of the statutes is created to read:

6 **20.9045 (title) Department of natural resources; appropriations;**  
7 **program balances; revenues.**

8 **SECTION 745.** 20.912 (4) of the statutes is amended to read:

9 20.912 (4) **INSOLVENT DEPOSITORIES.** When the bank, savings and loan  
10 association, savings bank or credit union on which any check, share draft or other  
11 draft is drawn by the state treasurer before payment of such check, share draft or  
12 other draft becomes insolvent or is taken over by the division of banking, division of  
13 savings and loan institutions, the federal home loan bank board, the U.S. office of  
14 thrift supervision, the federal deposit insurance corporation, the resolution trust  
15 corporation, the office of credit unions, the administrator of federal credit unions or  
16 the U.S. comptroller of the currency, the state treasurer shall on the demand of the  
17 person in whose favor such check, share draft or other draft was drawn and upon the  
18 return to the treasurer of such check, share draft or other draft issue a replacement  
19 for the same amount.

20 **SECTION 746.** 20.921 (2) (a) of the statutes is amended to read:

21 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or  
22 state law or court-ordered assignment of income under s. 46.10 (14) (e), 301.12 (14)  
23 (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 or 767.51 (3m) (c) to make deductions from  
24 the salaries of state officers or employes or employes of the University of Wisconsin  
25 Hospitals and Clinics Authority, the state agency or authority by which the officers

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1 or employes are employed is responsible for making such deductions and paying over  
2 the total thereof for the purposes provided by the laws or orders under which they  
3 were made.

4 **SECTION 747.** 20.921 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
5 .... (this act), is amended to read:

6 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or  
7 state law or court-ordered assignment of income under s. 46.10 (14) (e), 301.12 (14)  
8 (e), 767.23 (1) (L), 767.25 (4m) (c), ~~767.265 (e)~~, 767.51 (3m) (c) or 767.62 (4) (b) 3. to  
9 make deductions from the salaries of state officers or employes or employes of the  
10 University of Wisconsin Hospitals and Clinics Authority, the state agency or  
11 authority by which the officers or employes are employed is responsible for making  
12 such deductions and paying over the total thereof for the purposes provided by the  
13 laws or orders under which they were made.

14 **SECTION 748.** 20.923 (1) of the statutes is amended to read:

15 20.923 (1) ESTABLISHMENT OF EXECUTIVE SALARY GROUPS. To this end, a  
16 compensation plan consisting of 10 executive salary groups is established in  
17 schedule one of the state compensation plan for the classified service from ranges 18  
18 through 27. No salary range established above salary range 23 may be utilized in  
19 the establishment and compensation of positions in the classified service without  
20 specific approval of the joint committee on employment relations. The dollar value  
21 of the salary range minimum and maximum for each executive salary group shall be  
22 reviewed and established in the same manner as that provided for positions in the  
23 classified service under s. 230.12 (3). The salary-setting authority of individual  
24 boards, commissions, elective and appointive officials elsewhere provided by law is  
25 subject to and limited by this section, and the salary rate for these positions upon

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1 appointment and subsequent thereto shall be set by the appointing authority  
2 pursuant to this section, except as provided in s. 36.09 (1) (j) and as otherwise  
3 required by article IV, section 26, of the constitution.

4 **SECTION 749.** 20.923 (4) (intro.) of the statutes is amended to read:

5 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the  
6 administrator of the division of merit recruitment and selection in the department  
7 of employment relations, commission chairpersons and members and higher  
8 education administrative positions shall be identified and limited in number in  
9 accordance with the standardized nomenclature contained in this subsection, and  
10 shall be assigned to the executive salary groups listed in pars. (a) to (j). Except for  
11 positions specified in par. (c) 3m. and sub. (12) ~~and s. 230.08 (2) (e) 6m.~~, all  
12 unclassified division administrator positions enumerated under s. 230.08 (2) (e)  
13 shall be assigned, when approved by the joint committee on employment relations,  
14 by the secretary of employment relations to one of the 10 executive salary groups  
15 listed in pars. (a) to (j). The joint committee on employment relations, by majority  
16 vote of the full committee, may amend recommendations for initial position  
17 assignments and changes in assignments to the executive salary groups submitted  
18 by the secretary of employment relations. All division administrator assignments  
19 and amendments to assignments of administrator positions approved by the  
20 committee shall become part of the compensation plan. Whenever a new unclassified  
21 division administrator position is created, the appointing authority may set the  
22 salary for the position until the joint committee on employment relations approves  
23 assignment of the position to an executive salary group. If the committee approves  
24 assignment of the position to an executive salary group having a salary range  
25 minimum or maximum inconsistent with the salary paid to the incumbent at the

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1 time of such approval, the incumbent's salary shall be adjusted by the appointing  
2 authority to conform with the committee's action, effective on the date of that action.

3 Positions are assigned as follows:

4 **SECTION 750.** 20.923 (4) (a) 4q. of the statutes is repealed.

5 **SECTION 751.** 20.923 (4) (c) 4. of the statutes is created to read:

6 20.923 (4) (c) 4. Higher educational aids board: executive secretary.

7 **SECTION 752.** 20.923 (4) (e) 1. of the statutes is renumbered 20.923 (4) (e) 1e.

8 **SECTION 753.** 20.923 (4) (e) 1b. of the statutes is created to read:

9 20.923 (4) (e) 1b. Administration, department of; technology for educational  
10 achievement in Wisconsin board: executive director.

11 **SECTION 754.** 20.923 (4) (e) 2m. of the statutes is repealed.

12 **SECTION 755.** 20.923 (4) (g) 1g. of the statutes is repealed.

13 **SECTION 756.** 20.923 (4m) of the statutes is amended to read:

14 20.923 (4m) UNIVERSITY OF WISCONSIN SYSTEM EXECUTIVE POSITIONS. The Subject  
15 to s. 36.09 (1) (j), the board of regents of the university of Wisconsin system shall set  
16 the salaries of the president of the university of Wisconsin system at a point no higher  
17 than 15% above the maximum dollar value of the salary range for executive salary  
18 group 10, based on the competitive market for comparable positions at comparable  
19 institutions of higher education. The board shall set the salaries of the vice  
20 presidents, the chancellors of the university of Wisconsin system campuses at Eau  
21 Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens  
22 Point, Stout, Superior and Whitewater, the chancellors of the university of  
23 Wisconsin-center system and the university of Wisconsin-extension, the vice  
24 chancellor for health sciences of the university of Wisconsin-Madison and the vice  
25 chancellor who is serving as a deputy at each university of Wisconsin campus and

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1 the university of Wisconsin-center system and the university of  
2 Wisconsin-extension to reflect the hierarchical structure of the system, to recognize  
3 merit, to permit orderly salary progression and to recognize competitive factors. No  
4 Except as provided in s. 36.09 (1) (j), no salary for a position other than president may  
5 be set at a point lower than the minimum dollar value of the salary range for  
6 executive salary group 7 nor at a point equal to or higher than the maximum dollar  
7 value of the salary range for executive salary group 10.

8 **SECTION 757.** 20.923 (6) (aL) of the statutes is created to read:

9 20.923 (6) (aL) Administration, department of: director of Indian gaming, and  
10 3 employes appointed under s. 569.015 (2).

11 **SECTION 758.** 20.923 (15) of the statutes is amended to read:

12 20.923 (15) SALARY ADJUSTMENT LIMITATIONS. (a) An Except as authorized under  
13 s. 36.09 (1) (j) for a position identified in subs. (4) (j) and (4m), an incumbent of a  
14 position that has been assigned to an executive salary group of the compensation  
15 plan under this section, whose current salary exceeds the maximum of the salary  
16 range to which his or her position's group is assigned, shall remain at his or her  
17 current rate of pay while he or she remains employed in that position until the  
18 maximum of the salary range to which his or her executive salary group is assigned  
19 equals or exceeds his or her current rate of pay.

20 (b) Except for the positions identified in subs. (4) (j) and (4m), the pay of any  
21 incumbent whose salary is subject to a limitation under this section may not equal  
22 or exceed that amount paid the governor. ~~The pay of any incumbent in the position~~  
23 ~~of president of the university of Wisconsin system, chancellor of the university of~~  
24 ~~Wisconsin-Madison or chancellor of the university of Wisconsin-Milwaukee may not~~

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1 exceed the maximum dollar value of the salary range for the group to which the  
2 incumbent's position is assigned.

3 **SECTION 759.** 20.924 (1) (b) of the statutes is amended to read:

4 20.924 (1) (b) Shall authorize the acquisition of land, or the repair, remodeling  
5 or improvement to any existing building, structure or facility costing in excess of  
6 \$250,000, regardless of funding source, only if that project is enumerated in the  
7 authorized state building program. This paragraph does not apply to projects  
8 authorized under s. 16.858.

9 **SECTION 760.** 20.924 (2) of the statutes is created to read:

10 20.924 (2) Subsection (1) does not apply to the acquisition of land for, or the  
11 design or construction of, the harbor of refuge along the Lake Superior shoreline  
12 under s. 30.92 (4m).

13 **SECTION 761.** 21.19 (3) (b) of the statutes is amended to read:

14 21.19 (3) (b) Notwithstanding s. 13.48 (14) (c), the department, under the  
15 authority and procedures established in par. (a), may sell and convey the Wisconsin  
16 national guard armory located at 1225 E. Henry Clay Street, Whitefish Bay,  
17 Milwaukee County. The proceeds of a sale shall be used first to pay off all bonds, all  
18 or a part of which were used to construct or purchase the property. Any moneys  
19 remaining from the sale shall be paid into the state treasury and credited to the  
20 appropriation under s. 20.465 ~~(2)~~ (1) (g).

21 **SECTION 762.** 21.49 (3) (a) of the statutes is amended to read:

22 21.49 (3) (a) Any eligible guard member upon satisfactory completion of a  
23 full-time or part-time course in a qualifying school is eligible for a tuition grant  
24 equal to ~~50%~~ 100% of the actual tuition charged by the school or ~~50%~~ 100% of the

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1 maximum resident undergraduate tuition charged by the university of  
2 Wisconsin-Madison for a comparable number of credits, whichever amount is less.

3 **SECTION 763.** 23.09 (19) (a) of the statutes is renumbered 23.09 (19) (a) (intro.)  
4 and amended to read:

5 23.09 (19) (a) (intro.) In this subsection, ~~“local;~~

6 2. “Local governmental unit” means a city, village, town, county, lake sanitary  
7 district, as defined in s. 30.50 (4q), or public inland lake protection and rehabilitation  
8 district.

9 **SECTION 764.** 23.09 (19) (a) 1. of the statutes is created to read:

10 23.09 (19) (a) 1. “Brownfields redevelopment” means an abandoned, idle or  
11 underused industrial or commercial facility or site, the expansion or redevelopment  
12 of which is adversely affected by actual or perceived environmental contamination.

13 **SECTION 765.** 23.09 (19) (cm) of the statutes is created to read:

14 23.09 (19) (cm) In approving grants under this subsection and under s. 23.096  
15 for urban green space, the department shall give higher priority for projects related  
16 to brownfields redevelopment.

17 **SECTION 766.** 23.09 (20) (am) of the statutes is created to read:

18 23.09 (20) (am) In granting aid under this subsection and under s. 23.096 for  
19 local park aids, the department shall give higher priority for projects related to  
20 brownfields redevelopment, as defined in sub. (19) (a) 1.

21 **SECTION 767.** 23.096 (2) of the statutes is amended to read:

22 23.096 (2) The department may award grants to nonprofit conservation  
23 organizations to acquire property for the purposes described in ss. 23.09 (19) and  
24 (20), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29, 23.293 and 30.277 (2) (a).

25 **SECTION 768.** 23.175 (4m) of the statutes is created to read:



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1           23.175 (4m) PRIORITY FOR BROWNFIELDS. In awarding grants for trails under s.  
2           23.096, the department shall give higher priority for projects related to brownfields  
3           redevelopment, as defined in s. 23.09 (19) (a) 1.

4           **SECTION 769.** 23.27 (3) (a) of the statutes is amended to read:

5           23.27 (3) (a) *Duties.* The department, with the advice of the council, shall  
6           conduct a natural heritage inventory program. The department shall cooperate with  
7           the ~~land information board~~ department of administration under s. 16.967 in  
8           conducting this program. This program shall establish a system for determining the  
9           existence and location of natural areas, the degree of endangerment of natural areas,  
10          an evaluation of the importance of natural areas, information related to the  
11          associated natural values of natural areas and other information and data related  
12          to natural areas. This program shall establish a system for determining the  
13          existence and location of native plant and animal communities and endangered,  
14          threatened and critical species, the degree of endangerment of these communities  
15          and species, the existence and location of habitat areas associated with these  
16          communities and species and other information and data related to these  
17          communities and species. This program shall establish and coordinate standards for  
18          the collection, storage, ~~recall and display of~~ and management of information and  
19          data related to the natural heritage inventory.

20          **SECTION 770.** 23.27 (3) (b) of the statutes is amended to read:

21          23.27 (3) (b) *Access to information; fees.* The department shall make  
22          information and data from the natural heritage inventory program available to any  
23          individual or public or private agency for research, educational, environmental, land  
24          management or similar authorized purposes. The department may establish a fee  
25          to be ~~charged~~ collected to recover the actual cost of collecting, storing, managing,

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1 compiling and providing this information and data. The department may reduce or  
2 waive the fee established under this paragraph if the department determines that  
3 a waiver or reduction of the fee is in the public interest. The natural heritage  
4 inventory and related information and data are not subject to s. 19.35 and the  
5 department may refuse to release information or data for any purpose which is not  
6 authorized.

7 **SECTION 771.** 23.27 (4) of the statutes is amended to read:

8 23.27 (4) NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the  
9 intent of the legislature to continue natural areas land acquisition activities from  
10 moneys available from the appropriation under ss. 20.370 ~~(1) (kb)~~ (7) (fa) and 20.866  
11 (2) (ts) and (tz). This commitment is separate from and in addition to the  
12 commitment to acquire natural areas under the Wisconsin natural areas heritage  
13 program. Except as provided in s. 23.0915 (2), the department may not expend under  
14 s. 20.866 (2) (tz) more than \$1,500,000 in each fiscal year for natural areas land  
15 acquisition activities under this subsection and for grants for this purpose under s.  
16 23.096.

17 **SECTION 772.** 23.27 (7) of the statutes is created to read:

18 23.27 (7) SALE OF RESOURCES. Moneys received from the sale or lease of  
19 resources derived from the land in the state natural areas system shall be credited  
20 to the appropriation under s. 20.370 (1) (fs).

21 **SECTION 773.** 23.293 (4) of the statutes is amended to read:

22 23.293 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept  
23 contributions and gifts for the ice age trail program. The department may convert  
24 gifts of land which it determines are not appropriate for the ice age trail program into  
25 cash. The department may convert other noncash contributions and gifts into cash.

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1 These moneys shall be deposited in the general fund and credited to the  
2 appropriation under s. 20.370 (1) ~~(gg)~~ (7) ~~(gg)~~. An amount equal to the value of all  
3 contributions and gifts shall be released from the appropriation under s. 20.866 (2)  
4 (tw) or (tz) or both to be used for land acquisition and development activities under  
5 s. 23.17. The department shall determine how the moneys being released are to be  
6 allocated from these appropriations. No moneys may be released under s. 20.866 (2)  
7 (tz) before July 1, 1990.

8 **SECTION 774.** 23.32 (2) (d) of the statutes is amended to read:

9 23.32 (2) (d) The department shall cooperate with the ~~land information board~~  
10 department of administration under s. 16.967 in conducting wetland mapping  
11 activities or any related land information collection activities.

12 **SECTION 775.** 23.325 (1) (a) of the statutes is amended to read:

13 23.325 (1) (a) Shall consult with the ~~land information board~~ department of  
14 administration, the department of transportation and the state cartographer, and  
15 may consult with other potential users of the photographic products resulting from  
16 the survey, to determine the scope and character of the survey.

17 **SECTION 776.** 23.33 (1) (id) of the statutes is created to read:

18 23.33 (1) (id) "Lac du Flambeau band" means the Lac du Flambeau band of  
19 Lake Superior Chippewa.

20 **SECTION 777.** 23.33 (1) (ie) of the statutes is created to read:

21 23.33 (1) (ie) "Lac du Flambeau reservation" means the territory within the  
22 boundaries of the Lac du Flambeau reservation that were in existence on April 10,  
23 1996.

24 **SECTION 778.** 23.33 (2) (a) of the statutes is amended to read:

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1           23.33 (2) (a) *Requirement.* No person may operate and no owner may give  
2 permission for the operation of an all-terrain vehicle within this state unless the  
3 all-terrain vehicle is registered for public use or for private use ~~with the department~~  
4 under this section subsection or sub. (2g), is exempt from registration or is operated  
5 with a reflectorized plate attached in the manner specified under par. (dm) 3. No  
6 person may operate and no owner may give permission for the operation of an  
7 all-terrain vehicle on a public all-terrain vehicle route or trail unless the all-terrain  
8 vehicle is registered for public use ~~with the department~~ under this section subsection  
9 or sub. (2g), is exempt from registration or is operated with a reflectorized plate  
10 attached in the manner specified under par. (dm) 3.

11           **SECTION 779.** 23.33 (2g) of the statutes is created to read:

12           23.33 (2g) LAC DU FLAMBEAU BAND REGISTRATION PROGRAM. (a) *Authorization for*  
13 *issuance.* The Lac du Flambeau band may issue registration certificates for public  
14 use or private use for all-terrain vehicles that are equivalent to the registration  
15 certificates for public use or private use that are issued by the department. The Lac  
16 du Flambeau band may renew and transfer a registration certificate that it or the  
17 department has issued. The Lac du Flambeau band may issue duplicates of only  
18 those registration certificates that it issues under this subsection.

19           (b) *Requirements for issuance; fees; effective periods.* 1. For issuing or renewing  
20 a registration certificate under this subsection, the Lac du Flambeau band shall  
21 collect the same fee that would be collected for the equivalent registration certificate  
22 under sub. (2) (c) and (d). For transferring a registration certificate or issuing a  
23 duplicate registration certificate under this subsection, the Lac du Flambeau band  
24 shall collect the same fee that would be collected for the equivalent service under sub.  
25 (2) (e).

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1           2. The Lac du Flambeau band may not issue, renew or otherwise process  
2 registration certificates under this subsection in conjunction with discount coupons  
3 or as part of a promotion or other merchandising offer.

4           3. For a registration certificate issued, transferred or renewed under this  
5 subsection, the effective period shall be the same as it would be for the equivalent  
6 registration certificate under sub. (2) (f) 1. or (g) or under a rule promulgated under  
7 sub. (2) (f) 2.

8           4. The Lac du Flambeau band may issue, renew or otherwise process  
9 registration certificates under this subsection only to applicants who appear in  
10 person on the Lac du Flambeau reservation.

11           (c) *Requirements for registration applications and decals.* 1. The Lac du  
12 Flambeau band shall use registration applications and registration certificates that  
13 are substantially similar to those under sub. (2) with regard to length, legibility and  
14 information content.

15           2. The Lac du Flambeau band shall use registration decals that are  
16 substantially similar to those under sub. (2) with regard to color, size, legibility,  
17 information content and placement on the all-terrain vehicle.

18           3. The Lac du Flambeau band shall use a sequential numbering system that  
19 includes a series of letters or initials that identify the Lac du Flambeau band as the  
20 issuing authority.

21           (d) *Registration information.* The Lac du Flambeau band shall provide  
22 registration information to the state in one of the following ways:

23           1. By transmitting all additions, changes or deletions of registration  
24 information to persons identified in the agreement described in par. (f), for

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1 incorporation into the registration records of this state, within one working day after  
2 the addition, change or deletion.

3 2. By establishing a 24-hour per day data retrieval system, consisting of either  
4 a law enforcement agency with 24-hour per day staffing or a computerized data  
5 retrieval system to which law enforcement officials of this state have access at all  
6 times.

7 (e) *Reports; records; tax collection.* 1. Before June 1 annually, the Lac du  
8 Flambeau band shall submit a report to the department notifying it of the number  
9 of each type of registration certificate that the Lac du Flambeau band issued,  
10 transferred or renewed for the period beginning on April 1 of the previous year and  
11 ending on March 31 of the year in which the report is submitted.

12 2. For law enforcement purposes, the Lac du Flambeau band shall make  
13 available for inspection by the department during normal business hours the Lac du  
14 Flambeau band's records of all registration certificates issued, renewed or otherwise  
15 processed under this subsection, including copies of all applications made for  
16 certificates.

17 3. The Lac du Flambeau band shall ensure that the record of each registration  
18 certificate issued, renewed or otherwise processed under this subsection, including  
19 a copy of each application made, is retained for at least 2 years after the date of  
20 expiration of the certificate.

21 4. The Lac du Flambeau band shall collect the sales and use taxes due under  
22 s. 77.61 (1) on any all-terrain vehicle registered under this subsection and make the  
23 report in respect to those taxes. On or before the 15th day of each month, the Lac du  
24 Flambeau band shall pay to the department of revenue all taxes that the Lac du  
25 Flambeau band collected in the previous month.

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1           (f) *Applicability.* This subsection does not apply unless the department and the  
2           Lac du Flambeau band have in effect a written agreement under which the Lac du  
3           Flambeau band agrees to comply with pars. (a) to (e) and that contains all of the  
4           following terms:

5           1. The manner in which the Lac du Flambeau band will limit its treaty-based  
6           right to fish outside the Lac du Flambeau reservation.

7           2. A requirement that the fees collected by the Lac du Flambeau band under  
8           par. (b) be used only for a program for registering all-terrain vehicles, for regulating  
9           all-terrain vehicles and their operation and for providing all-terrain vehicle trails  
10          and all-terrain vehicle facilities.

11          **SECTION 780.** 23.33 (4) (d) 5. of the statutes is amended to read:

12          23.33 (4) (d) 5. On roadways if the all-terrain vehicle is an implement of  
13          husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and  
14          if the all-terrain vehicle is registered for private use under sub. (2) (d) or (2g).  
15          Operation of an all-terrain vehicle which is an implement of husbandry on a  
16          roadway is authorized only for the extreme right side of the roadway except that left  
17          turns may be made from any part of the roadway which is safe given prevailing  
18          conditions.

19          **SECTION 781.** 23.33 (4z) (b) of the statutes is amended to read:

20          23.33 (4z) (b) The department shall develop and issue an educational pamphlet  
21          on the intoxicated operation of an all-terrain vehicle law to be distributed, beginning  
22          in 1989, to persons issued all-terrain vehicle registration certificates under subs. (2)  
23          and (2g).

24          **SECTION 782.** 23.33 (9) (a) (title) of the statutes is repealed and recreated to  
25          read:

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1           23.33 **(9)** (a) (title) *Enforcement.*

2           **SECTION 783.** 23.33 (9) (a) of the statutes is amended to read:

3           23.33 **(9)** (a) The department may utilize up to 50% of the moneys received  
4 under sub. (2) for all-terrain vehicle registration aids administration and for the  
5 purposes specified under s. 20.370 (3) (as), and (5) (er) and (mu) and (8) (ds) including  
6 costs associated with ~~registration~~, enforcement, safety education, accident reports  
7 and analysis, law enforcement aids to counties, ~~aids administration~~ and other  
8 similar costs in administering and enforcing this section.

9           **SECTION 784.** 23.40 (6) of the statutes is amended to read:

10           23.40 **(6)** (title) EXEMPTION FROM FEE FOR MUNICIPALITIES LOCAL GOVERNMENTAL  
11 UNITS. Subsections (2) (b) and (3) do not apply with respect to municipalities local  
12 governmental units, as defined under in s. 345.05 (1) ~~(e)~~ (bg).

13           **SECTION 785.** 23.405 (title) of the statutes is renumbered 23.425 (title).

14           **SECTION 786.** 23.405 (1) of the statutes is renumbered 23.425 (1).

15           **SECTION 787.** 23.405 (2) (a) of the statutes is renumbered 23.425 (2) (a).

16           **SECTION 788.** 23.405 (2) (b) of the statutes is renumber 23.425 (2) (b) and  
17 amended to read:

18           23.425 **(2)** (b) The fees collected by the department under par. (a) for the use  
19 of the MacKenzie environmental center shall be deposited in the general fund and  
20 credited to the appropriation under s. 20.370 ~~(5) (gb)~~ (9) (gb).

21           **SECTION 789.** 23.41 (5m) of the statutes is renumbered 23.41 (5m) (intro.) and  
22 amended to read:

23           23.41 **(5m)** (intro.) If the governor or the governor's designee determines that  
24 it is in the best interest of this state, he or she may waive the requirement under sub.



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1 (5) for bids or competitive sealed proposals ~~in~~ under any of the following  
2 circumstances:

3 (a) In an emergency involving the public health, welfare or safety or the  
4 environment.

5 **SECTION 790.** 23.41 (5m) (b) of the statutes is created to read:

6 23.41 (5m) (b) The department desires to use innovative or patented  
7 technology that is available from only one source and that in the judgment of the  
8 department would provide the best practicable hazardous substance spill response  
9 under s. 292.11 or environmental repair under s. 292.31.

10 **SECTION 791.** 23.51 (2p) of the statutes is created to read:

11 23.51 (2p) "Crime laboratories assessment" means the assessment imposed  
12 under s. 165.755.

13 **SECTION 792.** 23.51 (8) of the statutes is amended to read:

14 23.51 (8) "Violation" means conduct which is prohibited by state law or  
15 municipal ordinance and punishable by a forfeiture, a penalty assessment ~~and~~ a jail  
16 assessment and a crime laboratories assessment.

17 **SECTION 793.** 23.54 (3) (e) of the statutes is amended to read:

18 23.54 (3) (e) The maximum forfeiture, penalty assessment, jail assessment,  
19 crime laboratories assessment, applicable weapons assessment, applicable  
20 environmental assessment, applicable wild animal protection assessment,  
21 applicable natural resources assessment, applicable fishing shelter removal  
22 assessment, applicable snowmobile registration restitution payment and applicable  
23 natural resources restitution payment for which the defendant might be found liable.

24 **SECTION 794.** 23.54 (3) (i) of the statutes is amended to read:

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1           23.54 (3) (i) Notice that if the defendant makes a deposit and fails to appear  
2 in court at the time fixed in the citation, the defendant will be deemed to have  
3 tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a  
4 jail assessment, a crime laboratories assessment, any applicable weapons  
5 assessment, any applicable environmental assessment, any applicable wild animal  
6 protection assessment, any applicable natural resources assessment, any applicable  
7 fishing shelter removal assessment, any applicable snowmobile registration  
8 restitution payment and any applicable natural resources restitution payment plus  
9 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount  
10 of the deposit. The notice shall also state that the court may decide to summon the  
11 defendant rather than accept the deposit and plea.

12           **SECTION 795.** 23.54 (3) (j) of the statutes is amended to read:

13           23.54 (3) (j) Notice that if the defendant makes a deposit and signs the  
14 stipulation, the defendant will be deemed to have tendered a plea of no contest and  
15 submitted to a forfeiture, a penalty assessment, a jail assessment, a crime  
16 laboratories assessment, any applicable weapons assessment, any applicable  
17 environmental assessment, any applicable wild animal protection assessment, any  
18 applicable natural resources assessment, any applicable fishing shelter removal  
19 assessment, any applicable snowmobile registration restitution payment and any  
20 applicable natural resources restitution payment plus costs, including any  
21 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The  
22 notice shall also state that the court may decide to summon the defendant rather  
23 than accept the deposit and stipulation, and that the defendant may, at any time  
24 prior to or at the time of the court appearance date, move the court for relief from the  
25 effects of the stipulation.

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1           **SECTION 796.** 23.55 (1) (b) of the statutes is amended to read:

2           23.55 (1) (b) A plain and concise statement of the violation identifying the event  
3 or occurrence from which the violation arose and showing that the plaintiff is entitled  
4 to relief, the statute upon which the cause of action is based and a demand for a  
5 forfeiture, the amount of which shall not exceed the maximum set by the statute  
6 involved, a penalty assessment, a jail assessment, a crime laboratories assessment,  
7 any applicable weapons assessment, any applicable environmental assessment, any  
8 applicable wild animal protection assessment, any applicable natural resources  
9 assessment, any applicable fishing shelter removal assessment, any applicable  
10 snowmobile registration restitution payment, any applicable natural resources  
11 restitution payment and any other relief that is sought by the plaintiff.

12           **SECTION 797.** 23.66 (2) of the statutes is amended to read:

13           23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate  
14 showing the purpose for which the deposit is made, stating that the defendant may  
15 inquire at the office of the clerk of court or municipal court regarding the disposition  
16 of the deposit, and notifying the defendant that if he or she fails to appear in court  
17 at the time fixed in the citation he or she will be deemed to have tendered a plea of  
18 no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
19 crime laboratories assessment, any applicable weapons assessment, any applicable  
20 environmental assessment, any applicable wild animal protection assessment, any  
21 applicable natural resources assessment, any applicable fishing shelter removal  
22 assessment, any applicable snowmobile registration restitution payment and any  
23 applicable natural resources restitution payment plus costs, including any  
24 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which  
25 the court may accept. The original of the receipt shall be delivered to the defendant

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1 in person or by mail. If the defendant pays by check, share draft or other draft, the  
2 check, share draft or other draft or a microfilm copy of the check, share draft or other  
3 draft shall be considered a receipt. If the defendant makes the deposit by use of a  
4 credit card, the credit charge receipt shall be considered a receipt.

5 **SECTION 798.** 23.66 (4) of the statutes is amended to read:

6 23.66 (4) The basic amount of the deposit shall be determined in accordance  
7 with a deposit schedule that the judicial conference shall establish. Annually, the  
8 judicial conference shall review and may revise the schedule. In addition to the basic  
9 amount determined according to the schedule, the deposit shall include court costs,  
10 including any applicable fees prescribed in ch. 814, any applicable penalty  
11 assessment, any applicable jail assessment, any applicable crime laboratories  
12 assessment, any applicable weapons assessment, any applicable environmental  
13 assessment, any applicable wild animal protection assessment, any applicable  
14 natural resources assessment, any applicable fishing shelter removal assessment,  
15 any applicable snowmobile registration restitution payment and any applicable  
16 natural resources restitution payment.

17 **SECTION 799.** 23.67 (2) of the statutes is amended to read:

18 23.67 (2) The deposit and stipulation of no contest may be made at any time  
19 prior to the court appearance date. By signing the stipulation, the defendant is  
20 deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty  
21 assessment, a jail assessment, a crime laboratories assessment, any applicable  
22 weapons assessment, any applicable environmental assessment, any applicable wild  
23 animal protection assessment, any applicable natural resources assessment, any  
24 applicable fishing shelter removal assessment, any applicable snowmobile  
25 registration restitution payment and any applicable natural resources restitution

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1 payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed  
2 the amount of the deposit.

3 **SECTION 800.** 23.67 (3) of the statutes is amended to read:

4 23.67 (3) The person receiving the deposit and stipulation of no contest shall  
5 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
6 stating that the defendant may inquire at the office of the clerk of court or municipal  
7 court regarding the disposition of the deposit, and notifying the defendant that if the  
8 stipulation of no contest is accepted by the court the defendant will be deemed to have  
9 submitted to a forfeiture, a penalty assessment, a jail assessment, a crime  
10 laboratories assessment, any applicable weapons assessment, any applicable  
11 environmental assessment, any applicable wild animal protection assessment, any  
12 applicable natural resources assessment, any applicable fishing shelter removal  
13 assessment, any applicable snowmobile registration restitution payment and any  
14 applicable natural resources restitution payment plus costs, including any  
15 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.  
16 Delivery of the receipt shall be made in the same manner as in s. 23.66.

17 **SECTION 801.** 23.75 (3) (a) 2. of the statutes is amended to read:

18 23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no  
19 contest and enters judgment accordingly, the court shall promptly mail a copy or  
20 notice of the judgment to the defendant. The judgment shall allow the defendant not  
21 less than 20 working days from the date the judgment copy or notice is mailed to pay  
22 the forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories  
23 assessment, any applicable weapons assessment, any applicable environmental  
24 assessment, any applicable wild animal protection assessment, any applicable  
25 natural resources assessment, any applicable fishing shelter removal assessment,

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1 any applicable snowmobile registration restitution payment and any applicable  
2 natural resources restitution payment plus costs, including any applicable fees  
3 prescribed in ch. 814.

4 **SECTION 802.** 23.75 (3) (b) of the statutes is amended to read:

5 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the  
6 initial pleading and the defendant shall be deemed to have tendered a plea of no  
7 contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
8 crime laboratories assessment, any applicable weapons assessment, any applicable  
9 environmental assessment, any applicable wild animal protection assessment, any  
10 applicable natural resources assessment, any applicable fishing shelter removal  
11 assessment, any applicable snowmobile registration restitution payment and any  
12 applicable natural resources restitution payment plus any applicable fees prescribed  
13 in ch. 814, not exceeding the amount of the deposit. The court may either accept the  
14 plea of no contest and enter judgment accordingly, or reject the plea and issue a  
15 summons. If the defendant fails to appear in response to the summons, the court  
16 shall issue an arrest warrant. If the court accepts the plea of no contest, the  
17 defendant may move within 90 days after the date set for appearance to withdraw  
18 the plea of no contest, open the judgment and enter a plea of not guilty if the  
19 defendant shows to the satisfaction of the court that failure to appear was due to  
20 mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the  
21 plea of no contest, the court or judge may order a written complaint to be filed and  
22 set the matter for trial. After trial the costs and fees shall be taxed as provided by  
23 law. If on reopening the defendant is found not guilty, the court shall delete the  
24 record of conviction and shall order the defendant's deposit returned.

25 **SECTION 803.** 23.75 (3) (c) of the statutes is amended to read:

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1           23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,  
2           the citation may serve as the initial pleading and the defendant shall be deemed to  
3           have tendered a plea of no contest and submitted to a forfeiture, a penalty  
4           assessment, a jail assessment, a crime laboratories assessment, any applicable  
5           weapons assessment, any applicable environmental assessment, any applicable wild  
6           animal protection assessment, any applicable natural resources assessment, any  
7           applicable fishing shelter removal assessment, any applicable snowmobile  
8           registration restitution payment and any applicable natural resources restitution  
9           payment plus any applicable fees prescribed in ch. 814, not exceeding the amount of  
10          the deposit. The court may either accept the plea of no contest and enter judgment  
11          accordingly, or reject the plea and issue a summons. If the defendant fails to appear  
12          in response to the summons, the court shall issue an arrest warrant. After signing  
13          a stipulation of no contest, the defendant may, at any time prior to or at the time of  
14          the court appearance date, move the court for relief from the effect of the stipulation.  
15          The court may act on the motion, with or without notice, for cause shown by affidavit  
16          and upon just terms, and relieve the defendant from the stipulation and the effects  
17          thereof. If the defendant is relieved from the stipulation of no contest, the court may  
18          order a citation or complaint to be filed and set the matter for trial. After trial the  
19          costs and fees shall be taxed as provided by law.

20           **SECTION 804.** 23.79 (1) of the statutes is amended to read:

21           23.79 (1) If the defendant is found guilty, the court may enter judgment against  
22          the defendant for a monetary amount not to exceed the maximum forfeiture provided  
23          by the statute for the violation, the penalty assessment, the jail assessment, the  
24          crime laboratories assessment, any applicable weapons assessment, any applicable  
25          environmental assessment, any applicable wild animal protection assessment, any

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1 applicable natural resources assessment, any applicable fishing shelter removal  
2 assessment, any applicable snowmobile registration restitution payment, any  
3 applicable natural resources restitution payment and for costs.

4 **SECTION 805.** 23.80 (2) of the statutes is amended to read:

5 23.80 (2) Upon default of the defendant corporation or municipality, or upon  
6 conviction, judgment for the amount of the forfeiture, the penalty assessment, the  
7 jail assessment, the crime laboratories assessment, any applicable weapons  
8 assessment, any applicable environmental assessment, any applicable wild animal  
9 protection assessment, any applicable natural resources assessment, any applicable  
10 fishing shelter removal assessment, any applicable snowmobile registration  
11 restitution payment and any applicable natural resources restitution payment shall  
12 be entered.

13 **SECTION 806.** 23.84 of the statutes is amended to read:

14 **23.84 Forfeitures and assessments collected; to whom paid.** Except for  
15 actions in municipal court, all moneys collected in favor of the state or a municipality  
16 for forfeiture, penalty assessment, jail assessment, crime laboratories assessment,  
17 applicable weapons assessment, applicable environmental assessment, applicable  
18 wild animal protection assessment, applicable natural resources assessment,  
19 applicable fishing shelter removal assessment, applicable snowmobile registration  
20 restitution payment and applicable natural resources restitution payment shall be  
21 paid by the officer who collects the same to the appropriate municipal or county  
22 treasurer, within 20 days after its receipt by the officer, except that all jail  
23 assessments shall be paid to the county treasurer. In case of any failure in the  
24 payment, the municipal or county treasurer may collect the payment from the officer



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1 by an action in the treasurer's name of office and upon the official bond of the officer,  
2 with interest at the rate of 12% per year from the time when it should have been paid.

3 **SECTION 807.** 24.01 (1) of the statutes is amended to read:

4 24.01 (1) "Agricultural college lands" embraces all lands granted to the state  
5 by an act of congress entitled "An act donating public lands to the several states and  
6 territories which may provide colleges for the benefit of agriculture and the mechanic  
7 arts," approved July 2, 1862, as well as any land received under s. 24.09 (1) (bm) in  
8 exchange for such land.

9 **SECTION 808.** 24.01 (4) of the statutes is amended to read:

10 24.01 (4) "Marathon county lands" embraces all lands acquired by the state  
11 pursuant to chapter 22 of the general laws of 1867, as well as any land received under  
12 s. 24.09 (1) (bm) in exchange for such land.

13 **SECTION 809.** 24.01 (5) of the statutes is amended to read:

14 24.01 (5) "Normal school lands" embraces all parcels of said "swamp lands"  
15 which the legislature has declared or otherwise decided, or may hereafter declare or  
16 otherwise decide, were not or are not needed for the drainage or reclamation of the  
17 same or other lands, as well as any land received under s. 24.09 (1) (bm) in exchange  
18 for such land.

19 **SECTION 810.** 24.01 (7) of the statutes is amended to read:

20 24.01 (7) "School lands" embraces all lands made a part of "the school fund" by  
21 article X, section 2, of the constitution, as well as any land received under s. 24.09  
22 (1) (bm) in exchange for such land.

23 **SECTION 811.** 24.01 (9) of the statutes is amended to read:

24 24.01 (9) "Swamp lands" embraces all lands which have been or may be  
25 transferred to the state pursuant to an act of congress entitled "An act to enable the

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1 state of Arkansas and other states to reclaim the swamp lands within their limits,”  
2 approved September 28, 1850, or pursuant to an act of congress entitled “An act for  
3 the relief of purchasers and locators of swamp and overflowed lands,” approved  
4 March 2, 1855, as well as any land received under s. 24.09 (1) (bm) in exchange for  
5 such land.

6 **SECTION 812.** 24.01 (10) of the statutes is amended to read:

7 24.01 (10) “University lands” embraces all lands the proceeds of which are  
8 denominated “the university fund” by article X, section 6, of the constitution, as well  
9 as any land received under s. 24.09 (1) (bm) in exchange for such land.

10 **SECTION 813.** 24.04 (2) of the statutes is amended to read:

11 24.04 (2) DISBURSEMENTS. All expenses necessarily incurred in caring for and  
12 selling public lands shall be deducted from the gross receipts of the fund to which the  
13 proceeds of the sale of the land will be added. Expenses necessarily incurred in  
14 caring for public lands may include expenses for reforestation, erosion and insect  
15 control, submerged log monitoring, surveys, appraisals and other land management  
16 practices that serve to protect or enhance the interests of the beneficiaries of the trust  
17 funds.

18 **SECTION 814.** 24.09 (1) (bm) of the statutes is amended to read:

19 24.09 (1) (bm) The board may exchange part or all of any parcel of public lands  
20 for any other land of approximately equal value if the board determines that the  
21 exchange will contribute to the consolidation or completion of a block of land,  
22 enhance conservation of lands or otherwise be in the public interest. Under this  
23 paragraph, an exchange is of “approximately equal value” if the difference in value  
24 between the more highly valued land and the less highly valued land does not exceed  
25 10% of the value of the more highly valued land. All expenses necessarily incurred

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1 in making an exchange under this paragraph shall be deducted from the gross  
2 receipts of the fund to which the proceeds of the sale of the exchanged land will be  
3 added.

4 **SECTION 815.** 24.60 (1g) of the statutes is amended to read:

5 24.60 (1g) “Distance education” ~~has the meaning given in s. 16.992 (1) (b)~~  
6 means instruction that takes place, regardless of the location of a teacher or student,  
7 by means of telecommunications or other means of communication, including cable,  
8 instructional television fixed service, microwave, radio, satellite, computer,  
9 telephone or television.

10 **SECTION 816.** 24.60 (1r) of the statutes is repealed and recreated to read:

11 24.60 (1r) “Educational technology” means technology used in the education  
12 or training of any person or in the administration of an elementary or secondary  
13 school or a public library.

14 **SECTION 817.** 24.61 (3) (c) 2. a. of the statutes is amended to read:

15 24.61 (3) (c) 2. a. The school board is subject to an order issued by the  
16 ~~department of education~~ state superintendent of public instruction under s. 115.33  
17 (3) after December 31, 1991, regarding noncompliance with the standard under s.  
18 121.02 (1) (i).

19 **SECTION 818.** 24.61 (3) (d) of the statutes is amended to read:

20 24.61 (3) (d) *Reserve for loans for educational technology and distance*  
21 *education projects.* Subject to the priority established under par. (c), to the extent  
22 practicable, in fiscal years 1996-97 to ~~1999-2000~~ 2002-03, annually the board shall  
23 reserve \$15,000,000 for the purposes of giving priority to loans to school districts,  
24 counties, municipalities and consortia, other than consortia that include one or more

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1 technical college districts, for educational technology and distance education  
2 projects under ~~s. 16.992~~.

3 **SECTION 819.** 24.61 (6) of the statutes is repealed.

4 **SECTION 820.** 24.66 (1) (intro.) of the statutes is amended to read:

5 24.66 (1) FOR ALL MUNICIPALITIES. (intro.) No trust fund loan may be made  
6 unless an application is made to the board under this section. The application shall  
7 state the amount of money required, the purpose to which it is to be applied, the times  
8 and terms of repayment, whether the loan is sought for an educational technology  
9 or distance education project under s. 24.61 (3) (d), ~~and if so, whether the educational~~  
10 ~~technology board has approved a grant to pay a portion of the interest on the loan~~  
11 ~~under s. 16.992 (3) (b) and,~~ in the case of a cooperative educational service agency,  
12 the names of the school districts participating in the distance education project for  
13 which the loan is sought. The application shall be accompanied by satisfactory proof:

14 **SECTION 821.** 24.66 (3) (b) of the statutes is amended to read:

15 24.66 (3) (b) *For long-term loans by unified school districts.* Every application  
16 for a loan, the required repayment of which exceeds 10 years, shall be approved and  
17 authorized for a unified school district by a majority vote of the members of the school  
18 board at a regular or special meeting of the school board. Every vote so required shall  
19 be by ayes and noes duly recorded. In addition, the application shall be approved for  
20 a unified school district by a majority vote of the electors of the school district at a  
21 ~~special election referendum~~ referendum as provided under sub. (4) (b).

22 **SECTION 822.** 24.66 (4) of the statutes is renumbered 24.66 (4) (a) and amended  
23 to read:

24 24.66 (4) (a) If any municipality other than a school district is not empowered  
25 by law to incur indebtedness for a particular purpose without first submitting the

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1 question to its electors, the application for a state trust fund loan for that purpose  
2 must be approved and authorized by a majority vote of the electors at a special  
3 election called, noticed and held in the manner provided for other special elections.  
4 The notice of the election shall state the amount of the proposed loan and the purpose  
5 for which it will be used.

6 **SECTION 823.** 24.66 (4) (b) of the statutes is created to read:

7 24.66 (4) (b) If any school district is not empowered by law to incur  
8 indebtedness for a particular purpose without first submitting the question to its  
9 electors, the application for a state trust fund loan for that purpose must be approved  
10 and authorized by a majority vote of the electors at the next regularly scheduled  
11 spring election or general election that occurs not sooner than 45 days after the  
12 adoption of the resolution under sub. (5) or at a special election held on the Tuesday  
13 after the first Monday in November in an odd-numbered year if that date occurs not  
14 sooner than 45 days after the adoption of the resolution under sub. (5). The  
15 referendum shall be called, noticed and held in the manner provided for other  
16 referenda. The notice of the referendum shall state the amount of the proposed loan  
17 and the purpose for which it will be used.

18 **SECTION 824.** 24.695 of the statutes is repealed.

19 **SECTION 825.** 24.71 (2) of the statutes is amended to read:

20 24.71 (2) CERTIFIED STATEMENT. If a school district has a state trust fund loan,  
21 the board shall transmit to the school district clerk a certified statement of the  
22 amount due on or before October 1 of each year until the loan is paid. The board shall  
23 furnish a copy of each certified statement to the state treasurer and the department  
24 of education public instruction.

25 **SECTION 826.** 24.78 of the statutes is amended to read:

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1           **24.78 Distribution of the common school fund income.** Under article X,  
2 section 5, of the constitution the common school fund income shall be distributed to  
3 the school districts among the several towns, villages and cities of the state for the  
4 support of common schools therein, as provided in ~~s. ss. 44.72 (2) (a) and~~ 43.70.

5           **SECTION 827.** 25.156 (3) of the statutes is amended to read:

6           25.156 (3) The members of the board shall appoint an investment director or  
7 the executive assistant to the executive director, internal auditor, chief investment  
8 officer, chief financial officer, chief legal counsel or chief risk officer to act as assistant  
9 director, except that until the appointment is made by the members of the board, the  
10 executive director may temporarily designate the assistant director.

11           **SECTION 828.** 25.156 (4) of the statutes is amended to read:

12           25.156 (4) The members of the board shall promulgate rules restricting the  
13 executive director, executive assistant to the executive director, internal auditor,  
14 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,  
15 investment directors and employes from having financial interest, directly or  
16 indirectly, in firms or corporations providing services to the department and  
17 governing the receipt of gifts or favors therefrom, and also governing personal  
18 investments of all employes including the executive director, executive assistant to  
19 the executive director, internal auditor, chief investment officer, chief financial  
20 officer, chief legal counsel, chief risk officer and investment directors to prevent  
21 conflicts of interest.

22           **SECTION 829.** 25.156 (6) (intro.) of the statutes is amended to read:

23           25.156 (6) (intro.) The investment board may provide a plan of bonus  
24 compensation ~~for the executive director and other employes of the board who are~~  
25 ~~appointed in the unclassified service, whereby the~~ under which employes covered by

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1 the plan may qualify for an annual bonus for meritorious performance. The plan  
2 shall cover the executive director and other employes of the board who are appointed  
3 in the unclassified service, except that the plan may not cover an employe who  
4 performs functions primarily related to information technology if that employe is  
5 appointed after the effective date of this subsection .... [revisor inserts date]. No such  
6 bonuses awarded by the board for any fiscal year may exceed a total of 10% of the total  
7 annualized salaries of all unclassified employes ~~of the board~~ covered by the plan at  
8 the beginning of the fiscal year. No bonus awarded by the board to any individual  
9 employe for any fiscal year may exceed a total of 25% of the annual salary of the  
10 employe at the beginning of the fiscal year. In awarding bonus compensation for a  
11 given period, the board shall consider the performance of funds similar to those for  
12 which it has managing authority and market indices for the same period. The board  
13 shall provide for a portion of the bonus compensation awarded under this subsection  
14 to be distributed to an employe over a 3-year period conditioned upon continuation  
15 of employment to the time of distribution, except as provided in sub. (7). Bonus  
16 compensation may only be awarded under this subsection pursuant to a plan adopted  
17 by the board that specifies all of the following:

18 **SECTION 830.** 25.156 (6) (d) of the statutes is created to read:

19 25.156 (6) (d) The unclassified positions of the board that perform functions  
20 primarily related to information technology.

21 **SECTION 831.** 25.16 (2) of the statutes is amended to read:

22 25.16 (2) Subject to authorization under s. 16.505, the executive director may  
23 appoint ~~one division administrator~~ a chief legal counsel, chief financial officer, chief  
24 risk officer and investment directors and shall appoint a chief investment officer and  
25 all other employes necessary to carry out the functions of the investment board,

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1 except that the investment board shall appoint the internal auditor and shall  
2 participate in the selection of the chief investment officer and investment directors  
3 and the internal auditor shall appoint his or her staff. The executive director shall  
4 appoint all employes outside the classified service, except blue collar and clerical  
5 employes. Neither the executive director, the internal auditor, the chief investment  
6 officer, the chief legal counsel, the chief financial officer, the chief risk officer, any  
7 investment director nor any other employe of the board shall have any financial  
8 interest, either directly or indirectly, in any firm engaged in the sale or marketing  
9 of real estate or investments of any kind, nor shall any of them render investment  
10 advice to others for remuneration.

11 **SECTION 832.** 25.17 (1) (ag) of the statutes is repealed.

12 **SECTION 833.** 25.17 (1) (tm) of the statutes is created to read:

13 25.17 (1) (tm) Support collections trust fund (s. 25.68);

14 **SECTION 834.** 25.17 (1) (xL) of the statutes is created to read:

15 25.17 (1) (xL) Universal service fund (s. 25.95);

16 **SECTION 835.** 25.17 (2) (d) of the statutes is amended to read:

17 25.17 (2) (d) Invest the ~~clean water~~ environmental improvement fund, and  
18 collect the principal and interest of all moneys loaned or invested from the ~~clean~~  
19 ~~water~~ environmental improvement fund, as directed by the department of  
20 administration under s. 281.59 (2m). In making such investment, the investment  
21 board shall accept any reasonable terms and conditions that the department of  
22 administration specifies and is relieved of any obligations relevant to prudent  
23 investment of the fund, including those set forth under ch. 881.

24 **SECTION 836.** 25.17 (2) (e) of the statutes is created to read:



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1           25.17 (2) (e) Invest the transportation infrastructure loan fund, and collect the  
2           principal and interest of all moneys loaned or invested from transportation  
3           infrastructure loan fund, as directed by the department of administration under s.  
4           85.52 (4m). In making such investment, the investment board shall accept any  
5           reasonable terms and conditions that the department of administration specifies and  
6           is relieved of any obligations relevant to prudent investment of the fund, including  
7           those set forth under ch. 881.

8           **SECTION 837.** 25.17 (13m) of the statutes is created to read:

9           25.17 (13m) No later than 45 days after the end of each calendar quarter,  
10          submit a report to the department of administration detailing all costs and expenses  
11          charged to funds under s. 25.18 (1) (a) or (m) during that calendar quarter.

12          **SECTION 838.** 25.17 (14) (intro.) of the statutes is amended to read:

13          25.17 (14) (intro.) ~~The investment board shall, as~~ As of December 31 of each  
14          year, make and file with the department of employe trust funds a report of the value  
15          of the assets of the fixed retirement investment trust and of the variable retirement  
16          investment trust, determined as of that date at market value for the variable  
17          retirement investment trust and on the following basis for the fixed retirement  
18          investment trust:

19          **SECTION 839.** 25.17 (70) (a) of the statutes is amended to read:

20          25.17 (70) (a) No later than June 30 of every odd-numbered year, after  
21          ~~receiving a report from the department of commerce under s. 560.08 (2) (m) and in~~  
22          ~~consultation~~ consulting with the department of commerce, submit to the governor  
23          and to the presiding officer of each house of the legislature a plan for making  
24          investments in this state. The purpose of the plan is to encourage the board to make

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1 the maximum amount of investments in this state, subject to s. 25.15 and consistent  
2 with the statutory purpose of each trust or fund managed by the board.

3 **SECTION 840.** 25.17 (70) (b) 1. of the statutes is amended to read:

4 25.17 (70) (b) 1. A report ~~from the department of commerce under s. 560.08 (2)~~  
5 (m) describing the types of investments in businesses in this state which will have  
6 the greatest likelihood of enhancing economic development in this state.

7 **SECTION 841.** 25.18 (1) (a) of the statutes is amended to read:

8 25.18 (1) (a) Notwithstanding subch. IV of ch. 16 and s. 20.930, employ special  
9 legal or investment counsel in any matters arising out of the scope of its investment  
10 authority. The employment of special legal counsel shall be with the advice and  
11 consent of the attorney general whenever such special counsel is to be compensated  
12 by the board. Any expense of counsel so employed shall be borne by the current  
13 income account of the fund for which the services shall be furnished, except that the  
14 fixed retirement investment fund may bear this expense from its transaction  
15 amortization account and except that expenses may not be charged to a fund under  
16 this paragraph if the expenses are for data processing services, information  
17 technology and telecommunications services, accounting services other than  
18 actuarial services, or general management services.

19 **SECTION 842.** 25.18 (1) (m) of the statutes is amended to read:

20 25.18 (1) (m) Notwithstanding subchs. IV and V of ch. 16, employ professionals,  
21 contractors or other agents necessary to evaluate or operate any property if a fund  
22 managed by the board has an interest in, or is considering purchasing or lending  
23 money based upon the value of, that property. Costs under this paragraph shall be  
24 paid by the fund and charged to the appropriate current income account under s.  
25 40.04 (3), except that costs may not be paid by a fund under this paragraph if the costs

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1 are for data processing services, information technology and telecommunications  
2 services, accounting services other than actuarial services, or general management  
3 services.

4 **SECTION 843.** 25.28 of the statutes is repealed.

5 **SECTION 844.** 25.29 (1) (a) of the statutes is amended to read:

6 25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state  
7 for or in behalf of the department under chs. 26, 27, 28, 29 and 350, subchs. I and VI  
8 of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58  
9 and 71.10 (5), including grants received from the federal government or any of its  
10 agencies except as otherwise provided by law.

11 **SECTION 845.** 25.29 (1) (b) of the statutes is amended to read:

12 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on  
13 all-terrain vehicles, boats and snowmobiles collected ~~by the department~~ under ss.  
14 23.33, 30.52 (4) ~~and~~, 350.12 (7) and 350.122.

15 **SECTION 846.** 25.29 (1) (d) 1. of the statutes is amended to read:

16 25.29 (1) (d) 1. An amount calculated by multiplying the number of  
17 snowmobiles registered under s. 350.12 or 350.122 on the last day of February of the  
18 previous fiscal year by 50 gallons and multiplying that product by the excise tax  
19 imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

20 **SECTION 847.** 25.29 (1) (dm) of the statutes is amended to read:

21 25.29 (1) (dm) For fiscal year 1991-92 and for each fiscal year thereafter, an  
22 amount equal to the estimated all-terrain vehicle gas tax payment. The estimated  
23 all-terrain vehicle gas tax payment is calculated by multiplying the sum of the  
24 number of all-terrain vehicles registered for public use under s. 23.33 (2) (c) or (2g)  
25 and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the last day

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1 of February of the previous fiscal year by 25 gallons and multiplying that product by  
2 the excise tax imposed under s. 78.01 (1) on the last day of February of the previous  
3 fiscal year.

4 **SECTION 848.** 25.36 (1) of the statutes is amended to read:

5 25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred  
6 by law shall constitute the veterans trust fund which shall be used ~~exclusively for the~~  
7 ~~purchase of mortgages issued with the proceeds of the 1981 veterans home loan~~  
8 ~~revenue bond issuance in an amount sufficient to retire that bond issue or for the~~  
9 veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w), (z) and (zm),  
10 45.01, 45.25, 45.351 (1) ~~and (2)~~, 45.353, 45.356, 45.357, 45.396, 45.397 and 45.43 (7)  
11 and administered by the department of veterans affairs, including all moneys  
12 received from the federal government for the benefit of veterans or their dependents;  
13 all moneys paid as interest on and repayment of loans under the post-war  
14 rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they  
15 existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans  
16 under this fund; all moneys paid as expenses for, interest on and repayment of  
17 veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid  
18 as expenses for, interest on and repayment of veterans personal loans; the net  
19 proceeds from the sale of mortgaged properties related to veterans personal loans;  
20 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond  
21 issuance purchased with moneys in the veterans trust fund; all moneys received from  
22 the state investment board under s. 45.356 (9) (b); all moneys received from the  
23 veterans mortgage loan repayment fund under s. 45.79 (7) (a) and (c); and all gifts  
24 of money received by the board of veterans affairs for the purposes of this fund.

25 **SECTION 849.** 25.40 (1) (a) 5m. of the statutes is created to read:

**SENATE BILL 77****SECTION 849**

1           25.40 (1) (a) 5m. Fees collected under s. 342.14 (1r) that are deposited in the  
2 environmental fund for environmental management.

3           **SECTION 850.** 25.40 (1) (a) 13. of the statutes is created to read:

4           25.40 (1) (a) 13. Moneys received under s. 110.065 that are deposited in the  
5 general fund and credited to the appropriation account under s. 20.395 (5) (dh).

6           **SECTION 851.** 25.40 (1) (a) 14. of the statutes is created to read:

7           25.40 (1) (a) 14. Fees received under ss. 85.51 and 348.26 (2) that are deposited  
8 in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

9           **SECTION 852.** 25.40 (1) (a) 15. of the statutes is created to read:

10          25.40 (1) (a) 15. Moneys received under s. 85.52 that are deposited in the  
11 transportation infrastructure loan fund.

12          **SECTION 853.** 25.40 (2) (b) 9m. of the statutes is renumbered 25.40 (2) (b) 11m.  
13 and amended to read:

14          25.40 (2) (b) 11m. Section 20.370 ~~(1) (mr)~~ (7) (fq).

15          **SECTION 854.** 25.40 (2) (b) 15. of the statutes is amended to read:

16          25.40 (2) (b) 15. Section 20.435 ~~(1) (5)~~ (rm).

17          **SECTION 855.** 25.405 of the statutes is created to read:

18          **25.405 Transportation infrastructure loan fund. (1) DEFINITION.** In this  
19 section, "fund" means the transportation infrastructure loan fund.

20          **(2) CREATION.** There is established a separate nonlapsible trust fund  
21 designated as the transportation infrastructure loan fund, to consist of:

22           (a) 1. All moneys received from the federal government under P.L. 104-59,  
23 section 350, designated for transit projects.

24           2. All moneys received from the federal government under P.L. 104-59, section  
25 350, designated for highway projects.

**SENATE BILL 77****SECTION 855**

1 (b) All moneys appropriated under s. 20.395 (2) (pq) or transferred to the fund  
2 to meet the requirements for state deposits under P.L. 104-59, section 350.

3 (c) All repayments of principal and payments of interest on loans made under  
4 s. 85.52 (3).

5 (d) All moneys received by the fund from the proceeds of the issuance of revenue  
6 obligations under ch. 18 for the purpose of s. 85.52.

7 (e) All gifts, grants and bequests to the fund.

8 **(3) SEPARATE ACCOUNTS.** (a) There is established in the fund a transit account  
9 consisting of all moneys received under sub. (2) (a) 1., moneys received under sub.  
10 (2) (b) designated by the department of transportation for transit projects and  
11 moneys received under sub. (2) (e) designated by the department of transportation  
12 for transit projects, revenue obligation proceeds under sub. (2) (d) designated for  
13 transit projects and all transit account loan repayments under sub. (2) (c).

14 (b) There is established in the fund a highway account consisting of all moneys  
15 received under sub. (2) (a) 2., moneys received under sub. (2) (b) designated by the  
16 department of transportation for highway projects and moneys received under sub.  
17 (2) (e) designated for highway projects, revenue obligation proceeds under sub. (2)  
18 (d) designated for highway projects and all highway account loan repayments under  
19 sub. (2) (c).

20 (c) The department of administration may establish additional accounts in the  
21 fund and, except for the accounts under pars. (a) and (b), may change accounts in the  
22 fund. The department of administration shall consult the department of  
23 transportation before establishing or changing an account under this paragraph.

24 **SECTION 856.** 25.43 (title) and (1) (intro.) of the statutes are amended to read:

**SENATE BILL 77****SECTION 856**

1           **25.43** (title) ~~Clean-water~~ Environmental improvement fund. (1) (intro.)

2           There is established a separate nonlapsible trust fund designated as the ~~clean-water~~  
3           environmental improvement fund, to consist of all of the following:

4           **SECTION 857.** 25.43 (1) (am) of the statutes is created to read:

5           25.43 (1) (am) All capitalization grants provided by the federal government  
6           under 42 USC 300j-12.

7           **SECTION 858.** 25.43 (1) (b) of the statutes is amended to read:

8           25.43 (1) (b) All state funds appropriated or transferred to the ~~clean-water~~  
9           environmental improvement fund to meet the requirements for state deposits under  
10          33 USC 1382.

11          **SECTION 859.** 25.43 (1) (bm) of the statutes is created to read:

12          25.43 (1) (bm) All state funds appropriated or transferred to the environmental  
13          improvement fund to meet the requirements for state deposits under 42 USC  
14          300j-12.

15          **SECTION 860.** 25.43 (1) (c) of the statutes is amended to read:

16          25.43 (1) (c) All other appropriations and transfers of state funds to the ~~clean~~  
17          ~~water~~ environmental improvement fund.

18          **SECTION 861.** 25.43 (1) (d) of the statutes is amended to read:

19          25.43 (1) (d) All gifts, grants and bequests to the ~~clean-water~~ environmental  
20          improvement fund.

21          **SECTION 862.** 25.43 (1) (e) of the statutes is amended to read:

22          25.43 (1) (e) All repayments of principal and ~~payment~~ payments of interest on  
23          loans made from the ~~clean-water~~ environmental improvement fund and on  
24          obligations acquired by the department of administration under s. 281.59 (12).

25          **SECTION 863.** 25.43 (1) (f) of the statutes is amended to read:

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1           25.43 (1) (f) All moneys received by the ~~clean-water~~ environmental  
2 improvement fund from the proceeds of the sale of general or revenue obligations  
3 under ch. 18 for the purpose of s. 20.866 (2) (tc) or (td) or 281.59 (4).

4           **SECTION 864.** 25.43 (1) (h) of the statutes is amended to read:

5           25.43 (1) (h) The fees imposed under s. ~~ss.~~ 281.58 (9) (d) and 281.60 (11m).

6           **SECTION 865.** 25.43 (2) (a) of the statutes is amended to read:

7           25.43 (2) (a) There is established in the ~~clean-water~~ environmental  
8 improvement fund a clean water fund program federal revolving loan fund account  
9 consisting of the capitalization grants under sub. (1) (a) and (b) and, except as  
10 provided under sub. (2m) (b), all repayments under sub. (1) (e) and (g) of  
11 capitalization grants under sub. (1) (a) and (b) and all moneys transferred to the  
12 account under sub. (2m) (a).

13           **SECTION 866.** 25.43 (2) (am) of the statutes is created to read:

14           25.43 (2) (am) There is established in the environmental improvement fund a  
15 safe drinking water loan program federal revolving loan fund account consisting of  
16 the capitalization grants under sub. (1) (am) and (bm), except as provided under sub.  
17 (2m) (a), all repayments under sub. (1) (e) of capitalization grants under sub. (1) (am)  
18 and (bm) and all moneys transferred to the account under sub. (2m) (b).

19           **SECTION 867.** 25.43 (2) (b) of the statutes is amended to read:

20           25.43 (2) (b) There is established in the ~~clean-water~~ environmental  
21 improvement fund a state revolving loan fund account consisting of all moneys in the  
22 fund not included in accounts under par. (a), (am) or (c).

23           **SECTION 868.** 25.43 (2) (c) of the statutes is amended to read:

24           25.43 (2) (c) The department of administration may establish and change  
25 accounts in the ~~clean-water~~ environmental improvement fund other than those



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1 under pars. (a), (am) and (b). The department of administration shall consult the  
2 department of natural resources before establishing or changing an account that is  
3 needed to administer the ~~program~~ programs under ~~s. ss. 281.58 and, 281.59 and~~  
4 281.61.

5 **SECTION 869.** 25.43 (2m) of the statutes is created to read:

6 25.43 **(2m)** (a) In any year, the governor may transfer an amount that does not  
7 exceed 33% of a capitalization grant under sub. (1) (am) provided in that year from  
8 the account under sub. (2) (am) to the account under sub. (2) (a).

9 (b) In any year, the governor may transfer an amount that does not exceed 33%  
10 of a capitalization grant under sub. (1) (am) provided in that year from the account  
11 under sub. (2) (a) to the account under sub. (2) (am).

12 **SECTION 870.** 25.43 (3) of the statutes is amended to read:

13 25.43 **(3)** Except for the purpose of investment as provided in s. 25.17 (2) (d),  
14 the ~~clean water~~ environmental improvement fund may be used only for the purposes  
15 authorized under ss. 20.320 (1) (r), (s) ~~and, (sm), (t) and (x) and (2) (s) and (x),~~ 20.370  
16 ~~(2) (4) (mt) and, (mx), (6) (mu) and (mx) and (nz),~~ (8) (mr) and (9) (mt), (mx) and (ny),  
17 20.505 (1) (v) ~~and, (x) and (y),~~ 281.58 ~~and, 281.59, 281.60, 281.61 and 281.62.~~

18 **SECTION 871.** 25.45 of the statutes is amended to read:

19 **25.45 Waste management fund.** There is established a separate nonlapsible  
20 trust fund designated as the waste management fund, to consist of the tonnage fees  
21 imposed under s. 144.441 (3), 1989 stats., except for tonnage fees paid by a  
22 nonapproved facility, as defined in s. 289.01 (24); waste management base fees  
23 imposed under s. 144.441 (5), 1989 stats.; and all moneys received or recovered under  
24 s. 289.41 (11) (a) 1., 3. ~~or,~~ 4. and 5. and (am) 1., 3. ~~and,~~ 4. and 5. Moneys in the waste  
25 management fund shall be used for the purposes specified under s. 289.68 (3) to (6).

**SENATE BILL 77****SECTION 872**

1           **SECTION 872.** 25.46 (1e) of the statutes is amended to read:

2           25.46 (1e) The moneys transferred under s. 20.370 (2) (mu) for environmental  
3           repair management.

4           **SECTION 873.** 25.46 (1g) of the statutes is amended to read:

5           25.46 (1g) The moneys transferred under s. 20.370 (2) (4) (mw) for ~~groundwater~~  
6           environmental management.

7           **SECTION 874.** 25.46 (2) of the statutes is amended to read:

8           25.46 (2) The fees imposed under s. 94.64 (4) ~~(an)~~ (a) 4. for ~~groundwater~~  
9           environmental management.

10          **SECTION 875.** 25.46 (3) of the statutes is amended to read:

11          25.46 (3) The fees imposed under s. 94.65 (6) (a) 4. for ~~groundwater~~  
12          environmental management.

13          **SECTION 876.** 25.46 (4) of the statutes is amended to read:

14          25.46 (4) The moneys specified under s. ~~94.68 (4) (b), (bm) and (bt)~~ 94.681 (7)  
15          (a) 1. and 2. for ~~groundwater~~ environmental management.

16          **SECTION 877.** 25.46 (4m) of the statutes is amended to read:

17          25.46 (4m) The moneys specified under s. ~~94.68 (4) (e)~~ 94.681 (7) (a) 3. for  
18          environmental repair management.

19          **SECTION 878.** 25.46 (4s) of the statutes is amended to read:

20          25.46 (4s) The fees imposed under s. 94.681 (4) for environmental repair  
21          management.

22          **SECTION 879.** 25.46 (5) of the statutes is amended to read:

23          25.46 (5) The fees imposed under s. 101.14 (5) (a) for ~~groundwater~~  
24          environmental management.

25          **SECTION 880.** 25.46 (5e) of the statutes is amended to read:

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1           25.46 **(5e)** All moneys received under s. 281.75 (16) (d) for environmental ~~repair~~  
2           management.

3           **SECTION 881.** 25.46 (5m) of the statutes is amended to read:

4           25.46 **(5m)** The tonnage fees imposed under s. 289.62 (1) that are paid by a  
5           nonapproved facility, as defined in s. 289.01 (24), for environmental ~~repair~~  
6           management.

7           **SECTION 882.** 25.46 (6) of the statutes is amended to read:

8           25.46 **(6)** The groundwater fees imposed under s. 289.63 (1) for ~~groundwater~~  
9           environmental management.

10          **SECTION 883.** 25.46 (6m) of the statutes is amended to read:

11          25.46 **(6m)** The well compensation fees imposed under s. 289.63 (1) for  
12          environmental ~~repair~~ management.

13          **SECTION 884.** 25.46 (6r) of the statutes is amended to read:

14          25.46 **(6r)** The solid waste capacity fees imposed under ss. 289.63 (1) and 289.65  
15          (2) for environmental ~~repair~~ management.

16          **SECTION 885.** 25.46 (7) of the statutes is amended to read:

17          25.46 **(7)** The fees imposed under s. 289.67 (1) for environmental ~~repair~~  
18          management.

19          **SECTION 886.** 25.46 (8) of the statutes is amended to read:

20          25.46 **(8)** The fees and surcharges imposed under s. 289.67 (3) and (4) for  
21          environmental ~~repair~~ management.

22          **SECTION 887.** 25.46 (9) of the statutes is amended to read:

23          25.46 **(9)** The moneys received from municipalities under s. 292.31 (7) (c) for  
24          environmental ~~repair~~ management.

25          **SECTION 888.** 25.46 (10) of the statutes is amended to read:

**SENATE BILL 77****SECTION 888**

1           25.46 (10) The amounts required to be paid into the environmental fund under  
2 s. 292.31 (8) (g) for environmental ~~repair~~ management.

3           **SECTION 889.** 25.46 (10m) of the statutes is repealed.

4           **SECTION 890.** 25.46 (11) of the statutes is renumbered 25.46 (8g) and amended  
5 to read:

6           25.46 (8g) The moneys received from reimbursements under s. 292.11 (6) (c)  
7 1. for environmental ~~repair~~ management.

8           **SECTION 891.** 25.46 (12) of the statutes is renumbered 25.46 (8m).

9           **SECTION 892.** 25.46 (13) of the statutes is renumbered 25.46 (10g).

10          **SECTION 893.** 25.46 (14) of the statutes is renumbered 25.46 (5c) and amended  
11 to read:

12          25.46 (5c) The moneys collected under s. 145.19 (6) for ~~groundwater~~  
13 environmental management.

14          **SECTION 894.** 25.46 (15) of the statutes is renumbered 25.46 (5d) and amended  
15 to read:

16          25.46 (5d) The fees imposed under s. 281.48 (4s) (d) for ~~groundwater~~  
17 environmental management.

18          **SECTION 895.** 25.46 (16) of the statutes is renumbered 25.46 (5g) and amended  
19 to read:

20          25.46 (5g) The fees imposed under s. 283.31 (7) for ~~groundwater~~ environmental  
21 management.

22          **SECTION 896.** 25.46 (17) of the statutes is renumbered 25.46 (7m) and amended  
23 to read:

24          25.46 (7m) All moneys received from fees under s. 289.67 (2) for environmental  
25 ~~repair~~ management.

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1           **SECTION 897.** 25.46 (17m) of the statutes is renumbered 25.46 (10j)

2           **SECTION 898.** 25.46 (18) of the statutes is renumbered 25.46 (5j) and amended  
3 to read:

4           25.46 **(5j)** All moneys received under s. 283.87 or as a settlement to any action  
5 initiated or contemplated under s. 283.87 for environmental repair management.

6           **SECTION 899.** 25.46 (19) of the statutes is created to read:

7           25.46 **(19)** The environmental impact fee imposed under s. 342.14 (1r) for  
8 environmental management.

9           **SECTION 900.** 25.465 (1) and (2) of the statutes are amended to read:

10           25.465 **(1)** The fees ~~imposed~~ collected under s. 94.64 ~~(3) (e), (3m) (b), (3r) (a)~~ and  
11 (4) (a) ~~and (d) 1.~~

12           **(2)** The fees ~~imposed~~ collected under s. 94.65 (2) (a), (3) (b) and (6) (a) 1. and  
13 (b).

14           **SECTION 901.** 25.465 (2m) of the statutes is created to read:

15           25.465 **(2m)** The fees collected under s. 94.66 (4).

16           **SECTION 902.** 25.465 (3) and (4) of the statutes are amended to read:

17           25.465 **(3)** The fees ~~and surcharges specified under s. 94.68 (4) (a)~~ collected  
18 under s. 94.681 (2), (5) and (6) (a) 3., except as provided in s. 94.681 (7) (a).

19           **(4)** The fees ~~imposed~~ collected under s. 94.685 (3) (a) 1.

20           **SECTION 903.** 25.465 (4m) of the statutes is created to read:

21           25.465 **(4m)** The fees collected under s. 94.702 (3).

22           **SECTION 904.** 25.465 (5) to (8) of the statutes are amended to read:

23           25.465 **(5)** The fees ~~imposed~~ collected under s. 94.703 (3) (a) 1.

24           **(6)** The fees ~~imposed~~ collected under s. 94.704 (3) (a) 1.

25           **(7)** The fees ~~imposed~~ collected under s. 94.705 (4) (b).

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1           (8) The fees ~~imposed~~ collected under s. 94.72 (5) (b) and (6) (a) and (i).

2           **SECTION 905.** 25.465 (9) of the statutes is repealed.

3           **SECTION 906.** 25.47 of the statutes is amended to read:

4           **25.47 Petroleum inspection fund.** There is established a separate  
5 nonlapsible trust fund designated as the petroleum inspection fund, to consist of the  
6 fees imposed under s. 168.12 (1), the payments under s. 101.143 (5) (a) and the net  
7 recoveries under s. 101.143 (5) (c).

8           **SECTION 907.** 25.62 of the statutes is renumbered 25.62 (1) and amended to  
9 read:

10           25.62 (1) (title) CREATION AND PURPOSE. All moneys transferred from the general  
11 fund to the property tax relief fund constitute the property tax relief fund. Moneys  
12 in the fund are reserved to provide state property tax relief ~~during the 1997-99 fiscal~~  
13 ~~biennium.~~

14           **SECTION 908.** 25.62 (2) of the statutes is created to read:

15           25.62 (2) TRANSFERS. (a) Except as provided in par. (b), in each fiscal year, the  
16 secretary of administration shall transfer from the property tax relief fund to the  
17 general fund an amount equal to the increase in total expenditures from the  
18 appropriations under ss. 20.255 (2) (ac) and 20.835 (3) (b), as estimated by the  
19 secretary of administration, for that fiscal year over the previous fiscal year, except  
20 that the amount of the transfer may not exceed the balance in the property tax relief  
21 fund. If the secretary of administration estimates that there will not be an increase  
22 in total expenditures from the appropriations under ss. 20.255 (2) (ac) and 20.835 (3)  
23 (b) for that fiscal year over the previous fiscal year, no transfer from the property tax  
24 relief fund to the general fund shall be made under this paragraph.

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1 (b) If the amount transferred under par. (a) in a fiscal year, exclusive of  
2 adjustments made under this paragraph, exceeds the amount of the increase in total  
3 expenditures from the appropriations under ss. 20.255 (2) (ac) and 20.835 (3) (b) in  
4 that fiscal year over the previous, the transfer under par. (a) for the next fiscal year  
5 shall be decreased by the amount of the excess. If the amount of the increase in total  
6 expenditures from the appropriations under ss. 20.255 (2) (ac) and 20.835 (3) (b) in  
7 a fiscal year over the previous fiscal year exceeds the amount transferred under par.  
8 (a), exclusive of adjustments made under this paragraph, in that fiscal year, the  
9 transfer under par. (a) for the next fiscal year shall be increased by the amount of the  
10 excess, except that the amount of the transfer, with this increase, may not exceed the  
11 balance in the property tax relief fund.

12 **SECTION 909.** 25.68 of the statutes is created to read:

13 **25.68 Support collections trust fund.** There is created a separate  
14 nonlapsible trust fund designated as the support collections trust fund, to consist of  
15 all moneys received by the department of industry, labor and job development under  
16 s. 49.854, except for moneys received under s. 49.854 (11) (b).

17 **SECTION 910.** 25.68 of the statutes, as created by 1997 Wisconsin Act .... (this  
18 act), is renumbered 25.68 (intro.) and amended to read:

19 **25.68 Support collections trust fund.** (intro.) There is created a separate  
20 nonlapsible trust fund designated as the support collections trust fund, to consist of  
21 all of the following:

22 **(1) All** moneys received by the department of industry, labor and job  
23 development under s. 49.854, except for moneys received under s. 49.854 (11) (b).

24 **SECTION 911.** 25.68 (2) of the statutes is created to read:

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1           25.68 (2) All moneys received under ss. 767.265 and 767.29 for child or family  
2 support, maintenance or spousal support, health care expenses or birth expenses.

3           **SECTION 912.** 25.68 (3) of the statutes is created to read:

4           25.68 (3) All moneys not specified under sub. (1) or (2) that are received under  
5 a judgment or order in an action affecting the family, as defined in s. 767.02 (1), by  
6 the department of industry, labor and job development or its designee.

7           **SECTION 913.** 25.75 (3) (b) (intro.) of the statutes is amended to read:

8           25.75 (3) (b) *Expenses.* (intro.) Beginning July 1, ~~1991~~ 1997, no more than an  
9 amount equal to ~~15%~~ 9% of gross lottery revenues for each year may be expended to  
10 pay the expenses for the operation and administration of the lottery, except that  
11 expenses for the operation and administration of the lottery may exceed ~~15%~~ 9% of  
12 gross lottery revenues if so approved by the joint committee on finance under s. 13.10.  
13 In computing expenses subject to the ~~15%~~ 9% limitation under this paragraph:

14           **SECTION 914.** 25.75 (3) (b) 1. of the statutes is amended to read:

15           25.75 (3) (b) 1. Compensation paid to retailers under s. 565.10 (14) shall not  
16 be included ~~regardless of whether the compensation is deducted by the retailer prior~~  
17 ~~to transmitting lottery ticket and lottery share revenues to the department of~~  
18 ~~revenue.~~

19           **SECTION 915.** 25.75 (3) (d) of the statutes is repealed.

20           **SECTION 916.** 25.95 of the statutes is created to read:

21           **25.95 Universal service fund.** There is established a separate nonlapsible  
22 trust fund designated as the universal service fund, to consist of all contributions  
23 received under s. 196.218 (3).

24           **SECTION 917.** 26.145 of the statutes is created to read:



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1           **26.145 Fire suppression aids. (1) GRANTS.** The department shall establish  
2 a program to award grants for up to 50% of the cost of acquiring fire resistant clothing  
3 for suppressing fires and of acquiring fire suppression supplies, equipment and  
4 vehicles.

5           **(2) ELIGIBILITY.** (a) Cities, villages, towns, counties and fire suppression  
6 organizations shall be eligible for grants under this section.

7           (b) The department may not award a grant under this section unless the  
8 recipient of the grant agrees to assist the department in the suppression of forest  
9 fires at the department's request.

10           **(3) RULES.** The department shall promulgate rules establishing criteria and  
11 procedures for awarding grants under this section. For purposes of this section, the  
12 rules shall include a definition of "fire suppression organizations".

13           **SECTION 918.** 26.38 of the statutes is created to read:

14           **26.38 Private forest grants. (1)** In this section:

15           (a) "Community" has the meaning given in s. 28.04 (1) (b).

16           (b) "Sustainable forestry" has the meaning given in s. 28.04 (1) (e).

17           (c) "Timber" has the meaning given in s. 30.40 (18m).

18           **(2)** (a) The department shall establish a program to award grants for  
19 developing and implementing management plans for private forest land that is not  
20 used for commercially producing timber. The department shall award the grants to  
21 owners of private forest land that qualifies for the program.

22           (b) Each landowner receiving a grant under this section shall provide matching  
23 funds that are equal to the amount of the grant the landowner receives.

24           (c) A management plan implemented or developed with a grant under this  
25 section shall contain practices that will protect and enhance the natural resources

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1 on the forest land. The practices shall include sustainable forestry and other  
2 practices that protect or enhance all of the following:

- 3 1. Soil and water quality.
- 4 2. Endangered, threatened or rare forest communities.
- 5 3. The growth and maintenance of the forest.
- 6 4. Habitat for fish and wildlife.
- 7 5. The recreational, aesthetic and environmental benefits that the forest land  
8 provides.

9 (3) The department shall promulgate rules to implement and administer this  
10 program.

11 **SECTION 919.** 27.01 (7) (title) of the statutes is amended to read:

12 27.01 (7) (title) VEHICLE ADMISSION; ~~STICKER~~ RECEIPT; REQUIREMENT; FEES.

13 **SECTION 920.** 27.01 (7) (b) of the statutes is amended to read:

14 27.01 (7) (b) (title) *Vehicle admission ~~sticker~~ receipt; requirement.* Except as  
15 provided under par. (c), no person may operate a vehicle in a vehicle admission area  
16 unless the vehicle has a vehicle admission ~~sticker~~ receipt affixed to it or otherwise  
17 displayed as provided under par. (e).

18 **SECTION 921.** 27.01 (7) (c) (intro.) of the statutes is amended to read:

19 27.01 (7) (c) (title) *Vehicle admission ~~sticker~~ receipt; exemptions.* (intro.) No  
20 vehicle admission ~~sticker~~ receipt is required for:

21 **SECTION 922.** 27.01 (7) (c) 8. of the statutes is amended to read:

22 27.01 (7) (c) 8. Any vehicle towed behind or carried on another vehicle. The  
23 department may issue a special permit for a towed or carried vehicle in order to  
24 determine compliance with and facilitate enforcement of the vehicle admission  
25 ~~sticker~~ receipt requirement; or

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1           **SECTION 923.** 27.01 (7) (d) of the statutes is amended to read:

2           27.01 (7) (d) (title) *Issuance of vehicle admission stickers receipts*. An annual  
3 vehicle admission sticker receipt shall be issued by the department and is valid for  
4 the calendar year for which it is issued. An annual vehicle admission sticker receipt  
5 may not be issued by the department for a motor bus. A daily vehicle admission  
6 sticker receipt shall be issued by the department, shall state the date for which it is  
7 issued and is effective only for the date issued.

8           **SECTION 924.** 27.01 (7) (e) (title) of the statutes is amended to read:

9           27.01 (7) (e) (title) *Affixing Displaying the vehicle admission sticker receipt*.

10          **SECTION 925.** 27.01 (7) (e) of the statutes is renumbered 27.01 (7) (e) 1. and  
11 amended to read:

12          27.01 (7) (e) 1. The annual vehicle admission sticker receipt and the daily  
13 vehicle admission sticker receipt shall be affixed by its own adhesive to the interior  
14 surface of the lower left-hand corner of the windshield of the vehicle or shall be  
15 displayed as authorized under a rule promulgated under subd. 2.

16          **SECTION 926.** 27.01 (7) (e) 2. of the statutes is created to read:

17          27.01 (7) (e) 2. The department may promulgate a rule that authorizes different  
18 methods of displaying a vehicle admission receipt, other than the method specified  
19 in subd. 1.

20          **SECTION 927.** 27.01 (7) (f) (title) of the statutes is amended to read:

21          27.01 (7) (f) (title) *Resident vehicle admission stickers receipts; fees*.

22          **SECTION 928.** 27.01 (7) (f) 1. of the statutes is amended to read:

23          27.01 (7) (f) 1. Except as provided in par. (gm), the fee for an annual vehicle  
24 admission sticker receipt is \$18 \$17.50 for each vehicle which has Wisconsin

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1 registration plates, except that no fee is charged for a ~~sticker~~ receipt issued under s.  
2 29.1475 (6).

3 **SECTION 929.** 27.01 (7) (f) 2. of the statutes is amended to read:

4 27.01 (7) (f) 2. Except as provided in subds. 3. and 4. and par. (gm) 4., the fee  
5 for a daily vehicle admission ~~sticker~~ receipt is \$5 \$4.85 for any vehicle which has  
6 Wisconsin registration plates.

7 **SECTION 930.** 27.01 (7) (f) 3. of the statutes is amended to read:

8 27.01 (7) (f) 3. The fee for a daily vehicle admission ~~sticker~~ receipt for a motor  
9 bus that has Wisconsin registration plates is ~~twice the amount of the fee specified in~~  
10 ~~subd. 2.~~ \$9.85.

11 **SECTION 931.** 27.01 (7) (f) 4. of the statutes is amended to read:

12 27.01 (7) (f) 4. Notwithstanding subd. 3., the fee for a daily vehicle admission  
13 ~~sticker~~ receipt for a motor bus which primarily transports residents from nursing  
14 homes located in this state is ~~\$3.50~~ \$3.35, for any motor bus which has Wisconsin  
15 registration plates.

16 **SECTION 932.** 27.01 (7) (g) (title) of the statutes is amended to read:

17 27.01 (7) (g) (title) *Nonresident vehicle admission stickers receipts; fees.*

18 **SECTION 933.** 27.01 (7) (g) 1. of the statutes is amended to read:

19 27.01 (7) (g) 1. Except as provided in par. (gm), the fee for an annual vehicle  
20 admission ~~sticker~~ receipt is \$25 \$24.50 for any vehicle which has a registration plate  
21 or plates from another state, except that no fee is charged for a ~~sticker~~ receipt issued  
22 under s. 29.1475 (6).

23 **SECTION 934.** 27.01 (7) (g) 2. of the statutes is amended to read:

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1           27.02 (7) (g) 2. Except as provided in subds. 3. and 4., the fee for a daily vehicle  
2 admission ~~sticker~~ receipt for any vehicle which has a registration plate or plates from  
3 another state is ~~\$7~~ \$6.85.

4           **SECTION 935.** 27.01 (7) (g) 3. of the statutes is amended to read:

5           27.01 (7) (g) 3. The fee for a daily vehicle admission ~~sticker~~ receipt for a motor  
6 bus that has a registration plate or plates from another state is ~~twice the amount~~  
7 ~~specified in subd. 2.~~ \$13.85.

8           **SECTION 936.** 27.01 (7) (g) 4. of the statutes is amended to read:

9           27.01 (7) (g) 4. Notwithstanding subd. 3., the fee for a daily vehicle admission  
10 ~~sticker~~ receipt for a motor bus which primarily transports residents from nursing  
11 homes located in this state is ~~\$6~~ \$5.85, for any motor bus which has a registration  
12 plate or plates from another state.

13           **SECTION 937.** 27.01 (7) (gm) (title) of the statutes is amended to read:

14           27.01 (7) (gm) (title) *Reduced fee vehicle admission stickers receipts.*

15           **SECTION 938.** 27.01 (7) (gm) 1. of the statutes is amended to read:

16           27.01 (7) (gm) 1. ~~Notwithstanding~~ Instead of the fees under pars. (f) 1. and (g)  
17 1., the department shall charge an individual ~~50% of the applicable fee under par.~~  
18 ~~(f) 1. or (g) 1.~~ \$8.50 or \$12, respectively, for an annual vehicle admission ~~sticker~~  
19 receipt if the individual applying for the ~~sticker~~ receipt or a member of his or her  
20 household owns a vehicle for which a current annual vehicle admission ~~sticker~~  
21 receipt has been issued for the applicable fee under par. (f) 1. or (g) 1.

22           **SECTION 939.** 27.01 (7) (gm) 2. of the statutes is repealed.

23           **SECTION 940.** 27.01 (7) (gm) 3. of the statutes is amended to read:

**SENATE BILL 77****SECTION 940**

1           27.01 (7) (gm) 3. Notwithstanding par. (f) 1., the fee for an annual vehicle  
2 admission ~~sticker~~ receipt for a vehicle that has Wisconsin registration plates and  
3 that is owned by a resident senior citizen, as defined in s. 29.01 (12m), is \$9 ~~\$9~~ \$8.50.

4           **SECTION 941.** 27.01 (7) (gm) 4. of the statutes is amended to read:

5           27.01 (7) (gm) 4. Notwithstanding par. (f) 2., the fee for a daily vehicle  
6 admission ~~sticker~~ receipt for a vehicle that has Wisconsin registration plates and  
7 that is owned by a resident senior citizen, as defined in s. 29.01 (12m), is \$3 ~~\$3~~ \$2.85.

8           **SECTION 942.** 27.01 (7) (gr) of the statutes is created to read:

9           27.01 (7) (gr) *Issuing fees.* The department shall collect an issuing fee of 50  
10 cents for each annual vehicle admission receipt issued and an issuing fee of 15 cents  
11 for each daily vehicle admission receipt issued.

12           **SECTION 943.** 27.01 (7) (h) of the statutes is amended to read:

13           27.01 (7) (h) (title) *Use of vehicle admission sticker receipt and issuing fees.* All  
14 moneys collected ~~from the sale of annual vehicle admission stickers and daily vehicle~~  
15 ~~admission stickers~~ as fees under pars. (g) to (gr) and sub. (7m) (b) that are not  
16 retained by agents appointed under sub. (7m) (a) shall be paid within one week into  
17 the state treasury, credited to the conservation fund and used for state parks, state  
18 recreation areas, recreation areas in state forests and the Bong area lands.

19           **SECTION 944.** 27.01 (7m) of the statutes is created to read:

20           27.01 (7m) **COLLECTION; AGENTS; VEHICLE ADMISSION AND ISSUING FEES.** (a) The  
21 department may appoint agents who are not employes of the department to issue  
22 vehicle admission receipts and collect the vehicle admission fees under sub. (7).

23           (b) An agent appointed under par. (a) shall collect the applicable issuing fee  
24 specified in sub. (7) (gr). The agent may retain the issuing fees to compensate the  
25 agent for the agent's services in issuing the receipts.

**SENATE BILL 77****SECTION 944**

1 (c) The department may promulgate rules regulating the activities of persons  
2 who are authorized as agents under this subsection.

3 **SECTION 945.** 27.01 (8m) (title) of the statutes is amended to read:

4 27.01 (8m) (title) COLLECTION; AGENTS; HERITAGE HILL STATE PARK; STATE TRAILS.

5 **SECTION 946.** 27.01 (8m) (c) of the statutes is amended to read:

6 27.01 (8m) (c) The department ~~shall regulate~~ may promulgate rules regulating  
7 the activities of agents under this subsection ~~in a manner similar to s. 29.09.~~

8 **SECTION 947.** 27.01 (11) (a) of the statutes is amended to read:

9 27.01 (11) (a) *Authorization.* The department may establish and operate a  
10 campground reservation system ~~at any of the state parks or for~~ state forest  
11 campgrounds ~~and~~ in state parks, state forests and other lands under the  
12 department's supervision and control. The department may participate with owners  
13 of private campgrounds in a cooperative reservation system. The department may  
14 enter into a contract with another party to operate the campground reservation  
15 system.

16 **SECTION 948.** 27.01 (11) (b) of the statutes is created to read:

17 27.01 (11) (b) *Rules.* The department shall promulgate rules for the operation  
18 of the campground reservation system. The rules shall include all of the following:

19 1. The authority to refuse to accept campground reservation applications  
20 before a certain date or to treat applications received before that date as if they had  
21 been made on that date.

22 2. The authority to give reservations for each year until all of the available sites  
23 in a campground that are open for reservations for a given date have been reserved.

24 **SECTION 949.** 27.01 (11) (d) of the statutes is repealed.

25 **SECTION 950.** 27.01 (11) (e) of the statutes is repealed.

**SENATE BILL 77****SECTION 951**

1           **SECTION 951.** 27.01 (11) (f) of the statutes is repealed.

2           **SECTION 952.** 27.01 (11) (g) of the statutes is repealed.

3           **SECTION 953.** 27.01 (11) (h) of the statutes is repealed.

4           **SECTION 954.** 27.014 (1) of the statutes is renumbered 27.014 (1m), and 27.014  
5 (1m) (a), as renumbered, is amended to read:

6           27.014 (1m) (a) If the department finds a vehicle in a vehicle admission area,  
7 as defined in s. 27.01 (7) (a) 3., that does not have a valid ~~sticker~~ receipt affixed to  
8 it or otherwise displayed as authorized under s. 27.01 (7) (e) and the department  
9 cannot locate the operator of the vehicle, the owner of the vehicle shall be presumed  
10 liable for a violation of s. 27.01 (7) (b).

11           **SECTION 955.** 27.014 (1c) of the statutes is created to read:

12           27.014 (1c) DEFINITION. In this section, with respect to a vehicle that is  
13 registered, or is required to be registered, by a lessee of the vehicle under ch. 341,  
14 “owner” means the lessee of the vehicle.

15           **SECTION 956.** 27.014 (2) (intro.) of the statutes is amended to read:

16           27.014 (2) DEFENSES. (intro.) The following are defenses to the imposition of  
17 liability under sub. ~~(1)~~ (1m):

18           **SECTION 957.** 27.014 (2) (b) of the statutes is amended to read:

19           27.014 (2) (b) If the owner of the vehicle provides the department with the name  
20 and address of the person operating the vehicle or having the vehicle under his or her  
21 control at the time of the violation and sufficient information for the department to  
22 determine that probable cause does not exist to believe that the owner of the vehicle  
23 was operating the vehicle at the time of the violation, then the owner of the vehicle  
24 shall not be liable under sub. ~~(1)~~ (1m) or s. 27.01 (7) (b).

25           **SECTION 958.** 27.014 (2) (c) of the statutes is amended to read:



**SENATE BILL 77****SECTION 958**

1           27.014 (2) (c) If the vehicle is owned by a lessor of vehicles and at the time of  
2 the violation the vehicle was in the possession of a lessee, and the lessor provides the  
3 department with the information required under s. 343.46 (3), then the lessee and  
4 not the lessor shall be liable under sub. ~~(1)~~ (1m) or s. 27.01 (7) (b).

5           **SECTION 959.** 27.014 (2) (d) of the statutes is amended to read:

6           27.014 (2) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)  
7 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time  
8 of the violation the vehicle was being operated by or was under the control of any  
9 person on a trial run, and if the dealer provides the department with the name,  
10 address and operator's license number of the person operating the vehicle, then that  
11 person, and not the dealer, shall be liable under sub. ~~(1)~~ (1m) or s. 27.01 (7) (b).

12           **SECTION 960.** 27.065 (10) (a) of the statutes is amended to read:

13           27.065 (10) (a) The special improvement bonds herein mentioned shall be equal  
14 liens against all lots, parts of lots or parcels of land against which special  
15 assessments have been made, without priority one over another, which liens shall  
16 take precedence of all other claims or liens thereon, except a lien under s. 292.31 (8)  
17 (i), ~~292.41 (6) (d)~~ or 292.81, and when issued shall transfer to the holders thereof all  
18 the right, title and interest of such county in and to the assessment made on account  
19 of the improvement mentioned therein and the liens thereby created, with full power  
20 to enforce the collection thereof by foreclosure in the manner mortgages on real  
21 estate are foreclosed. The time of redemption therefrom shall be fixed by the court,  
22 and a copy of the bond foreclosed may be filed as a part of the judgment roll in said  
23 action in lieu of the original thereof.

24           **SECTION 961.** 29.06 (title) of the statutes is amended to read:

25           **29.06 (title) Sale of ~~confiscated game~~ wild animals and apparatus.**

**SENATE BILL 77****SECTION 962**

1           **SECTION 962.** 29.06 (1) (a) of the statutes is amended to read:

2           29.06 (1) (a) All wild animals, or carcasses ~~or parts thereof~~, of these wild  
3 animals that are confiscated by the department and all confiscated apparatus,  
4 appliances, equipment, vehicles or devices shall, if not destroyed as authorized by  
5 law, be sold at the highest price obtainable, except as provided in s. 29.062, by the  
6 department or its wardens, or by an agent on commission under the written  
7 authority and supervision of the department. The net proceeds of ~~the~~ all sales under  
8 this subsection, after deducting the expense of seizure and sale and any commissions  
9 and any amounts owing to holders of security interests under par. (b) or (c), shall be  
10 promptly remitted, by the warden by whom or under whose authority and  
11 supervision the sales are made, to the department. The remittance shall be  
12 accompanied by a complete and certified report of the sales made under this  
13 subsection, supported by proper vouchers covering all deductions made for expenses  
14 and commissions, and shall be filed with the department.

15           **SECTION 963.** 29.06 (2) of the statutes is renumbered 29.06 (2) (a) and amended  
16 to read:

17           29.06 (2) (a) On any sales ~~under this section~~ of wild animals, or carcasses ~~or~~  
18 parts thereof of these wild animals, that are seized or confiscated under s. 29.05, the  
19 warden or agent selling them shall issue to each purchaser a certificate, on forms to  
20 be prepared and furnished by the department, covering ~~such~~ the sales.

21           (b) The wild animals, or carcasses ~~or parts thereof~~, so purchased under par. (a)  
22 shall be consumed or otherwise disposed of by the purchaser within a period to be set  
23 by the department, but ~~shall~~ may not be resold, bartered, or exchanged, in whole or  
24 in part, to any other person, except as provided in ~~sub. (3)~~ par. (c).

25           **SECTION 964.** 29.06 (2) (d) of the statutes is created to read:

**SENATE BILL 77****SECTION 964**

1           29.06 (2) (d) The department may sell wild animals, or their carcasses, that are  
2 seized or confiscated under s. 29.05 to wholesale fish dealers licensed under s. 29.135,  
3 fur dealers licensed under s. 29.134, taxidermists having permits issued under s.  
4 29.136, bait dealers licensed under s. 29.137 and licensees under ss. 29.573, 29.574,  
5 29.575 and 29.578. Paragraph (b) does not apply to sales under this paragraph.

6           **SECTION 965.** 29.06 (3) of the statutes is renumbered 29.06 (2) (c) and amended  
7 to read:

8           29.06 (2) (c) ~~Confiscated fish or game sold under this section~~ The department  
9 may sell wild animals, or their carcasses, that are seized or confiscated under s. 29.05  
10 to the keeper, manager, or steward of any restaurant, club, hotel, or boarding house  
11 may to be served to the establishment's guests thereof; but in such case the if a  
12 certificate covering the purchase shall be sale is hung in public view in the place  
13 where the fish or game meat is served, and such fish or game shall the wild animal  
14 or carcass at the time of sale be is tagged by the a warden or agent selling it, such  
15 and the tag to show shows the date of sale and be. The tag shall be returned to said  
16 the warden or agent within 5 days thereafter after that consumption or other  
17 disposal of the wild animal or carcass.

18           **SECTION 966.** 29.06 (4) of the statutes is created to read:

19           29.06 (4) All moneys received from the sale of wild animals and their carcasses  
20 under this section shall be deposited in the conservation fund and credited to the  
21 appropriation account under s. 20.370 (1) (Lt).

22           **SECTION 967.** 29.062 of the statutes is created to read:

23           **29.062 Distribution of wild animal carcasses to food distribution**  
24 **services.** Notwithstanding s. 29.06, the department may distribute for free

**SENATE BILL 77****SECTION 967**

1 carcasses from wild animals seized or confiscated under s. 29.05 that are suitable for  
2 eating to food distribution services, as defined in s. 46.765 (1) (b).

3 **SECTION 968.** 29.09 (1m) of the statutes is amended to read:

4 29.09 (1m) CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS. A  
5 hunting, trapping or fishing approval may be issued only to and obtained only by a  
6 natural person entitled to the approval. Except as provided under sub. (12) (a), a  
7 resident hunting, trapping or fishing approval may be issued only to a person who  
8 presents to the ~~county clerk or issuing agent~~ or the department definite proof of his  
9 or her identity and that he or she is a resident. No more than one of the same series  
10 of approval may be issued to the same person in any year. Except as provided under  
11 s. 29.33 (2) (d), no person may transfer his or her approval or permit the use of any  
12 approval by any other person and no person while hunting, trapping or fishing may  
13 use or carry any approval issued to another person. ~~No~~ Except as authorized by rules  
14 promulgated under sub. (3m) (a) 2., no person may obtain a hunting, trapping or  
15 fishing approval for another person. No approval authorizing hunting may be issued  
16 to any person who is prohibited from obtaining this type of approval under s. 29.226  
17 or 29.227 (1) (c).

18 **SECTION 969.** 29.09 (3) (a) of the statutes is amended to read:

19 29.09 (3) (a) *Date; expiration.* Each license or stamp issued under this chapter  
20 shall state for what period the license or stamp is effective and the date of expiration.

21 **SECTION 970.** 29.09 (3m) of the statutes is created to read:

22 29.09 (3m) FORMS OF APPROVALS. (a) *Department rules.* The department shall  
23 promulgate rules regulating the issuance of approvals. The rules shall include all  
24 of the following:

25 1. The signature requirements, if any, for each type of approval.

**SENATE BILL 77****SECTION 970**

1           2. The conditions, if any, under which a person may be issued an approval for  
2 another person.

3           3. The authorized forms for stamps, which may include facsimiles, and the  
4 methods of attaching stamps to or imprinting stamps on other approvals issued  
5 under this chapter.

6           **SECTION 971.** 29.09 (3r) of the statutes is created to read:

7           **29.09 (3r) ISSUANCE OF APPROVALS BY DEPARTMENT AND BY AGENTS.** (a) In issuing  
8 approvals under this section, the department may do any of the following for each  
9 type of approval:

10           1. Directly issue the approvals.

11           2. Appoint, as an agent of the department, the clerk of one or more counties to  
12 issue the approvals.

13           3. Appoint persons who are not employes of the department to issue the  
14 approvals as agents of the department.

15           (b) The clerk of each county appointed under par. (a) 2. shall accept the  
16 appointment.

17           (c) The department shall promulgate rules for each type of approval under this  
18 chapter that specify which persons appointed under par. (a) shall issue that type of  
19 approval.

20           (d) The department may promulgate rules regulating the activities of persons  
21 appointed under par. (a) 2. and 3.

22           **SECTION 972.** 29.09 (4) of the statutes is amended to read:

23           **29.09 (4) DUPLICATES.** If any license, permit, certificate or card is lost, the  
24 person to whom the license, permit, certificate or card was issued may apply to the  
25 department for a duplicate, submitting an affidavit proving loss. The department

**SENATE BILL 77****SECTION 972**

1 may accept information in a form other than an affidavit. The department shall  
2 make an inquiry and investigation as it deems necessary. If the department is  
3 satisfied that the ~~facts are as stated in the affidavit~~ loss has been proven, the  
4 department may issue a duplicate license, permit, certificate or card to the applicant.  
5 Back tags and other tags issued with a license, permit, certificate or card are parts  
6 of the license, permit, certificate or card and loss of any part is deemed to be loss of  
7 the entire license, permit, certificate or card. Upon applying for a duplicate ~~approval~~  
8 license, permit, certificate or card, the applicant shall surrender all parts of the  
9 original ~~approval~~ remaining in his or her possession to the department. No duplicate  
10 stamp may be issued and if a stamp is lost, the person to whom it was issued is  
11 required to apply and pay the regular fee in order to receive a new stamp.

12 **SECTION 973.** 29.09 (4) of the statutes, as affected by 1997 Wisconsin Act ...  
13 (this act), is repealed and recreated to read:

14 29.09 (4) DUPLICATES. If any license, permit, certificate or card is lost, the  
15 person to whom the license, permit, certificate or card was issued may apply to the  
16 department for a duplicate, submitting an affidavit proving loss. The department  
17 may accept information in a form other than an affidavit. The department shall  
18 make an inquiry and investigation as it deems necessary. If the department is  
19 satisfied that the loss has been proven, the department subject to s. 29.091 may issue  
20 a duplicate license, permit, certificate or card to the applicant. Back tags and other  
21 tags issued with a license, permit, certificate or card are parts of the license, permit,  
22 certificate or card and loss of any part is deemed to be loss of the entire license,  
23 permit, certificate or card. Upon applying for a duplicate license, permit, certificate  
24 or card, the applicant shall surrender all parts of the original remaining in his or her  
25 possession to the department. No duplicate stamp may be issued and if a stamp is

**SENATE BILL 77****SECTION 973**

1 lost, the person to whom it was issued is required to apply and pay the regular fee  
2 in order to receive a new stamp.

3 **SECTION 974.** 29.09 (5) of the statutes is renumbered 29.09 (3m) (b) and  
4 amended to read:

5 29.09 (3m) (b) *Blanks.* The department shall prepare, procure the printing of  
6 and supply all necessary blanks for approvals issued under this chapter and related  
7 applications. ~~Approval blanks and applications may be numbered consecutively, at~~  
8 ~~the time of printing, in a separate series for each kind of approval. Each license blank~~  
9 ~~shall be provided with a corresponding stub numbered with the serial number of the~~  
10 ~~license. Each requisition for the printing of approval blanks shall specify any serial~~  
11 ~~numbers to be printed on the blanks. The department or a county clerk may issue~~  
12 ~~approvals only on blanks supplied by the department for approvals.~~

13 **SECTION 975.** 29.09 (6) of the statutes is repealed.

14 **SECTION 976.** 29.09 (7) of the statutes is repealed.

15 **SECTION 977.** 29.09 (7m) of the statutes is repealed.

16 **SECTION 978.** 29.09 (8) of the statutes is amended to read:

17 29.09 (8) RECORD OF APPROVALS ISSUED. The department shall keep a complete  
18 record of all approvals issued. ~~The department is accountable for all unused~~  
19 ~~approval blanks.~~

20 **SECTION 979.** 29.09 (8m) (b) of the statutes is amended to read:

21 29.09 (8m) (b) A person holding a current fishing license issued under this  
22 chapter and a trolling permit or a permit issued under sub. (9) (c) 1. may fish or troll  
23 in the waters of this state using an electric motor with no more than 36 pounds of  
24 thrust, notwithstanding any ordinances enacted under s. 30.77 (3) that prohibit the  
25 use of motor boats on navigable waters.

**SENATE BILL 77****SECTION 980**

1           **SECTION 980.** 29.09 (8r) of the statutes is created to read:

2           29.09 **(8r)** RELEASE OF APPROVAL INFORMATION. (a) In this subsection,  
3 “identifying information” means name, address or telephone number.

4           (b) The department may refuse to reveal the identifying information of any  
5 person to whom an approval is issued under this chapter. The department may  
6 charge a fee for providing or for the use of such identifying information. No person  
7 who obtains or uses the identifying information provided by the department may  
8 refer to the department as the source of the identifying information unless the person  
9 clearly indicates that the provision of or permission to use the identifying  
10 information in no way indicates the department’s knowledge, involvement, approval,  
11 authorization or connection with the person or the person’s activities.

12           (c) Notwithstanding ss. 20.908 and 35.78 (2), any fee charged by the  
13 department under par. (b) shall be at least equal to the amount necessary to cover  
14 the actual cost of collecting, storing, managing, compiling and providing the  
15 identifying information.

16           (d) The department shall use the moneys collected under this subsection for the  
17 costs specified in par. (c). If the moneys collected under this subsection exceed the  
18 amount necessary for the costs specified in par. (c), the department shall use the  
19 excess for data systems, systems for issuing approvals and other informational  
20 activities performed by the department.

21           (e) Paragraphs (b) to (d) do not apply to requests for information under s. 49.22  
22 (2m).

23           **SECTION 981.** 29.09 (9m) (a) 8. of the statutes is created to read:

24           29.09 **(9m)** (a) 8. Sturgeon fishing permit.

25           **SECTION 982.** 29.09 (9r) (c) of the statutes is amended to read:



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1           29.09 (9r) (c) Any fees collected under this subsection shall be deposited in the  
2           conservation fund and credited to the appropriation account under s. 20.370 (1) (Lu)  
3           (9) (hu).

4           **SECTION 983.** 29.09 (10) (a) of the statutes is amended to read:

5           29.09 (10) (a) *Collection of issuing fee.* ~~A person authorized to issue~~ Any person,  
6           including the department, who issues any license or stamp ~~prescribed by~~ under this  
7           chapter shall collect, in addition to the statutory license or stamp fee, an issuing fee  
8           for each license and each stamp the person issued. A person appointed under sub.  
9           (3r) (a) 2. or 3. may retain the amounts specified in par. (c) to compensate for services  
10          in issuing the license or stamp.

11          **SECTION 984.** 29.09 (10) (c) of the statutes is amended to read:

12          29.09 (10) (c) (title) ~~Nonpublic-issuing~~ Issuing agents. ~~Deputies~~ A person  
13          ~~appointed by county clerks, other than county employes, and deputies appointed by~~  
14          ~~the department, other than state employes, are entitled to~~ under sub. (3r) (a) 2. or  
15          3. may retain 50 cents of each issuing fee for licenses and 15 cents of each issuing fee  
16          for stamps.

17          **SECTION 985.** 29.09 (11) of the statutes is repealed.

18          **SECTION 986.** 29.09 (12) (a) of the statutes is amended to read:

19          29.09 (12) (a) *Certain resident licenses may be issued to students and members*  
20          *of the armed forces.* Notwithstanding sub. (1m) and s. 29.14 (1) (a), the department  
21          ~~and the county clerk of each county shall issue a resident fishing license, resident~~  
22          small game hunting license or resident deer hunting license to a qualified student  
23          or qualified member of the armed forces applying for the license. A qualified student  
24          is a person who exhibits proof that he or she is a registered full-time undergraduate  
25          student in residence at a public or private college or university located in this state

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1 and offering a bachelor's degree or that he or she is a citizen of a foreign country  
2 temporarily residing in this state while attending a high school located in this state  
3 or an agricultural short course at the university of Wisconsin system. A qualified  
4 member of the armed forces is a person who exhibits proof that he or she is in active  
5 service with the U.S. armed forces and that he or she is stationed in this state.

6 **SECTION 987.** 29.09 (12) (a) of the statutes, as affected by 1997 Wisconsin Act  
7 .... (this act), is repealed and recreated to read:

8 29.09 (12) (a) *Certain resident licenses may be issued to students and members*  
9 *of the armed forces.* Notwithstanding sub. (1m) and s. 29.14 (1) (a), the department  
10 shall issue, subject to s. 29.091, a resident fishing license, resident small game  
11 hunting license or resident deer hunting license to a qualified student or qualified  
12 member of the armed forces applying for the license. A qualified student is a person  
13 who exhibits proof that he or she is a registered full-time undergraduate student in  
14 residence at a public or private college or university located in this state and offering  
15 a bachelor's degree or that he or she is a citizen of a foreign country temporarily  
16 residing in this state while attending a high school located in this state or an  
17 agricultural short course at the university of Wisconsin system. A qualified member  
18 of the armed forces is a person who exhibits proof that he or she is in active service  
19 with the U.S. armed forces and that he or she is stationed in this state.

20 **SECTION 988.** 29.09 (12) (b) of the statutes is amended to read:

21 29.09 (12) (b) *Resident armed forces fishing license.* An annual fishing license  
22 shall be issued by the department ~~or a county clerk~~ to any member of the U.S. armed  
23 forces applying for this license who exhibits proof that he or she is in active service  
24 with the armed forces and that he or she is a resident on furlough or leave.

**SENATE BILL 77****SECTION 989**

1           **SECTION 989.** 29.09 (12) (b) of the statutes, as affected by 1997 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           **29.09 (12) (b)** *Resident armed forces fishing license.* An annual fishing license  
4 shall be issued, subject to s. 29.091, by the department to any member of the U.S.  
5 armed forces applying for this license who exhibits proof that he or she is in active  
6 service with the armed forces and that he or she is a resident on furlough or leave.

7           **SECTION 990.** 29.09 (12) (c) of the statutes is amended to read:

8           **29.09 (12) (c)** *Resident armed forces small game hunting license.* A small game  
9 hunting license shall be issued by the department ~~or by a county clerk~~ to any member  
10 of the U.S. armed forces applying for this license who exhibits proof that he or she  
11 is in active service with the armed forces and that he or she is a resident on furlough  
12 or leave.

13           **SECTION 991.** 29.09 (12) (c) of the statutes, as affected by 1997 Wisconsin Act  
14 .... (this act), is repealed and recreated to read:

15           **29.09 (12) (c)** *Resident armed forces small game hunting license.* A small game  
16 hunting license shall be issued, subject to s. 29.091, by the department to any  
17 member of the U.S. armed forces applying for this license who exhibits proof that he  
18 or she is in active service with the armed forces and that he or she is a resident on  
19 furlough or leave.

20           **SECTION 992.** 29.09 (12m) of the statutes is created to read:

21           **29.09 (12m) SMALL GAME HUNTING LICENSES.** (a) A person who is issuing a  
22 resident small game hunting license, a nonresident annual small game hunting  
23 license or a nonresident 5-day small game hunting license to a person who, under  
24 s. 29.226, is required to have a certificate of accomplishment issued by the

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1 department or other evidence of having completed a hunter safety course in another  
2 state shall do one of the following, if applicable:

3 1. For an applicant who presents a certificate of accomplishment issued by the  
4 department under s. 29.225 that states the applicant successfully completed only the  
5 bow hunting safety component of the hunter education and safety program, the  
6 person shall indicate on the license that the person is authorized to hunt small game  
7 only with a bow and arrow.

8 2. For an applicant who presents a certificate, license or other evidence showing  
9 that he or she has completed a hunter safety course in another state that is  
10 recognized by the department under s. 29.226 (2m), the person shall indicate on the  
11 license that the person is authorized to hunt small game only with a bow and arrow.

12 (b) Paragraph (a) 1. does not apply to certificates of accomplishment issued  
13 before the effective date of this paragraph .... [revisor inserts date].

14 **SECTION 993.** 29.09 (13) of the statutes is amended to read:

15 29.09 (13) STAMPS; ARTWORK. The department shall may design and produce  
16 waterfowl hunting stamps, pheasant hunting stamps, wild turkey hunting stamps,  
17 inland waters trout stamps and Great Lakes trout and salmon stamps. The  
18 department may select artwork for stamps through a contest or otherwise may  
19 acquire original artwork for stamps.

20 **SECTION 994.** 29.091 of the statutes is created to read:

21 **29.091 Denial of approvals based on child support or tax delinquency.**

22 (1) SOCIAL SECURITY AND IDENTIFICATION NUMBERS REQUIRED. (a) The department shall  
23 require an applicant who is an individual to provide his or her social security number  
24 and an applicant who is not an individual to provide the applicant's federal employer

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1 identification number as a condition of applying for, or applying to renew, any of the  
2 following approvals:

- 3 1. A license issued under s. 29.134.
- 4 2. A wholesale fish dealer license issued under s. 29.135.
- 5 3. A taxidermist permit issued under s. 29.136 (2).
- 6 4. A bait dealer license issued under s. 29.137.
- 7 5. A guide license issued under s. 29.165.
- 8 6. A sport trolling license issued under s. 29.166.
- 9 7. A commercial fishing license issued under s. 29.33.
- 10 8. A net license issued under s. 29.34.
- 11 9. A slat net license issued under s. 29.343.
- 12 10. A trammel net license issued under s. 29.344.
- 13 11. A set or bank pole license issued under s. 29.36.
- 14 12. A setline license issued under s. 29.37.
- 15 13. A clamming license or permit issued under s. 29.38.
- 16 14. A private fish hatchery license issued under s. 29.52.
- 17 15. A wild rice approval issued under s. 29.544.
- 18 16. A wild ginseng harvest or dealer license issued under s. 29.547.
- 19 17. A license issued under s. 29.573.
- 20 18. A game bird or animal farm license issued under s. 29.574.
- 21 19. A fur animal farm license issued under s. 29.575.
- 22 20. A deer farm license or a permit issued under s. 29.578.
- 23 21. A wildlife exhibit license issued under s. 29.585.

24 (b) The department shall require that, if an applicant has been issued an  
25 operator's license under ch. 343 or an identification card under s. 343.50, the

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1 applicant furnish his or her unique identifying driver number assigned under s.  
2 343.17 (3) (a) 4., and display his or her operator's license or identification card, as a  
3 condition of applying for, or applying to renew, any of the following approvals:

- 4 1. Resident small game hunting license.
- 5 2. Resident deer hunting license.
- 6 3. Resident bear hunting license.
- 7 4. Resident archer hunting license.
- 8 5. Resident wild turkey hunting license.
- 9 6. Nonresident annual small game hunting license.
- 10 7. Nonresident 5-day small game hunting license.
- 11 8. Nonresident deer hunting license.
- 12 9. Nonresident bear hunting license.
- 13 10. Nonresident fur-bearing animal hunting license.
- 14 11. Nonresident archer hunting license.
- 15 12. Nonresident wild turkey hunting license.
- 16 13. Resident annual fishing license.
- 17 14. Annual disabled person fishing license.
- 18 15. Resident annual husband and wife fishing license.
- 19 16. Resident 2-day sports fishing license.
- 20 17. Nonresident annual fishing license.
- 21 18. Nonresident annual family fishing license.
- 22 19. Nonresident 15-day fishing license.
- 23 20. Nonresident 15-day family fishing license.
- 24 21. Nonresident 4-day fishing license.
- 25 22. Nonresident 2-day sports fishing license.

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1           23. Sturgeon spearing license.

2           24. Trapping license.

3           25. Resident sports license.

4           26. Nonresident sports license.

5           27. Resident conservation patron license.

6           28. Nonresident conservation patron license.

7           (c) The department may request that an applicant who is an individual provide  
8 his or her social security number when applying for, or applying to renew, any of the  
9 approvals specified in par. (b). A person may choose not to provide his or her social  
10 security number.

11           (d) For purposes of this section, an application for a duplicate of an approval  
12 specified in par. (a) or (b) shall be considered an application for the issuance of the  
13 approval.

14           **(2) DISCLOSURE OF NUMBERS.** (a) The department may not disclose any social  
15 security numbers received under sub. (1) to any person except to the department of  
16 industry, labor and job development for the sole purpose of administering s. 49.22  
17 and to the department of revenue for the sole purpose of requesting certifications  
18 under s. 73.0301.

19           (b) The department may not disclose any federal employer identification  
20 numbers received under sub. (1) except to the department of revenue for the sole  
21 purpose of requesting certifications under s. 73.0301.

22           **(3) DENIAL OF APPROVALS.** (a) As provided in the memorandum of understanding  
23 required under s. 49.857 (2), the department shall deny an application to issue or  
24 renew, suspend if already issued, or otherwise withhold or restrict an approval  
25 specified in sub. (1) (a) or (b) if the applicant for or the holder of the approval is

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1 delinquent in making court-ordered payments of child or family support,  
2 maintenance, birth expenses, medical expenses or other expenses related to the  
3 support of a child or former spouse.

4 (b) As provided in the memorandum of understanding required under s. 49.857  
5 (2), the department shall deny an application to issue or renew an approval specified  
6 in sub. (1) (a) if the applicant for or the holder of the approval fails to provide his or  
7 her social security number as required under sub. (1).

8 (c) 1. As provided in the memorandum of understanding under subd. 2., the  
9 department shall deny an application to issue or renew an approval specified in sub.  
10 (1) (b) if the applicant for or the holder of the approval fails to present his or her  
11 unique identifying driver number and display his or her operator's license or  
12 identification card as required under sub. (1).

13 2. The memorandum of understanding required under s. 49.857 (2) shall  
14 specify under which conditions the department shall deny an application to issue or  
15 renew an approval specified in sub. (1) (b) because the applicant for or the holder of  
16 the approval does not present his or her operator's license issued under ch. 343 or  
17 identification card issued under s. 343.50. The memorandum of understanding shall  
18 establish requirements and procedures for issuing and renewing approvals for  
19 persons who do not have operator's licenses issued under ch. 343 or identification  
20 cards issued under s. 343.50.

21 (d) The department shall deny an application to issue or renew, or revoke if  
22 already issued, an approval specified in sub. (1) (a) if the applicant for or the holder  
23 of the approval fails to provide the information required under sub. (1) (a) or if the  
24 department of revenue certifies under s. 73.0301 that the applicant or approval  
25 holder is liable for delinquent taxes.



**SENATE BILL 77****SECTION 995**

1           **SECTION 995.** 29.092 (2) (n) of the statutes is amended to read:

2           29.092 (2) (n) (title) *Hunter education and firearm safety course; instruction fee;*  
3           *certificate of accomplishment.* The instruction fee for the hunter education and  
4           firearm safety course provided in s. 29.225 is \$3. There is no fee for the original  
5           issuance of a certificate of accomplishment if the instruction fee is paid.

6           **SECTION 996.** 29.092 (3r) (b) of the statutes is amended to read:

7           29.092 (3r) (b) All moneys collected under par. (a) shall be deposited into the  
8           account under s. 20.370 ~~(1) (is)~~ (3) (is).

9           **SECTION 997.** 29.092 (13) (f) of the statutes is amended to read:

10          29.092 (13) (f) *Duplicate hunter certificate of accomplishment.* The fee for a  
11          duplicate hunter education and firearm safety course certificate of accomplishment  
12          issued under s. 29.225 (4) (b) is \$2.

13          **SECTION 998.** 29.092 (13m) (a) of the statutes is amended to read:

14          29.092 (13m) (a) The processing fee for an application for a hunter's choice deer  
15          hunting permit, a bonus deer hunting permit, a wild turkey hunting license, a  
16          Canada goose hunting permit, a sharp-tailed grouse hunting permit, a bobcat  
17          hunting and trapping permit, an otter trapping permit ~~or~~, a fisher trapping permit  
18          or a sturgeon fishing permit is \$2.75.

19          **SECTION 999.** 29.092 (16) of the statutes is amended to read:

20          29.092 (16) FEES HELD IN TRUST. All fees collected under this section for  
21          approvals issued under this chapter that are required to be remitted to the  
22          department shall be held in trust for the state. Any person who collects, possesses  
23          or manages fees for approvals acts in a fiduciary capacity for the state.

24          **SECTION 1000.** 29.093 (2) (f) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1000**

1           29.093 (2) (f) *Certificate of accomplishment.* Except as provided under s. 29.227  
2 (1) (d), a certificate of accomplishment issued under s. 29.225 is valid for the hunting  
3 of small game in place of a resident small game hunting license from the date of  
4 issuance until March 31 of the following year.

5           **SECTION 1001.** 29.095 (2) of the statutes is amended to read:

6           29.095 (2) A senior citizen recreation card entitles the holder to exercise all of  
7 the combined rights and privileges conferred by a resident small game hunting  
8 license, a wild turkey hunting license, a wild turkey hunting stamp and a resident  
9 fishing license, subject to all duties, conditions, limitations and restrictions  
10 prescribed under this chapter and by department order. ~~The card permits any A~~  
11 person may operate any vehicle, except a motor bus, as defined in s. 340.01 (31),  
12 ~~having a card holder as an occupant to enter in~~ any vehicle admission area under s.  
13 27.01 (7) without having an admission sticker receipt affixed to it the vehicle or  
14 otherwise displayed and without paying a fee if the vehicle has as an occupant a card  
15 holder who can present the card upon demand in the vehicle admission area. The  
16 card permits a card holder to enter Heritage Hill state park or a state trail without  
17 paying an admission fee.

18           **SECTION 1002.** 29.10 of the statutes is amended to read:

19           **29.10 Resident small game hunting license.** A resident small game  
20 hunting license shall be issued subject to s. 29.09 by the department ~~or by a county~~  
21 ~~clerk~~ to any resident applying for this license. The resident small game hunting  
22 license does not authorize the hunting of bear, deer or wild turkey.

23           **SECTION 1003.** 29.10 of the statutes, as affected by 1997 Wisconsin Act .... (this  
24 act), is repealed and recreated to read:

**SENATE BILL 77****SECTION 1003**

1           **29.10 Resident small game hunting license.** A resident small game  
2 hunting license shall be issued subject to ss. 29.09 and 29.091 by the department to  
3 any resident applying for this license. The resident small game hunting license does  
4 not authorize the hunting of bear, deer or wild turkey.

5           **SECTION 1004.** 29.102 (1) (a) of the statutes is amended to read:

6           29.102 (1) (a) *Requirement.* Except as provided under par. (c), no person may  
7 hunt waterfowl unless he or she is issued a conservation patron license or unless he  
8 or she is issued a waterfowl hunting stamp which is ~~affixed by the stamp's adhesive~~  
9 ~~to, in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3., is~~  
10 attached to or imprinted on the person's hunting license which authorizes the  
11 hunting of small game or to the person's sports license.

12           **SECTION 1005.** 29.102 (1) (b) of the statutes is amended to read:

13           29.102 (1) (b) *Issuance.* The waterfowl hunting stamp shall be issued by the  
14 department ~~and its agents and by county clerks~~ subject to s. 29.09. ~~The waterfowl~~  
15 ~~hunting stamp shall be designed and produced by the department as provided under~~  
16 ~~s. 29.09 (13).~~

17           **SECTION 1006.** 29.1025 (1) (a) of the statutes is amended to read:

18           29.1025 (1) (a) Except as provided in pars. (b) to (d), no person may hunt  
19 pheasant unless he or she has a valid conservation patron license, or has a valid  
20 pheasant hunting stamp ~~affixed by the stamp's adhesive to~~ which, in the manner  
21 required by the rule promulgated under s. 29.09 (3m) (a) 3., is attached to or  
22 imprinted on the person's hunting license which authorizes the hunting of small  
23 game or to the person's sports license.

24           **SECTION 1007.** 29.1025 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1007**

1           29.1025 (2) ISSUANCE. The pheasant hunting stamp shall be issued by the  
2 department ~~or a county clerk~~ subject to s. 29.09. ~~The department shall design and~~  
3 ~~produce pheasant hunting stamps as provided under s. 29.09 (13).~~

4           **SECTION 1008.** 29.103 (2) (b) 1. of the statutes is amended to read:

5           29.103 (2) (b) 1. No person may hunt wild turkey unless he or she has a valid  
6 wild turkey hunting license and a valid wild turkey hunting stamp ~~stapled or affixed~~  
7 ~~by the stamp's adhesive to~~ attached to or imprinted on the person's wild turkey  
8 hunting license in the manner required by the rule promulgated under s. 29.09 (3m)  
9 (a) 3.

10          **SECTION 1009.** 29.103 (2) (b) 2. of the statutes is amended to read:

11          29.103 (2) (b) 2. If the department establishes a wild turkey hunting zone  
12 where wild turkey hunting is permitted under sub. (6), no person may hunt wild  
13 turkeys in that wild turkey hunting zone unless the person is issued a wild turkey  
14 hunting license that is valid for that zone and that has a valid wild turkey hunting  
15 stamp ~~attached in the manner required in subd. 1~~ or imprinted in the manner  
16 required by the rule promulgated under s. 29.09 (3m) (a) 3.

17          **SECTION 1010.** 29.103 (4) (f) of the statutes is created to read:

18          29.103 (4) (f) *Issuance restricted.* Section 29.091 applies to the issuance of wild  
19 turkey hunting licenses.

20          **SECTION 1011.** 29.103 (5) (a) of the statutes is amended to read:

21          29.103 (5) (a) *Issuance.* The wild turkey hunting stamp shall be issued by the  
22 department ~~or a county clerk~~ subject to s. 29.09. ~~The department shall design and~~  
23 ~~produce wild turkey hunting stamps as provided under s. 29.09 (13).~~

24          **SECTION 1012.** 29.104 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1012**

1           29.104 (1) A resident archer hunting license shall be issued subject to s. 29.09  
2 by the department ~~or by a county clerk~~ to any resident applying for this license.

3           **SECTION 1013.** 29.104 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
4 (this act), is repealed and recreated to read:

5           29.104 (1) A resident archer hunting license shall be issued subject to ss. 29.09  
6 and 29.091 by the department to any resident applying for this license.

7           **SECTION 1014.** 29.104 (3) of the statutes is amended to read:

8           29.104 (3) The department ~~or county clerk~~ shall issue to each person who is  
9 issued a resident archer hunting license a deer tag and a back tag in the form and  
10 numbered as required by the department.

11          **SECTION 1015.** 29.105 (1) of the statutes is amended to read:

12          29.105 (1) ISSUANCE. A resident deer hunting license shall be issued subject to  
13 s. 29.09 by the department ~~or by a county clerk~~ to any resident applying for this  
14 license.

15          **SECTION 1016.** 29.105 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
16 (this act), is repealed and recreated to read:

17          29.105 (1) ISSUANCE. A resident deer hunting license shall be issued subject to  
18 ss. 29.09 and 29.091 by the department to any resident applying for this license.

19          **SECTION 1017.** 29.105 (3) of the statutes is amended to read:

20          29.105 (3) DEER TAG AND BACK TAG. The department ~~or county clerk~~ shall issue  
21 to each person who is issued a resident deer hunting license a deer tag and a back  
22 tag in the form and numbered as required by the department.

23          **SECTION 1018.** 29.109 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1018**

1           29.109 (1) ISSUANCE. A resident bear hunting license shall be issued subject to  
2 s. 29.09 by the department ~~or by a county clerk~~ to any resident applying for this  
3 license.

4           **SECTION 1019.** 29.109 (1) of the statutes, as affected by 1997 Wisconsin Act ...  
5 (this act), is repealed and recreated to read:

6           29.109 (1) ISSUANCE. A resident bear hunting license shall be issued subject to  
7 ss. 29.09 and 29.091 by the department to any resident applying for this license.

8           **SECTION 1020.** 29.11 of the statutes is amended to read:

9           **29.11 Nonresident annual small game hunting license.** A nonresident  
10 annual small game hunting license shall be issued subject to s. 29.09 by the  
11 department ~~or by a county clerk~~ to any nonresident applying for this license. The  
12 nonresident annual small game hunting license authorizes the hunting of small  
13 game during the appropriate open season but does not authorize the hunting of deer,  
14 bear, wild turkey or fur-bearing animals.

15           **SECTION 1021.** 29.11 of the statutes, as affected by 1997 Wisconsin Act ... (this  
16 act), is repealed and recreated to read:

17           **29.11 Nonresident annual small game hunting license.** A nonresident  
18 annual small game hunting license shall be issued subject to ss. 29.09 and 29.091 by  
19 the department to any nonresident applying for this license. The nonresident annual  
20 small game hunting license authorizes the hunting of small game during the  
21 appropriate open season but does not authorize the hunting of deer, bear, wild turkey  
22 or fur-bearing animals.

23           **SECTION 1022.** 29.112 of the statutes is amended to read:

24           **29.112 Nonresident 5-day small game hunting license.** A nonresident  
25 5-day small game hunting license shall be issued subject to s. 29.09 by the

**SENATE BILL 77****SECTION 1022**

1 department ~~or by a county clerk~~ to any nonresident applying for this license. The  
2 nonresident 5-day small game hunting license authorizes the hunting of small game  
3 for which there is an open season during the 5-day period for which it is issued but  
4 does not authorize the hunting of deer, bear, wild turkey or fur-bearing animals.

5 **SECTION 1023.** 29.112 of the statutes, as affected by 1997 Wisconsin Act .... (this  
6 act), is repealed and recreated to read:

7 **29.112 Nonresident 5-day small game hunting license.** A nonresident  
8 5-day small game hunting license shall be issued subject to ss. 29.09 and 29.091 by  
9 the department to any nonresident applying for this license. The nonresident 5-day  
10 small game hunting license authorizes the hunting of small game for which there is  
11 an open season during the 5-day period for which it is issued but does not authorize  
12 the hunting of deer, bear, wild turkey or fur-bearing animals.

13 **SECTION 1024.** 29.113 (1) of the statutes is amended to read:

14 29.113 (1) ISSUANCE. A nonresident deer hunting license shall be issued subject  
15 to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this  
16 license.

17 **SECTION 1025.** 29.113 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
18 (this act), is repealed and recreated to read:

19 29.113 (1) ISSUANCE. A nonresident deer hunting license shall be issued subject  
20 to ss. 29.09 and 29.091 by the department to any nonresident applying for this  
21 license.

22 **SECTION 1026.** 29.113 (3) of the statutes is amended to read:

23 29.113 (3) DEER TAG AND BACK TAG. The department ~~or county clerk~~ shall issue  
24 to each person who is issued a nonresident deer hunting license a deer tag and a back  
25 tag in the form and numbered as required by the department.

**SENATE BILL 77****SECTION 1027**

1           **SECTION 1027.** 29.114 (1) of the statutes is amended to read:

2           29.114 (1) **ISSUANCE.** A nonresident bear hunting license shall be issued subject  
3 to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this  
4 license.

5           **SECTION 1028.** 29.114 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
6 (this act), is repealed and recreated to read:

7           29.114 (1) **ISSUANCE.** A nonresident bear hunting license shall be issued subject  
8 to ss. 29.09 and 29.091 by the department to any nonresident applying for this  
9 license.

10          **SECTION 1029.** 29.116 of the statutes is amended to read:

11          **29.116 Nonresident fur-bearing animal hunting license.** A nonresident  
12 fur-bearing animal hunting license shall be issued subject to s. 29.09 by the  
13 department ~~or a county clerk~~ to any nonresident applying for this license. The  
14 nonresident fur-bearing animal hunting license authorizes the hunting of skunk,  
15 raccoon, fox, weasel, opossum, coyote and wildcat during the appropriate open  
16 season but does not authorize the hunting of other fur-bearing animals, other small  
17 game, deer or bear.

18          **SECTION 1030.** 29.116 of the statutes, as affected by 1997 Wisconsin Act .... (this  
19 act), is repealed and recreated to read:

20          **29.116 Nonresident fur-bearing animal hunting license.** A nonresident  
21 fur-bearing animal hunting license shall be issued subject to ss. 29.09 and 29.091  
22 by the department to any nonresident applying for this license. The nonresident  
23 fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox,  
24 weasel, opossum, coyote and wildcat during the appropriate open season but does not  
25 authorize the hunting of other fur-bearing animals, other small game, deer or bear.



**SENATE BILL 77****SECTION 1031**

1           **SECTION 1031.** 29.117 (1) of the statutes is amended to read:

2           29.117 (1) **ISSUANCE.** A nonresident archer hunting license shall be issued  
3 subject to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying  
4 for this license.

5           **SECTION 1032.** 29.117 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
6 (this act), is repealed and recreated to read:

7           29.117 (1) **ISSUANCE.** A nonresident archer hunting license shall be issued  
8 subject to ss. 29.09 and 29.091 by the department to any nonresident applying for  
9 this license.

10          **SECTION 1033.** 29.117 (3) of the statutes is amended to read:

11          29.117 (3) **DEER TAG AND BACK TAG.** The department ~~or county clerk~~ shall issue  
12 to each person who is issued a nonresident archer hunting license a deer tag and a  
13 back tag in the form and numbered as required by the department.

14          **SECTION 1034.** 29.13 (1) (a) of the statutes is amended to read:

15          29.13 (1) (a) *Issuance.* A trapping license shall be issued subject to s. 29.09 by  
16 the department ~~or by a county clerk~~ to any resident applying for this license.

17          **SECTION 1035.** 29.13 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
18 .... (this act), is repealed and recreated to read:

19          29.13 (1) (a) *Issuance.* A trapping license shall be issued subject to ss. 29.09  
20 and 29.091 by the department to any resident applying for this license.

21          **SECTION 1036.** 29.134 (3) of the statutes is amended to read:

22          29.134 (3) Licenses shall be issued, subject to s. 29.091, by the department  
23 upon application. The form of application and license shall be prescribed by the  
24 department.

25          **SECTION 1037.** 29.135 (3) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1037**

1           29.135 (3) ISSUANCE. The department shall issue a wholesale fish dealer license  
2 to any person 18 years of age or older who applies for this license, if that person is  
3 not otherwise prohibited from being issued a license under s. 29.091, 29.99 or 29.995.

4           **SECTION 1038.** 29.136 (2) of the statutes is amended to read:

5           29.136 (2) PERMIT REQUIREMENTS. No person may engage in business as a  
6 taxidermist after August 31, 1986, unless he or she is issued a taxidermist permit  
7 subject to s. ss. 29.09 and 29.091 by the department. This subsection does not apply  
8 to agents or employes of taxidermists while working under the direct supervision of  
9 a taxidermist permit holder.

10           **SECTION 1039.** 29.136 (7m) (a) of the statutes is amended to read:

11           29.136 (7m) (a) The department shall issue a taxidermy school permit to a  
12 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist  
13 permit issued under this section; and who, on August 15, 1991, operates a taxidermy  
14 school approved by the ~~department of education~~ educational approval board under  
15 s. ~~38.51~~ 39.51.

16           **SECTION 1040.** 29.137 (1) of the statutes is amended to read:

17           29.137 (1) ~~A~~ Subject to s. 29.091, a bait dealer license may be issued by the  
18 department to any resident of this state who has complied with the department's  
19 rules governing the taking, handling and storing of bait, specifications of equipment,  
20 and the filing of reports.

21           **SECTION 1041.** 29.138 of the statutes is created to read:

22           **29.138 Fishing approvals issued by the Lac du Flambeau band. (1)**  
23 **DEFINITIONS.** In this section:

24           (a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

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1 (b) "Reservation" means the territory within the boundaries of the Lac du  
2 Flambeau reservation that were in existence on April 10, 1996.

3 (2) AUTHORIZATION FOR ISSUANCE. The band may issue one or more types of  
4 fishing approvals that are equivalent to one or more of the the following types of  
5 approvals by authorizing the same types of fishing by the same persons and in the  
6 same bodies of water:

7 (a) Nonresident annual fishing licenses.

8 (b) Nonresident 15-day fishing licenses.

9 (c) Nonresident 4-day fishing licenses.

10 (d) Nonresident annual family fishing licenses.

11 (e) Nonresident 15-day family fishing licenses.

12 (f) Nonresident 2-day sports fishing licenses.

13 (g) Resident annual fishing licenses.

14 (h) Resident 2-day sports fishing licenses.

15 (i) Husband and wife fishing licenses.

16 (j) Inland waters trout stamps.

17 (3) REQUIREMENTS FOR ISSUANCE; FEES; PERIODS OF VALIDITY. (a) For any approval  
18 issued under this section, the band shall collect the same amount that would be  
19 collected for the equivalent approval under s. 29.092, including the issuing fee under  
20 s. 29.092 (15). The band shall retain all of the fees collected under this paragraph.

21 (b) The band may not issue or sell approvals under this section in conjunction  
22 with discount coupons or as part of a promotion or other merchandising offer.

23 (c) For any approval issued under this section, the period of validity shall be  
24 the same as it would be for the equivalent approval under s. 29.093.

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1 (d) The band may issue duplicates only for the approvals that it issues under  
2 this section.

3 (e) The band may issue approvals under this section only to applicants who  
4 appear in person on the reservation.

5 **(4) ISSUANCE; PROCESSING; RECORDS.** (a) The band shall prepare, procure the  
6 printing of and supply all necessary approval blanks and applications for approvals  
7 issued under this section. Approval blanks and applications used under this section  
8 shall be numbered consecutively, at the time of printing, in a separate series for each  
9 kind of approval. Each license blank issued under this section shall be provided with  
10 a corresponding stub or carbon numbered with the serial number of the license. Each  
11 requisition for the printing of such approval blanks shall specify any serial numbers  
12 to be printed on the blanks.

13 (b) Each license issued under this section shall bear on its face the signature  
14 of the licensee, the date of issuance and the signature of the issuing agent. All  
15 licenses shall be issued in English and in ink.

16 (c) Before June 1 annually, the band shall submit a report to the department  
17 notifying it of the number of each type of approval that the band issued for the period  
18 beginning on April 1 of the previous year and ending on March 31 of the year in which  
19 the report is submitted.

20 (d) For law enforcement purposes, persons issuing approvals under this section  
21 shall make available for inspection by the department during normal business hours  
22 their records of all approvals issued, including copies of all licenses issued.

23 (e) The band shall ensure that a record of each approval issued under this  
24 section, including a copy of each license issued, is retained for at least 2 years after  
25 the date of expiration of the license.

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1 (f) Sections 29.09 (2), (3) (b), (3m) (b), (4), (8) and (10) (b) and (c) and 29.092 (3r)  
2 do not apply to any approval that may be issued under this section.

3 **(5) RESTRICTIONS ON APPROVALS.** A person who is fishing under the authority of  
4 an approval issued under this section shall be subject to the same conditions,  
5 limitations and restriction as are imposed on the equivalent approval issued under  
6 s. 29.14, 29.145, 29.146. 29.147 or 29.149, including bag limits, size limits, rest days  
7 and closed seasons.

8 **(6) APPLICABILITY.** This section does not apply unless the department and the  
9 band have in effect a written agreement under which the band agrees to comply with  
10 subs. (2) to (4) and that contains all of the following terms:

11 (a) The manner in which the band will limit its treaty-based right to fish  
12 outside the reservation.

13 (b) A requirement that the fees collected by the band under sub. (3) (a) be used  
14 only for fishery management within the reservation.

15 **SECTION 1042.** 29.139 of the statutes is created to read:

16 **29.139 Department approvals issued on the Lac du Flambeau**  
17 **reservation. (1) DEFINITIONS.** In this section:

18 (a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

19 (b) "Reservation" means the territory within the boundaries of the Lac du  
20 Flambeau reservation that were in existence on April 10, 1996.

21 **(2) AUTHORIZATION.** The band may elect to issue one or more of the following  
22 types of approvals, subject to s. 29.09, as an agent of the department:

23 (a) Nonresident annual fishing licenses.

24 (b) Nonresident 15-day fishing licenses.

25 (c) Nonresident 4-day fishing licenses.

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1 (d) Nonresident annual family fishing licenses.

2 (e) Nonresident 15-day family fishing licenses.

3 (f) Nonresident 2-day sports fishing licenses.

4 (g) Resident annual fishing licenses.

5 (h) Resident 2-day sports fishing licenses.

6 (i) Husband and wife fishing licenses.

7 (j) Inland waters trout stamps.

8 (k) Resident sports licenses.

9 (L) Nonresident sports licenses.

10 **(3) FEES; ISSUANCE.** (a) The band shall collect the fee for an approval issued  
11 under sub. (2) in the same amount as is collected by the department for the approval,  
12 including the issuing fee. Except as provided in par. (b), the band shall retain the  
13 entire fee that it collects, including the issuing fee.

14 (b) For a resident or nonresident sports license, the band shall retain only the  
15 amount that is equal to the fee for an annual fishing license plus the issuing fee and  
16 shall remit the balance to the department.

17 (c) For a resident or nonresident sports license, in addition to the fees collected  
18 under par. (a), the band shall collect the wildlife damage surcharge and remit it to  
19 the department.

20 (d) The band may issue approvals under this section only to applicants who  
21 appear in person on the reservation.

22 **(4) REVENUES FROM ISSUANCE OF DEPARTMENT APPROVALS ON THE RESERVATION BY**  
23 **OTHERS.** (a) Annually, the department may pay to the band an amount for the  
24 issuance of the approvals specified in sub. (2) (a) to (L) within the reservation.

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1 (b) If the department decides that it will make the payment under par. (a), it  
2 shall calculate the total amount of the payment to equal the sum of the following:

3 1. The amount in fees received by the department from the issuance of the  
4 approvals specified in sub. (2) (a) to (j) during the preceding year by issuing agents  
5 other than the band at locations within the reservation.

6 2. An amount calculated by multiplying the number of resident and  
7 nonresident sports licenses issued during the preceding year by issuing agents other  
8 than the band at locations within the reservation by the amount of the fee for an  
9 annual fishing license, including the portion of the issuing fee for an annual fishing  
10 license that the department receives.

11 **(5) APPLICABILITY.** This section does not apply unless the department and the  
12 band have in effect a written agreement under which the band agrees to comply with  
13 subs. (2) and (3) and that contains all of the following terms:

14 (a) The manner in which the band will limit its treaty-based right to fish  
15 outside the reservation.

16 (b) A requirement that the fees collected and retained by the band under sub.  
17 (3) be used only for fishery management within the reservation.

18 **SECTION 1043.** 29.14 (1) (a) of the statutes is amended to read:

19 29.14 (1) (a) *Requirement.* Except as provided under pars. (b) and (c) or s.  
20 29.155 (1g) and (1h), except for persons with resident licenses under s. 29.09 (12) (a)  
21 and except as otherwise specifically provided by another section of this chapter, no  
22 nonresident may fish in the waters of this state unless a valid nonresident fishing  
23 license is issued to the person subject to s. 29.09 by the department ~~or by a county~~  
24 ~~clerk.~~

**SENATE BILL 77****SECTION 1044**

1           **SECTION 1044.** 29.14 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           29.14 (1) (a) *Requirement.* Except as provided under pars. (b) and (c) or s.  
4 29.155 (1g) and (1h), except for persons with resident licenses under s. 29.09 (12) (a)  
5 and except as otherwise specifically provided by another section of this chapter, no  
6 nonresident may fish in the waters of this state unless a valid nonresident fishing  
7 license is issued to the person subject to ss. 29.09 and 29.091 by the department.

8           **SECTION 1045.** 29.14 (2) of the statutes is amended to read:

9           29.14 (2) NONRESIDENT ANNUAL FISHING LICENSE. The department ~~or a county~~  
10 ~~clerk~~ shall issue a nonresident annual fishing license, subject to s. 29.09, to any  
11 nonresident who applies for this license.

12           **SECTION 1046.** 29.14 (2) of the statutes, as affected by 1997 Wisconsin Act ...  
13 (this act), is repealed and recreated to read:

14           29.14 (2) NONRESIDENT ANNUAL FISHING LICENSE. The department shall issue a  
15 nonresident annual fishing license, subject to ss. 29.09 and 29.091, to any  
16 nonresident who applies for this license.

17           **SECTION 1047.** 29.14 (3) of the statutes is amended to read:

18           29.14 (3) NONRESIDENT 15-DAY LICENSE. The department ~~or a county clerk~~ shall  
19 issue a nonresident 15-day fishing license, subject to s. 29.09, to any nonresident  
20 who applies for this license.

21           **SECTION 1048.** 29.14 (3) of the statutes, as affected by 1997 Wisconsin Act ...  
22 (this act), is repealed and recreated to read:

23           29.14 (3) NONRESIDENT 15-DAY LICENSE. The department shall issue a  
24 nonresident 15-day fishing license, subject to ss. 29.09 and 29.091, to any  
25 nonresident who applies for this license.



**SENATE BILL 77****SECTION 1049**

1           **SECTION 1049.** 29.14 (4) of the statutes is amended to read:

2           29.14 (4) ~~NONRESIDENT 4-DAY FISHING LICENSE.~~ The department ~~or a county clerk~~  
3 shall issue a nonresident 4-day fishing license, subject to s. 29.09, to any nonresident  
4 who applies for this license.

5           **SECTION 1050.** 29.14 (4) of the statutes, as affected by 1997 Wisconsin Act ....  
6 (this act), is repealed and recreated to read:

7           29.14 (4) ~~NONRESIDENT 4-DAY FISHING LICENSE.~~ The department shall issue a  
8 nonresident 4-day fishing license, subject to ss. 29.09 and 29.091, to any nonresident  
9 who applies for this license.

10          **SECTION 1051.** 29.14 (5) of the statutes is amended to read:

11          29.14 (5) ~~NONRESIDENT ANNUAL FAMILY FISHING LICENSE.~~ The department ~~or a~~  
12 ~~county clerk~~ shall issue a nonresident annual family fishing license, subject to s.  
13 29.09, to any nonresident who applies for this license. This license entitles the  
14 husband, wife and any minor children to fish under this license.

15          **SECTION 1052.** 29.14 (5) of the statutes, as affected by 1997 Wisconsin Act ....  
16 (this act), is repealed and recreated to read:

17          29.14 (5) ~~NONRESIDENT ANNUAL FAMILY FISHING LICENSE.~~ The department shall  
18 issue a nonresident annual family fishing license, subject to ss. 29.09 and 29.091, to  
19 any nonresident who applies for this license. This license entitles the husband, wife  
20 and any minor children to fish under this license.

21          **SECTION 1053.** 29.14 (6) of the statutes is amended to read:

22          29.14 (6) ~~NONRESIDENT 15-DAY FAMILY LICENSE.~~ The department ~~or a county clerk~~  
23 shall issue a nonresident 15-day family fishing license, subject to s. 29.09, to any  
24 nonresident who applies for this license. This license entitles the husband, wife and  
25 any minor children to fish under this license.

**SENATE BILL 77****SECTION 1054**

1           **SECTION 1054.** 29.14 (6) of the statutes, as affected by 1997 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           29.14 **(6)** NONRESIDENT 15-DAY FAMILY LICENSE. The department shall issue a  
4 nonresident 15-day family fishing license, subject to ss. 29.09 and 29.091, to any  
5 nonresident who applies for this license. This license entitles the husband, wife and  
6 any minor children to fish under this license.

7           **SECTION 1055.** 29.14 (7) (a) of the statutes is amended to read:

8           29.14 **(7)** (a) *Issuance.* The department ~~or a county clerk~~ shall issue a  
9 nonresident 2-day sports fishing license, subject to s. 29.09, to any nonresident who  
10 applies for this license.

11           **SECTION 1056.** 29.14 (7) (a) of the statutes, as affected by 1997 Wisconsin Act  
12 .... (this act), is repealed and recreated to read:

13           29.14 **(7)** (a) *Issuance.* The department shall issue a nonresident 2-day sports  
14 fishing license, subject to ss. 29.09 and 29.091, to any nonresident who applies for  
15 this license.

16           **SECTION 1057.** 29.14 (7) (c) of the statutes is amended to read:

17           29.14 **(7)** (c) *Use of fees.* The department shall deposit receipts from the sale  
18 of nonresident 2-day sports fishing licenses under this subsection in the  
19 conservation fund. The department shall credit 50% of these receipts to the  
20 appropriation under s. 20.370 ~~(1) (ku)~~ (4) (ku).

21           **SECTION 1058.** 29.145 (1) (a) of the statutes is amended to read:

22           29.145 **(1)** (a) *Requirement.* Except as provided under pars. (b) and (c) and ss.  
23 29.155 (1g) and (1h) and 29.156 and except as specifically provided otherwise by  
24 another section of this chapter, no resident may fish in the waters of this state unless  
25 a valid resident fishing license is issued to the person subject to s. 29.09 by the

**SENATE BILL 77****SECTION 1058**

1 department ~~or by a county clerk~~ or unless the person is issued a valid license, permit  
2 ~~or card~~ approval which authorizes fishing or entitles the holder to the rights and  
3 privileges of a fishing license.

4 **SECTION 1059.** 29.145 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
5 .... (this act), is repealed and recreated to read:

6 29.145 (1) (a) *Requirement.* Except as provided under pars. (b) and (c) and ss.  
7 29.155 (1g) and (1h) and 29.156 and except as specifically provided otherwise by  
8 another section of this chapter, no resident may fish in the waters of this state unless  
9 a valid resident fishing license is issued to the person subject to ss. 29.09 and 29.091  
10 by the department or unless the person is issued a valid approval which authorizes  
11 fishing or entitles the holder to the rights and privileges of a fishing license.

12 **SECTION 1060.** 29.145 (1c) (intro.) of the statutes is amended to read:

13 29.145 (1c) FISHING LICENSE FOR DISABLED PERSONS. (intro.) The department  
14 shall issue, subject to s. 29.091, an annual disabled person fishing license to any  
15 resident who applies for this license and who does one of the following:

16 **SECTION 1061.** 29.145 (2) (a) of the statutes is amended to read:

17 29.145 (2) (a) A resident annual fishing license shall be issued subject to s.  
18 29.09 by the department ~~or by a county clerk~~ to a resident of the state applying for  
19 this license.

20 **SECTION 1062.** 29.145 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
21 .... (this act), is repealed and recreated to read:

22 29.145 (2) (a) A resident annual fishing license shall be issued subject to ss.  
23 29.09 and 29.091 by the department to a resident applying for this license.

24 **SECTION 1063.** 29.145 (3) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1063**

1           29.145 (3) (a) *Issuance*. The department ~~or a county clerk~~ shall issue a resident  
2 2-day sports fishing license, subject to s. 29.09, to any resident who applies for this  
3 license.

4           **SECTION 1064.** 29.145 (3) (a) of the statutes, as affected by 1997 Wisconsin Act  
5 .... (this act), is repealed and recreated to read:

6           29.145 (3) (a) *Issuance*. The department shall issue a resident 2-day sports  
7 fishing license, subject to ss. 29.09 and 29.091, to any resident who applies for this  
8 license.

9           **SECTION 1065.** 29.145 (3) (c) of the statutes is amended to read:

10           29.145 (3) (c) *Use of fees*. The department shall deposit receipts from the sale  
11 of resident 2-day sports fishing licenses under this subsection in the conservation  
12 fund. The department shall credit 50% of these receipts to the appropriation under  
13 s. 20.370 (1) ~~(ku)~~ (4) (ku).

14           **SECTION 1066.** 29.146 of the statutes is amended to read:

15           **29.146 Husband and wife fishing licenses.** A combined husband and wife  
16 resident fishing license shall be issued subject to s. 29.09 by the department ~~or a~~  
17 ~~county clerk~~ to residents applying for this license. This license confers upon both  
18 husband and wife the privileges of resident fishing licenses issued under s. 29.145.

19           **SECTION 1067.** 29.146 of the statutes, as affected by 1997 Wisconsin Act .... (this  
20 act), is repealed and recreated to read:

21           **29.146 Husband and wife fishing licenses.** A combined husband and wife  
22 resident fishing license shall be issued subject to ss. 29.09 and 29.091 by the  
23 department to residents applying for this license. This license confers upon both  
24 husband and wife the privileges of resident fishing licenses issued under s. 29.145.

25           **SECTION 1068.** 29.147 (1) of the statutes is amended to read:

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1           29.147 (1) A resident sports license shall be issued subject to s. 29.09 by the  
2 department ~~or by a county clerk~~ to any resident who is over the age of 12 years, a U.S.  
3 citizen, and who applies for this license and pays the minimum fee. A nonresident  
4 sports license shall be issued subject to s. 29.09 by the department ~~or by a county~~  
5 ~~clerk~~ to any person who is not a resident and who meets these requirements.

6           **SECTION 1069.** 29.147 (1) of the statutes, as affected by 1997 Wisconsin Act ...  
7 (this act), is repealed and recreated to read:

8           29.147 (1) A resident sports license shall be issued subject to ss. 29.09 and  
9 29.091 by the department to any resident who is over the age of 12 years, a U.S.  
10 citizen, and who applies for this license and pays the minimum fee. A nonresident  
11 sports license shall be issued subject to ss. 29.09 and 29.091 by the department to any  
12 person who is not a resident and who meets these requirements.

13           **SECTION 1070.** 29.1475 (1) of the statutes is amended to read:

14           29.1475 (1) ISSUANCE. A resident conservation patron license shall be issued  
15 subject to s. ss. 29.09 and 29.091 by the department to any resident 14 years old or  
16 older who applies for the license. A nonresident conservation patron license shall be  
17 issued subject to s. ss. 29.09 and 29.091 by the department to any person 14 years  
18 old or older who is not a resident and who applies for the license.

19           **SECTION 1071.** 29.1475 (3) of the statutes is amended to read:

20           29.1475 (3) AUTHORIZATION; ADMISSION TO STATE PARKS AND RELATED AREAS. A  
21 conservation ~~patron license permits any~~ person may operate a vehicle, except a  
22 motor bus, as defined in s. 340.01 (31), ~~having a conservation patron license holder~~  
23 ~~as an occupant to enter in~~ any vehicle admission area under s. 27.01 (7) without  
24 having an admission sticker receipt affixed to it ~~the vehicle or otherwise displayed~~  
25 and without paying a fee if the vehicle has as an occupant a conservation patron

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1 license holder who can present the license upon demand in the vehicle admission  
2 area. The conservation patron license permits the license holder to enter Heritage  
3 Hill state park or a state trail without paying an admission fee.

4 **SECTION 1072.** 29.1475 (6) of the statutes is amended to read:

5 29.1475 (6) (title) ADMISSION STICKER RECEIPT. At the same time the department  
6 issues a conservation patron license, it may issue an annual resident or nonresident  
7 vehicle admission sticker receipt or a special sticker receipt for admission to state  
8 parks and similar areas. Alternatively or in addition, the department may issue an  
9 annual resident or nonresident vehicle admission sticker receipt or a special sticker  
10 receipt for admission to state parks and similar areas to a person who has a  
11 conservation patron license on location at the state park or similar area. A person  
12 who is issued a sticker receipt under this subsection shall affix the sticker receipt by  
13 its own adhesive to the interior surface of the lower left-hand corner of the  
14 windshield of the vehicle. A sticker or otherwise display it as authorized under a rule  
15 promulgated under s. 27.01 (7) (e) 2. A receipt issued under this section is not  
16 considered part of a conservation patron license for the purpose of issuing a duplicate  
17 ~~and no.~~ No duplicate sticker shall receipt may be issued for a receipt that is affixed  
18 by its own adhesive to a windshield unless the license holder provides evidence that  
19 the vehicle upon which the sticker receipt is affixed is no longer usable or that the  
20 vehicle was transferred to another person and the license holder presents the  
21 original sticker receipt or remnants of it to the department. Section 29.09 (4) applies  
22 to the issuance of a duplicate receipt that is displayed as authorized under the rule  
23 promulgated under s. 27.01 (7) (e) 2.

24 **SECTION 1073.** 29.148 (1m) (intro.) of the statutes is amended to read:

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1           29.148 (1m) (intro.) ~~–A– Subject to s. 29.09 and any limit imposed under s.~~  
2           29.174 (2) (eg), a sturgeon spearing license shall be issued subject to s. 29.09 by the  
3           department or by a county clerk to any person applying for this license who:

4           **SECTION 1074.** 29.148 (1m) (intro.) of the statutes is amended to read:

5           29.148 (1m) (intro.) ~~–A– Subject to s. 29.09 and any limit imposed under s.~~  
6           29.174 (2) (eg), a sturgeon spearing license shall be issued subject to s. 29.09 by the  
7           department or by a county clerk to any person applying for this license who:

8           **SECTION 1075.** 29.148 (1m) (intro.) of the statutes, as affected by 1997  
9           Wisconsin Act .... (this act), section 1073, is amended to read:

10           29.148 (1m) (intro.) Subject to s. 29.09 and any limit imposed under s. 29.174  
11           (2) (eg), a sturgeon spearing license shall be issued by the department ~~or by a county~~  
12           ~~clerk~~ to any person applying for this license who:

13           **SECTION 1076.** 29.148 (1m) (intro.) of the statutes, as affected by 1997  
14           Wisconsin Act .... (this act), sections 1073 and 1075, is repealed and recreated to read:

15           29.148 (1m) (intro.) Subject to ss. 29.09 and 29.091 and any limit imposed  
16           under s. 29.174 (2) (eg), a sturgeon spearing license shall be issued by the department  
17           to any person applying for this license who:

18           **SECTION 1077.** 29.148 (2) of the statutes is amended to read:

19           29.148 (2) The sturgeon spearing license shall be accompanied by sturgeon  
20           carcass tags in the quantity to correspond with the season bag limit for spearing rock  
21           or lake sturgeon established by the department. The serial numbers of these tags  
22           shall be entered on the license by the person issuing agent the license or by the  
23           department.

24           **SECTION 1078.** 29.148 (3) of the statutes is amended to read:

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1           29.148 (3) A sturgeon spearing license authorizes the spearing of rock or lake  
2 sturgeon subject to any limit imposed under s. 29.174 (2) (eg) and only during the  
3 open season for spearing these sturgeon established by the department. No person  
4 may fish for sturgeon by means of a spear unless the person is issued a conservation  
5 patron license or unless the person is issued a sturgeon spearing license. The  
6 conservation patron license or the sturgeon spearing license shall be carried on the  
7 person of the licensee at all times while fishing for sturgeon by means of a spear.

8           **SECTION 1079.** 29.149 (2) of the statutes is amended to read:

9           29.149 (2) REQUIREMENT. Except as provided under sub. (4), no person may fish  
10 for trout in inland trout waters unless he or she is issued a conservation patron  
11 license or unless he or she is issued an inland waters trout stamp which is ~~affixed by~~  
12 ~~the stamp's adhesive to~~ attached to or imprinted on the person's fishing license or  
13 sports license in the manner required by the rule promulgated under s. 29.09 (3m)  
14 (a) 3.

15           **SECTION 1080.** 29.149 (3) of the statutes is amended to read:

16           29.149 (3) ISSUANCE. The department ~~or a county clerk~~ shall issue an inland  
17 waters trout stamp subject to s. 29.09 to each person holding or applying for a fishing  
18 license under s. 29.09 (12) (a), 29.14 (2) to (6), 29.145 (1c) to (2) or 29.146 or a sports  
19 license under s. 29.147 if the person uses or intends to use the license for trout fishing  
20 in inland trout waters of the state. ~~The trout stamp shall be designed and produced~~  
21 ~~by the department as provided under s. 29.09 (13).~~

22           **SECTION 1081.** 29.149 (5) of the statutes is amended to read:

23           29.149 (5) USE OF MONEYS FROM FEES. The department shall expend the receipts  
24 from the sale under this section of inland waters trout stamps on improving and



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1 maintaining trout habitat in inland trout waters, conducting trout surveys in inland  
2 trout waters and administering this section.

3 **SECTION 1082.** 29.15 (2) of the statutes is amended to read:

4 29.15 (2) REQUIREMENT. No person may fish for trout or salmon in the outlying  
5 trout and salmon waters of the state unless the person is issued a resident or  
6 nonresident 2-day sports fishing license, unless the person is issued a conservation  
7 patron license under s. 29.1475 or unless the person is issued a Great Lakes trout  
8 and salmon stamp which is ~~affixed by the stamp's adhesive to~~ attached to or  
9 imprinted on the person's fishing license or sports license in the manner required by  
10 the rule promulgated under s. 29.09 (3m) (a) 3.

11 **SECTION 1083.** 29.15 (3) of the statutes is amended to read:

12 29.15 (3) ISSUANCE. The Great Lakes trout and salmon stamp shall be issued  
13 subject to s. 29.09 by the department ~~or a county clerk~~ to any person holding or  
14 applying for a fishing license under s. 29.09 (12) (a), 29.14 (2) to (7), 29.145 (1c) to (2)  
15 or 29.146 or a sports license under s. 29.147. ~~The department shall design and~~  
16 ~~produce Great Lakes trout and salmon stamps as provided under s. 29.09 (13).~~

17 **SECTION 1084.** 29.165 (1) of the statutes is amended to read:

18 29.165 (1) No person may engage or be employed for any compensation or  
19 reward to guide, direct or assist any other person in hunting, fishing or trapping  
20 unless a guide license is duly issued to the person by the department subject to s. ss.  
21 29.09 and 29.091. No guide license for hunting or trapping may be issued to or  
22 obtained by any person who is not a resident of this state. No guide license may be  
23 issued to any person under the age of 18 years. The applicant shall deliver to the  
24 department an oath of office that he or she will well and faithfully perform the duties

**SENATE BILL 77****SECTION 1084**

1 and responsibilities as a guide licensed by the department and observe and comply  
2 with all the requirements of this chapter and the rules of the department.

3 **SECTION 1085.** 29.166 (1) of the statutes is amended to read:

4 29.166 (1) No person may be engaged or be employed for any compensation or  
5 reward to guide any other person in sport trolling for trout or salmon in and upon the  
6 outlying waters of Lake Michigan, Green Bay or Lake Superior unless the person is  
7 duly issued a sport trolling license by the department subject to ~~s.~~ ss. 29.09 and  
8 29.091. No sport trolling license may be issued to any person under the age of 18  
9 years. The application shall include the name and address of the applicant, the name  
10 of the home port from which the applicant will operate, the applicant's U.S. coast  
11 guard operator's license number and other information as required by the  
12 department for statistical purposes. The licensee and all persons on board the  
13 licensee's boat shall comply with all the requirements of this chapter and the rules  
14 of the department. Boats used by the licensee shall meet minimum U.S. coast guard  
15 and this state's boat licensing and safety requirements.

16 **SECTION 1086.** 29.174 (2) (eg) of the statutes is created to read:

17 29.174 (2) (eg) The department may limit the number of persons fishing for  
18 sturgeon by hook and line or by spear, or both, and may limit the maximum harvest  
19 of sturgeon in any area.

20 **SECTION 1087.** 29.174 (2) (em) of the statutes is amended to read:

21 29.174 (2) (em) The department may impose any of the limitations under pars.  
22 (d) to ~~(e)~~ (eg) by establishing a system for the issuance of permits.

23 **SECTION 1088.** 29.225 (title) of the statutes is amended to read:

24 **29.225 (title) Hunter education and firearm safety program; certificate**  
25 **of accomplishment.**

**SENATE BILL 77****SECTION 1089**

1           **SECTION 1089.** 29.225 (1) of the statutes is renumbered 29.225 (1) (a) and  
2 amended to read:

3           29.225 (1) (a) The department shall establish by rule a statewide hunter  
4 education and firearm safety program. ~~The Except as provided in par. (c), the hunter~~  
5 education and firearm safety program shall provide for a course of instruction in each  
6 school district or county. The department shall conduct this course of instruction in  
7 cooperation with qualified individuals, organizations, groups, associations, public or  
8 private corporations and federal, state and local governmental entities. This

9           **(b)** ~~The course of instruction shall provide instruction to students in the~~  
10 ~~commonly accepted principles of safety in handling hunting firearms and~~  
11 ~~equipment, the responsibilities of hunters to wildlife, environment, landowners and~~  
12 ~~others, how to recognize threatened and endangered species which that cannot be~~  
13 ~~hunted and the principles of wildlife management and conservation.~~

14           **SECTION 1090.** 29.225 (1) (bg) and (br) of the statutes are created to read:

15           29.225 (1) (bg) In addition to the topics specified under par. (b), the course of  
16 instruction shall include the following components:

17           1. A firearm safety component providing instruction in the commonly accepted  
18 principles of safety in handling firearms used in hunting and their associated  
19 equipment.

20           2. A bow hunting safety component providing instruction in hunting with bows  
21 and arrows and their associated equipment.

22           (br) The bow hunting safety component need not be offered in each school  
23 district or county.

24           **SECTION 1091.** 29.225 (1) (c) of the statutes is created to read:

**SENATE BILL 77****SECTION 1091**

1           29.225 (1) (c) A person who is enrolled in the course may take the firearm safety  
2 component, or, if the bow hunting safety component is offered, the bow hunting safety  
3 component or both components.

4           **SECTION 1092.** 29.225 (2) of the statutes is amended to read:

5           29.225 (2) ADMINISTRATION. The law enforcement administrator shall be the  
6 department's authorized agent to administer, supervise and enforce this section.  
7 The department shall appoint a qualified person from the law enforcement function,  
8 under the classified service, as the hunter education administrator and shall  
9 prescribe his or her duties and responsibilities. The department may appoint county  
10 directors, master hunter education instructors and regular hunter education  
11 instructors necessary for the hunter education and firearm safety program. These  
12 appointees are responsible to the department and shall serve on a voluntary basis  
13 without compensation.

14           **SECTION 1093.** 29.225 (3) of the statutes is amended to read:

15           29.225 (3) INSTRUCTION FEE. The department shall collect the instruction fee  
16 specified under s. 29.092 (2) (n) from each person who receives instruction under the  
17 hunter education and firearm safety program. The department may authorize an  
18 instructor conducting a course of instruction meeting standards established by the  
19 department to retain 50% of this fee to defray expenses incurred locally to operate  
20 the program. The remaining portion of the fee or, if nothing is retained, the entire  
21 fee shall be deposited in the conservation fund.

22           **SECTION 1094.** 29.225 (4) (a) of the statutes is amended to read:

23           29.225 (4) (a) *Issuance.* The department shall issue a certificate of  
24 accomplishment to a person who successfully completes the course of instruction  
25 under the hunter education and firearm safety program and who pays the

**SENATE BILL 77****SECTION 1094**

1 instruction fee. The department shall prescribe the form and content of the  
2 certificate of accomplishment. The certificate shall state whether the person  
3 successfully completed the firearm safety component, the bow hunting safety  
4 component or both. The certificate may be used by a resident to whom issued in place  
5 of a small game hunting license as required in s. 29.09.

6 **SECTION 1095.** 29.226 (1) of the statutes is renumbered 29.226 (1) (a) and  
7 amended to read:

8 29.226 (1) (a) Except as provided under subs. (2), (2m) and (3), no person born  
9 on or after January 1, 1973, may obtain any approval authorizing hunting unless the  
10 person is issued a certificate of accomplishment under s. 29.225.

11 **SECTION 1096.** 29.226 (1) (b) of the statutes is created to read:

12 29.226 (1) (b) For a person who is issued a certificate of accomplishment under  
13 s. 29.225 on or after the effective date of this paragraph .... [revisor inserts date], the  
14 approval issued under par. (a) shall authorize hunting only with a bow and arrow if  
15 the person's certificate states that the person successfully completed only the bow  
16 hunting safety component of the course of instruction under s. 29.225 (1) (bg) 2.

17 **SECTION 1097.** 29.226 (2) of the statutes is amended to read:

18 29.226 (2) A person who has a certificate, license or other evidence indicating  
19 that he or she has completed in another state a hunter safety course ~~in another state~~  
20 and if the course is recognized by the department under a reciprocity agreement, the  
21 person may obtain an approval authorizing hunting regardless of whether the  
22 person is issued a certificate of accomplishment under s. 29.225 in this state.

23 **SECTION 1098.** 29.226 (2m) of the statutes is created to read:

24 29.226 (2m) A person who has a certificate, license or other evidence indicating  
25 that he or she has completed in another state a hunter safety course that consisted

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1 only of bow hunting safety instruction and if the course is recognized by the  
2 department under a reciprocity agreement, the person may obtain an approval  
3 authorizing hunting only with a bow and arrow regardless of whether the person is  
4 issued a certificate of accomplishment under s. 29.225 in this state.

5 **SECTION 1099.** 29.227 (1) (b) of the statutes is amended to read:

6 29.227 (1) (b) *Restrictions on possession or control of a firearm.* No person  
7 under 12 years of age may have in his or her possession or control any firearm unless  
8 he or she is enrolled in a course of instruction under the hunter education and  
9 ~~firearm~~ safety program that includes the firearm safety component and he or she is  
10 carrying the firearm in a case and unloaded to or from that class under the  
11 supervision of a parent or guardian or is handling or operating the firearm during  
12 that class under the supervision of an instructor.

13 **SECTION 1100.** 29.227 (2) (b) 2. of the statutes is amended to read:

14 29.227 (2) (b) 2. Is enrolled in a course of instruction that includes the firearm  
15 safety component under the hunter education and ~~firearm~~ safety program and is  
16 carrying the firearm in a case and unloaded to or from that class or is handling or  
17 operating the firearm during that class under the supervision of an instructor.

18 **SECTION 1101.** 29.227 (3) (a) 2. of the statutes is amended to read:

19 29.227 (3) (a) 2. Is issued a certificate of accomplishment that states that he  
20 or she completed the firearm safety component under the hunter education and  
21 ~~firearm~~ safety program or has a similar certificate issued by another state or  
22 province.

23 **SECTION 1102.** 29.227 (3) (b) 2. of the statutes is amended to read:

24 29.227 (3) (b) 2. Is enrolled in a course of instruction that includes the firearm  
25 safety component under the hunter education and ~~firearm~~ safety program and is

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1 carrying the firearm in a case and unloaded to or from that class or is handling or  
2 operating the firearm during that class under the supervision of an instructor; or

3 **SECTION 1103.** 29.227 (3) (b) 3. of the statutes is amended to read:

4 29.227 (3) (b) 3. Is issued a certificate of accomplishment that states that he  
5 or she completed the firearm safety component under the hunter education and  
6 ~~firearm~~ safety program or has a similar certificate issued by another state or  
7 province.

8 **SECTION 1104.** 29.33 (1) of the statutes is amended to read:

9 29.33 (1) LICENSE AUTHORIZED. Any person desiring to conduct commercial  
10 fishing operations on any of the outlying waters shall first obtain a commercial  
11 fishing license. The department may limit the number of licenses issued under this  
12 section and designate the areas in the outlying waters under the jurisdiction of this  
13 state where commercial fishing operations shall be restricted. The department may  
14 establish harvest limits and allocate the harvest limits among commercial fishing  
15 licensees. The department may designate the kind, size and amount of gear to be  
16 used in the harvest. The limitations on licenses, restricted fishing areas, harvests  
17 and gear shall be based on the available harvestable population of fish and in the  
18 wise use and conservation of the fish so as to prevent overexploitation. The  
19 department may promulgate rules defining the qualifications of licensees in the  
20 reasonable exercise of this authority, giving due consideration to residency, past  
21 record including compliance with the reporting requirements of sub. (5), fishing and  
22 navigation ability and quantity and quality of equipment possessed. Rules relating  
23 to licensing commercial fishers shall be based on criteria provided by the commercial  
24 fishing boards under sub. (7). The application for the license shall be made to the  
25 department on a blank provided for that purpose, accompanied by the fee specified

**SENATE BILL 77****SECTION 1104**

1 in s. 29.092 (7). The application shall state the name, birthdate, description and  
2 residence of the applicant, the manner in which he or she proposes to fish, the name  
3 or number and overall length of his or her boats, the name of the hailing port from  
4 which the boats will operate, and the number and kind of nets or other gear he or she  
5 intends to use in connection with commercial fishing and any other information  
6 required by the department for statistical purposes. The applicant shall provide an  
7 itemized listing of commercial fishing gear and equipment with the current values  
8 of those items of commercial fishing equipment, sufficient to meet the investment  
9 requirements for licensing as established in rules promulgated under this section.  
10 “Overall length” means the minimum distance between the extreme outside end of  
11 the bow and the stern using the nearest whole number of feet. The license shall be  
12 issued in accordance with ~~s.~~ ss. 29.09 and 29.091. No outlying waters commercial  
13 fishing license may be issued to a person under the age of 18 years.

14 **SECTION 1105.** 29.33 (2) (d) of the statutes is amended to read:

15 29.33 (2) (d) *Transfer of license.* The department may, upon application, permit  
16 the transfer of a license to any similar boat during the time a licensed boat is disabled  
17 or undergoing repairs or upon the sale of a licensed boat. The department shall  
18 promulgate rules governing the transfer of commercial fishing licenses between  
19 individuals equally qualified to hold the licenses and to members of a licensee’s  
20 immediate family provided the rules assure the wise use and conservation of the fish  
21 resources being harvested under the license. The rules shall relate only to those  
22 waters in which the number of licenses is limited. The commercial fishing boards,  
23 under sub. (7), shall approve or deny transfers of commercial fishing licenses in  
24 accordance with the rules promulgated under this section. For purposes of s. 29.091,



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1 a transfer of a license under this section shall be considered an issuance of a license  
2 to the transferee.

3 **SECTION 1106.** 29.33 (4) (a) of the statutes is amended to read:

4 29.33 (4) (a) Any commercial fishing licensee may use licensed crew members  
5 when fishing with or without a boat. The number of crew members engaged under  
6 a single license may not exceed 4 when fishing with nets under the ice. The  
7 department, upon proper application for crew licenses, may issue with each  
8 commercial fishing license no more than 4 crew licenses for the specific purpose of  
9 fishing with nets under the ice and the number indicated on the application for the  
10 purpose of fishing in open water. Each crew license shall bear the number of the  
11 commercial fishing license, the purpose for which intended, the year for which issued  
12 and the name of the crew member to whom the crew license is issued. Section 29.091  
13 applies to the issuance of crew licenses. The crew license permits a person to engage  
14 in commercial fishing only as a member of a crew of a commercial fisher licensed  
15 under sub. (1).

16 **SECTION 1107.** 29.34 (1) of the statutes is amended to read:

17 29.34 (1) Licenses which authorize the use of nets in the Mississippi river as  
18 limited herein and in that part of the St. Croix river downstream from the dam at St.  
19 Croix Falls shall be issued subject to ~~s. ss.~~ ss. 29.09 and 29.091 by the department to any  
20 resident applying therefor. This subsection as applicable to the St. Croix river shall  
21 not become effective until Minnesota has enacted similar legislation.

22 **SECTION 1108.** 29.34 (4) (c) of the statutes is amended to read:

23 29.34 (4) (c) The department ~~or the county clerk~~ shall issue net tags to the  
24 licensee at the time of issuing the net license.

25 **SECTION 1109.** 29.343 (1) of the statutes is amended to read:

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1           29.343 (1) A slat net license authorizing the taking of commercial fish through  
2 the use of slat nets in that part of the Mississippi river over which this state has  
3 jurisdiction between the Minnesota-Iowa boundary line extended and the  
4 Wisconsin-Illinois boundary line extended ~~may~~ shall be issued subject to s. 29.09 by  
5 the ~~county clerk of a county bordering these waters~~ department to any resident who  
6 applies for this license.

7           **SECTION 1110.** 29.343 (1) of the statutes, as affected by 1997 Wisconsin Act ...  
8 (this act), is repealed and recreated to read:

9           29.343 (1) A slat net license authorizing the taking of commercial fish through  
10 the use of slat nets in that part of the Mississippi river over which this state has  
11 jurisdiction between the Minnesota-Iowa boundary line extended and the  
12 Wisconsin-Illinois boundary line extended shall be issued subject to ss. 29.09 and  
13 29.091 by the department to any resident who applies for this license.

14           **SECTION 1111.** 29.343 (5) of the statutes is amended to read:

15           29.343 (5) ~~Except as herein provided slat net licenses shall be issued to any~~  
16 ~~resident applying therefor and shall be subject to s. 29.09, except that they shall be~~  
17 ~~issued by the county clerk of the counties bordering on such waters.~~ A sufficient  
18 supply of slat net tags shall be furnished ~~such county clerks~~ by the department to  
19 persons issuing approvals under this section.

20           **SECTION 1112.** 29.344 (1) of the statutes is amended to read:

21           29.344 (1) The department may issue a trammel net license to any resident who  
22 applies for this license subject to ~~s.~~ ss. 29.09 and 29.091.

23           **SECTION 1113.** 29.36 (1) of the statutes is amended to read:

24           29.36 (1) A set or bank pole license authorizing the use of not to exceed 5 set  
25 or bank poles for taking, catching or killing fish in the inland waters of the state

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1 where the use of setlines is permitted shall be issued subject to s. 29.09 by the  
2 department ~~or the county clerk of the county where the set or bank poles are intended~~  
3 ~~to be used to any resident of the state applying for this license.~~

4 **SECTION 1114.** 29.36 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
5 (this act), is repealed and recreated to read:

6 29.36 (1) A set or bank pole license authorizing the use of not to exceed 5 set  
7 or bank poles for taking, catching or killing fish in the inland waters of the state  
8 where the use of setlines is permitted shall be issued subject to ss. 29.09 or 29.091  
9 by the department to any resident applying for this license.

10 **SECTION 1115.** 29.36 (2) of the statutes is amended to read:

11 29.36 (2) No set or bank pole shall be used unless there is securely attached  
12 thereto a metal tag stamped with the number of the license covering the same. Tags  
13 shall be furnished by the department ~~to the county clerk, or agents of the same or of~~  
14 ~~the department and by such agency to the licensee at the time of issuing the license.~~

15 **SECTION 1116.** 29.37 (1) of the statutes is amended to read:

16 29.37 (1) A setline license authorizing the use of setlines and hooks in inland  
17 waters in the manner determined by the department for taking, catching or killing  
18 fish shall be issued subject to s. 29.09 by the department ~~or the county clerk of the~~  
19 ~~county bordering on the waters where the setlines are intended and permitted to be~~  
20 ~~used to any resident of the state applying for this license.~~

21 **SECTION 1117.** 29.37 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
22 (this act), is repealed and recreated to read:

23 29.37 (1) A setline license authorizing the use of setlines and hooks in inland  
24 waters in the manner determined by the department for taking, catching or killing

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1 fish shall be issued subject to ss. 29.09 and 29.091 by the department to any resident  
2 applying for this license.

3 **SECTION 1118.** 29.37 (3) (b) of the statutes is amended to read:

4 29.37 (3) (b) The department ~~or the county clerk~~ shall issue setline tags to the  
5 licensee at the time of issuing the setline license.

6 **SECTION 1119.** 29.38 (3) (e) of the statutes is created to read:

7 29.38 (3) (e) Section 29.091 applies to the issuance of licenses and permits  
8 under this section.

9 **SECTION 1120.** 29.49 (1) (a) (intro.) of the statutes is amended to read:

10 29.49 (1) (a) (intro.) Except as provided in ~~s.~~ ss. 29.06 (2) (c), 29.062 and 29.52,  
11 no innkeeper, manager or steward of any restaurant, club, hotel, boarding house,  
12 tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be  
13 sold, bartered, served or given, to the guests or boarders thereof:

14 **SECTION 1121.** 29.52 (1) of the statutes is amended to read:

15 29.52 (1) ~~Private~~ Subject to s. 29.091, private fish hatchery licenses may be  
16 issued by the department under this section.

17 **SECTION 1122.** 29.52 (4m) of the statutes is amended to read:

18 29.52 (4m) A Subject to s. 29.091, a private fish hatchery license shall be issued  
19 and renewed by the department to any person applying therefor who is the owner or  
20 lessee of lands suitable for the propagation of fish in nonnavigable waters.  
21 Subsection (3) (a) shall not apply to this subsection but the remainder of this section  
22 which is not inconsistent with this subsection shall apply.

23 **SECTION 1123.** 29.52 (5) of the statutes is amended to read:

24 29.52 (5) Upon the filing of the application for a private fish hatchery license,  
25 the department shall inspect and investigate the fish hatchery and may hold public

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1 hearings on the matter. All expenses of the inspection, except the salary of the  
2 employe who inspects the hatchery, shall be paid by the applicant. When satisfied  
3 that the applicant is the owner or lessee of the lands described and upon finding that  
4 all provisions and conditions of this section have been fully complied with, the  
5 department shall issue a license to propagate, rear, sell and possess fish of the kind  
6 specified in the license and as provided in this section. All licenses shall be renewed,  
7 subject to s. 29.091 and this section, upon filing of a report with the department  
8 containing the information on the operation of the hatchery requested by the  
9 department, together with the appropriate license fee.

10 **SECTION 1124.** 29.52 (7) of the statutes is amended to read:

11 29.52 (7) The Subject to s. 29.091, the department may, from year to year, renew  
12 any private fish hatchery license issued prior to, and in effect on, May 12, 1965. If  
13 a private fish hatchery license is not renewed as provided in sub. (5) or is terminated  
14 for any reason, all rights and privileges of the licensee under such license terminate  
15 and thereafter the lands and waters which were included in such license shall be  
16 subject to all of the provisions of this section if an application for a license hereunder  
17 is made which includes any of such lands or waters.

18 **SECTION 1125.** 29.544 (4m) of the statutes is created to read:

19 29.544 (4m) ISSUANCE RESTRICTED. Section 29.091 applies to the issuance of  
20 licenses and cards under this section.

21 **SECTION 1126.** 29.547 (7m) of the statutes is created to read:

22 29.547 (7m) ISSUANCE RESTRICTED. Section 29.091 applies to the issuance of  
23 licenses under this section.

24 **SECTION 1127.** 29.572 (3) of the statutes is amended to read:

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1           29.572 (3) Applications for the renewal of any license issued under ss. 29.573  
2 to 29.578 are subject to s. 29.091 and shall be filed with the department on or before  
3 the expiration date of the license, except that an application for renewal of this type  
4 of license may be filed not more than 45 days after the expiration date if it is  
5 accompanied by the late filing fee specified under s. 29.092 (9) (i) in addition to the  
6 regular license or renewal fee. If application for renewal of a license is not made as  
7 required in this subsection or if a license is terminated for any reason, all rights and  
8 privileges of the licensee under the license are terminated upon the expiration of the  
9 45-day period provided in this subsection or on the date of termination whichever  
10 occurs first. Thereafter, the lands and waters which were included under the license  
11 shall be subject to ss. 29.573 to 29.578.

12           **SECTION 1128.** 29.573 (1) of the statutes is amended to read:

13           29.573 (1) The Subject to s. 29.091, the department may issue pheasant and  
14 quail farm licenses for shooting preserves and the releasing, shooting, possession  
15 and use of pheasants and quail on pheasant and quail farms if, in the judgment of  
16 the department, operations under these licenses will result in a net increase in the  
17 supply of pheasants and quail in the state and will otherwise be in the public interest.

18           **SECTION 1129.** 29.573 (2) of the statutes is amended to read:

19           29.573 (2) No license ~~shall be granted~~ may be issued unless the applicant owns  
20 or has under lease the area for which the license is ~~granted~~ issued. Boundaries of  
21 the area licensed shall be defined and posted as prescribed by the department.

22           **SECTION 1130.** 29.574 (3) of the statutes is amended to read:

23           29.574 (3) Upon the filing of such declaration the department shall forthwith  
24 investigate the same and may require the applicant to produce satisfactory evidence  
25 of the facts therein stated. It will be necessary for the licensee to purchase all wild

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1 game within the boundaries of the proposed farm of the species designated in the  
2 license, and to effect this purpose the department thereupon shall appoint one  
3 member, the applicant one member, and these 2 shall select a 3rd member, the 3 to  
4 act as a board to go upon the lands embraced within the proposed license and  
5 determine as near as possible the number of wild birds and animals of the desired  
6 species thereon at the time of the ~~granting~~ issuing of the license. The necessary  
7 expenses of all of the members of such board shall be paid by the licensee. Within  
8 30 days after the date of such determination as accepted by the department the  
9 licensee shall pay to the department a specified sum as may be determined by the  
10 department for those species of wild birds or wild animals on the lands that are  
11 desired for propagation purposes, the title of which rests in the state. If upon such  
12 examination it appears that the applicant is the owner or lessee of said lands, and  
13 the applicant intends in good faith to establish, operate and maintain a game bird  
14 and animal farm, the subject to s. 29.091, the department shall issue a license to the  
15 applicant describing such lands, and certifying that the licensee is lawfully entitled  
16 to use the same for the breeding, propagating, killing and selling of such game birds  
17 and animals thereon according to this section. When such license has been granted  
18 issued, the licensee shall become the owner of all such game birds or animals thereon  
19 of the species licensed and of all of their offspring actually produced thereon and  
20 remaining thereon, subject however to the jurisdiction of the department over all  
21 game.

22 **SECTION 1131.** 29.575 (3) of the statutes is amended to read:

23 29.575 (3) Upon the filing of such declaration the department shall investigate  
24 and may require the applicant to produce satisfactory evidence of the facts stated in  
25 the declaration. If it appears that the applicant is the owner or lessee of the lands,

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1 and that the applicant intends in good faith to establish, operate and maintain a fur  
2 animal farm, ~~the subject to s. 29.091, the~~ department shall issue a license to the  
3 applicant. The license shall describe the lands and shall certify that the licensee is  
4 entitled to use the same for dealing, breeding, propagating and trapping fur animals  
5 on the land described in the license.

6 **SECTION 1132.** 29.575 (4) of the statutes is amended to read:

7 29.575 (4) Upon issuance of the license, the department shall appoint one  
8 person, the applicant shall appoint one person, and these 2 shall select a 3rd person  
9 to enter the lands and determine the number of fur animals thereon at the time of  
10 the ~~granting~~ issuing of the license. The necessary expenses of these persons shall  
11 be paid by the licensee. Within 10 days after the date of such determination, the  
12 licensee shall pay to the department \$2.50 for each beaver, 50 cents for each muskrat,  
13 \$2.50 for each mink, \$2.50 for each otter, \$1 for each raccoon, and 50 cents for each  
14 skunk so found on such lands. Only those animals to be licensed under the fur animal  
15 farm are to be paid for. When such payment has been made the licensee shall become  
16 owner of such fur animals on said lands and of all of their offspring remaining  
17 thereon. The licensee shall have the right to manage and control said lands and the  
18 licensed fur animals thereon, to take the same at any time or in any manner, subject  
19 to s. 29.245, which the licensee sees fit and deems to the best advantage of the  
20 licensee's business, and to sell and transport at any time said fur animals or the pelts  
21 taken from them.

22 **SECTION 1133.** 29.578 (4) of the statutes is amended to read:

23 29.578 (4) The licensee shall pay to the department \$25 for each deer so found  
24 on such lands. When such payment has been made and the license issued, the  
25 licensee shall become the owner of all deer on said lands and of all their offspring.



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1 The licensee shall have the right to manage and control said lands and the deer  
2 thereon, to kill the deer, subject to s. 29.245, and to sell the deer as provided by this  
3 section. If upon examination it shall appear that the applicant is the owner or lessee  
4 of said lands, and that the applicant intends in good faith to establish, operate and  
5 maintain a deer farm, the department may inform the applicant that as soon as the  
6 applicant has built a suitable deer fence around the area to be included within the  
7 license, it will issue the same. Said deer-tight fence shall be built in accordance with  
8 specifications prescribed by the department; provided, the department may issue a  
9 license for such deer farms heretofore established if the fence actually inclosing said  
10 farm is in fact sufficient to hold deer therein. After the complete installation of such  
11 fence and after the department has satisfied itself that it is satisfactory and complies  
12 with the law, it may issue a license to the applicant describing such lands, and  
13 certifying that the licensee is lawfully entitled to use the same for the breeding,  
14 propagating, killing and selling of deer thereon according to this section. Section  
15 29.091 applies to the issuance of licenses under this subsection.

16 **SECTION 1134.** 29.578 (5) of the statutes is amended to read:

17 29.578 (5) The deer farm license shall be renewed each year, subject to s.  
18 29.091, if the licensee has not violated any of the provisions under which it was  
19 granted issued.

20 **SECTION 1135.** 29.578 (11) of the statutes is amended to read:

21 29.578 (11) Each license shall be accepted by the licensee upon the condition  
22 that the licensee will comply with this section and with all provisions of law and that  
23 the licensee will honestly operate said deer farm for the purpose of propagating deer;  
24 that the title to the deer in the inclosure for which a license has been granted issued  
25 and for which the applicant has paid the state at the rate of \$25 per deer, shall be

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1 conditional upon the applicant and licensee honestly and fairly complying with this  
2 section and provisions of law relating to the operation of deer farms; and in the action  
3 to revoke the license of said licensee, or to establish the licensee's unfitness to further  
4 operate said deer farm, the court, in the judgment, in the event it is determined that  
5 the applicant and licensee has violated this section and the provisions of law relating  
6 to the operation of deer farms, shall provide that the title to all of the deer within said  
7 inclosure together with all of the increase therefrom be forfeited to the state; that the  
8 said tract of land shall not be used for a deer farm for a period of 5 years and until  
9 a new license therefor, after said 5 years, has been issued by the department as  
10 provided in this section; that the department shall within 30 days of the notice of  
11 entry of judgment enter upon said tract and open the said fences in such a manner  
12 as to give the inclosed animals free egress and may drive the said animals out of the  
13 inclosure if in the opinion of the department it is for the best interests of the state;  
14 said lands for which said license has been forfeited may be used by the owner thereof  
15 for all lawful purposes except the propagating of deer during said time, and during  
16 said 5 year period said lands shall be a sanctuary and no hunting or trapping of any  
17 kind or character shall be practiced therein or thereon. The department shall in such  
18 event duly post notices thereof at intervals of 10 rods around the entire tract.

19 **SECTION 1136.** 29.578 (14) (am) of the statutes is amended to read:

20 29.578 (14) (am) The Subject to s. 29.091, the department may issue special  
21 retail deer sale permits authorizing a person to retail a venison in the carcass from  
22 a deer lawfully killed under this section to any retailer of meats.

23 **SECTION 1137.** 29.578 (14) (b) (intro.) of the statutes is amended to read:

24 29.578 (14) (b) (intro.) Any person may serve venison obtained from a deer farm  
25 licensed under this section if the person has a venison serving permit from the

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1 department. The application for this permit shall be in the form and include the  
2 information the department requires. If the department after investigation is  
3 satisfied that the application is satisfactory ~~it, the department, subject to s. 29.091,~~  
4 shall issue a venison serving permit conditioned as follows:

5 **SECTION 1138.** 29.585 (1) of the statutes is amended to read:

6 29.585 (1) The Subject to s. 29.091, the department may ~~grant~~ issue licenses  
7 for wildlife exhibits which are defined as any place where one or more live wild  
8 animals are kept in captivity for the purpose of exhibition or for advertising  
9 purposes. The form of application and license shall be prescribed by the department.

10 **SECTION 1139.** 29.585 (3) of the statutes is amended to read:

11 29.585 (3) No wildlife exhibition license ~~shall be granted~~ may be issued by the  
12 department until it is satisfied that the provisions for housing and caring for such  
13 wild animals and for protecting the public are proper and adequate and in  
14 accordance with the standards therefor established by the department.

15 **SECTION 1140.** 30.277 (3) (k) of the statutes is created to read:

16 30.277 (3) (k) Whether the project is related to brownfields redevelopment, as  
17 defined in s. 23.09 (19) (a) 1.

18 **SECTION 1141.** 30.277 (6) of the statutes is amended to read:

19 30.277 (6) **RULES.** The department shall promulgate rules for the  
20 administration of this section, including rules that specify the weight to be assigned  
21 to each criterion under sub. (3) and the minimum number of criteria under sub. (3)  
22 in which an applicant must perform satisfactorily in order to be awarded a grant.  
23 In specifying the weight to be assigned to the criteria under sub. (3), the department  
24 shall assign the greatest weight to the criterion under sub. (3) (k).

25 **SECTION 1142.** 30.28 (2r) of the statutes is created to read:

**SENATE BILL 77****SECTION 1142**

1           30.28 **(2r)** FEE FOR EXPEDITED SERVICE. The department, by rule, may charge a  
2 supplemental fee for a permit or approval that is in addition to the fee charged under  
3 this section if all of the following apply:

4           (a) The applicant requests in writing that the permit or approval be issued  
5 within a time period that is shorter than the time limit under the rule promulgated  
6 under s. 299.05 for that type of permit or approval.

7           (b) The department verifies that it will be able to comply with the request.

8           **SECTION 1143.** 30.52 (3m) (b) of the statutes is amended to read:

9           30.52 **(3m)** (b) All moneys collected under par. (a) shall be deposited into the  
10 account under s. 20.370 ~~(1) (is)~~ (3) (is).

11           **SECTION 1144.** 30.541 (3) (d) 2. d. of the statutes is amended to read:

12           30.541 **(3)** (d) 2. d. The limit in subd. 2. c. does not apply if the surviving spouse  
13 proceeds under s. 867.03 ~~(1) (1g)~~ and the total value of the decedent's solely owned  
14 property in the state, including boats transferred under this subdivision, does not  
15 exceed \$10,000.

16           **SECTION 1145.** 30.92 (4) (b) 8. bn. of the statutes is created to read:

17           30.92 **(4)** (b) 8. bn. Acquisition of capital equipment that is necessary to collect  
18 and remove floating trash and debris from a waterway.

19           **SECTION 1146.** 30.92 (4m) of the statutes is created to read:

20           30.92 **(4m)** LAKE SUPERIOR HARBOR OF REFUGE. The department, with the  
21 approval of the commission, may expend an amount to pay up to 100% of the eligible  
22 costs for the construction of a harbor of refuge along the Lake Superior shoreline.  
23 Notwithstanding sub. (4) (b) 4., the project costs may include the acquisition of land.  
24 Notwithstanding sub. (4) (a), the department may expend directly the amount  
25 authorized under this subsection even though Lake Superior is not an inland lake

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1 without a public access facility. Notwithstanding sub. (4) (b) 2., the department need  
2 not contribute any moneys to match the amount expended from the appropriation  
3 under s. 20.370 (5) (cq). The amount expended under this subsection shall be  
4 considered an expenditure for a Great Lakes project. This project need not be placed  
5 on the priority list under sub. (3) (a).

6 **SECTION 1147.** 30.94 (6m) of the statutes is amended to read:

7 30.94 **(6m)** STATE AID. Notwithstanding s. 30.92 (4) (a), the department shall  
8 provide in each fiscal year funds from the appropriation under s. 20.370 ~~(5) (hu)~~ (9)  
9 (ju) to the commission for the management, operation, restoration and repair of the  
10 Fox River navigational system if Brown County, Calumet County, Fond du Lac  
11 County, Outagamie County and Winnebago County contribute matching funds for  
12 the management and operation of the Fox River navigational system.

13 **SECTION 1148.** 31.39 (2r) of the statutes is created to read:

14 31.39 **(2r)** FEE FOR EXPEDITED SERVICE. (a) The department, by rule, may charge  
15 a supplemental fee for a permit or approval that is in addition to the fee charged  
16 under this section if all of the following apply:

17 1. The applicant requests in writing that the permit or approval be issued  
18 within a time period that is shorter than the time limit promulgated under par. (b)  
19 for that type of permit or approval.

20 2. The department verifies that it will be able to comply with the request.

21 (b) If the department promulgates a rule under par. (a), the rule shall contain  
22 a time limit for each type of permit or approval classified under sub. (2) (a) for  
23 determining whether the department will grant the permit or approval.

24 **SECTION 1149.** 34.01 (2) (a) of the statutes is amended to read:

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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,  
7 division of banking or division of savings and loan institutions has taken possession  
8 of the public depository or because the public depository has, with the consent and  
9 approval of the office of credit unions, administrator of federal credit unions, U.S.  
10 office of thrift supervision, federal deposit insurance corporation, resolution trust  
11 corporation, division of banking or division of savings and loan institutions, adopted  
12 a 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, division of banking or  
19 division of savings and loan institutions.

20           **SECTION 1150.** 34.10 of the statutes is amended to read:

21           **34.10 Reorganization and stabilization of financial institutions.**

22 Whenever the office of credit unions, administrator of federal credit unions, U.S.  
23 comptroller of the currency, federal home loan bank board, U.S. office of thrift  
24 supervision, federal deposit insurance corporation, resolution trust corporation,  
25 division of banking or division of savings and loan institutions has taken charge of

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1 a credit union, bank, savings bank or savings and loan association with a view of  
2 restoring its solvency, pursuant to law, or with a view of stabilizing and readjusting  
3 the structure of any national or state credit union, bank, savings bank or savings and  
4 loan association located in this state, and has approved a reorganization plan or a  
5 stabilization and readjustment agreement entered into between the credit union,  
6 bank, savings bank or savings and loan association and depositors and unsecured  
7 creditors, or when a credit union, bank, savings bank or savings and loan association,  
8 with the approval of the office of credit unions, administrator of federal credit unions,  
9 U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift  
10 supervision, federal deposit insurance corporation, resolution trust corporation,  
11 division of banking or division of savings and loan institutions proposes to sell its  
12 assets to another credit union, bank, savings bank or savings and loan association  
13 which agrees to assume a part or all of the deposit liability of such selling credit  
14 union, bank, savings bank or savings and loan association and to pay the same on  
15 a deferred payment basis, the governing board of the public depositor may, on the  
16 approval of the division of banking, join in the execution of any reorganization plan,  
17 or any stabilization and readjustment agreement, or any depositor's agreement  
18 relative to a proposed sale of assets if, in its judgment and that of the division of  
19 banking, the reorganization plan or stabilization and readjustment agreement or  
20 proposed sale of assets is in the best interest of all persons concerned. The joining  
21 in any reorganization plan, or any stabilization and readjustment agreement, or any  
22 proposed sale of assets which meets the approval of the division of banking does not  
23 waive any rights under this chapter.

24 **SECTION 1151.** 35.24 (1) (a) of the statutes is amended to read:

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1           35.24 (1) (a) The Blue Book shall contain the biographies and pictures of state  
2 officers, senators and representatives to the assembly and officers of each house,  
3 information pertaining to the organization of Wisconsin state government, and  
4 statistical and other information of the same general character as that heretofore  
5 published, but so selected and condensed as will limit the number of pages to 1,000  
6 or less. In making such selection the legislative reference bureau is directed to  
7 consult freely with the ~~secretary of education~~ state superintendent of public  
8 instruction and the director of the historical society, and insofar as possible, make  
9 the book useful for civics classes in schools.

10           **SECTION 1152.** 35.81 (1) of the statutes is amended to read:

11           35.81 (1) "Division" means the division for libraries and community learning  
12 in the department of ~~education~~ public instruction.

13           **SECTION 1153.** 35.82 (1) of the statutes is amended to read:

14           35.82 (1) The state historical society, the legislative reference bureau and the  
15 reference and loan library of the department of ~~education~~ public instruction are  
16 designated as state document depository libraries and shall receive state documents  
17 delivered under s. 35.83 (3).

18           **SECTION 1154.** 35.83 (3) (c) of the statutes is amended to read:

19           35.83 (3) (c) The reference and loan library of the department of ~~education~~  
20 public instruction, one copy.

21           **SECTION 1155.** 35.86 (1) of the statutes is amended to read:

22           35.86 (1) The director of the historical society may procure the exchange of  
23 public documents produced by federal, state, county, local and other agencies as may  
24 be desirable to maintain or enlarge its historical, literary and statistical collections,  
25 and may make such distributions of public documents, with or without exchange, as



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1 may accord with interstate or international comity. The state law librarian shall  
2 procure so many of such exchanges as the state law librarian is authorized by law  
3 to make, and the department of health and family services, commission of banking,  
4 department of ~~education~~ public instruction, legislative reference bureau, and the  
5 legislative council staff, may procure by exchange such documents from other states  
6 and countries as may be needed for use in their respective offices. Any other state  
7 agency wishing to initiate a formal exchange program in accordance with this section  
8 may do so by submitting a formal application to the department and by otherwise  
9 complying with this section.

10 **SECTION 1156.** 36.09 (1) (e) of the statutes is amended to read:

11 36.09 (1) (e) The board shall appoint a president of the system; a chancellor for  
12 each institution; a dean for each center; the state geologist; the director of the  
13 laboratory of hygiene; the director of the psychiatric institute; the state cartographer  
14 with the advice of the ~~land information board~~ department of administration; and the  
15 requisite number of officers, other than the vice presidents, associate vice presidents  
16 and assistant vice presidents of the system; faculty; academic staff and other  
17 employes and fix the salaries, subject to the limitations under par. (j) and ss. 20.923  
18 (4), (4m) and (5) and 230.12 (3) (e), the duties and the term of office for each. The  
19 board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4),  
20 (4m) and (5) and 230.12 (3) (e), and the duties for each chancellor, vice president,  
21 associate vice president and assistant vice president of the system. No sectarian or  
22 partisan tests or any tests based upon race, religion, national origin or sex shall ever  
23 be allowed or exercised in the appointment of the employes of the system.

24 **SECTION 1157.** 36.09 (1) (j) of the statutes is renumbered 36.09 (1) (j) 1. and  
25 amended to read:

**SENATE BILL 77****SECTION 1157**

1           36.09 (1) (j) 1. Except where such matters are a subject of bargaining with a  
2 certified representative of a collective bargaining unit under s. 111.91, the board  
3 shall establish salaries for persons not in the classified staff prior to July 1 of each  
4 year for the next fiscal year, and shall designate the effective dates for payment of  
5 the new salaries. In the first year of the biennium, payments of the salaries  
6 established for the preceding year shall be continued until the biennial budget bill  
7 is enacted. If the budget is enacted after July 1, payments shall be made following  
8 enactment of the budget to satisfy the obligations incurred on the effective dates, as  
9 designated by the board, for the new salaries, subject only to the appropriation of  
10 funds by the legislature and s. 20.928 (3). ~~This paragraph does not limit the~~  
11 ~~authority of the board to establish salaries for new appointments.~~

12           2. The board may not increase the salaries of employes specified in ss. 20.923  
13 (5) and (6) (m) and 230.08 (2) (d) under ~~this paragraph subd. 1.~~ unless the salary  
14 increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board  
15 authorizes the salary increase to correct salary inequities under par. (h), to fund job  
16 reclassifications or promotions, or to recognize competitive factors. If the cost of any  
17 salary increase granted to an employe specified in s. 20.923 (5) or (6) (m) or 230.08  
18 (2) (d) to correct a salary inequity or to recognize competitive factors would otherwise  
19 be chargeable in whole or in part to any appropriation made to the board from general  
20 purpose revenue, the cost of that adjustment may be charged to the appropriation  
21 under s. 20.285 (1) (im).

22           3. The board may not increase the salary of any position identified in s. 20.923  
23 (4) (j) or (4m) under ~~this paragraph subd. 1~~ unless the salary increase conforms to  
24 the compensation plan for executive salary group positions as approved under 230.12  
25 (3) (b) or, subject to the approval of the secretary of administration, the board

**SENATE BILL 77****SECTION 1157**

1 authorizes the salary increase to correct a salary inequity or to recognize competitive  
2 factors. ~~The granting of salary increases to recognize competitive factors does not~~  
3 ~~obligate inclusion of the annualized amount of the increases in the appropriations~~  
4 ~~under s. 20.285 (1) for subsequent fiscal bienniums. If the cost of any salary increase~~  
5 ~~granted to an employe specified in s. 20.923 (4) (j) or (4m) to correct a salary inequity~~  
6 ~~or to recognize competitive factors would otherwise be chargeable in whole or in part~~  
7 ~~to any appropriation made to the board from general purpose revenue, the cost of~~  
8 ~~that adjustment may be charged to the appropriation under s. 20.285 (1) (im).~~

9 4. No later than October 1 of each year, the board shall report to the joint  
10 committee on finance and the departments of administration and employment  
11 relations concerning the amounts of any salary increases granted to correct a salary  
12 inequity or to recognize competitive factors under subds. 2. and 3., and the  
13 institutions at which they are granted, for the 12-month period ending on the  
14 preceding June 30.

15 **SECTION 1158.** 36.09 (1) (j) 5. of the statutes is created to read:

16 36.09 (1) (j) 5. Notwithstanding the maximum of the salary ranges established  
17 in the compensation plan concerning executive group salaries, but subject to subd.  
18 6., the board may establish a salary for a new appointment to a position specified in  
19 s. 20.923 (4) (j) or (4m) that exceeds the maximum amount authorized under s. 20.923  
20 (4) (j) or (4m) if the board submits to the secretary of administration a report that  
21 identifies the competitive factors that necessitate the establishment of a salary that  
22 exceeds the maximum amount authorized under s. 20.923 (4) (j) or (4m).

23 **SECTION 1159.** 36.09 (1) (j) 6. of the statutes is created to read:

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1           36.09 (1) (j) 6. The board may not establish the salary for a new appointment  
2 to a position specified in s. 20.923 (4) (j) and (4m) without the approval of the  
3 secretary of administration.

4           **SECTION 1160.** 36.11 (3) (d) 1. of the statutes is amended to read:

5           36.11 (3) (d) 1. Except as provided in subd. 2., the board shall require that a \$28  
6 \$35 fee accompany each application for admittance from persons seeking admittance  
7 to any school within the system as new freshmen or as transfer students from outside  
8 the system. The board may exempt from the fee under this subdivision, on the basis  
9 of financial need, a maximum of 5% of the applications in any school year.

10          **SECTION 1161.** 36.11 (3) (d) 2. of the statutes is amended to read:

11          36.11 (3) (d) 2. The board shall require that a \$38 \$45 fee accompany each  
12 application for admittance to a graduate school, law school or medical school within  
13 the system.

14          **SECTION 1162.** 36.11 (6) (c) of the statutes is amended to read:

15          36.11 (6) (c) By April 10, 1996 1998, and annually thereafter, the board shall  
16 develop and submit to the ~~education commission~~ higher educational aids board for  
17 its review under s. 39.285 (1) a proposed formula for the awarding of grants under  
18 s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming  
19 academic year to students enrolled in the system.

20          **SECTION 1163.** 36.25 (12) (c) of the statutes is amended to read:

21          36.25 (12) (c) The institute shall investigate medical and social conditions  
22 which directly or indirectly result in state care; develop and promote measures to  
23 relieve and prevent the need for state care; undertake special education and training;  
24 and generally seek by research and investigation to prevent conditions which result  
25 in state care. The institute shall render, under mutual agreement, services to the

**SENATE BILL 77****SECTION 1163**

1 state institutions under the jurisdiction of the department of health and family  
2 services and the department of ~~education~~ public instruction. Such state institutions  
3 are open to the institute for research and training.

4 **SECTION 1164.** 36.25 (12m) (intro.) of the statutes is amended to read:

5 36.25 (12m) STATE CARTOGRAPHER. (intro.) In coordination and consultation  
6 with the ~~land information board~~ department of administration, the state  
7 cartographer shall:

8 **SECTION 1165.** 36.25 (24) of the statutes is amended to read:

9 36.25 (24) EMPLOYE-OWNED BUSINESSES PROGRAM. Through the University of  
10 Wisconsin small business development center, in cooperation with the department  
11 of commerce under s. 560.07 (~~2m~~) (1) (bm), the technical college system board and the  
12 University of Wisconsin-extension, the board shall create, as needed, educational  
13 programs to provide training in the management of employe-owned businesses and  
14 shall provide technical assistance to employe-owned businesses in matters affecting  
15 their management and business operations, including assistance with governmental  
16 relations and assistance in obtaining management, technical and financial  
17 assistance.

18 **SECTION 1166.** 36.25 (29m) (b) of the statutes is amended to read:

19 36.25 (29m) (b) Assist the department of ~~education~~ public instruction to  
20 periodically assess and report to the environmental education board on the  
21 environmental literacy of this state's teachers and students.

22 **SECTION 1167.** 36.25 (29m) (e) of the statutes is amended to read:

23 36.25 (29m) (e) Assist the department of ~~education~~ public instruction and  
24 cooperative educational service agencies to assist school districts in conducting  
25 environmental education needs assessments.

**SENATE BILL 77****SECTION 1168**

1           **SECTION 1168.** 36.25 (38) of the statutes is created to read:

2           36.25 (38) EDUCATIONAL TECHNOLOGY PROJECTS. (a) In this subsection,  
3 “educational technology” has the meaning given in s. 44.70 (3).

4           (b) The board shall use the moneys appropriated under s. 20.285 (1) (cm) for  
5 the following purposes:

6           1. The student information system.

7           2. The development of system technology infrastructure.

8           3. The development of curricula to train students enrolled in the schools of  
9 education in the use of educational technology in primary and secondary schools.

10           4. To provide professional development in the use of educational technology for  
11 primary and secondary school teachers.

12           5. To provide faculty with educational technology and to train faculty in its use.

13           6. To pay the department of administration for telecommunications services  
14 provided under s. 16.973 (1).

15           **SECTION 1169.** 36.27 (4) (a) of the statutes is amended to read:

16           36.27 (4) (a) In the 1993-94 to ~~1996-97~~ 1998-99 academic years, the board may  
17 annually exempt from nonresident tuition, but not from incidental or other fees, up  
18 to 200 students enrolled at the University of Wisconsin-Parkside as juniors or  
19 seniors in programs identified by that institution as having surplus capacity and up  
20 to 150 students enrolled at the University of Wisconsin-Superior in programs  
21 identified by that institution as having surplus capacity.

22           **SECTION 1170.** 36.27 (4) (c) of the statutes is repealed.

23           **SECTION 1171.** 36.27 (4) (cm) of the statutes is repealed.

24           **SECTION 1172.** 36.27 (4) (e) of the statutes is repealed.

25           **SECTION 1173.** 36.46 of the statutes is repealed.

**SENATE BILL 77****SECTION 1174**

1           **SECTION 1174.** 36.51 (2) of the statutes is amended to read:

2           36.51 (2) Any center or institution approved by the board may establish a  
3 system to provide the opportunity for authorized elderly persons to participate in its  
4 meal program. If a center or institution desires to establish such a service, it shall  
5 develop a plan for the provision of food services for elderly persons and submit the  
6 plan to the board. Annually, the board shall notify the department of ~~education~~  
7 public instruction of the approved centers and institutions.

8           **SECTION 1175.** 36.51 (6) of the statutes is amended to read:

9           36.51 (6) The center or institution may file a claim with the department of  
10 ~~education~~ public instruction for reimbursement for reasonable expenses incurred,  
11 excluding capital equipment costs, but not to exceed 15% of the cost of the meal or  
12 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be  
13 charged to participants. If the department of ~~education~~ public instruction approves  
14 the claim, it shall certify that payment is due and the state treasurer shall pay the  
15 claim from the appropriation under s. 20.255 (2) (cn).

16           **SECTION 1176.** 36.51 (7) of the statutes is amended to read:

17           36.51 (7) All meals served must meet the approval of the board, which shall  
18 establish minimum nutritional standards and reasonable expenditure limits  
19 consistent with the standards and limits established by the ~~department of education~~  
20 state superintendent of public instruction under s. 115.345 (6). The board shall give  
21 special consideration to the dietary problems of elderly persons in formulating a  
22 nutritional plan. However, no center or institution may be required to provide  
23 special foods for individual persons with allergies or medical disorders.

24           **SECTION 1177.** 38.001 (3) (f) of the statutes is created to read:

**SENATE BILL 77****SECTION 1177**

1           38.001 (3) (f) Assist secondary schools in the development and implementation  
2 of school-to-work programs, including all of the following:

3           1. Coordinating and aligning technical college courses and programs with high  
4 school courses and programs.

5           2. Advocating for curricular links that advance and promote the acquisition of  
6 technical college credit by high school juniors and seniors.

7           3. Assisting in the development of and in providing instruction for youth  
8 apprenticeship programs.

9           **SECTION 1178.** 38.04 (7m) of the statutes is amended to read:

10           38.04 (7m) FINANCIAL AIDS. By April 10, ~~1996~~ 1998, and annually thereafter,  
11 the board shall develop and submit to the ~~education commission~~ higher educational  
12 aids board for its review under s. 39.285 (1) a proposed formula for the awarding of  
13 grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the  
14 upcoming academic year to students enrolled in the technical colleges.

15           **SECTION 1179.** 38.04 (11) (a) 2. of the statutes is amended to read:

16           38.04 (11) (a) 2. In consultation with the ~~department of education~~ state  
17 superintendent of public instruction, the board shall establish, by rule, a uniform  
18 format for district boards to use in reporting the number of pupils attending district  
19 schools under ss. 118.15 (1) (b), (cm) and (d) and ~~118.37~~ 118.55 (7r) and in reporting  
20 pupil participation in technical preparation programs under s. 118.34, including the  
21 number of courses taken for advanced standing in the district's associate degree  
22 program and for technical college credit. ~~The format shall be identical to the format~~  
23 ~~established by the department of education under s. 115.28 (38).~~

24           **SECTION 1180.** 38.04 (21) of the statutes is created to read:



**SENATE BILL 77****SECTION 1180**

1           38.04 (21) PUPILS ATTENDING TECHNICAL COLLEGES; BOARD REPORT. Annually by  
2           the 3rd Monday in February the board shall submit a report to the department of  
3           administration, department of public instruction and department of industry, labor  
4           and job development, and to the legislature under s. 13.172 (2). The report shall  
5           specify all of the following by school district:

6           (a) The number of pupils who attended district schools under ss. 118.15 (1) (b),  
7           (cm) and (d) and 118.55 (7r) in the previous school year.

8           (b) The type and number of credits earned by the pupils.

9           (c) The number of persons who applied for admission to a technical college in  
10          the previous school year, who previously earned technical college credit under s.  
11          118.55 (7r) and who applied for admission within one year of graduating from high  
12          school.

13          (d) A list of the courses given in high schools for which a pupil may receive  
14          postsecondary credit and the number of pupils enrolled in the courses for  
15          postsecondary credit in the previous school year.

16          (e) Any other information considered relevant by the board.

17          **SECTION 1181.** 38.04 (26) of the statutes is amended to read:

18          38.04 (26) TECHNICAL PREPARATION PROGRAMS. In consultation with the  
19          ~~department of education~~ state superintendent of public instruction, the board shall  
20          approve courses for technical preparation programs under s. 118.34. By July 1, 1994,  
21          and annually thereafter by July 1, the board shall publish a list of the approved  
22          courses that indicates the schools in which each course is taught and the credit  
23          equivalency available in each district for each course.

24          **SECTION 1182.** 38.04 (27) of the statutes is created to read:

**SENATE BILL 77****SECTION 1182**

1           38.04 (27) SCHOOL-TO-WORK SERVICES. In consultation with the department of  
2 industry, labor and job development, the board may contract with school boards to  
3 provide school districts with school-to-work services under the school-to-work  
4 program under s. 106.135.

5           **SECTION 1183.** 38.12 (8) (a) of the statutes is amended to read:

6           38.12 (8) (a) The district boards shall actively coordinate, with the department  
7 of ~~education~~ public instruction and the school boards, the responsibility for providing  
8 vocational training to pupils attending high school and for providing education to  
9 persons who have dropped out of high school.

10          **SECTION 1184.** 38.14 (3) (am) of the statutes is created to read:

11          38.14 (3) (am) If a district board contracts with a school board to provide youth  
12 apprenticeship instruction to pupils enrolled in the school district, the district board  
13 may not charge the school board for each pupil receiving such instruction an amount  
14 that is greater than the school district's average instructional cost per pupil, as  
15 determined by the state superintendent of public instruction.

16          **SECTION 1185.** 38.22 (1) (intro.) of the statutes is amended to read:

17          38.22 (1) (intro.) Except as provided in subs. (1m) and (1s) and s. ~~118.37~~ 118.55  
18 (7r), every person who is at least the age specified in s. 118.15 (1) (b) is eligible to  
19 attend ~~the schools of a district~~ a technical college if the person is:

20          **SECTION 1186.** 38.24 (1s) of the statutes is renumbered 38.24 (1s) (intro.) and  
21 amended to read:

22          38.24 (1s) ADDITIONAL FEES. (intro.) A district board may establish and charge  
23 a fee in addition to the fees under sub. (1m) for a any of the following:

**SENATE BILL 77****SECTION 1186**

1           (a) A court-approved alcohol or other drug abuse education program offered to  
2 individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b), 938.245 (2) (a) 4., 938.32 (1g)  
3 (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g) (a).

4           **SECTION 1187.** 38.24 (1s) (b) of the statutes is created to read:

5           38.24 (1s) (b) A short-term, professional development, vocational-adult  
6 seminar or workshop offered to individuals who are employed in a related field. The  
7 additional fee may not exceed an amount equal to the full cost of the seminar or  
8 workshop less the fee under sub. (1m). Annually the district board shall report to the  
9 board the courses for which an additional fee was charged under this paragraph and  
10 the amount of the additional fee.

11           **SECTION 1188.** 38.24 (1s) (c) of the statutes is created to read:

12           38.24 (1s) (c) A vocational-adult course intended to improve an individual's  
13 skills beyond the entry level if the course is required by state or federal law, rule or  
14 regulation, or by a professional organization, to maintain licensure or certification  
15 in the individual's field of employment and the state director approves. The  
16 additional fee may not exceed an amount equal to the full cost of the course less the  
17 fee under sub. (1m).

18           **SECTION 1189.** 38.24 (3) (f) of the statutes is created to read:

19           38.24 (3) (f) Notwithstanding par. (a), the state director may authorize the  
20 district board to charge a student who is not a resident of this state and who is  
21 enrolled in a course provided through the use of distance education, as defined in s.  
22 24.60 (1g), a fee that is less than the fee established under par. (a) but not less than  
23 the fees established under sub. (1m).

24           **SECTION 1190.** 38.28 (1m) (a) 1. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1190**

1           38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a  
2 technical college district, including debt service charges for district bonds and  
3 promissory notes for building programs or capital equipment, but excluding all  
4 expenditures relating to auxiliary enterprises and community service programs, all  
5 expenditures funded by or reimbursed with federal revenues, all receipts under ~~subs.~~  
6 ~~sub. (6) and (7)~~ and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), ~~118.37~~ 118.55 (7r)  
7 and 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14  
8 (11), 38.26, 38.27, 38.33 and 38.38, all fees collected under s. 38.24 and driver  
9 education and chauffeur training aids.

10           **SECTION 1191.** 38.28 (7) of the statutes is repealed.

11           **SECTION 1192.** 38.33 of the statutes is created to read:

12           **38.33 Faculty development grants. (1)** From the appropriation under s.  
13 20.292 (1) (eg), the board shall award grants to district boards to establish faculty  
14 development programs. The programs shall promote all of the following:

15           (a) Instructor awareness of and expertise in a wide variety of newly emerging  
16 technologies.

17           (b) The integration of learning technologies in curriculum and instruction.

18           (c) The use of instructional methods that involve emerging technologies.

19           **(2)** The board shall promulgate rules to implement and administer this section,  
20 including rules establishing criteria for the awarding of grants.

21           **SECTION 1193.** 38.36 (2) of the statutes is amended to read:

22           38.36 **(2)** Any district approved by the board may establish a system to provide  
23 the opportunity for authorized elderly persons to participate in its meal program.  
24 If a district board desires to establish such a service, it shall develop a plan for the  
25 provision of food services for elderly persons and submit the plan to the board.

**SENATE BILL 77****SECTION 1193**

1 Annually, the board shall notify the department of ~~education~~ public instruction of the  
2 approved districts.

3 **SECTION 1194.** 38.36 (6) of the statutes is amended to read:

4 38.36 (6) The district board may file a claim with the department of ~~education~~  
5 public instruction for reimbursement for reasonable expenses incurred, excluding  
6 capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per  
7 meal, whichever is less. Any cost in excess of the lesser amount may be charged to  
8 participants. If the department of ~~education~~ public instruction approves the claim,  
9 it shall certify that payment is due and the state treasurer shall pay the claim from  
10 the appropriation under s. 20.255 (2) (cn).

11 **SECTION 1195.** 38.36 (7) of the statutes is amended to read:

12 38.36 (7) All meals served must meet the approval of the board, which shall  
13 establish minimum nutritional standards and reasonable expenditure limits  
14 consistent with the standards and limits established by the ~~department of education~~  
15 state superintendent of public instruction under s. 115.345 (6). The board shall give  
16 special consideration to the dietary problems of elderly persons in formulating a  
17 nutritional plan. However, no district board may be required to provide special foods  
18 for individual persons with allergies or medical disorders.

19 **SECTION 1196.** 38.51 (title) of the statutes is repealed.

20 **SECTION 1197.** 38.51 (1) (intro.), (b) and (c) of the statutes are renumbered  
21 39.51 (1) (intro.), (b) and (c).

22 **SECTION 1198.** 38.51 (1) (cm) of the statutes is repealed.

23 **SECTION 1199.** 38.51 (1) (d) to (f) of the statutes are renumbered 39.51 (1) (d)  
24 to (f).

**SENATE BILL 77****SECTION 1200**

1           **SECTION 1200.** 38.51 (1) (g) of the statutes is renumbered 39.51 (1) (g) and  
2 amended to read:

3           39.51 (1) (g) "Teaching location" means the area and facilities designated for  
4 use by a school required to be approved by the department board under this section.

5           **SECTION 1201.** 38.51 (2) of the statutes is renumbered 39.51 (2) and amended  
6 to read:

7           39.51 (2) PURPOSE. The purpose of ~~this section~~ the board is to approve schools  
8 and courses of instruction for the training of veterans of the armed forces and war  
9 orphans receiving assistance from the federal government, protect the general public  
10 by inspecting and approving private trade, correspondence, business and technical  
11 schools doing business within this state whether located within or outside this state,  
12 changes of ownership or control of these schools, teaching locations used by these  
13 schools and courses of instruction offered by these schools and to regulate the  
14 soliciting of students for correspondence or classroom courses and courses of  
15 instruction offered by these schools.

16           **SECTION 1202.** 38.51 (3) of the statutes is renumbered 39.51 (3) and amended  
17 to read:

18           39.51 (3) RULE-MAKING POWER. The ~~department~~ board shall promulgate rules  
19 and establish standards necessary to carry out the purpose of this section.

20           **SECTION 1203.** 38.51 (6) of the statutes is renumbered 39.51 (6), and 39.51 (6)  
21 (a), as renumbered, is amended to read:

22           39.51 (6) (a) Except as provided in par. (b), the ~~department~~ board shall be the  
23 state approval agency for the education and training of veterans and war orphans.  
24 It shall approve and supervise schools and courses of instruction for their training

**SENATE BILL 77****SECTION 1203**

1 under Title 38, USC, and may enter into and receive money under contracts with the  
2 U.S. department of veterans affairs or other appropriate federal agencies.

3 **SECTION 1204.** 38.51 (7) of the statutes is renumbered 39.51 (7), and 39.51 (7)  
4 (intro.) and (g) to (i), as renumbered, are amended to read:

5 39.51 (7) APPROVAL OF SCHOOLS GENERALLY. (intro.) In order to protect students,  
6 prevent fraud and misrepresentation in the sale and advertising of courses and  
7 courses of instruction and encourage schools to maintain courses and courses of  
8 instruction consistent in quality, content and length with generally accepted  
9 educational standards, the department board shall:

10 (g) Approve courses of instruction, schools, changes of ownership or control of  
11 schools and teaching locations meeting the requirements and standards established  
12 by the department board and complying with rules promulgated by the department  
13 board and publish a list of the schools and courses of instruction approved.

14 (h) Issue permits to solicitors when all department board requirements have  
15 been met.

16 (i) Require schools to furnish a surety bond in an amount as provided by rule  
17 of the department board.

18 **SECTION 1205.** 38.51 (8) (title) of the statutes is renumbered 39.51 (8) (title).

19 **SECTION 1206.** 38.51 (8) (a) of the statutes is renumbered 39.51 (8) (a) and  
20 amended to read:

21 39.51 (8) (a) *In general.* No solicitor representing any school offering any  
22 course or course of instruction shall sell any course or course of instruction or solicit  
23 students therefor in this state for a consideration or remuneration, except upon the  
24 actual business premises of the school, unless the solicitor first secures a solicitor's

**SENATE BILL 77****SECTION 1206**

1 permit from the department board. If the solicitor represents more than one school,  
2 a separate permit shall be obtained for each school represented by the solicitor.

3 **SECTION 1207.** 38.51 (8) (b) of the statutes is renumbered 39.51 (8) (b) and  
4 amended to read:

5 39.51 (8) (b) *Solicitor's permit.* The application for a solicitor's permit shall be  
6 made on a form furnished by the department board and shall be accompanied by a  
7 fee and a surety bond acceptable to the department board in the sum of \$2,000. The  
8 department board shall, by rule, specify the amount of the fee for a solicitor's permit.  
9 Such bond may be continuous and shall be conditioned to provide indemnification to  
10 any student suffering loss as the result of any fraud or misrepresentation used in  
11 procuring his or her enrollment or as a result of the failure of the school to faithfully  
12 perform the agreement made with the student by the solicitor, and may be supplied  
13 by the solicitor or by the school itself either as a blanket bond covering each of its  
14 solicitors in the amount of \$2,000 or the surety bond under sub. (7) (i). Upon approval  
15 of a permit, the department board shall issue an identification card to the solicitor  
16 giving his or her name and address, the name and address of the employing school,  
17 and certifying that the person whose name appears on the card is authorized to solicit  
18 students for the school. A permit shall be valid for one year from the date issued.  
19 Liability under this paragraph of the surety on the bond for each solicitor covered  
20 thereby shall not exceed the sum of \$2,000 as an aggregate for any and all students  
21 for all breaches of the conditions of the bond. The surety of a bond may cancel the  
22 same upon giving 30 days' notice in writing to the department board and thereafter  
23 shall be relieved of liability under this paragraph for any breach of condition  
24 occurring after the effective date of the cancellation. An application for renewal shall  
25 be accompanied by a fee, a surety bond acceptable to the department board in the



**SENATE BILL 77****SECTION 1207**

1 sum of \$2,000 if a continuous bond has not been furnished, and such information as  
2 the department board requests of the applicant. The department board shall, by  
3 rule, specify the amount of the fee for renewal of a solicitor's permit.

4 **SECTION 1208.** 38.51 (8) (c) of the statutes is renumbered 39.51 (8) (c), and 39.51  
5 (8) (c) (intro.), 1., 2., 4. and 5., as renumbered, are amended to read:

6 39.51 (8) (c) *Refusal or revocation of permit.* (intro.) The department board  
7 may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any  
8 combination of the following grounds:

9 1. Wilful violation of this subsection or any rule promulgated by the  
10 department board under this section;

11 2. Furnishing false, misleading or incomplete information to the department  
12 board;

13 4. Refusal by the school to be represented to allow reasonable inspection or to  
14 supply information after written request therefor by the department board;

15 5. Failure of the school which the solicitor represents to meet requirements and  
16 standards established by and to comply with rules promulgated by the department  
17 board pursuant to sub. (7);

18 **SECTION 1209.** 38.51 (8) (d) to (i) of the statutes are renumbered 39.51 (8) (d)  
19 to (i), and 39.51 (8) (d) and (e), as renumbered, are amended to read:

20 39.51 (8) (d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue  
21 or renew a permit or of the revocation of a permit shall be sent by registered mail to  
22 the last address of the applicant or permit holder shown in the records of the  
23 department board. Revocation of a permit shall be effective 10 days after the notice  
24 of revocation has been mailed to the permit holder.

**SENATE BILL 77****SECTION 1209**

1           (e) *Request for appearance.* Within 20 days of the receipt of notice of the  
2 department's board's refusal to issue or renew a permit or of the revocation of a  
3 permit, the applicant or holder of the permit may request permission to appear  
4 before the department board in person, with or without counsel, to present reasons  
5 why the permit should be issued or reinstated. Upon receipt of such request, the  
6 department board shall grant a hearing to the applicant or holder of the permit  
7 within 30 days giving that person at least 10 days' notice of the date, time and place.

8           **SECTION 1210.** 38.51 (9) of the statutes is renumbered 39.51 (9), and 39.51 (9)  
9 (g) and (h), as renumbered, are amended to read:

10           39.51 (9) (g) Schools approved by the department of education public  
11 instruction for the training of teachers.

12           (h) Schools accredited by accrediting agencies recognized by the department  
13 board.

14           **SECTION 1211.** 38.51 (10) of the statutes is renumbered 39.51 (10), and 39.51  
15 (10) (a), (b) and (c) (intro.) and 1., as renumbered, are amended to read:

16           39.51 (10) (a) *Authority.* All proprietary schools shall be examined and  
17 approved by the department board before operating in this state. Approval shall be  
18 granted to schools meeting the criteria established by the department board for a  
19 period not to exceed one year. No school may advertise in this state unless approved  
20 by the department board. All approved schools shall submit quarterly reports,  
21 including information on enrollment, number of teachers and their qualifications,  
22 course offerings, number of graduates, number of graduates successfully employed  
23 and such other information as the department board deems necessary.

24           (b) *Application.* Application for initial approval of a school or a course of  
25 instruction, approval of a teaching location, change of ownership or control of a

**SENATE BILL 77****SECTION 1211**

1 school, renewal of approval of a school or reinstatement of approval of a school or  
2 course of instruction which has been revoked shall be made on a form furnished by  
3 the ~~department~~ board and shall be accompanied by a fee set by the ~~department~~ board  
4 under par. (c), and such other information as the ~~department~~ board deems necessary  
5 to evaluate the school in carrying out the purpose of this section.

6 (c) *Fees; rule making.* (intro.) The ~~department~~ board shall promulgate rules  
7 to establish fees. In promulgating rules to establish fees, the ~~department~~ board shall:

8 1. Require that the amount of fees collected under this paragraph be sufficient  
9 to cover all costs that the ~~department~~ board incurs in examining and approving  
10 proprietary schools under this subsection.

11 **SECTION 1212.** 39.11 (5) of the statutes is amended to read:

12 39.11 (5) Work with the educational agencies and institutions of the state as  
13 reviewer, adviser and coordinator of their joint efforts to meet the educational needs  
14 of the state through radio and, television and other appropriate technologies.

15 **SECTION 1213.** 39.11 (20) of the statutes is repealed.

16 **SECTION 1214.** 39.13 (2) of the statutes is amended to read:

17 39.13 (2) The executive director may employ a deputy director, the number of  
18 division administrators specified in s. 230.08 (2) (e) and ~~12~~ 11 professional staff  
19 members outside the classified service. Subject to authorization under s. 16.505, the  
20 executive director may employ additional professional staff members for  
21 development and grant projects outside the classified service or for other purposes  
22 within the classified service.

23 **SECTION 1215.** 39.145 of the statutes is repealed.

24 **SECTION 1216.** 39.155 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1216**

1           39.155 (1) Subject to sub. (3), all funds appropriated to the medical college of  
2           Wisconsin, inc., under s. 20.250 (1) (a) shall be based on a per capita formula for an  
3           amount for each Wisconsin resident enrolled at the college who is paying full tuition.  
4           A student's qualification as a resident of this state shall be determined by the  
5           ~~department of education~~ higher educational aids board in accordance with s. 36.27,  
6           so far as applicable.

7           **SECTION 1217.** 39.155 (2) of the statutes is amended to read:

8           39.155 (2) On or before January 15 and September 15 of each year, the medical  
9           college of Wisconsin, inc., shall submit to the ~~department of education~~ higher  
10          educational aids board for its approval a list of the Wisconsin residents enrolled at  
11          the college who are paying full tuition. The state shall make semiannual payments  
12          to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1)  
13          (a), upon approval of the list. If the appropriation under s. 20.250 (1) (a) is  
14          insufficient to pay the amount specified to be disbursed under s. 20.250 (1) (a), the  
15          payments shall be disbursed on a prorated basis for each student entitled to such aid.  
16          No more than 8 such payments may be made to the medical college of Wisconsin, inc.,  
17          from the appropriation under s. 20.250 (1) (a), for any individual student.

18          **SECTION 1218.** Subchapter III (title) of chapter 39 [precedes 39.26] of the  
19          statutes is amended to read:

**CHAPTER 39****SUBCHAPTER III****HIGHER EDUCATIONAL AIDS BOARD**

22          **SECTION 1219.** 39.26 of the statutes is amended to read:

23          **39.26 Definition.** In this subchapter, "~~department~~" "board" means the  
24          ~~department of education~~ higher educational aids board.  
25

**SENATE BILL 77****SECTION 1220**

1           **SECTION 1220.** 39.28 (1) of the statutes is amended to read:

2           39.28 (1) The department board shall administer the programs under this  
3 subchapter and may promulgate such rules as are necessary to carry out its  
4 functions. The department board may accept and use any funds which it receives  
5 from participating institutions, lenders or agencies. The department board may  
6 enter into such contracts as are necessary to carry out its functions under this  
7 subchapter.

8           **SECTION 1221.** 39.28 (2) of the statutes is amended to read:

9           39.28 (2) The ~~department~~ board shall establish plans to be administered by the  
10 ~~department~~ board for participation by this state under any federal acts relating to  
11 higher education and submit them to the U.S. ~~commissioner~~ secretary of education  
12 for the ~~commissioner's~~ secretary's approval. The department board may utilize such  
13 criteria for determination of priorities, participation or purpose as are delineated in  
14 the federal acts.

15           **SECTION 1222.** 39.28 (3) of the statutes is created to read:

16           39.28 (3) (a) In its biennial report under s. 15.04 (1) (d), the board also shall  
17 include recommendations for improvement of the state's student financial aid  
18 programs.

19           (b) On January 1 and July 1, the board shall report to the joint committee on  
20 finance and the joint legislative audit committee on the board's loan collection  
21 activities and efforts to develop collection policies to improve program performance  
22 through changes in data processing and program review.

23           **SECTION 1223.** 39.28 (4) of the statutes is amended to read:

24           39.28 (4) The department board may assign, sell, convey or repurchase student  
25 loans made under s. 39.32 subject to prior approval by the joint committee on finance.

**SENATE BILL 77****SECTION 1224**

1           **SECTION 1224.** 39.285 of the statutes is amended to read:

2           **39.285** (title) **Education—commission Board review of proposed**  
3 **formulae.** (1) By May 1, ~~1996~~ 1998, and annually thereafter, the education  
4 ~~commission~~ board shall approve, modify or disapprove any proposed formula for the  
5 awarding of grants for the upcoming academic year submitted under sub. (2) or s.  
6 36.11 (6) (c) or 38.04 (7m).

7           (2) By April 10, ~~1996~~ 1998, and annually thereafter, the Wisconsin Association  
8 of Independent Colleges and Universities shall develop and submit to the ~~education~~  
9 ~~commission~~ board for its review under sub. (1) a proposed formula for the awarding  
10 of grants under s. 39.30 for the upcoming academic year to students enrolled at  
11 private institutions of higher education.

12           **SECTION 1225.** 39.29 of the statutes is created to read:

13           **39.29 Executive secretary.** An executive secretary shall be appointed by the  
14 governor to serve at his or her pleasure.

15           **SECTION 1226.** 39.30 (2) (e) of the statutes is amended to read:

16           39.30 (2) (e) The ~~department~~ board may not make a grant to a student if the  
17 ~~department~~ board receives a certification under s. 49.855 (7) that the student is  
18 delinquent in child support or maintenance payments or owes past support, medical  
19 expenses or birth expenses.

20           **SECTION 1227.** 39.30 (2) (f) of the statutes is amended to read:

21           39.30 (2) (f) No grants may be awarded under this section unless the applicable  
22 formula submitted under s. 39.285 (2) is approved or modified by the ~~education~~  
23 ~~commission~~ board under s. 39.285 (1).

24           **SECTION 1228.** 39.30 (3) (e) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1228**

1           39.30 (3) (e) The department board shall establish criteria for the treatment  
2 of financially independent students which are consistent with procedures in pars. (a)  
3 to (d).

4           **SECTION 1229.** 39.30 (3) (f) of the statutes is amended to read:

5           39.30 (3) (f) The department board may not make initial awards of grants  
6 under this section for an academic year in an amount that exceeds 122% of the  
7 amount appropriated under s. 20.235 (1) (b) for the fiscal year in which the grant may  
8 be paid.

9           **SECTION 1230.** 39.30 (4) of the statutes is amended to read:

10          39.30 (4) FORMS. The department board shall prescribe, furnish and make  
11 available, at locations in the state convenient to the public, application forms for  
12 grants under this section. Upon request, the department board shall advise and  
13 assist applicants in making out such forms.

14          **SECTION 1231.** 39.31 (intro.) of the statutes is amended to read:

15          **39.31 Determination of student costs.** (intro.) In determining a student's  
16 total cost of attending a postsecondary institution for the purpose of calculating the  
17 amount of a grant under s. 39.30, 39.38, 39.435 or 39.44, the department board shall  
18 include the following:

19          **SECTION 1232.** 39.31 (2) of the statutes is amended to read:

20          39.31 (2) Miscellaneous expenses, as determined by the department board.

21          **SECTION 1233.** 39.31 (3) of the statutes is amended to read:

22          39.31 (3) The cost of child care, as determined by the department board.

23          **SECTION 1234.** 39.32 (2) (intro.) of the statutes is amended to read:

24          39.32 (2) (intro.) The department board shall:

25          **SECTION 1235.** 39.32 (3) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1235**

1           39.32 (3) (intro.) The department board may make and authorize loans to be  
2 made to students if:

3           **SECTION 1236.** 39.32 (3) (b) of the statutes is amended to read:

4           39.32 (3) (b) The student's eligibility for a loan is certified to the department  
5 board by the institution of higher education in which the student is enrolled or has  
6 been accepted for enrollment.

7           **SECTION 1237.** 39.32 (3) (g) of the statutes is amended to read:

8           39.32 (3) (g) The student is not in default on any previous loan or the  
9 department board has determined that the student has made satisfactory  
10 arrangements to repay the defaulted loan.

11          **SECTION 1238.** 39.32 (5) of the statutes is amended to read:

12          39.32 (5) The department board may collect any loans made or authorized to  
13 be made by the department board pursuant to this section or made prior to July 1,  
14 1966, under s. 49.42, 1963 stats.

15          **SECTION 1239.** 39.32 (6) of the statutes is amended to read:

16          39.32 (6) The department board shall satisfy the loan of any student who  
17 obtained a loan under this section or s. 39.023, 1965 stats., between July 1, 1966, and  
18 December 15, 1968, where such student died or dies after July 1, 1966, and before  
19 completing repayment thereof, and shall write off the balance of principal and  
20 interest owing on the loan on the date it received confirmation of such student's  
21 death. Obligation to repay such a loan shall terminate on the date of the student's  
22 death and any payments made thereon to the department board after such date shall  
23 be refunded to the payor or the payor's heirs, executor or administrator from the  
24 appropriation in s. 20.235 (2) (ba) upon receipt by the department board of an  
25 application for refund.



**SENATE BILL 77****SECTION 1240**

1           **SECTION 1240.** 39.32 (7) of the statutes is amended to read:

2           39.32 (7) The department board may write off defaulted student loans made  
3 pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats.,  
4 from moneys other than advances from the investment board originally  
5 appropriated for student loans, and from moneys other than moneys resulting from  
6 assignment, sale or conveyance of student loans.

7           **SECTION 1241.** 39.32 (8) of the statutes is amended to read:

8           39.32 (8) The department board may use up to \$150,000 annually of student  
9 revenue bond proceeds for the purpose of consolidating loans for needy students who  
10 have a state direct loan and one or more federally guaranteed student loans from one  
11 or more private lenders.

12           **SECTION 1242.** 39.32 (10) of the statutes is amended to read:

13           39.32 (10) (a) The department board may enter into contractual agreements  
14 with lenders in this state and lenders in other states which grant loans to residents  
15 of this state, and with institutions and agencies wherein the department board may  
16 provide and furnish to such lenders, institutions and agencies administrative  
17 services related to the operation of any programs involving the granting of loans to  
18 students including but not limited to any and all services and functions related to the  
19 granting, administering and collecting of any loans made to students.

20           (b) The department board shall have all powers as that are reasonably  
21 appropriate to the provision of such services and the performance of such contracts  
22 and may include charges or fees to be paid by the lenders, institutions and agencies  
23 to the department board for the provision of such administrative services or any  
24 services or activities related to the collection of any student loans for which the  
25 department board may become responsible by operation of law or by contractual

**SENATE BILL 77****SECTION 1242**

1 agreements under this paragraph, but such charges or fees, before being instituted  
2 by the department board, shall be approved by the secretary of administration.

3 **SECTION 1243.** 39.32 (11) of the statutes is amended to read:

4 39.32 (11) (a) In lieu of the procedure under ch. 812, the department board, on  
5 behalf of the corporation under s. 39.33, or the corporation, on its own behalf, may  
6 certify the department of administration to deduct money from a state employee's  
7 earnings. The department board shall specify an amount, not to exceed 25% of the  
8 employee's disposable earnings, as defined in s. 812.30 (6), to be deducted on a  
9 continuing basis until the amount certified by the department board or corporation  
10 has been paid. The department of administration shall remit moneys deducted to  
11 the department board or the corporation.

12 (b) The procedure in this section may be used only if the amount owed to the  
13 department board or corporation is reduced to a judgment. At least 30 days prior to  
14 certification, the department board or corporation shall notify the debtor under s.  
15 879.05 (2) or (3) of the intent to certify the debt to the department of administration  
16 and of the debtor's right to a contested case hearing before the department board  
17 under s. 227.42. If the debtor requests a hearing within 20 days after receiving  
18 notice, the department board shall notify the department of administration which  
19 shall not make deductions under par. (a) until a decision is reached under s. 227.47  
20 or the case is otherwise concluded.

21 (c) The department of administration shall prescribe the manner and form for  
22 certification of debts by the department board or corporation under this subsection.

23 **SECTION 1244.** 39.325 of the statutes is amended to read:

24 **39.325 Wisconsin health education loan program.** (1) There is  
25 established, to be administered by the department board, a Wisconsin health

**SENATE BILL 77****SECTION 1244**

1 education loan program under P.L. 94-484, on July 29, 1979, in order to provide  
2 financial aid to medical and dentistry students enrolled in the university of  
3 Wisconsin medical school, the medical college of Wisconsin or Marquette university  
4 school of dentistry.

5 (2) The ~~department~~ board shall lend to students who qualify under sub. (1) any  
6 moneys appropriated or authorized through the issuance of revenue obligations. The  
7 ~~department~~ board shall require a student borrowing moneys under this section to  
8 pay interest while in medical or dental school and during his or her residency  
9 training at the rate of at least 3% per year on the sum of the principal amount of the  
10 student's obligation and the accumulated interest, unless federal law provides  
11 otherwise as a condition of guaranteeing the loan. Principal and interest payable on  
12 maturing revenue obligations shall, when necessary, be paid from funded reserves,  
13 authorized under subch. II of ch. 18, or from moneys made available under chapter  
14 20, laws of 1981, section 2022 (1).

15 (3) The ~~department~~ board shall promulgate rules and establish standards and  
16 methods of determining the amounts of loans, rates of interest and other  
17 administrative procedures consistent with P.L. 94-484, on July 29, 1979. The rates  
18 of interest shall be set as low as possible, but shall remain sufficient to cover all costs  
19 of the program under this section.

20 **SECTION 1245.** 39.33 of the statutes is amended to read:

21 **39.33 Guaranteed student loan program.** (1) The ~~department~~ board may  
22 organize and maintain a nonstock corporation under ch. 181 to provide for a  
23 guaranteed student loan program in this state under P.L. 89-287 and P.L. 89-329  
24 as may from time to time be amended. The ~~department~~ board may make use of and  
25 pay for the use of the facilities and services of such corporation.

**SENATE BILL 77****SECTION 1245**

1           (2) The department board may provide administrative services for the  
2 nonstock corporation with which the department board has entered into a  
3 contractual agreement for purposes of providing for a guaranteed student loan  
4 program in this state. Services provided under this section shall be in accordance  
5 with the decision of the department board as to the type and scope of services  
6 requested and the civil service range of any employe assigned to them.

7           (3) The department board or the legislature or any person delegated by the  
8 legislature may inspect and examine or cause an inspection and examination of all  
9 records relating to all programs that are, or are to be, administered under  
10 contractual agreement between the department board and the corporation.

11           **SECTION 1246.** 39.34 of the statutes is amended to read:

12           **39.34 Medical student loan program.** Notwithstanding s. 39.34, 1991  
13 stats., the department board shall terminate on August 12, 1993, any obligation to  
14 repay a loan awarded under this section.

15           **SECTION 1247.** 39.35 of the statutes is amended to read:

16           **39.35 Repayment of scholarships for teachers in educationally**  
17 **disadvantaged areas.** Notwithstanding s. 39.35, 1969 stats., and s. 39.35, 1991  
18 stats., the department board shall terminate on August 12, 1993, any obligation to  
19 repay a student aid award made under this section.

20           **SECTION 1248.** 39.36 of the statutes is amended to read:

21           **39.36 Repayment of stipends for teachers of the handicapped.**  
22 Notwithstanding s. 39.36, 1969 stats., s. 39.37 (3) (b), 1969 stats., and s. 39.36, 1991  
23 stats., the department board shall terminate on August 12, 1993, any obligation to  
24 repay a stipend awarded under this section.

25           **SECTION 1249.** 39.37 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1249**

1           39.37 (2) There is created a separate nonlapsible trust fund designated the  
2 student loan repayment fund consisting of all revenues received in repayment of  
3 student loans funded under this section, and any other revenues dedicated to it by  
4 the department board. The department board may pledge revenues received or to  
5 be received by the fund to secure revenue obligations issued under this section, and  
6 shall have all other powers necessary and convenient to distribute the proceeds of  
7 the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

8           **SECTION 1250.** 39.37 (3) of the statutes is amended to read:

9           39.37 (3) All student loans funded with revenue obligations issued under this  
10 section shall be fully guaranteed as to repayment of principal and interest from  
11 among a nonstock corporation organized under s. 39.33 (1), the United States, its  
12 agencies or instrumentalities. The department board may enter into agreements  
13 necessary to affect this guaranty.

14           **SECTION 1251.** 39.374 (2) of the statutes is amended to read:

15           39.374 (2) There is created a separate nonlapsible trust fund designated the  
16 Wisconsin health education loan repayment fund consisting of all revenues received  
17 in repayment of loans funded under this section or loans financed from moneys made  
18 available under chapter 20, laws of 1981, section 2022 (1). The department board  
19 may pledge revenues received or to be received by the fund to secure revenue  
20 obligations issued under this section, and shall have all other powers necessary and  
21 convenient to distribute the proceeds of the revenue obligations and loan repayments  
22 in accordance with subch. II of ch. 18.

23           **SECTION 1252.** 39.374 (3) of the statutes is amended to read:

24           39.374 (3) All loans funded with revenue obligations issued under this section  
25 shall be fully guaranteed as to repayment of principal and interest by the United

**SENATE BILL 77****SECTION 1252**

1 States, its agencies or instrumentalities. The department board may enter into  
2 agreements necessary to effect this guaranty.

3 **SECTION 1253.** 39.38 (1) of the statutes is amended to read:

4 39.38 (1) There is established, to be administered by the department board, a  
5 grant program to assist those Indian students who are residents of this state to  
6 receive a higher education.

7 **SECTION 1254.** 39.38 (2) of the statutes is amended to read:

8 39.38 (2) Grants under this section shall be based on financial need, as  
9 determined by the department board. The maximum grant shall not exceed \$2,200  
10 per year, of which not more than \$1,100 may be from the appropriation under s.  
11 20.235 (1) (fb). State aid from this appropriation may be matched by a contribution  
12 from a federally recognized American Indian tribe or band that is deposited in the  
13 general fund and credited to the appropriation account under s. 20.235 (1) (gm).  
14 Grants shall be awarded to students for full-time or part-time attendance at any  
15 accredited institution of higher education in this state. The department board may  
16 not make a grant under this section to a student if the department board receives a  
17 certification under s. 49.855 (7) that the student is delinquent in child support or  
18 maintenance payments or owes past support, medical expenses or birth expenses.  
19 Grants shall be renewable for up to 5 years if a recipient remains in good academic  
20 standing at the institution that he or she is attending. The American Indian  
21 language and culture education board shall advise the department higher  
22 educational aids board on the allocation of grants to students enrolled less than  
23 half-time.

24 **SECTION 1255.** 39.39 (1) (a) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1255**

1           39.39 (1) (a) (intro.) There is established, to be administered by the ~~department~~  
2 board, a stipend loan program for resident students, including registered nurses,  
3 who are:

4           **SECTION 1256.** 39.39 (2) (intro.) of the statutes is amended to read:

5           39.39 (2) (intro.) The ~~department~~ board shall:

6           **SECTION 1257.** 39.39 (2) (b) of the statutes is amended to read:

7           39.39 (2) (b) Promulgate rules to administer this section, including rules  
8 establishing loan amounts and the criteria and procedures for loan forgiveness and  
9 for selecting loan recipients. Loan recipients shall be selected on the basis of  
10 financial need, as determined by the ~~department~~ board, using the needs analysis  
11 methodology used under s. 39.435.

12           **SECTION 1258.** 39.39 (4) of the statutes is amended to read:

13           39.39 (4) The ~~department~~ board may not make any original stipend loans  
14 under this section.

15           **SECTION 1259.** 39.40 (2) (intro.) of the statutes is amended to read:

16           39.40 (2) (intro.) The ~~department~~ board shall establish a loan program for  
17 minority students who meet all of the following requirements:

18           **SECTION 1260.** 39.40 (2) (c) of the statutes is amended to read:

19           39.40 (2) (c) Meet academic criteria specified by the ~~department~~ board.

20           **SECTION 1261.** 39.40 (3) of the statutes is amended to read:

21           39.40 (3) Loans under sub. (2) shall be made from the appropriation under s.  
22 20.235 (1) (cr). The ~~department~~ board shall forgive 25% of the loan and 25% of the  
23 interest on the loan for each school year the recipient teaches in a school district  
24 described under sub. (2) (d).

25           **SECTION 1262.** 39.40 (4) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1262**

1           39.40 (4) The ~~department~~ board shall deposit in the general fund as general  
2 purpose revenue-earned all repayments of loans made under sub. (2) and the  
3 interest on the loans.

4           **SECTION 1263.** 39.40 (5) of the statutes is amended to read:

5           39.40 (5) The ~~department~~ board shall administer the repayment and  
6 forgiveness of loans made under s. 36.25 (16), 1993 stats. The ~~department~~ board  
7 shall treat such loans as if they had been made under sub. (2).

8           **SECTION 1264.** 39.41 (title) of the statutes is repealed and recreated to read:

9           **39.41 (title) Governor's scholarship program.**

10          **SECTION 1265.** 39.41 (1) (ae) of the statutes is created to read:

11          39.41 (1) (ae) "Executive secretary" means the executive secretary of the board.

12          **SECTION 1266.** 39.41 (1) (bg) of the statutes is repealed.

13          **SECTION 1267.** 39.41 (1m) (b) of the statutes is amended to read:

14          39.41 (1m) (b) By February 15 of each school year, the school board of each  
15 school district operating one or more high schools and the governing body of each  
16 private high school may, for each high school with an enrollment of less than 80  
17 pupils, nominate the senior with the highest grade point average in all subjects who  
18 may be designated as a scholar by the executive secretary under par. (c) 3.

19          **SECTION 1268.** 39.41 (1m) (c) (intro.) of the statutes is amended to read:

20          39.41 (1m) (c) (intro.) The executive secretary shall:

21          **SECTION 1269.** 39.41 (1m) (c) 5. of the statutes is amended to read:

22          39.41 (1m) (c) 5. For each public or private high school with an enrollment of  
23 less than 80 pupils, notify the school board of the school district operating the public  
24 high school or the governing body of the private high school that the school board or



**SENATE BILL 77****SECTION 1269**

1 governing body may nominate a senior under par. (b) who may be designated as a  
2 scholar by the executive secretary.

3 **SECTION 1270.** 39.41 (1m) (cm) of the statutes is amended to read:

4 39.41 (1m) (cm) The executive secretary may grant waivers under par. (m).

5 **SECTION 1271.** 39.41 (1m) (d) of the statutes is amended to read:

6 39.41 (1m) (d) By February 15 of each school year, if 2 or more seniors from the  
7 same high school of at least 80 pupils have the same grade point average and, except  
8 for the limitation on the number of designated scholars, are otherwise eligible for  
9 designation under par. (a), the faculty of the high school shall select the applicable  
10 number of seniors for designation under par. (a) as scholars and shall certify, in order  
11 of priority, any remaining seniors as alternates for a scholar with the same grade  
12 point average. If a senior from that high school designated as a scholar under par.  
13 (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an  
14 alternate for the scholar with the same grade point average as any senior from that  
15 high school designated as a scholar under par. (a) shall be eligible for a higher  
16 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
17 may be awarded by the department board.

18 **SECTION 1272.** 39.41 (1m) (e) of the statutes is amended to read:

19 39.41 (1m) (e) If 2 or more seniors from the same high school of less than 80  
20 pupils have the same grade point average and, except for the limitation of one  
21 nominated senior, are otherwise eligible for nomination under par. (b), the faculty of  
22 the high school shall select the senior who may be nominated by the school board of  
23 the school district operating the public high school or the governing body of the  
24 private high school for designation under par. (b) as a scholar by the executive  
25 secretary. If that senior is designated as a scholar by the executive secretary and does

**SENATE BILL 77****SECTION 1272**

1 not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), faculty of  
2 the high school shall select one or more of the remaining seniors with the same grade  
3 point average for certification as a scholar and the school board of the school district  
4 operating the high school or the governing body of the private high school shall  
5 certify to the department board one or more of these seniors as eligible for a higher  
6 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
7 may be awarded by the department board.

8 **SECTION 1273.** 39.41 (1m) (f) of the statutes is amended to read:

9 39.41 (1m) (f) If 2 or more seniors from the Wisconsin school for the visually  
10 handicapped have the same grade point average and, except for the limitation of one  
11 designated senior, are otherwise eligible for designation under par. (c) 1., the  
12 executive secretary shall make the designation under par. (c) 1. of the senior who may  
13 be eligible for a higher education scholarship as a scholar and, if that senior does not  
14 qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate  
15 one or more of the remaining seniors with the same grade point average as eligible  
16 for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the  
17 scholarship may be awarded by the department board.

18 **SECTION 1274.** 39.41 (1m) (fm) of the statutes is amended to read:

19 39.41 (1m) (fm) If 2 or more seniors from the Wisconsin school for the deaf have  
20 the same grade point average and, except for the limitation of one designated senior,  
21 are otherwise eligible for designation under par. (c) 2., the executive secretary shall  
22 make the designation under par. (c) 2. of the senior who may be eligible for a higher  
23 education scholarship as a scholar and, if that senior does not qualify for a higher  
24 education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the  
25 remaining seniors with the same grade point average as eligible for a higher

**SENATE BILL 77****SECTION 1274**

1 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
2 may be awarded by the department board.

3 **SECTION 1275.** 39.41 (1m) (i) of the statutes is amended to read:

4 39.41 (1m) (i) Notwithstanding par. (d), if the school board of a school district  
5 operating a high school or the governing body of a private high school has complied  
6 with s. 39.41 (1m) (d), 1991 stats., for the 1993-94 school year and a senior from that  
7 high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41  
8 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub.  
9 (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining  
10 seniors with the same grade point average for certification as a scholar. The school  
11 board of the school district operating the high school or the governing body of the  
12 private high school shall certify to the department board one or more of these seniors  
13 as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a)  
14 until the scholarship may be awarded by the department board.

15 **SECTION 1276.** 39.41 (1m) (m) of the statutes is amended to read:

16 39.41 (1m) (m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its  
17 seniors on the basis of grades in academic subjects, the school board of the school  
18 district operating the high school or the governing body of the private high school or,  
19 for purposes of par. (d), the faculty of the high school may request a waiver from the  
20 executive secretary in order to fulfill its requirements under par. (a), (b) or (d) on the  
21 basis of grade point averages in academic subjects.

22 **SECTION 1277.** 39.41 (1m) (p) of the statutes is created to read:

23 39.41 (1m) (p) A senior attending a public school outside his or her school  
24 district of residence under s. 118.51 is not eligible for designation as a scholar under

**SENATE BILL 77****SECTION 1277**

1 par. (a) or nomination under par. (b) unless the senior also attended public school in  
2 that school district for his or her entire junior year.

3 **SECTION 1278.** 39.41 (2) (c) of the statutes is amended to read:

4 39.41 (2) (c) Subject to sub. (4), for each year the student is exempt from tuition  
5 and fees under par. (a) or (b), the ~~department~~ board shall pay the center, institution  
6 or district school, on behalf of the student, an amount equal to 50% of the student's  
7 tuition and fees, except that the maximum payment for a student who receives an  
8 original scholarship for the 1996-97 academic year or for any academic year  
9 thereafter may not exceed \$1,125 per academic year.

10 **SECTION 1279.** 39.41 (3) (a) of the statutes is amended to read:

11 39.41 (3) (a) If a designated scholar under sub. (1m) is admitted to and enrolls,  
12 on a full-time basis, by September 30 of the academic year immediately following the  
13 school year in which the senior was designated a scholar, in a private institution of  
14 higher education that is located in this state and participating in the program under  
15 this section, the ~~department~~ board shall pay the institution, on behalf of the pupil,  
16 an amount equal to 50% of the tuition and fees charged a resident undergraduate at  
17 the university of Wisconsin-Madison in the same academic year, except that the  
18 maximum payment for a pupil who receives an original scholarship for the 1996-97  
19 academic year or for any academic year thereafter may not exceed \$1,125 per  
20 academic year.

21 **SECTION 1280.** 39.41 (4) of the statutes is amended to read:

22 39.41 (4) (a) The ~~department~~ board shall make the payments under subs. (2)  
23 (c) and (3) only if the center, institution, district school or private institution matches  
24 the amount of the payment from institutional funds, gifts or grants. Beginning in  
25 the 1992-93 school year, the matching requirement under this paragraph for the

**SENATE BILL 77****SECTION 1280**

1 centers and institutions within the university of Wisconsin system shall be satisfied  
2 by payments of an amount equal to the total payments from the centers and  
3 institutions made under this paragraph in the 1991-92 school year and, if such  
4 payments are insufficient to satisfy the matching requirement, by the waiver of  
5 academic fees established under s. 36.27.

6 (b) The ~~department~~ board shall make the payments under subs. (2) (c) and (3)  
7 from the appropriation under s. 20.235 (1) (fy) subject to the availability of funds.  
8 If the amount in the appropriation under s. 20.235 (1) (fy) in any fiscal year is  
9 insufficient to fully make the payments, the amount of each payment shall be  
10 reduced proportionately.

11 **SECTION 1281.** 39.41 (5) of the statutes is amended to read:

12 39.41 (5) (a) Each center or institution within the university of Wisconsin  
13 system, technical college district school and private institution of higher education  
14 that wishes to participate in the scholarship program under this section shall notify  
15 the ~~department~~ board by October 1 prior to the academic year in which the  
16 institution wishes to participate.

17 (b) Each designated scholar who is eligible for a higher education scholarship  
18 under sub. (2) (a) or (3) (a) shall notify the ~~department~~ board as soon as practicable  
19 of the institution of higher education he or she will be attending in the next academic  
20 year.

21 (c) Annually, the ~~department~~ board shall notify each scholar who will be  
22 attending a participating institution of higher education in the next academic year  
23 of the amount of his or her higher education scholarship.

24 **SECTION 1282.** 39.41 (6) of the statutes is renumbered 39.41 (6) (a).

25 **SECTION 1283.** 39.41 (6) (b) of the statutes is created to read:

**SENATE BILL 77****SECTION 1283**

1           39.41 (6) (b) In any printed material or other information disseminated or  
2 otherwise distributed by the board, the scholarship program under this section shall  
3 be referred to as the governor's scholarship program and scholars shall be referred  
4 to as governor's scholars.

5           **SECTION 1284.** 39.41 (7) of the statutes is amended to read:

6           39.41 (7) By August 1, ~~1993~~ 1997, and annually thereafter, the ~~department~~  
7 board shall submit a report to the joint committee on finance evaluating the success  
8 of the program under this section. The report shall specify the number and amount  
9 of the scholarships awarded in the current fiscal year and the institutions of higher  
10 education chosen by the scholarship recipients.

11          **SECTION 1285.** 39.41 (8) of the statutes is amended to read:

12          39.41 (8) The executive secretary shall promulgate rules establishing criteria  
13 for the designation of scholars under sub. (1m) (c) 3.

14          **SECTION 1286.** 39.42 of the statutes is amended to read:

15          **39.42 Interstate agreements.** The department board, with the approval of  
16 the joint committee on finance, or the governing boards of any publicly supported  
17 institution of post-high school education, with the approval of the ~~department~~ board  
18 and the joint committee on finance, may enter into agreements or understandings  
19 which include remission of nonresident tuition for designated categories of students  
20 at state institutions of higher education with appropriate state agencies and  
21 institutions of higher education in other states to facilitate use of public higher  
22 education institutions of this state and other states. Such agreements and  
23 understandings shall have as their purpose the mutual improvement of educational  
24 advantages for residents of this state and such other states or institutions of other  
25 states with which agreements are made.

**SENATE BILL 77****SECTION 1287**

1           **SECTION 1287.** 39.435 (1) of the statutes is amended to read:

2           39.435 (1) There is established, to be administered by the department board,  
3 a higher education grant program for postsecondary resident students enrolled at  
4 least half-time and registered as freshmen, sophomores, juniors or seniors in  
5 accredited institutions of higher education in this state. Except as authorized under  
6 sub. (5), such grants shall be made only to students enrolled in nonprofit public  
7 institutions in this state.

8           **SECTION 1288.** 39.435 (2) of the statutes is amended to read:

9           39.435 (2) The department board shall award talent incentive grants to  
10 uniquely needy students enrolled at least half-time as first-time freshmen at public  
11 and private nonprofit institutions located in this state and to sophomores, juniors  
12 and seniors who received such grants as freshmen. No grant under this subsection  
13 may exceed \$1,800 for any academic year. The department board may not award a  
14 grant to the same student for more than 10 consecutive semesters or their  
15 equivalent. The department board shall promulgate rules establishing eligibility  
16 criteria for grants under this subsection.

17           **SECTION 1289.** 39.435 (3) of the statutes is amended to read:

18           39.435 (3) Grants under sub. (1) shall not be less than \$250 during any one  
19 academic year, unless the joint committee on finance approves an adjustment in the  
20 amount of the minimum grant. Grants under sub. (1) shall not exceed \$1,800 during  
21 any one academic year. The department board shall, by rule, establish a reporting  
22 system to periodically provide student economic data and shall promulgate other  
23 rules the department board deems necessary to assure uniform administration of the  
24 program.

25           **SECTION 1290.** 39.435 (4) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1290**

1           39.435 (4) (a) The ~~department~~ board shall promulgate rules establishing  
2 policies and procedures for determining dependent and independent status and for  
3 the calculation of expected parental and student contributions. The rules shall be  
4 consistent with generally accepted definitions and nationally approved needs  
5 analysis methodology.

6           **SECTION 1291.** 39.435 (4) (b) 1. and 2. of the statutes are amended to read:

7           39.435 (4) (b) 1. Annually, the ~~department~~ board shall establish equity award  
8 levels for students enrolled in the university of Wisconsin system and for students  
9 enrolled in technical colleges.

10           2. From the equity levels established under subd. 1., the ~~department~~ board  
11 shall subtract the amount of the expected parental contribution and the expected  
12 student contribution to determine the amount of the student's grant.

13           **SECTION 1292.** 39.435 (4) (c) of the statutes is amended to read:

14           39.435 (4) (c) Grants paid to independent students shall be determined by the  
15 ~~department~~ board consistent with the rules and procedures under pars. (a) and (b).

16           **SECTION 1293.** 39.435 (4) (d) of the statutes is amended to read:

17           39.435 (4) (d) The awarding of grants under this section is subject to any  
18 formula approved or modified by the ~~education commission~~ board under s. 39.285 (1).

19           **SECTION 1294.** 39.435 (5) of the statutes is amended to read:

20           39.435 (5) The ~~department~~ board shall ensure that grants under this section  
21 are made available to students attending private or public institutions in this state  
22 who are deaf or hard of hearing or visually handicapped and who demonstrate need.  
23 Grants may also be made available to such handicapped students attending private  
24 or public institutions in other states under criteria established by the ~~department~~



**SENATE BILL 77****SECTION 1294**

1 board. In determining the financial need of these students special consideration  
2 shall be given to their unique and unusual costs.

3 **SECTION 1295.** 39.435 (6) of the statutes is amended to read:

4 39.435 (6) The department board may not make a grant under this section to  
5 a person if the department board receives a certification under s. 49.855 (7) that the  
6 person is delinquent in child support or maintenance payments or owes past support,  
7 medical expenses or birth expenses.

8 **SECTION 1296.** 39.44 (1) (b) of the statutes is amended to read:

9 39.44 (1) (b) There is established, to be administered by the department board,  
10 the minority undergraduate retention grant program for minority undergraduates  
11 enrolled in private, nonprofit higher educational institutions in this state or in  
12 technical colleges in this state.

13 **SECTION 1297.** 39.44 (2) of the statutes is amended to read:

14 39.44 (2) Funds for the grants under this section shall be distributed from the  
15 appropriation under s. 20.235 (1) (fg), with 50% distributed to the eligible private  
16 institutions and 50% distributed to the eligible technical colleges, ~~except as provided~~  
17 ~~in 1995 Wisconsin Act 27, section 9127 (1et)~~. The department board shall audit the  
18 enrollment statistics annually.

19 **SECTION 1298.** 39.44 (3) (b) of the statutes is amended to read:

20 39.44 (3) (b) Demonstrate to the satisfaction of the department board that such  
21 funds do not replace institutional grants to the recipients.

22 **SECTION 1299.** 39.44 (3) (c) of the statutes is amended to read:

23 39.44 (3) (c) Annually report to the department board the number of awards  
24 made, the amount of each award, the minority status of each recipient, other

**SENATE BILL 77****SECTION 1299**

1 financial aid awards made to each recipient and the total amount of financial aid  
2 made available to the eligible students.

3 **SECTION 1300.** 39.44 (4) of the statutes is amended to read:

4 39.44 (4) The department board shall notify an institution or school receiving  
5 funds under sub. (2) if the department board receives a certification under s. 49.855  
6 (7) that a student is delinquent in child support or maintenance payments or owes  
7 past support, medical expenses or birth expenses. An institution or school may not  
8 award a grant under this section to a student if it receives a notification under this  
9 subsection concerning that student.

10 **SECTION 1301.** 39.45 (2) of the statutes is amended to read:

11 39.45 (2) There is established, to be determined by the department board, a  
12 grant program for resident students who are current recipients of aid to families with  
13 dependent children under s. 49.19.

14 **SECTION 1302.** 39.45 (3) of the statutes is amended to read:

15 39.45 (3) Grants under this section shall be awarded on the basis of financial  
16 need, as determined by the department board, to resident students enrolled for at  
17 least 6 academic credits in the 2nd or 3rd year in programs leading to an associate  
18 degree or the 3rd, 4th or 5th year in programs leading to a bachelor's degree. Except  
19 as provided in sub. (5), no grant may exceed \$4,000 per academic year. Students may  
20 apply for grants, upon a form prepared and furnished by the department board, on  
21 or after February 1 of any year for the fall semester or session of the upcoming  
22 academic year. No student is eligible to receive a grant under this section for more  
23 than 3 academic years.

24 **SECTION 1303.** 39.45 (4) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1303**

1           39.45 (4) The department board shall give preference, as much as practicable,  
2           in awarding grants under this section to students enrolled in courses likely to  
3           increase the immediate employment opportunities of such students. The  
4           department board shall publish a list of such courses and shall include courses that  
5           have an occupational or vocational objective in areas with existing labor needs.

6           **SECTION 1304.** 39.45 (5) of the statutes is amended to read:

7           39.45 (5) The department board may award supplemental grants of between  
8           \$500 and \$1,000 per child per semester or session to students for the cost of child care  
9           for preschool children of the students. The student shall demonstrate, as determined  
10          by the department board, financial need for the supplemental grant. In awarding  
11          grants under this subsection, the department board may not exceed 20% of the  
12          appropriation for a given fiscal year for the grant program.

13          **SECTION 1305.** 39.45 (6) of the statutes is amended to read:

14          39.45 (6) From the appropriation under s. 20.235 (1) (fc), the department 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 1306.** 39.45 (7) of the statutes is amended to read:

19          39.45 (7) The department board shall promulgate rules to administer this  
20          section, including criteria and procedures for repayment of grants awarded under  
21          this section, including interest, by certain grant recipients who no longer reside in  
22          this state or do not successfully complete requirements for a degree. The department  
23          board shall deposit in the general fund as general purpose revenue-earned all  
24          repayments of grants awarded under this section and the interest on the grants.

25          **SECTION 1307.** 39.45 (8) of the statutes is created to read:

**SENATE BILL 77****SECTION 1307**

1           39.45 (8) No student is eligible for an original grant under this section after the  
2 1996-97 academic year.

3           **SECTION 1308.** 39.46 (1) of the statutes is amended to read:

4           39.46 (1) On or before July 1 of each year, the ~~department~~ board shall initiate,  
5 investigate and formulate for procurement, a contract for dental education services  
6 in accordance with this section. Thereafter, the ~~department~~ board shall conduct a  
7 biennial analysis of the program and include a report on its findings and  
8 recommendations in its reports under s. 15.04 (1) (d). The legislative audit bureau  
9 shall biennially postaudit expenditures under this section. Section 16.75 (1) to (5)  
10 are waived with respect to such contract.

11           **SECTION 1309.** 39.46 (2) (d) of the statutes is amended to read:

12           39.46 (2) (d) That the dental school administer and operate its courses and  
13 programs in dentistry in conformity with academic and professional standards, rules  
14 and requirements and seek progressively to enrich and improve its courses of dental  
15 education, research and public service by full and efficient use of budgetary and other  
16 resources available to it. In monitoring compliance with this paragraph the  
17 ~~department~~ board may rely on 3rd-party evaluations conducted by appropriate and  
18 recognized accrediting bodies.

19           **SECTION 1310.** 39.47 (1) of the statutes is amended to read:

20           39.47 (1) There is established, to be administered by the ~~department~~ board, a  
21 Minnesota-Wisconsin student reciprocity agreement, the purpose of which shall be  
22 to ensure that neither state shall profit at the expense of the other and that the  
23 determination of any amounts owed by either state under the agreement shall be  
24 based on an equitable formula which reflects the educational costs incurred by the  
25 2 states. The ~~department~~ board, representing this state, shall enter into an

**SENATE BILL 77****SECTION 1310**

1 agreement meeting the requirements of this section with the designated body  
2 representing the state of Minnesota.

3 **SECTION 1311.** 39.47 (2) of the statutes is amended to read:

4 39.47 (2) The agreement under this section shall provide for the waiver of  
5 nonresident tuition for a resident of either state who is enrolled in a public vocational  
6 school located in the other state. The agreement shall also establish a reciprocal fee  
7 structure for residents of either state who are enrolled in public institutions of higher  
8 education, other than vocational schools, located in the other state. The reciprocal  
9 fee shall be the average academic fee that would be charged the student at a  
10 comparable public institution of higher education located in his or her state of  
11 residence, as specified in the agreement, except that, for a Wisconsin resident first  
12 enrolled in the University of Minnesota Law School in the 1996-97 academic year  
13 or thereafter, the reciprocal fee may be the fee that is charged a Minnesota resident  
14 enrolled in the University of Minnesota Law School. The agreement shall take effect  
15 on July 1, 1991. The agreement shall provide for a biennial review of the costs,  
16 charges and payments associated with the agreement. The agreement is subject to  
17 the approval of the joint committee on finance under s. 39.42.

18 **SECTION 1312.** 39.47 (2m) of the statutes is amended to read:

19 39.47 (2m) No resident of this state may receive a waiver of nonresident tuition  
20 under this section if the ~~department~~ board receives a certification under s. 49.855 (7)  
21 that the resident is delinquent in child support or maintenance payments or owes  
22 past support, medical expenses or birth expenses.

23 **SECTION 1313.** 39.51 (title) of the statutes is created to read:

24 **39.51 (title) Educational approval board.**

25 **SECTION 1314.** 39.51 (1) (a) of the statutes is created to read:

**SENATE BILL 77****SECTION 1314**

1           39.51 (1) (a) "Board" means the educational approval board.

2           **SECTION 1315.** 39.51 (5) of the statutes is created to read:

3           39.51 (5) EMPLOYES, QUARTERS. The board shall employ a person to perform the  
4 duties of an executive secretary and such other persons under the classified service  
5 as may be necessary to carry out its purpose. The person performing the duties of  
6 the executive secretary shall be in charge of the administrative functions of the  
7 board. The board shall, to the maximum extent practicable, keep its office with the  
8 higher educational aids board.

9           **SECTION 1316.** 40.02 (55) (a) of the statutes is amended to read:

10          40.02 (55) (a) Any person employed as a librarian by any school board in a  
11 library in any school under its jurisdiction, including a charter school as defined in  
12 s. 115.001 (1), whose qualifications as a librarian are at least equal to the minimum  
13 librarian qualifications prescribed by the ~~department of education~~ state  
14 superintendent of public instruction.

15          **SECTION 1317.** 40.03 (6) (j) of the statutes is amended to read:

16          40.03 (6) (j) May contract with the ~~office of health care information in the office~~  
17 ~~of the commissioner of insurance~~ department of health and family services and may  
18 contract with other public or private entities for data collection and analysis services  
19 related to health maintenance organizations and insurance companies that provide  
20 health insurance to state employes.

21          **SECTION 1318.** 40.07 (1) (intro.) of the statutes is renumbered 40.07 (1) and  
22 amended to read:

23          40.07 (1) Notwithstanding any other statutory provision, individual personal  
24 information in the records of the department is not a public record and shall not be  
25 disclosed, ~~unless:~~ except as provided in this section.

**SENATE BILL 77****SECTION 1319**

1           **SECTION 1319.** 40.07 (1) (a) to (d) of the statutes are renumbered 40.07 (1m) (a)  
2 to (d).

3           **SECTION 1320.** 40.07 (1m) (intro.) of the statutes is created to read:

4           40.07 (**1m**) (intro.) Individual personal information in the records of the  
5 department, other than individual medical records, may be disclosed by the  
6 department only under one of the following conditions:

7           **SECTION 1321.** 40.07 (2) of the statutes is renumbered 40.07 (2) (intro.) and  
8 amended to read:

9           40.07 (**2**) (intro.) ~~Notwithstanding sub. (1) medical~~ Individual medical records  
10 may be disclosed by the department only when under one of the following conditions:

11           (a) When a disability application or health insurance claim denial is appealed  
12 or under s. 40.03 (1) (j), (6) (i), (7) (f) or (8) (f) or 40.65 (2) (b) 3.

13           (b) Under a court order or an order of a hearing examiner duly obtained after  
14 notice to the department and upon a showing to the court or the hearing examiner  
15 that the information is relevant to a pending court or administrative action but  
16 medical.

17           (2m) Individual medical information gathered for any one of the benefit plans  
18 established under this chapter may be used by any other benefit plan established  
19 under this chapter.

20           **SECTION 1322.** 40.07 (2) (c) of the statutes is created to read:

21           40.07 (**2**) (c) Upon written request, to the employer of a person who applies for  
22 a disability annuity or duty disability benefit or who files a claim for income  
23 continuation insurance under subch. V or, if the person is a state employe, to the  
24 department of administration for the purpose of managing the state employes'  
25 worker's compensation program under s. 16.865 (4). The only individual medical

**SENATE BILL 77****SECTION 1322**

1 information that may be disclosed to an employer under this paragraph are the  
2 medical records and any attached documentation submitted to the department  
3 pursuant to a specific application for benefits related to a disability for which the  
4 employer is requested by the department to make a certification.

5 **SECTION 1323.** 40.07 (2) (d) of the statutes is created to read:

6 40.07 (2) (d) Upon written request, to a participant or his or her designee, but  
7 only if the participant's or his or her designee's access to the individual medical  
8 information is not otherwise restricted by law. The department may only disclose  
9 individual medical information under this paragraph that is specifically identified  
10 in the written request.

11 **SECTION 1324.** 40.08 (1c) of the statutes is created to read:

12 40.08 (1c) WITHHOLDING OF ANNUITY PAYMENTS. Notwithstanding sub. (1), any  
13 monthly annuity paid under s. 40.23, 40.24, 40.25 (1), (2) or (2m) or 40.63 is subject  
14 to s. 767.265. The board and any member or agent thereof and the department and  
15 any employe or agent thereof are immune from civil liability for any act or omission  
16 while performing official duties relating to withholding any annuity payment  
17 pursuant to s. 767.265.

18 **SECTION 1325.** 40.08 (1g) of the statutes is created to read:

19 40.08 (1g) WITHHOLDING OF LUMP SUM PAYMENTS. Notwithstanding sub. (1), any  
20 lump sum payment made under s. 40.23, 40.24, 40.25 (1), (2) or (2m) or 40.63 is  
21 subject to s. 49.852. The board and any member or agent thereof and the department  
22 and any employe or agent thereof are immune from civil liability for any act or  
23 omission while performing official duties relating to withholding any lump sum  
24 payment pursuant to s. 49.852.

25 **SECTION 1326.** 41.19 (2m) (c) (intro.) of the statutes is amended to read:



**SENATE BILL 77****SECTION 1326**

1           41.19 **(2m)** (c) (intro.) Subject to par. (d), from the appropriation under s. 20.380  
2           (1) ~~(bm)~~ (a), the department shall award a grant to the applicant on behalf of an area  
3           of the state selected under par. (a) if all of the following apply:

4           **SECTION 1327.** 41.23 of the statutes is created to read:

5           **41.23 Authority to license state symbols.** (1) (a) Subject to par. (b), the  
6           department shall have exclusive rights and authority to license the commercial use  
7           of any state symbol or any representation designed by the state or that is affixed to  
8           state property for the purpose of manufacturing or marketing any article of  
9           merchandise on which is affixed such symbol or representation. No person may use  
10          for commercial purposes any state symbol or representation over which the  
11          department has rights or authority without being licensed to do so by the  
12          department.

13          (b) The department may not have any rights or authority over the commercial  
14          use of any of the following:

15           1. Any state symbol or representation to which the state does not possess the  
16          rights or authority.

17           2. Any state symbol or representation that relates to the University of  
18          Wisconsin System.

19           3. Any state symbol or representation described in s. 1.07, 1.08 or 1.10.

20           4. Any state symbol or representation that relates to the state historical society.

21           5. Any label or trademark adopted under s. 100.14.

22           6. Any state symbol or representation that relates to the state lottery under ch.  
23          565.

24           7. Any brand, label, mark or tag that contains the words "convict-made", as  
25          provided under s. 132.13 (1) (a).

**SENATE BILL 77****SECTION 1327**

1           **(2)** The department may do any of the following:

2           (a) Market or sell any article of merchandise on which is affixed any state  
3 symbol or representation over which the department has exclusive rights and  
4 authority for the commercial purposes specified in sub. (1) (a).

5           (b) License one or more persons to use for commercial purposes any state  
6 symbol or representation over which the department has the exclusive rights and  
7 authority under sub. (1) (a).

8           (c) Contract with one or more persons for the purpose of manufacturing or  
9 marketing any article of merchandise on which is affixed any state symbol or  
10 representation over which the department has exclusive rights and authority for the  
11 commercial purposes specified in sub. (1) (a).

12           (d) Acquire excess or surplus property from the department of administration  
13 under ss. 16.72 (4) (b) and 16.98 (1) or from the department of transportation under  
14 s. 84.09 (5s) and sell the property to any person at a price determined by the  
15 department of tourism.

16           **(3)** The department shall enter into a contract with one or more statewide  
17 organizations under s. 41.25 for the purpose of marketing or selling any article of  
18 merchandise specified in sub. (2) (a) or any property specified in sub. (2) (d).

19           **(4)** (a) Any moneys received by the department from license fees under sub.  
20 (2) (b) or contracts entered into under sub. (2) (c) or (3) and any proceeds received by  
21 the department from the sale of merchandise under sub. (2) (a) or property under sub.  
22 (2) (d) shall be credited to the appropriation account under s. 20.380 (1) (h).

23           (b) A statewide organization that enters into a contract under sub. (3) shall  
24 transfer any proceeds received by the organization from the sale of merchandise or

**SENATE BILL 77****SECTION 1327**

1 property under the contract to the secretary. The secretary shall credit any proceeds  
2 received under this paragraph to the appropriation account under s. 20.380 (1) (hm).

3 (5) The department shall promulgate rules for the administration of this  
4 section, including rules establishing the license fee under sub. (2) (b).

5 **SECTION 1328.** 41.25 of the statutes is created to read:

6 **41.25 International trade, business and economic development grants.**

7 (1) From the appropriations under s. 20.380 (1) (h) and (hm), the department shall  
8 make grants to statewide organizations representing counties to promote  
9 international trade, business and economic development in the state if all of the  
10 following apply:

11 (a) The organization is a statewide organization created for the purpose of  
12 protecting county interests and promoting better county government.

13 (b) The organization has promoted international trade, business and economic  
14 development before the effective date of this paragraph .... [revisor inserts date].

15 (c) The organization enters into a written agreement with the department that  
16 specifies the conditions for use of the grant proceeds, including reporting and  
17 auditing requirements.

18 (d) The organization agrees in writing to submit to the department the report  
19 required under sub. (2) by the time required under sub. (2).

20 (2) An organization receiving a grant under this section shall submit to the  
21 department, within 6 months after spending the full amount of the grant, a report  
22 detailing how the grant proceeds were used.

23 **SECTION 1329.** 43.01 (1) of the statutes is amended to read:

24 43.01 (1) "Department" means the department of ~~education~~ public instruction.

25 **SECTION 1330.** 43.01 (6) of the statutes is repealed and recreated to read:

**SENATE BILL 77****SECTION 1330**

1           43.01 (6) "State superintendent" means the state superintendent of public  
2 instruction.

3           **SECTION 1331.** 43.03 (intro.) of the statutes is amended to read:

4           **43.03** (title) **General duties of ~~department~~ state superintendent.** (intro.)

5 The ~~department~~ state superintendent shall:

6           **SECTION 1332.** 43.05 (13) of the statutes is amended to read:

7           43.05 (13) Carry out such other programs and policies as directed by the  
8 ~~department~~ state superintendent.

9           **SECTION 1333.** 43.07 (intro.) of the statutes is amended to read:

10           **43.07 Council on library and network development.** (intro.) The  
11 ~~department~~ state superintendent and the division shall seek the advice of and  
12 consult with the council on library and network development in performing their  
13 duties in regard to library service. The ~~secretary~~ state superintendent or the  
14 administrator of the division shall attend every meeting of the council. The council  
15 may initiate consultations with the department and the division. The council shall:

16           **SECTION 1334.** 43.07 (2) of the statutes is amended to read:

17           43.07 (2) Advise the ~~secretary~~ state superintendent in regard to the general  
18 policies and activities of the state's program for library development, interlibrary  
19 cooperation and network development.

20           **SECTION 1335.** 43.07 (3) of the statutes is amended to read:

21           43.07 (3) Advise the ~~secretary~~ state superintendent in regard to the general  
22 policies and activities of the state's program for the development of school library  
23 media programs and facilities and the coordination of these programs with other  
24 library services.

25           **SECTION 1336.** 43.07 (4) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1336**

1           43.07 (4) Hold a biennial meeting for the purpose of discussing the report  
2 submitted by the department state superintendent under s. 43.03 (3) (d). Notice of  
3 the meeting shall be sent to public libraries, public library systems, school libraries  
4 and other types of libraries and related agencies. After the meeting, the council shall  
5 make recommendations to the department state superintendent regarding the  
6 report and any other matter the council deems appropriate.

7           **SECTION 1337.** 43.07 (5) of the statutes is amended to read:

8           43.07 (5) On or before July 1 of every odd-numbered year, transmit to the  
9 department state superintendent a descriptive and statistical report on the  
10 condition and progress of library services in the state and recommendations on how  
11 library services in the state may be improved. The department state superintendent  
12 shall include the report as an addendum to the department's biennial report under  
13 s. 15.04 (1) (d).

14           **SECTION 1338.** 43.07 (7) of the statutes is amended to read:

15           43.07 (7) Receive complaints, suggestions and inquiries regarding the  
16 programs and policies of the department relating to library and network  
17 development, inquire into such complaints, suggestions and inquiries, and advise  
18 the secretary state superintendent and the division on any action to be taken.

19           **SECTION 1339.** 43.13 (4) of the statutes is amended to read:

20           43.13 (4) Any decision by the division under this section may be appealed to  
21 the department state superintendent.

22           **SECTION 1340.** 43.15 (4) (c) 6. of the statutes is amended to read:

23           43.15 (4) (c) 6. Employs a head librarian holding current public library  
24 certification from the department of education public instruction.

25           **SECTION 1341.** 43.70 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1341**

1           43.70 (1) No later than October 15 of each year, each school district  
2 administrator shall certify to the ~~department~~ state superintendent, on forms  
3 provided by the ~~department~~ state superintendent, a report of the total number of  
4 children between the ages of 4 and 20 years residing in the school district on the  
5 preceding June 30. The number may be estimated by using statistically significant  
6 sampling techniques that have been approved by the ~~department~~ state  
7 superintendent.

8           **SECTION 1342.** 43.70 (2) of the statutes is amended to read:

9           43.70 (2) Annually, within 40 days after December 1, the ~~department~~ state  
10 superintendent shall ~~ascertain the aggregate amount of all moneys received as~~  
11 ~~income in the common school fund prior to that December 1 and shall apportion such~~  
12 ~~the amount~~ appropriated under s. 20.255 (2) (s) to the school districts in proportion  
13 to the number of children resident therein between the ages of 4 and 20 years, as  
14 shown by the census report certified under sub. (1).

15           **SECTION 1343.** 43.70 (3) of the statutes is amended to read:

16           43.70 (3) Immediately upon making such apportionment, the ~~department~~ state  
17 superintendent shall certify to the department of administration the total amount  
18 that each school district is entitled to receive under this section and shall notify each  
19 school district administrator of the amount so certified for his or her school district.  
20 Within 15 days after receiving such certification, the department of administration  
21 shall issue its warrants upon which the state treasurer shall pay ~~the amount~~  
22 ~~apportioned forthwith to the proper school district treasurer~~ to each school district  
23 50% of its total aid entitlement on or before January 31 and the balance on or before  
24 June 30. All moneys ~~apportioned from the common school fund~~ distributed under  
25 this section shall be expended for the purchase of library books and other

**SENATE BILL 77****SECTION 1343**

1 instructional materials for school libraries, but not for public library facilities  
2 operated by school districts under s. 43.52, in accordance with rules promulgated by  
3 the ~~department~~ state superintendent. Appropriate records of such purchases shall  
4 be kept and necessary reports thereon shall be made to the ~~department~~ state  
5 superintendent.

6 **SECTION 1344.** Chapter 44 (title) of the statutes is amended to read:

7 **CHAPTER 44**

8 **HISTORICAL SOCIETIES AND, ARTS**

9 **BOARD AND TECHNOLOGY FOR**

10 **EDUCATIONAL ACHIEVEMENT**

11 **IN WISCONSIN BOARD**

12 **SECTION 1345.** 44.015 (3m) of the statutes is created to read:

13 44.015 (3m) Notwithstanding s. 44.02 (5g), charge a fee for research services  
14 provided by the historical society to nonresidents who are not present when the  
15 services are being performed if the historical society submits a fee schedule to the  
16 joint committee on finance that includes the specific fee to be charged for such  
17 services. The fee schedule of the historical society shall be implemented if the  
18 committee approves the report, or does not schedule a meeting for the purpose of  
19 reviewing the report within 14 working days after receipt of the report.

20 **SECTION 1346.** 44.04 (2) (a) of the statutes is amended to read:

21 44.04 (2) (a) Prepare, publish, issue, loan or circulate such magazines, books,  
22 aids, guides and other publications, such visual aids, special exhibits, and other  
23 teaching materials and aids as it, in consultation with the department of education  
24 public instruction, deems advisable.

**SENATE BILL 77****SECTION 1347**

1           **SECTION 1347.** Subchapter IV of chapter 44 [precedes 44.70] of the statutes is  
2 created to read:

**CHAPTER 44****SUBCHAPTER IV****TECHNOLOGY FOR EDUCATIONAL****ACHIEVEMENT IN WISCONSIN BOARD**

7           **44.70 Definitions.** In this subchapter:

8           (1) “Board” means the technology for educational achievement in Wisconsin  
9 board.

10          (2) “Department” means the department of administration.

11          (3) “Educational technology” means technology used in the education or  
12 training of any person or in the administration of an elementary or secondary school  
13 and related telecommunications services.

14          (4) “Telecommunications” has the meaning given in s. 16.99 (1).

15          **44.71 Technology for educational achievement in Wisconsin board. (1)**  
16 **EXECUTIVE DIRECTOR; STAFF.** The governor may appoint a person to serve as executive  
17 director of the board. The executive director may appoint subordinate staff, subject  
18 to authorization under s. 16.505.

19          (2) **DUTIES.** The board shall do all of the following:

20          (a) In cooperation with school districts, cooperative educational service  
21 agencies, the technical college system board, the board of regents of the University  
22 of Wisconsin System and the department, promote the efficient, cost-effective  
23 procurement, installation and maintenance of educational technology by school  
24 districts, cooperative educational service agencies, technical college districts and the  
25 University of Wisconsin System.



**SENATE BILL 77****SECTION 1347**

1 (b) Identify the best methods of providing preservice and in-service training  
2 for teachers related to educational technology.

3 (c) With the consent of the department, enter into cooperative purchasing  
4 agreements under s. 16.73 (1) under which participating school districts and  
5 cooperative educational service agencies may contract for their professional  
6 employes to receive training concerning the effective use of educational technology.

7 (d) In cooperation with the board of regents of the University of Wisconsin  
8 System, the technical college system board, the department of public instruction and  
9 other entities, support the development of courses for the instruction of professional  
10 employes who are licensed by the state superintendent of public instruction  
11 concerning the effective use of educational technology.

12 (e) In cooperation with the department and the public service commission,  
13 provide telecommunications access to school districts under the program established  
14 under s. 196.218 (4r) (b).

15 (f) No later than October 1 of each even-numbered year, submit a biennial  
16 report concerning the board's activities to the governor, and to the appropriate  
17 standing committees of the legislature under s. 13.172 (3).

18 (g) Coordinate the purchasing of educational technology materials, supplies,  
19 equipment and contractual services for school districts, cooperative educational  
20 service agencies, technical college districts and the board of regents of the University  
21 of Wisconsin System by the department under s. 16.72 (8), and, in cooperation with  
22 the department, establish standards and specifications for purchases of educational  
23 technology hardware and software by school districts, cooperative educational  
24 service agencies, technical college districts and the board of regents of the University  
25 of Wisconsin System.

**SENATE BILL 77****SECTION 1347**

1 (h) Purchase educational technology equipment for use by school districts,  
2 cooperative educational service agencies and public educational institutions in this  
3 state and lease the equipment, with option to purchase, to the school districts,  
4 cooperative educational service agencies and public educational institutions.

5 **44.72 Educational technology training programs, grants, aids and**  
6 **loans. (1) EDUCATIONAL TECHNOLOGY TRAINING GRANTS.** (a) After distributing grants  
7 to all eligible cooperative educational service agencies under par. (b), the board shall  
8 award grants from the appropriation under s. 20.275 (1) (et) to cooperative  
9 educational service agencies to train agency and school district staff in the use and  
10 integration of technology for educational purposes, to rent space for such training  
11 and for other costs associated with such training. A cooperative educational service  
12 agency is eligible for a grant under this paragraph only if it develops an educational  
13 technology training plan that is approved by the board.

14 (b) 1. From the appropriation under s. 20.275 (1) (et), the board shall award  
15 grants to cooperative educational service agencies to coordinate and provide  
16 educational technology planning and training among the school districts served by  
17 the agencies. The board of control of a cooperative educational service agency is  
18 eligible for a grant under this paragraph only if it agrees to do all of the following:

19 a. Assist school districts served by the cooperative educational service agency  
20 in developing and implementing educational technology plans.

21 b. Provide staff development programs that address educational technology  
22 needs identified in the plans developed under subd. 1. a.

23 c. Coordinate its efforts under subd. 1. a. and b. with institutions of higher  
24 education.

**SENATE BILL 77****SECTION 1347**

1           d. Employ on a full-time basis an individual whose sole function is to provide  
2 technical assistance related to educational technology to school districts served by  
3 the agency.

4           e. Employ on a full-time basis an individual whose sole function is to coordinate  
5 and provide educational technology training for the school districts served by the  
6 agency.

7           2. A grant under this paragraph may not exceed \$120,000 in any fiscal year.

8           **(2) EDUCATIONAL TECHNOLOGY BLOCK GRANTS.** (a) Annually, the board shall  
9 distribute the amount appropriated under s. 20.275 (1) (u) to eligible school districts  
10 in proportion to the number of persons between the ages of 4 and 20 who reside in  
11 each school district, as determined under s. 43.70 (1). The funds shall be distributed  
12 after the funds under s. 43.70 (3) are distributed and according to the schedule in s.  
13 43.70 (3). If, after distributing the funds under s. 43.70, the balance of the common  
14 school fund income is less than the amount appropriated under s. 20.275 (1) (u), the  
15 board shall distribute the balance of the common school fund income instead of the  
16 amount appropriated under s. 20.275 (1) (u) under this paragraph.

17           (b) 1. In this paragraph, “equalized valuation per member” means equalized  
18 valuation, as defined in s. 121.004 (2), divided by membership, as defined in s.  
19 121.004 (5), except as follows:

20           a. For a school district operating only high school grades, “equalized valuation  
21 per member” means equalized valuation, as defined in s. 121.004 (2), divided by the  
22 result obtained by multiplying membership, as defined in s. 121.004 (5), by 3.

23           b. For a school district operating only elementary grades, “equalized valuation  
24 per member” means equalized valuation, as defined in s. 121.004 (2), divided by the  
25 result obtained by multiplying membership, as defined in s. 121.004 (5), by 1.5.

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1           2. From the appropriation under s. 20.275 (1) (f), annually the board shall pay  
2 \$5,000 to each eligible school district. The board shall distribute the balance in the  
3 appropriation to eligible school districts in proportion to the weighted membership  
4 of each school district, which shall be determined as follows:

5           a. If a school district's equalized valuation per member is more than 150% of  
6 the state average equalized valuation per member, each member is weighted as 1.0.

7           b. If a school district's equalized valuation per member is at least 100% but not  
8 more than 150% of the state average equalized valuation per member, each member  
9 is weighted as 2.0.

10           c. If a school district's equalized valuation per member is less than 100% of the  
11 state average equalized valuation per member, each member is weighted as 3.0.

12           (c) A school district is eligible for a grant under par. (a) or (b) only if the annual  
13 meeting in a common school district, or the school board in a unified school district  
14 or in a school district operating under ch. 119, adopts a resolution requesting the  
15 grant. A grant under this subsection may not be used to replace funding available  
16 from other sources.

17           (d) A school district receiving a grant under par. (a) or (b) shall deposit the  
18 moneys in a separate fund. The moneys may be used for any purpose related to  
19 educational technology, except that a school district may not use the moneys to pay  
20 the salary or benefits of any school district employe.

21           **(4) SUBSIDIZED EDUCATIONAL TECHNOLOGY INFRASTRUCTURE LOANS.** (a) *Subsidized*  
22 *loans authorized.* The board may make subsidized loans under this subsection to  
23 school districts from the proceeds of public debt contracted under s. 20.866 (2) (zc).  
24 Subsidized loans under this subsection may be used only for the purpose of  
25 upgrading the electrical wiring of school buildings in existence on the effective date

**SENATE BILL 77****SECTION 1347**

1 of this paragraph .... [revisor inserts date], and installing and upgrading computer  
2 network wiring in accordance with standards and procedures established by the  
3 board and the department.

4 (b) *Subsidized loan applications, terms and conditions.* The board shall  
5 establish application procedures for, and the terms and conditions of, subsidized  
6 loans under this subsection. The terms shall include provision of professional  
7 building construction services under s. 16.85 (15). The board shall determine the  
8 interest rate on these loans. The interest rate shall be as low as possible but shall  
9 be sufficient to fully pay all interest expenses incurred by the state and to provide  
10 reserves that are reasonably expected to be required in the judgment of the board to  
11 ensure against losses arising from delinquency and default in the repayment of  
12 subsidized loans.

13 (c) *Repayment of subsidized loans.* A school district's total payments on a loan  
14 made under this subsection shall be equal to 50% of the total debt service on the loan,  
15 as determined by the board. A school district is not obligated to pay the remaining  
16 50% of the debt service on the loan. The board shall credit all moneys received under  
17 this paragraph to the appropriation account under s. 20.275 (1) (h).

18 (d) *Funding for subsidized loans.* The board, with the approval of the governor  
19 and subject to the limits of s. 20.866 (2) (zc), may request that the building  
20 commission contract public debt in accordance with ch. 18 to fund loans under this  
21 subsection. The term of public debt contracted under s. 20.866 (2) (zc) may not exceed  
22 10 years.

23 **44.73 Educational technology assistance.** The board shall coordinate with  
24 the division of information technology services of the department to provide school  
25 districts with telecommunications access under s. 196.218 (4r).

**SENATE BILL 77****SECTION 1348**

1           **SECTION 1348.** 45.01 of the statutes is amended to read:

2           **45.01 Wisconsin veterans museum; space for.** The department of  
3 administration shall provide suitable space for the purpose of a memorial hall,  
4 designated as the Wisconsin veterans museum, dedicated to the men and women of  
5 Wisconsin who served in the armed forces of the United States in the civil war of 1861  
6 to 1865 or ~~in any subsequent wars, as enumerated in s. 45.35 (5) (e), or in Bosnia,~~  
7 ~~Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 who~~  
8 meets one of the conditions listed in s. 45.35 (5) (a) 1. a. to d., and the department of  
9 veterans affairs shall operate and conduct the Wisconsin veterans museum.

10           **SECTION 1349.** 45.16 of the statutes is amended to read:

11           **45.16 Burial allowance.** Each county veterans' service officer shall cause to  
12 be interred in a decent and respectable manner in any cemetery in this state, other  
13 than those used exclusively for the burial of paupers, the body of any person who  
14 served in ~~any war of the United States, in the Korean conflict, in the Vietnam war,~~  
15 ~~under section 1 of executive order 10957, dated August 10, 1961, or had service that~~  
16 ~~entitled the person to receive the armed forces expeditionary medal, established by~~  
17 ~~executive order 10977 on December 4, 1961, the Vietnam service medal established~~  
18 ~~by executive order 11231 on July 8, 1965, the navy expeditionary medal or the~~  
19 ~~marine corps expeditionary medal or who served in Bosnia, Grenada, Lebanon,~~  
20 ~~Panama, Somalia or a Middle East crisis under s. 45.34 and who was discharged~~  
21 ~~under honorable conditions after 90 days or more of active service, in the U.S. armed~~  
22 ~~forces, or if having served less than 90 days was honorably discharged for a disability~~  
23 ~~incurred in line of duty and who was living in the county at the time of death,~~ meets  
24 the definition of a "veteran" under s. 45.35 (5) and who dies not leaving sufficient  
25 means to defray the necessary expenses of a decent burial, or under financial

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1 circumstances that would distress the person's family to pay the expenses of the  
2 burial, and the body of a spouse or surviving spouse of the person who dies not leaving  
3 such means or under the same financial circumstances and who was living in the  
4 county at the time of death, at an expense to the county of not more than \$300 in  
5 addition to the burial allowance payable under laws administered by the U.S.  
6 department of veterans affairs.

7 **SECTION 1350.** 45.25 (1) of the statutes is amended to read:

8 45.25 (1) ADMINISTRATION. The department of veterans affairs shall administer  
9 a tuition and fee reimbursement program for eligible veterans enrolling as  
10 undergraduates in any institution or center within the university of Wisconsin  
11 system or, enrolling in any technical college under ch. 38 or receiving a waiver of  
12 nonresident tuition under s. 39.47.

13 **SECTION 1351.** 45.25 (2) (b) of the statutes is amended to read:

14 45.25 (2) (b) The individual ~~served on active duty, except service on active duty~~  
15 ~~for training purposes, under honorable conditions in the U.S. armed forces for 2~~  
16 ~~continuous years or more or the full period of the individual's initial service~~  
17 ~~obligation, whichever is less. An individual discharged for reasons of hardship or a~~  
18 ~~service-connected disability or released due to a reduction in the U.S. armed forces~~  
19 ~~prior to the completion of the required period of service is eligible, regardless of the~~  
20 ~~actual time served~~ meets the definition of a "veteran" under s. 45.35 (5).

21 **SECTION 1352.** 45.25 (2) (c) of the statutes is amended to read:

22 45.25 (2) (c) The individual applies for the tuition and fee reimbursement  
23 program for courses completed within ~~6~~ 10 years after separation from the service.

24 **SECTION 1353.** 45.25 (3) (a) of the statutes, as affected by 1995 Wisconsin Act  
25 255, is amended to read:

**SENATE BILL 77****SECTION 1353**

1           45.25 (3) (a) An individual who meets the requirements under sub. (2), upon  
2 satisfactory completion of an undergraduate semester in any institution or center  
3 within the university of Wisconsin system or a semester at any technical college  
4 district school under ch. 38, may be reimbursed for up to 50% of the individual's  
5 tuition and fees, ~~other than textbooks and other costs, charged by the institution,~~  
6 ~~center or school,~~ but that reimbursement is limited to a maximum of 50% of the  
7 standard cost for a state resident for an equivalent undergraduate course at the  
8 University of Wisconsin-Madison per course or the difference between the  
9 individual's tuition and fees and the grants or scholarships, including those made  
10 under s. 21.49, that the individual receives specifically for the payment of the tuition  
11 or fees, whichever is less. Reimbursement is available only for tuition and fees that  
12 are part of a curriculum that is relevant to a degree in a particular course of study  
13 at the institution, center or school.

14           **SECTION 1354.** 45.25 (3) (c) of the statutes is amended to read:

15           45.25 (3) (c) Reimbursement provided under this section shall be paid from the  
16 appropriation under s. 20.485 (2) ~~(tf)~~ (vy). If the amount of funds applied for exceeds  
17 the amount available under s. 20.485 (2) ~~(tf)~~ (vy), the department may deny  
18 applications for reimbursement that would otherwise qualify under this section. In  
19 those cases, the department shall determine eligibility on the basis of the dates on  
20 which applications for reimbursement were received.

21           **SECTION 1355.** 45.25 (4) (a) of the statutes is amended to read:

22           45.25 (4) (a) An individual is not eligible for reimbursement under sub. (2) for  
23 more than 120 credits of part-time study or 8 full semesters of full-time study at any  
24 institution or center within the university of Wisconsin system or, 60 credits of  
25 part-time study or 4 full semesters of full-time study at a technical college under ch.



**SENATE BILL 77****SECTION 1355**

1     38, or an equivalent amount of credits at an institution where he or she is receiving  
2     a waiver of nonresident tuition under s. 39.47.

3           **SECTION 1356.** 45.25 (4) (d) of the statutes is amended to read:

4           45.25 (4) (d) The department may provide reimbursement under sub. (2) from  
5     the appropriation account under s. 20.485 (2) (~~tf~~) (vy) for the fiscal year in which the  
6     course was completed or in which the academic term during which the course was  
7     taken ended, whichever is earlier.

8           **SECTION 1357.** 45.35 (5) (a) 1. d. of the statutes is created to read:

9           45.35 (5) (a) 1. d. Has served on active duty under conditions other than  
10    dishonorable in the U.S. armed forces for 2 continuous years or more or the full period  
11    of the individual's initial service obligation, whichever is less. An individual  
12    discharged for reasons of hardship or a service-connected disability or released due  
13    to a reduction in the U.S. armed forces prior to the completion of the required period  
14    of service is eligible, regardless of the actual time served.

15          **SECTION 1358.** 45.35 (5m) (a) (intro.) of the statutes is amended to read:

16          45.35 (5m) (a) (intro.) "Dependent" of a veteran as used in this section and s.  
17    ss. 45.351 and 45.356 includes only:

18          **SECTION 1359.** 45.35 (6) of the statutes is amended to read:

19          45.35 (6) COORDINATION DUTIES. The department shall coordinate the activities  
20    of all state agencies and the University of Wisconsin Hospitals and Clinics Authority  
21    performing functions relating to the medical, hospital, or other remedial care,  
22    placement and training, educational, economic or vocational rehabilitation of  
23    persons who served in the armed forces of the United States at any time and who  
24    were honorably discharged, including such persons with disabilities whether or not  
25    service-connected or war-connected. In particular it shall coordinate the activities

**SENATE BILL 77****SECTION 1359**

1 of the technical college system board, state selective service administration,  
2 department of health and family services, department of industry, labor and job  
3 development, department of ~~education~~ public instruction, the university of  
4 Wisconsin system and other educational institutions, the University of Wisconsin  
5 Hospitals and Clinics Authority, and all other departments or agencies performing  
6 any of the functions specified to the end that the benefits provided in this section may  
7 be made available to veterans as promptly and effectively as possible.

8 **SECTION 1360.** 45.35 (15) of the statutes is amended to read:

9 45.35 (15) LIBERAL CONSTRUCTION INTENDED. This section, ss. 45.351, 45.356 and  
10 45.37 and subch. II shall be construed as liberally as the language permits in favor  
11 of applicants.

12 **SECTION 1361.** 45.35 (18) of the statutes is created to read:

13 45.35 (18) LOAN REPAYMENTS. The department shall deposit all repayments of  
14 loans and payments of interest made on loans under s. 45.351 (2), 1995 stats., s.  
15 45.352, 1971 stats., s. 45.356, 1995 stats., or s. 45.80, 1989 stats., in the veterans  
16 trust fund.

17 **SECTION 1362.** 45.351 (1j) of the statutes is created to read:

18 45.351 (1j) HEALTH CARE AID GRANTS. (a) The department may grant to any  
19 veteran or dependents such temporary health care aid as the department considers  
20 advisable to prevent want or distress. Health care aid to meet medical or hospital  
21 bills under this paragraph is limited to a payment of up to \$5,000 per veteran or  
22 dependent for a maximum of 30 days within a 12-month period for the same  
23 condition or conditions. Health care aid may be used to provide payment for the  
24 treatment of alcoholism or other drug addiction or to provide payment for health care  
25 required because of alcoholism or other drug addiction or alcohol or other drug abuse.

**SENATE BILL 77****SECTION 1362**

1 The department may not grant health care aid under this paragraph unless the aid  
2 recipient's health care provider agrees to accept, as full payment for the medical  
3 treatment for which the aid is to be granted, the amount of the grant, the amount of  
4 the recipient's health insurance or other 3rd-party payments, if any, and the amount  
5 that the department determines the aid recipient is capable of paying. The  
6 department may not grant health care aid under this paragraph if the combined  
7 liquid assets of the applicant for aid, and of the veteran and veteran's dependents  
8 who are living in the same household with the applicant, are in excess of \$1,000.

9 (b) This subsection does not apply after June 30, 1999.

10 **SECTION 1363.** 45.351 (2) of the statutes is repealed.

11 **SECTION 1364.** 45.351 (3) of the statutes is amended to read:

12 45.351 (3) APPROPRIATIONS. The department may award grants and loans under  
13 this section from the appropriation in s. 20.485 (2) (vm). Nothing in this section  
14 empowers the department to incur any state debt.

15 **SECTION 1365.** 45.353 (2) of the statutes is amended to read:

16 45.353 (2) Upon application the department shall make a payment to any state  
17 veterans organization that establishes that it, or its national organization, or both,  
18 has maintained a full-time service office at the regional office for at least 5 of the 10  
19 years preceding the date of application. The payment shall equal 25% of all salaries  
20 and travel expenses under sub. (3) paid during the previous fiscal year by the state  
21 veterans organization to employes engaged in veterans claims service and stationed  
22 at the regional office, except that the sum paid to a state veterans organization  
23 annually shall not be less than either \$2,500, or the amount of salaries and travel  
24 expenses paid by the state veterans organization to employes stationed at the  
25 regional office, whichever is less, nor more than \$15,000. In addition, the

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1 department may provide a performance incentive award to any state veterans  
2 organization that receives a payment under this section from the amount remaining  
3 in the appropriation under s. 20.485 (2) (vw) after the initial payment has been made.

4 **SECTION 1366.** 45.356 (title) of the statutes is amended to read:

5 **45.356 (title) Veterans trust fund stabilization personal loans.**

6 **SECTION 1367.** 45.356 (1m) (b) of the statutes is amended to read:

7 45.356 (1m) (b) "Veteran" has the meaning given in s. ~~45.71 (16) (a)~~ 45.35 (5)  
8 (a).

9 **SECTION 1368.** 45.356 (2) of the statutes is amended to read:

10 45.356 (2) The department may lend a veteran, a veteran's unremarried spouse  
11 or a deceased veteran's child who meets the requirements of s. 45.35 (5m) (a) 2. not  
12 more than \$15,000 or a lesser amount established by the department by rule for the  
13 purchase of a mobile home, business or business property, ~~the repair of or addition~~  
14 ~~to his or her home or business property, the construction of a garage,~~ the education  
15 of the veteran or his or her spouse or children, the payment of medical or funeral  
16 expenses or the consolidation of debt. The department may prescribe loan  
17 conditions, but the term of the loan may not exceed 10 years.

18 **SECTION 1369.** 45.356 (3) of the statutes is amended to read:

19 45.356 (3) The department may lend not more than \$15,000 or a lesser amount  
20 established by the department by rule to a veteran's remarried surviving spouse,  
21 ~~whether remarried or not,~~ or to the parent of a deceased veteran's children child for  
22 the education of ~~the minor or dependent children of the veteran if the surviving~~  
23 ~~spouse or parent is a resident of and living in this state on the date of application~~ a  
24 child who meets the requirements of s. 45.35 (5m) (a) 2.

25 **SECTION 1370.** 45.356 (3m) of the statutes is created to read:

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1           45.356 **(3m)** To be eligible for a loan under this section, an applicant must be  
2 a resident of and living in this state on the date of the application.

3           **SECTION 1371.** 45.356 (4) of the statutes is amended to read:

4           45.356 **(4)** ~~The department shall administer this program as a fiduciary for the~~  
5 ~~purpose of maximizing the asset and income base of the veterans trust fund.~~ The  
6 department may execute necessary instruments, collect interest and principal,  
7 compromise indebtedness, sue and be sued, post bonds and write off indebtedness  
8 that it considers uncollectible. If a loan under this ~~subsection~~ section is secured by  
9 a real estate mortgage, the department may exercise the rights of owners and  
10 mortgagees generally and the rights and powers set forth in s. 45.72. The  
11 department shall pay all interest and principal repaid on the loan into the veterans  
12 trust fund.

13           **SECTION 1372.** 45.356 (8) of the statutes is created to read:

14           45.356 **(8)** No person may receive a loan under this section in an amount that,  
15 when added to the balance outstanding on the person's existing loans under s. 45.351  
16 (2), 1995 stats., and s. 45.356, 1995 stats., would result in a total indebtedness to the  
17 department of more than \$15,000, or a lesser amount as established by the  
18 department by rule.

19           **SECTION 1373.** 45.356 (9) of the statutes is created to read:

20           45.356 **(9)** (a) The department may borrow from the veterans mortgage loan  
21 repayment fund under s. 45.79 (7) (a) and shall pledge loans made under this section  
22 as collateral for the borrowing.

23           (b) The department may enter into transactions with the state investment  
24 board to obtain money to make loans under this section.

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1 (c) All moneys received by the department from the repayment of loans funded  
2 under this section, net proceeds from the sale of mortgaged properties, gifts, grants,  
3 other appropriations and interest earnings accruing thereon, shall be used to repay  
4 any money borrowed from the veterans mortgage loan repayment fund under par.  
5 (a) and to repay any money obtained from the state investment board under par. (b).

6 **SECTION 1374.** 45.357 (title) of the statutes is amended to read:

7 **45.357 (title) Veterans ~~rehabilitation~~ assistance program.**

8 **SECTION 1375.** 45.357 of the statutes is renumbered 45.357 (1) and amended  
9 to read:

10 45.357 (1) The department of veterans affairs shall administer a ~~rehabilitation~~  
11 program to provide assistance to persons who served in the U.S. armed forces or in  
12 forces incorporated as part of the U.S. armed forces and who were discharged under  
13 conditions other than dishonorable. The department shall provide assistance to  
14 persons whose need for services is based upon homelessness, incarceration or other  
15 circumstances designated by the department by rule. The department shall  
16 designate the assistance available under this section, which may include assistance  
17 in receiving medical care, dental care, education, employment and transitional  
18 housing. The department may provide grants to facilitate the provision of services  
19 under this section.

20 **SECTION 1376.** 45.357 (2) of the statutes is created to read:

21 45.357 (2) The department may charge fees for transitional housing and for  
22 such other assistance that is provided under this section as the department  
23 designates. Any fees received shall be credited to the veterans trust fund. The  
24 department shall promulgate rules establishing the fee schedule and the manner of  
25 implementation of that schedule.

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1           **SECTION 1377.** 45.37 (1a) of the statutes is amended to read:

2           45.37 (1a) DEFINITION OF VETERAN. Except as provided in sub. (15) (a) and (b),  
3           in this section “veteran” has the meaning given in s. 45.35 (5) (a) or means any person  
4           who served on active duty under honorable conditions in the U.S. armed forces or in  
5           forces incorporated as part of the U.S. armed forces ~~who was entitled to receive the~~  
6           ~~armed forces expeditionary medal, established by executive order 10977 on~~  
7           ~~December 4, 1961, the Vietnam service medal established by executive order 11231~~  
8           ~~on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary~~  
9           ~~medal or who served in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle~~  
10          ~~East crisis under s. 45.34 or any person who served for at least one day during a war~~  
11          period, as defined in s. 45.35 (5) (e) or under section 1 of executive order 10957, dated  
12          August 10, 1961, and who was officially reported missing in action or killed in action  
13          or who died in service, or who was discharged under honorable conditions after 90  
14          days or more of active service, or if having served less than 90 days was honorably  
15          discharged for a service-connected disability or for a disability subsequently  
16          adjudicated to have been service connected, or who died as a result of  
17          service-connected disability.

18          **SECTION 1378.** 45.37 (2) (c) of the statutes is repealed.

19          **SECTION 1379.** 45.37 (3) (a) of the statutes is repealed.

20          **SECTION 1380.** 45.396 (2) of the statutes is amended to read:

21          45.396 (2) Any veteran upon the completion of any correspondence course or  
22          part-time classroom study from an institution of higher education located in this  
23          state or from any public or private high school may be reimbursed ~~in whole or in part~~  
24          for the cost of the course, ~~including necessary textbooks,~~ by the department upon  
25          presentation to the department of a certificate from the school indicating that the

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1 veteran has completed the course and stating the cost of the course and necessary  
2 textbooks and upon application for reimbursement completed by the veteran and  
3 received by the department no later than 60 days after the termination of the course  
4 for which the application for reimbursement is made. The department shall accept  
5 and process an application received more than 60 days after the termination of the  
6 course if the applicant shows good cause for the delayed receipt. The department  
7 may not require that an application be received sooner than 60 days after a course  
8 is completed. Benefits granted under this section shall be paid out of the  
9 appropriation under s. 20.485 (2) ~~(vm)~~ (vy).

10 **SECTION 1381.** 45.396 (4) of the statutes is amended to read:

11 45.396 (4) Enrolled part-time classroom study or direct correspondence  
12 courses from a qualified educational institution may be authorized and the veteran  
13 reimbursed in whole or in part by the department when such courses are related to  
14 one's occupational, professional or educational employment objectives, and to the  
15 extent that payment or reimbursement is not available from any other sources, or,  
16 in cases where reimbursement is not specifically for fees and textbooks tuition, to the  
17 extent that such reimbursement is insufficient to cover all educational costs.

18 **SECTION 1382.** 45.396 (5) of the statutes is amended to read:

19 45.396 (5) The reimbursement may not exceed 50% of the cost of tuition, and  
20 fees and textbooks and shall also be limited to a maximum of \$300 per course and  
21 \$1,100 per fiscal year 50% of the standard cost for a state resident for tuition and fees  
22 for an equivalent undergraduate course at the University of Wisconsin-Madison per  
23 course and may not be provided to an individual more than 4 times during any  
24 consecutive 12-month period.

25 **SECTION 1383.** 45.396 (8) of the statutes is created to read:



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1           45.396 (8) Notwithstanding sub. (2), the department may not make a grant  
2           under this section unless the department determines that a course for which an  
3           application is made is related to the applicant's occupational, professional or  
4           employment objectives.

5           **SECTION 1384.** 45.42 (1) of the statutes is amended to read:

6           45.42 (1) The department may compile a record of the burial places within the  
7           state of persons who served in the U.S. armed forces in time of war as defined in s.  
8           45.35 (5) (e) or in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East  
9           crisis under s. 45.34, or under section 1 of executive order 10957, dated  
10          August 10, 1961, or whose service entitled them to receive the armed forces  
11          expeditionary medal, established by executive order 10977 on December 4, 1961, the  
12          Vietnam service medal established by executive order 11231 on July 8, 1965, the  
13          navy expeditionary medal or the marine corps expeditionary medal meet the  
14          definition of a "veteran" under s. 45.35 (5) (a). The record, so far as practicable, may  
15          indicate the name of each person; the service in which engaged; the appropriate  
16          designation of armed forces unit; the rank and period of service; the name and  
17          location of the cemetery or other place in which the body is interred; the location of  
18          the grave in the cemetery or other place; and the character of headstone or other  
19          marker, if any, at the grave.

20          **SECTION 1385.** 45.42 (2) of the statutes is amended to read:

21          45.42 (2) The department may have blank forms prepared whereby the  
22          information required for the record may be transmitted to it and may distribute the  
23          forms to county veterans' service officers. The county veterans' service officer within  
24          whose county and cemetery or burial place is located in which are interred the bodies  
25          of persons who served in the U.S. armed forces in time of war as defined in s. 45.35

**SENATE BILL 77****SECTION 1385**

1 ~~(5) (e) or in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis~~  
2 ~~under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961,~~  
3 ~~or whose service entitled them to receive the armed forces expeditionary medal,~~  
4 ~~established by executive order 10977 on December 4, 1961, the Vietnam service~~  
5 ~~medal established by executive order 11231 on July 8, 1965, the navy expeditionary~~  
6 ~~medal or the marine corps expeditionary medal meet the definition of a "veteran"~~  
7 ~~under s. 45.35 (5) (a) shall submit the facts required for such record to the department~~  
8 ~~on the forms provided by it, if so requested by the department.~~

9 **SECTION 1386.** 45.43 (7) (b) of the statutes is amended to read:

10 45.43 **(7)** (b) The department shall award a grant ~~not exceeding \$5,000~~  
11 ~~annually to a county that meets the standards developed under this subsection and~~  
12 ~~employs a county veterans' service officer who, if chosen after August 9, 1989, is~~  
13 ~~chosen from a list of candidates who have taken a civil service examination for the~~  
14 ~~position of county veterans' service officer developed and administered by the~~  
15 ~~division of merit recruitment and selection in the department of employment~~  
16 ~~relations, or is appointed under a civil service competitive examination procedure~~  
17 ~~under ch. 63 or s. 59.52 (8). An eligible county initially applying for a grant after~~  
18 ~~August 9, 1989, shall be eligible for an initial grant for the first year not exceeding~~  
19 ~~\$1,000, an annual grant for the next year not exceeding \$3,000 and any subsequent~~  
20 ~~annual grant not exceeding \$5,000 The grant shall consist of a basic award and a~~  
21 ~~production incentive award. The basic award shall be \$8,500 for a county with a~~  
22 ~~population of under 20,000, \$10,000 for a county with a population of 20,000 to~~  
23 ~~45,499, \$11,500 for a county with a population of 45,500 to 74,999 and \$13,000 for~~  
24 ~~a county with a population of 75,000 or more. The department of veterans affairs~~

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1 shall promulgate by rule criteria for determining the amount of the production  
2 incentive award.

3 **SECTION 1387.** 45.52 of the statutes is amended to read:

4 **45.52 Physical disability does not disqualify for public employment.**

5 A veteran, as defined under s. ~~45.37 (1a)~~ 45.35 (5) (a), who has suffered a physical  
6 disability as a direct result of military or naval service shall not on that account be  
7 barred from employment in any public position or employment whether under state,  
8 county or municipal civil service or otherwise, if the licensed physician making a  
9 physical examination of the veteran for the public employer certifies that the  
10 applicant's disability will not materially handicap the veteran in the performance of  
11 the duties of the position.

12 **SECTION 1388.** 45.71 (9) (b) of the statutes is amended to read:

13 45.71 **(9)** (b) Unless temporary in nature and except as provided under s. ~~45.79~~  
14 ~~(2m)~~ or 45.85, pensions and disability compensation shall be considered income.

15 **SECTION 1389.** 45.71 (16) (a) 1m. e. of the statutes is created to read:

16 45.71 **(16)** (a) 1m. e. Has served on active duty in the U.S. armed forces for 2  
17 continuous years or more or the full period of the individual's initial service  
18 obligation, whichever is less. An individual discharged for reasons of hardship or a  
19 service-connected disability or released due to a reduction in the U.S. armed forces  
20 prior to the completion of the required period of service is eligible, regardless of the  
21 actual time served.

22 **SECTION 1390.** 45.74 (1) of the statutes is repealed.

23 **SECTION 1391.** 45.74 (7) of the statutes is created to read:

24 45.74 **(7)** PRICE-OF-HOME LIMITATION. The price of the home exceeds 2.5 times  
25 the median price of a home in this state if the person is applying for a loan for the

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1 purchase of a home. The department shall promulgate a rule establishing the  
2 median price of a home in this state for each fiscal year that is determined by using  
3 the most recent housing price index generated by the Wisconsin Realtors Association  
4 before July 1.

5 **SECTION 1392.** 45.745 (1) of the statutes is repealed.

6 **SECTION 1393.** 45.76 (1) (c) 1. of the statutes is renumbered 45.76 (1) (c).

7 **SECTION 1394.** 45.76 (1) (c) 2. of the statutes is repealed.

8 **SECTION 1395.** 45.79 (2m) of the statutes is repealed.

9 **SECTION 1396.** 45.79 (3) (a) (title) of the statutes is amended to read:

10 45.79 (3) (a) (title) *First or 2nd mortgage or guarantor required.*

11 **SECTION 1397.** 45.79 (3) (a) 1. of the statutes is amended to read:

12 45.79 (3) (a) 1. Each loan made under this section, except a loan of \$3,000 or  
13 less for a purpose specified under s. 45.76 (1) (c), shall be evidenced by a promissory  
14 instalment note and secured by a mortgage on the real estate in respect to which the  
15 loan is granted. A loan of \$3,000 or less made for a purpose specified under s. 45.76  
16 (1) (c) shall be evidenced by a promissory instalment note and shall be secured by a  
17 guarantor or by a mortgage on the real estate in respect to which the loan is granted.

18 Any loan having as its source funds provided through sub. (6) (a) and secured by a  
19 mortgage shall have the mortgage name the department as mortgagee and payee.

20 Any loan having as its source funds provided through sub. (6) (b) and secured by a  
21 mortgage shall have the mortgage name the authorized lender involved as  
22 mortgagee and payee, and such mortgage and note shall be assigned by the  
23 authorized lender to the authority immediately upon execution. A mortgage  
24 securing a loan made for a purpose specified in s. 45.76 (1) (a), (b) or (d) must have  
25 priority over all liens against the mortgaged premises and the buildings and

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1 improvements thereon, except tax and special assessment liens filed after the  
2 recording of the mortgage. A mortgage securing a loan made for a purpose specified  
3 under s. 45.76 (1) (c) may be junior and subject to not more than one prior mortgage,  
4 and, except for that prior mortgage, must have priority over all liens against the  
5 mortgaged premises and the buildings and improvements on those premises, except  
6 tax and special assessment liens filed after the recording of the mortgage.

7 **SECTION 1398.** 45.79 (6) (a) 2. of the statutes is amended to read:

8 45.79 (6) (a) 2. The chairperson of the board shall certify that the chairperson  
9 does not expect proceeds of state debt issued under this paragraph to be used in a  
10 manner that would cause the debt to be arbitrage bonds as defined by the internal  
11 revenue code, where that debt is a bond that is exempt from federal taxation.

12 **SECTION 1399.** 45.79 (6) (c) 2. of the statutes is amended to read:

13 45.79 (6) (c) 2. The chairperson of the board shall certify that the board and the  
14 department do not expect and shall not use proceeds of revenue obligations issued  
15 under this paragraph in a manner that would cause the revenue obligations to be  
16 arbitrage bonds as defined in the U.S. internal revenue code, where that debt is a  
17 bond that is exempt from federal taxation.

18 **SECTION 1400.** 45.79 (7) (a) (intro.) of the statutes is amended to read:

19 45.79 (7) (a) (intro.) There is created the veterans mortgage loan repayment  
20 fund. All moneys received by the department for the repayment of loans funded  
21 under sub. (6) (a) except for servicing fees required to be paid to authorized lenders,  
22 net proceeds from the sale of mortgaged properties, any repayment to the  
23 department of moneys paid to authorized lenders, gifts, grants, other appropriations  
24 and interest earnings accruing thereon, any repayment of moneys borrowed under  
25 s. 45.356 (9) (a) and any moneys deposited or transferred under s. 18.04 (6) (b) or (d)

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1 shall be promptly deposited into the veterans mortgage loan repayment fund. The  
2 board shall establish by resolution a system of accounts providing for the  
3 maintenance and disbursement of moneys of the veterans mortgage loan repayment  
4 fund to fund loans under sub. (6) (a) or to fund, refund or acquire public debt as  
5 provided in s. 18.04 (5). The system of accounts shall record and provide moneys for  
6 all of the following purposes:

7 **SECTION 1401.** 45.79 (7) (a) 9. of the statutes is created to read:

8 45.79 (7) (a) 9. To loan money to the veterans trust fund, upon prior approval  
9 of the building commission for each loan, for the purposes under s. 45.356.

10 **SECTION 1402.** 45.79 (7) (c) (intro.) of the statutes is renumbered 45.79 (7) (c)  
11 and amended to read:

12 45.79 (7) (c) After meeting all expenses and providing for reserves under par.  
13 (a) 3., ~~balances assets in the veterans mortgage loan repayment fund, upon prior~~  
14 ~~approval of the building commission, may be used for the following purposes:~~  
15 transferred to the veterans trust fund and used to fund loans under s. 45.356.

16 **SECTION 1403.** 45.79 (7) (c) 1. to 4. of the statutes are repealed.

17 **SECTION 1404.** 46.023 (1) (title) of the statutes is repealed.

18 **SECTION 1405.** 46.023 (1) of the statutes is renumbered 46.023, and 46.023  
19 (intro.), as renumbered, is amended to read:

20 **46.023** (title) **Milwaukee child welfare partnership council and**  
21 **advisory committees.** (intro.) The Milwaukee child welfare partnership council  
22 shall do all of the following:

23 **SECTION 1406.** 46.023 (2) of the statutes is repealed.

24 **SECTION 1407.** 46.03 (7) (bm) of the statutes is amended to read:

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1           46.03 (7) (bm) Maintain a file containing records of artificial inseminations  
2 under s. 891.40 and records of declarations of paternal interest under s. 48.025 and  
3 of statements acknowledging paternity under s. 69.15 (3) (b). The department shall  
4 release these records only upon an order of the court except that the department may  
5 use nonidentifying information concerning artificial inseminations for the purpose  
6 of compiling statistics and except that records relating to declarations of paternal  
7 interest and statements acknowledging paternity shall be released to the  
8 department of industry, labor and job development or ~~its designee~~ a county child  
9 support agency under s. ~~59.07 (97)~~ 59.53 (5) without a court order upon the request  
10 of the department of industry, labor and job development or ~~its designee~~ a county  
11 child support agency under s. 59.53 (5) pursuant to the program responsibilities  
12 under s. 49.22 or by any other person with a direct and tangible interest in the record.

13           **SECTION 1408.** 46.03 (7) (e) of the statutes is created to read:

14           46.03 (7) (e) Administer child welfare services as described in s. 48.48 (17) in  
15 a county having a population of 500,000 or more. The requirement of statewide  
16 uniformity with respect to the organization and governance of human services does  
17 not apply to the administration of child welfare services under this paragraph.

18           **SECTION 1409.** 46.03 (21) of the statutes is repealed.

19           **SECTION 1410.** 46.03 (38) of the statutes is repealed.

20           **SECTION 1411.** 46.034 (3) of the statutes is amended to read:

21           46.034 (3) With the agreement of the affected county board of supervisors in  
22 a county with a single-county department or boards of supervisors in counties with  
23 a multicounty department, effective for the contract period beginning January 1,  
24 1980, the department may approve a county with a single-county department or  
25 counties participating in a multicounty department to administer a single

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1 consolidated aid consisting of the state and federal financial aid available to that  
2 county or those counties from appropriations under s. 20.435 (3) (nL) and (7) (b), (kw)  
3 and (o) for services provided and purchased by county departments under ss. 46.215,  
4 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest of improved  
5 service coordination and effectiveness, the county board of supervisors in a county  
6 with a single-county department or county boards of supervisors in counties with a  
7 multicounty department may reallocate among county departments under ss.  
8 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be specified for use  
9 by a single county department. The budget under s. 46.031 (1) shall be the vehicle  
10 for expressing the proposed use of the single consolidated fund by the county board  
11 of supervisors in a county with a single-county department or county boards of  
12 supervisors in counties with a multicounty department. Approval by the department  
13 of this use of the fund shall be in the contract under s. 46.031 (2g). Counties that were  
14 selected by the department to pilot test consolidated aids for contract periods  
15 beginning January 1, 1978, may continue or terminate consolidation with the  
16 agreement of the affected county board of supervisors in a county with a  
17 single-county department or county boards of supervisors in counties with a  
18 multicounty department.

19 **SECTION 1412.** 46.036 (4) (c) of the statutes is renumbered 46.036 (4) (c) (intro.)  
20 and amended to read:

21 46.036 (4) (c) (intro.) Unless waived by the department, ~~biennially, or annually~~  
22 ~~if required under federal law,~~ provide the purchaser with a certified financial and  
23 compliance audit report if the care and services purchased exceed ~~\$25,000~~ \$50,000.  
24 The audit shall follow standards that the department prescribes. A purchaser may  
25 waive the requirements of this paragraph for any family-operated group home, as



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1 defined under par. (a), from which it purchases services. If any of the following  
2 applies, the department may require an audit report from a provider for which care  
3 and services purchased do not exceed \$50,000:

4 **SECTION 1413.** 46.036 (4) (c) 1. to 3. of the statutes are created to read:

5 46.036 (4) (c) 1. The department has not previously contracted with the  
6 provider and an audit report would indicate whether the provider is meeting  
7 standards for sound financial management practices.

8 2. The department has evidence that the provider has previously experienced  
9 significant difficulties in meeting financial management practice or program  
10 requirements.

11 3. The receipt of federal funds is contingent upon provision of an audit report.

12 **SECTION 1414.** 46.036 (5m) (e) of the statutes is amended to read:

13 46.036 (5m) (e) Notwithstanding this subsection, the department or a county  
14 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that purchases care and  
15 services from an inpatient alcohol and other drug abuse treatment program that is  
16 not affiliated with a hospital and that is licensed as a community-based residential  
17 facility, may allocate to the program an amount that is equal to the amount of  
18 revenues received by the program that are in excess of the allowable costs incurred  
19 in the period of a contract between the program and the department or the county  
20 department for purchase of care and services under this section. The department or  
21 the county department may make the allocation under this paragraph only if the  
22 funds so allocated do not reduce any amount of unencumbered state aid to the  
23 department or the county department that otherwise would lapse to the general  
24 fund.

25 **SECTION 1415.** 46.037 (1m) of the statutes is amended to read:

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1           46.037 **(1m)** Notwithstanding sub. (1), the department, a county department  
2 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 ~~or~~, a group of those county departments,  
3 or the department and one or more of those county departments, and a residential  
4 child care center or group home, as described in sub. (1), may negotiate a per client  
5 rate for the services of that residential child care center or group home, if the  
6 department, that county department ~~or~~, the county departments in that group of  
7 county departments, or the department and one or more of those county  
8 departments, agree to place 75% or more of the residents of that residential child care  
9 center or group home during the period for which that rate is effective. A residential  
10 child care center or group home that negotiates a per client rate under this subsection  
11 shall charge that rate to all purchasers of its services.

12           **SECTION 1416.** 46.057 (1) of the statutes is amended to read:

13           46.057 **(1)** The department shall establish, maintain and operate the Mendota  
14 juvenile treatment center on the grounds of the Mendota Mental Health Institute.  
15 The department may designate staff at the Mendota Mental Health Institute as  
16 responsible for administering, and providing services at, the center.  
17 Notwithstanding ss. 301.02, 301.03 and 301.36 (1), the department shall operate the  
18 Mendota juvenile treatment center as a secured correctional facility, as defined in s.  
19 938.02 (15m). The center shall not be considered a hospital, as defined in s. 50.33  
20 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as  
21 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center  
22 shall provide psychological and psychiatric evaluations and treatment for juveniles  
23 whose behavior presents a serious problem to themselves or others in other secured  
24 correctional facilities and whose mental health needs can be met at the center. With  
25 the approval of the department of health and family services, the department of

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1 corrections may transfer to the center any juvenile who has been placed in a secured  
2 correctional facility under the supervision of the department of corrections under s.  
3 938.183 (2), 938.34 (4h) or (4m) or 938.357 (4) or (5) (e) in the same manner that the  
4 department of corrections transfers juveniles between other secured correctional  
5 facilities.

6 **SECTION 1417.** 46.057 (2) of the statutes is amended to read:

7 46.057 (2) From the appropriation account under s. 20.410 (3) (hm), the  
8 department of corrections ~~may expend not more than \$2,500,000 in fiscal year~~  
9 ~~1996-97 shall transfer to the appropriation account under s. 20.435 (2) (kx)~~  
10 ~~\$3,125,100 in fiscal year 1997-98 and \$3,236,200 in fiscal year 1998-99~~ for services  
11 for juveniles placed at the Mendota juvenile treatment center. The department of  
12 health and family services may charge the department of corrections not more than  
13 the actual cost of providing those services for juveniles under the supervision of the  
14 department of corrections who are provided services at the center.

15 **SECTION 1418.** 46.07 of the statutes is amended to read:

16 **46.07 Property of patients or residents.** All money including wages and  
17 other property delivered to an officer or employe of any institution for the benefit of  
18 a patient or resident shall forthwith be delivered to the steward, who shall enter the  
19 same upon the steward's books to the credit of the patient or resident. The property  
20 shall be used only under the direction and with the approval of the superintendent  
21 and for the crime victim and witness assistance surcharge under s. 973.045 (4), the  
22 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the  
23 deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the  
24 patient or resident. If the money remains uncalled for for one year after the patient's  
25 or resident's death or departure from the institution, the superintendent shall

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1 deposit the same in the general fund. If any patient or resident leaves property, other  
2 than money, uncalled for at an institution for one year, the superintendent shall sell  
3 the property, and the proceeds shall be deposited in the general fund. If any person  
4 satisfies the department, within 5 years after the deposit, of his or her right to the  
5 deposit, the department shall direct the department of administration to draw its  
6 warrant in favor of the claimant and it shall charge the same to the appropriation  
7 made by s. 20.913 (3) (c).

8 **SECTION 1419.** 46.10 (1) of the statutes is amended to read:

9 46.10 (1) Liability and the collection and enforcement of such liability for the  
10 care, maintenance, services and supplies specified in this section is governed  
11 exclusively by this section, except in cases of child support ordered by a court under  
12 s. 48.355 (2) (b) 4., 48.357 (5m), or 48.363 (2), ~~938.183 (2), 938.355 (2) (b) 4., 938.357~~  
13 ~~(5m) or 938.363 (2)~~ or ch. 767.

14 **SECTION 1420.** 46.10 (2) of the statutes is amended to read:

15 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
16 including but not limited to a person admitted, committed or placed under s. 975.01,  
17 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. ~~48.366~~, 51.10,  
18 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06,  
19 ~~938.183 (2), 938.34 (4h) or (4m), 938.357 (4) and (5) (e)~~, 971.14 (2) and (5), 971.17 (1),  
20 975.06 and 980.06, receiving care, maintenance, services and supplies provided by  
21 any institution in this state including University of Wisconsin Hospitals and Clinics,  
22 in which the state is chargeable with all or part of the person's care, maintenance,  
23 services and supplies, any person receiving care and services from a county  
24 department established under s. 51.42 or 51.437 or from a facility established under  
25 s. 49.73, and any person receiving treatment and services from a public or private

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1 agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's  
2 property and estate, including the homestead, and the spouse of the person, and the  
3 spouse's property and estate, including the homestead, and, in the case of a minor  
4 child, the parents of the person, and their property and estates, including their  
5 homestead, and, in the case of a foreign child described in s. 48.839 (1) who became  
6 dependent on public funds for his or her primary support before an order granting  
7 his or her adoption, the resident of this state appointed guardian of the child by a  
8 foreign court who brought the child into this state for the purpose of adoption, and  
9 his or her property and estate, including his or her homestead, shall be liable for the  
10 cost of the care, maintenance, services and supplies in accordance with the fee  
11 schedule established by the department under s. 46.03 (18). If a spouse, widow or  
12 minor, or an incapacitated person may be lawfully dependent upon the property for  
13 their support, the court shall release all or such part of the property and estate from  
14 the charges that may be necessary to provide for those persons. The department  
15 shall make every reasonable effort to notify the liable persons as soon as possible  
16 after the beginning of the maintenance, but the notice or the receipt thereof is not  
17 a condition of liability.

18 **SECTION 1421.** 46.10 (14) (b) of the statutes is amended to read:

19 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
20 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the  
21 parent's minor child who has been placed by a court order under s. 48.355, or 48.357,  
22 ~~938.183 (2), 938.355 or 938.357~~ in a residential, nonmedical facility such as a group  
23 home, foster home, treatment foster home, or child caring institution ~~or juvenile~~  
24 ~~correctional institution~~ shall be determined by the court by using the percentage  
25 standard established by the department of industry, labor and job development

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1 under s. 49.22 (9) and by applying the percentage standard in the manner  
2 established by the department under s. 46.247.

3 **SECTION 1422.** 46.10 (14) (e) 1. of the statutes is amended to read:

4 46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m), or 48.363  
5 (2), ~~938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2)~~ for support determined  
6 under this subsection constitutes an assignment of all commissions, earnings,  
7 salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due  
8 or to be due in the future to the county department under s. 46.215, 46.22 or 46.23  
9 in the county where the order was entered or to the department, depending upon the  
10 placement of the child as specified by rules promulgated under subd. 5. The  
11 assignment shall be for an amount sufficient to ensure payment under the order.

12 **SECTION 1423.** 46.10 (14) (e) 1. of the statutes, as affected by 1997 Wisconsin  
13 Act .... (this act), is repealed and recreated to read:

14 46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) or 48.363  
15 (2) for support determined under this subsection constitutes an assignment of all  
16 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or  
17 108 and other money due or to be due in the future to the county department under  
18 s. 46.22 or 46.23 in the county where the order was entered or to the department,  
19 depending upon the placement of the child as specified by rules promulgated under  
20 subd. 5. The assignment shall be for an amount sufficient to ensure payment under  
21 the order.

22 **SECTION 1424.** 46.17 (1) of the statutes is amended to read:

23 46.17 (1) The department shall fix reasonable standards and regulations for  
24 the design, construction, repair and maintenance of county homes, county  
25 infirmaries, county hospitals, county mental health facilities, county child caring

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1 institutions and county shelter care facilities, with respect to their adequacy and  
2 fitness for the needs which they are to serve.

3 **SECTION 1425.** 46.20 (1) of the statutes is amended to read:

4 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the  
5 members of each county board, provide for a county home, infirmary, hospital,  
6 tuberculosis hospital or sanatorium, or similar institution, or county child caring  
7 institution or juvenile detention home, which shall be established, maintained and  
8 operated pursuant to all the statutes relating to the establishment, maintenance and  
9 operation of similar institutions, respectively, by any single county whose population  
10 is less than 250,000, except as otherwise provided in this section; and in all respects,  
11 except as herein specified, each such institution shall be the county institution of  
12 each of the counties so joining.

13 **SECTION 1426.** 46.21 (1) (d) of the statutes is amended to read:

14 46.21 (1) (d) "Human services" means the total range of services to people,  
15 including mental illness treatment, developmental disabilities services, physical  
16 disabilities services, relief funded by a relief block grant under ch. 49, income  
17 maintenance, youth probation, community supervision and parole services, alcohol  
18 and drug abuse services, services to children, youth and families, family counseling,  
19 exceptional educational services for children from birth to the age of 3 and manpower  
20 services.

21 **SECTION 1427.** 46.21 (1) (d) of the statutes, as affected by 1997 Wisconsin Act  
22 .... (this act), is repealed and recreated to read:

23 46.21 (1) (d) "Human services" means the total range of services to people,  
24 including mental illness treatment, developmental disabilities services, physical  
25 disabilities services, relief funded by a relief block grant under ch. 49, income

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1 maintenance, youth probation, community supervision and parole services, alcohol  
2 and drug abuse services, services to children, youth and families, family counseling,  
3 exceptional educational services for children from birth to the age of 3 and manpower  
4 services. "Human services" does not include child welfare services under s. 48.48 (17)  
5 administered by the department in a county having a population of 500,000 or more.

6 **SECTION 1428.** 46.21 (2) (a) of the statutes is amended to read:

7 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance  
8 and improvement of the county hospital; the detention center; the probation section  
9 of the children's court center; the provision and maintenance of the physical facilities  
10 for the children's court and its intake section under the supervision and operation  
11 of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided  
12 in ~~ss. 48.06 (1) and s. 938.06 (1)~~; the mental health complex; the county department  
13 of human services; the central service departments; and all buildings and land used  
14 in connection with any institution under this section. The powers and duties of the  
15 county board of supervisors are policy forming only, and not administrative or  
16 executive.

17 **SECTION 1429.** 46.21 (5) (b) of the statutes is amended to read:

18 46.21 (5) (b) Sections 46.10, 49.08, 49.90, 301.12 and 767.42 govern the support  
19 and maintenance of persons in any of the institutions specified in sub. (2) (a).

20 **SECTION 1430.** 46.215 (1) (intro.) of the statutes is amended to read:

21 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population  
22 of 500,000 or more the administration of welfare services, other than child welfare  
23 services under s. 48.48 (17) administered by the department, is vested in a county  
24 department of social services under the jurisdiction of the county board of  
25 supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county



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1 department of social services under this section applies to a county department  
2 under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties  
3 of the county department of social services. The county department of social services  
4 shall have the following functions, duties and powers, and such other welfare  
5 functions as may be delegated to it:

6 **SECTION 1431.** 46.215 (1) (h) of the statutes is amended to read:

7 46.215 (1) (h) To administer ~~child welfare services under ss. 48.56 and 48.57~~  
8 ~~and juvenile welfare services under s. 938.57;~~ and, if contracted to do so by the  
9 department, to accept custody and guardianship of children upon the order of a  
10 competent court ~~and,~~ to place children for adoption and to make recommendations  
11 relating to the adoption of children under s. 48.85.

12 **SECTION 1432.** 46.215 (1) (i) of the statutes is amended to read:

13 46.215 (1) (i) To make such investigations as are provided for in s. 48.88 (2) (a)  
14 and (c), if contracted to do so by the department and if the court having jurisdiction  
15 so directs.

16 **SECTION 1433.** 46.215 (1g) of the statutes is renumbered 46.215 (1g) (intro.) and  
17 amended to read:

18 46.215 (1g) (title) ~~ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN~~ BY A  
19 WISCONSIN WORKS AGENCY. (intro.) The Wisconsin works agency, as defined in s.  
20 49.001 (9), shall, to the extent permitted by federal law, certify eligibility for and  
21 distribute, if determined eligible, issue food coupons ~~under s. 49.143 (2) (e) to eligible~~  
22 participants to all of the following:

23 (a) Participants in the Wisconsin works program under subch. III of ch. 49.

24 **SECTION 1434.** 46.215 (1g) (b) of the statutes is created to read:

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1           46.215 (1g) (b) Persons who may be required to participate in the food stamp  
2 employment and training program under s. 49.124 (1m), if the department of  
3 industry, labor and job development has contracted with the Wisconsin works agency  
4 to administer the food stamp employment and training program under s. 49.124  
5 (1m).

6           **SECTION 1435.** 46.215 (1g) (c) of the statutes is created to read:

7           46.215 (1g) (c) Other persons who are under the age of 61 and who are not  
8 disabled, as defined by the department.

9           **SECTION 1436.** 46.215 (2) (c) 1. of the statutes is amended to read:

10          46.215 (2) (c) 1. A county department of social services shall develop, under the  
11 requirements of s. 46.036, plans and contracts for care and services to be purchased,  
12 except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department  
13 of health and family services may review the contracts and approve them if they are  
14 consistent with s. 46.036 and if state or federal funds are available for such purposes.  
15 The joint committee on finance may require the department of health and family  
16 services to submit the contracts to the committee for review and approval. The  
17 department of health and family services may not make any payments to a county  
18 for programs included in a contract under review by the committee. The department  
19 of health and family services shall reimburse each county for the contracts from the  
20 appropriations under s. 20.435 (3) ~~(ee)~~ and (7) (b) and (o) ~~or under s. 20.435 (3) (ed)~~,  
21 as appropriate, under s. 46.495.

22          **SECTION 1437.** 46.215 (2) (c) 3. of the statutes is amended to read:

23          46.215 (2) (c) 3. A county department of social services shall develop, under the  
24 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related  
25 care and services to be purchased. The department of corrections may review the

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1 contracts and approve them if they are consistent with s. 301.08 (2) and if state or  
2 federal funds are available for such purposes. The joint committee on finance may  
3 require the department of corrections to submit the contracts to the committee for  
4 review and approval. The department of corrections may not make any payments  
5 to a county for programs included in a contract under review by the committee. The  
6 department of corrections shall reimburse each county for the contracts from the  
7 appropriations under s. 20.410 (3) (cd) and ~~(ee)~~ (ko) as appropriate.

8 **SECTION 1438.** 46.22 (1) (c) 2. of the statutes is amended to read:

9 46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of  
10 social services to make investigations regarding admission to or release from the  
11 Waupun correctional institution, the Columbia correctional institution, the Racine  
12 correctional institution, the Racine Youthful Offender Correctional Facility, the  
13 correctional institution authorized under s. 301.046 (1), the correctional institution  
14 authorized under s. 301.048 (4) (b), the correctional institution authorized under s.  
15 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional  
16 institution, the Dodge correctional institution, the Taycheedah correctional  
17 institution, county houses of correction, jails, detention homes or reforestation  
18 camps.

19 **SECTION 1439.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

20 46.22 (1) (e) 3. a. A county department of social services shall develop, under  
21 the requirements of s. 46.036, plans and contracts for care and services, except under  
22 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and  
23 family services may review the contracts and approve them if they are consistent  
24 with s. 46.036 and to the extent that state or federal funds are available for such  
25 purposes. The joint committee on finance may require the department of health and

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1 family services to submit the contracts to the committee for review and approval.  
2 The department of health and family services may not make any payments to a  
3 county for programs included in the contract that is under review by the committee.  
4 The department of health and family services shall reimburse each county for the  
5 contracts from the appropriations under s. 20.435 (3) ~~(oo)~~ and (7) (b) and (o) ~~or under~~  
6 ~~s. 20.435 (3) (ed)~~, according to s. 46.495.

7 **SECTION 1440.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

8 46.22 (1) (e) 3. c. A county department of social services shall develop, under  
9 the requirements of s. 301.08 (2), plans and contracts for juvenile  
10 delinquency-related care and services to be purchased. The department of  
11 corrections may review the contracts and approve them if they are consistent with  
12 s. 301.08 (2) and to the extent that state or federal funds are available for such  
13 purposes. The joint committee on finance may require the department of corrections  
14 to submit the contracts to the committee for review and approval. The department  
15 of corrections may not make any payments to a county for programs included in the  
16 contract that is under review by the committee. The department of corrections shall  
17 reimburse each county for the contracts from the appropriations under s. 20.410 (3)  
18 (cd) and ~~(oo)~~ (ko) as appropriate.

19 **SECTION 1441.** 46.22 (1g) of the statutes is renumbered 46.22 (1g) (intro.) and  
20 amended to read:

21 46.22 (1g) (title) ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN BY A  
22 WISCONSIN WORKS AGENCY. (intro.) The Wisconsin works agency, as defined in s.  
23 49.001 (9), shall, to the extent permitted by federal law, certify eligibility for and  
24 distribute, if determined eligible, issue food coupons ~~under s. 49.143 (2) (e) to eligible~~  
25 participants to all of the following:

**SENATE BILL 77****SECTION 1441**

1           (a) Participants in the Wisconsin works program under subch. III of ch. 49.

2           **SECTION 1442.** 46.22 (1g) (b) of the statutes is created to read:

3           46.22 **(1g)** (b) Persons who may be required to participate in the food stamp  
4 employment and training program under s. 49.124 (1m), if the department of  
5 industry, labor and job development has contracted with the Wisconsin works agency  
6 to administer the food stamp employment and training program under s. 49.124  
7 (1m).

8           **SECTION 1443.** 46.22 (1g) (c) of the statutes is created to read:

9           46.22 **(1g)** (c) Other persons who are under the age of 61 and who are not  
10 disabled, as defined by the department.

11           **SECTION 1444.** 46.23 (2) (a) of the statutes is amended to read:

12           46.23 **(2)** (a) "Human services" means the total range of services to people  
13 including, but not limited to, health care, mental illness treatment, developmental  
14 disabilities services, relief funded by a block grant under ch. 49, income  
15 maintenance, probation, community supervision and parole services, alcohol and  
16 drug abuse services, services to children, youth and aging, family counseling,  
17 exceptional educational services and manpower services.

18           **SECTION 1445.** 46.238 of the statutes is amended to read:

19           **46.238 Infants whose mothers abuse controlled substances or**  
20 **controlled substance analogs.** If the a county department under s. 46.215, 46.22  
21 or 46.23 or, in a county having a population of 500,000 or more, a county department  
22 under s. 51.42 or 51.437 receives a report under s. 146.0255 (2), the county  
23 department shall offer to provide appropriate services and treatment to the child and  
24 the child's mother or the county department shall make arrangements for the  
25 provision of appropriate services or treatment.

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1           **SECTION 1446.** 46.245 (1) of the statutes is amended to read:

2           46.245 (1) Upon request, distribute the materials described under s. 253.10 (3)  
3 (d), as prepared and distributed by the department. ~~The county department may~~  
4 ~~charge a fee not to exceed the actual cost of preparation and distribution of the~~  
5 ~~materials.~~ A physician who intends to perform or induce an abortion or another  
6 qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he  
7 or she might have a patient for whom the information under s. 253.10 (3) (d) is  
8 required to be given, shall request a reasonably adequate number of the materials  
9 from the county department under this subsection or from the department under s.  
10 253.10 (3) (d). An individual may request a reasonably adequate number of the  
11 materials.

12           **SECTION 1447.** 46.247 of the statutes is amended to read:

13           **46.247 Application of child support standard for certain children.** For  
14 purposes of determining child support under s. 46.10 (14) (b), the department shall  
15 promulgate rules related to the application of the standard established by the  
16 department of industry, labor and job development under s. 49.22 (9) to a child  
17 support obligation for the care and maintenance of a child who is placed by a court  
18 order under s. 48.355, or 48.357, ~~938.183 (2), 938.355 or 938.357~~ in a residential,  
19 nonmedical facility. The rules shall take into account the needs of any person,  
20 including dependent children other than the child, whom either parent is legally  
21 obligated to support.

22           **SECTION 1448.** 46.251 of the statutes is renumbered 49.225.

23           **SECTION 1449.** 46.261 (2) (a) (intro.) of the statutes is amended to read:

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1           46.261 (2) (a) (intro.) ~~A~~ The department or a county department under s.  
2           46.215, 46.22 or 46.23 shall grant aid on behalf of a dependent child to any of the  
3           following:

4           **SECTION 1450.** 46.261 (2) (a) 1. of the statutes is amended to read:

5           46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster  
6           home or treatment foster home having a license under s. 48.62, in a foster home or  
7           treatment foster home located within the boundaries of a federally recognized  
8           American Indian reservation in this state and licensed by the tribal governing body  
9           of the reservation or in a group home licensed under s. 48.625 or a minor custodial  
10          parent who cares for the dependent child, regardless of the cause or prospective  
11          period of dependency. The state shall reimburse counties pursuant to the procedure  
12          under s. 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1)  
13          (d) for aid granted under this section except that if the child does not have legal  
14          settlement in the granting county, state reimbursement shall be at 100%. The county  
15          department under s. 46.215 or 46.22 shall determine the legal settlement of the child.  
16          A child under one year of age shall be eligible for aid under this subsection  
17          irrespective of any other residence requirement for eligibility within this section.

18          **SECTION 1451.** 46.261 (2) (a) 1. of the statutes, as affected by 1997 Wisconsin  
19          Act .... (this act), is repealed and recreated to read:

20          46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster  
21          home or treatment foster home having a license under s. 48.62, in a foster home or  
22          treatment foster home located within the boundaries of a federally recognized  
23          American Indian reservation in this state and licensed by the tribal governing body  
24          of the reservation or in a group home licensed under s. 48.625 or a minor custodial  
25          parent who cares for the dependent child, regardless of the cause or prospective

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1 period of dependency. The state shall reimburse counties pursuant to the procedure  
2 under s. 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1)  
3 (d) for aid granted under this section except that if the child does not have legal  
4 settlement in the granting county, state reimbursement shall be at 100%. The county  
5 department under s. 46.215 or 46.22 or the department under s. 48.48 (17) shall  
6 determine the legal settlement of the child. A child under one year of age shall be  
7 eligible for aid under this subsection irrespective of any other residence requirement  
8 for eligibility within this section.

9 **SECTION 1452.** 46.261 (2) (a) 2. of the statutes is amended to read:

10 46.261 (2) (a) 2. A county or, in a county having a population of 500,000 or more,  
11 the department, on behalf of a child in the legal custody of a county department under  
12 s. 46.215, 46.22 or 46.23 or the department under s. 48.48 (17) or on behalf of a child  
13 who was removed from the home of a relative, as defined under s. 48.02 (15), as a  
14 result of a judicial determination that continuance in the home of a relative would  
15 be contrary to the child's welfare for any reason when such child is placed in a  
16 licensed child caring institution by the county department or the department.  
17 Reimbursement shall be made by the state pursuant to subd. 1.

18 **SECTION 1453.** 46.261 (2) (a) 3. of the statutes is amended to read:

19 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,  
20 the department, when the child is placed in a licensed foster home, treatment foster  
21 home, group home or child caring institution by a licensed child welfare agency or  
22 by a federally recognized American Indian tribal governing body in this state or by  
23 its designee, if the child is in the legal custody of the county department under s.  
24 46.215, 46.22 or 46.23 or the department under s. 48.48 (17) or if the child was  
25 removed from the home of a relative, as defined under s. 48.02 (15), as a result of a



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1 judicial determination that continuance in the home of the relative would be contrary  
2 to the child's welfare for any reason and the placement is made pursuant to an  
3 agreement with the county department or the department.

4 **SECTION 1454.** 46.261 (2) (a) 4. of the statutes is amended to read:

5 46.261 (2) (a) 4. A licensed foster home ~~or~~, treatment foster home, a group home  
6 ~~licensed under s. 48.625~~ or a child caring institution ~~by the state~~ when the child is  
7 in the custody or guardianship of the state, when the child is a ward of an American  
8 Indian tribal court in this state and the placement is made under an agreement  
9 between the department and the tribal governing body or when the child was part  
10 of the state's direct service case load and was removed from the home of a relative,  
11 as defined under s. 48.02 (15), as a result of a judicial determination that continuance  
12 in the home of a relative would be contrary to the child's welfare for any reason and  
13 the child is placed by the department.

14 **SECTION 1455.** 46.27 (4) (c) 8. of the statutes is created to read:

15 46.27 (4) (c) 8. If a pilot project under s. 46.271 (2m) is established in the county,  
16 a description of how the activities of the pilot project relate to and are coordinated  
17 with the county's proposed program.

18 **SECTION 1456.** 46.27 (5) (am) of the statutes is amended to read:

19 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county  
20 department or aging unit shall utilize persons for each assessment who can  
21 determine the needs of the person being assessed and who know the availability  
22 within the county of services alternative to placement in a nursing home. If any  
23 hospital patient is referred to a nursing home for admission, these persons shall work  
24 with the hospital discharge planner in performing the activities specified in sub. (6).  
25 The county department or aging unit shall coordinate the involvement of

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1 representatives from the county departments under ss. 46.215, 46.22, 51.42 and  
2 51.437, health service providers and the county commission on aging in the  
3 assessment activities specified in sub. (6), as well as the person being assessed and  
4 members of the person's family or the person's guardian. This paragraph does not  
5 apply to a county department or aging unit in a county where a pilot project under  
6 s. 46.271 (2m) is established.

7 **SECTION 1457.** 46.27 (6) (a) 3. of the statutes is amended to read:

8 46.27 (6) (a) 3. In each participating county, except in counties where a pilot  
9 project under s. 46.271 (2m) is established, assessments shall be conducted for those  
10 persons and in accordance with the procedures described in the county's community  
11 options plan. The county may elect to establish assessment priorities for persons in  
12 target groups identified by the county in its plan regarding gradual implementation.  
13 If a person who is already admitted to a nursing home requests an assessment and  
14 if funds allocated for assessments under sub. (7) (am) are available, the county shall  
15 conduct the assessment.

16 **SECTION 1458.** 46.27 (6g) (intro.) of the statutes is amended to read:

17 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and  
18 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an  
19 assessment, unless the assessment is performed by an entity under s. 46.271 (2m),  
20 case plan or services provided to a person under this section is as follows:

21 **SECTION 1459.** 46.27 (7) (b) 1r. of the statutes is repealed.

22 **SECTION 1460.** 46.27 (9) (a) of the statutes is amended to read:

23 46.27 (9) (a) The department may select up to 5 counties that volunteer to  
24 participate in a pilot project under which they will receive certain funds allocated for  
25 long-term care. The department shall allocate a level of funds to these counties

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1 equal to the amount that would otherwise be paid under s. 20.435 ~~(1)~~ (5) (b) to nursing  
2 homes for providing care because of increased utilization of nursing home services,  
3 as estimated by the department. In estimating these levels, the department shall  
4 exclude any increased utilization of services provided by state centers for the  
5 developmentally disabled. The department shall calculate these amounts on a  
6 calendar year basis under sub. (10).

7 **SECTION 1461.** 46.27 (9) (c) of the statutes is amended to read:

8 46.27 (9) (c) All long-term community support services provided under this  
9 pilot project in lieu of nursing home care shall be consistent with those services  
10 described in the participating county's community options plan under sub. (4) (c) and  
11 provided under sub. (5) (b). Each Unless the department has contracted under s.  
12 46.271 (2m) with an entity other than the county department, each county  
13 participating in the pilot project shall assess persons under sub. (6).

14 **SECTION 1462.** 46.27 (10) (a) 1. of the statutes is amended to read:

15 46.27 (10) (a) 1. The department shall determine for each county participating  
16 in the pilot project under sub. (9) a funding level of state medical assistance  
17 expenditures to be received by the county. This level shall equal the amount that the  
18 department determines would otherwise be paid under s. 20.435 ~~(1)~~ (5) (b) because  
19 of increased utilization of nursing home services, as estimated by the department.

20 **SECTION 1463.** 46.27 (11) (c) 3. of the statutes is amended to read:

21 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a  
22 private nonprofit agency or an aging unit with which the department contracts  
23 provides under this subsection shall be made from the appropriations under s. 20.435  
24 ~~(1)~~ (5) (o) and (7) (b) and (bd).

25 **SECTION 1464.** 46.27 (11) (c) 4. of the statutes is amended to read:

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1           46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435  
2     ~~(1)~~ (5) (o), provide reimbursement for services provided under this subsection by  
3     counties that are in excess of the current average annual per person rate, as  
4     established by the department, and are less than or equal to the average amount  
5     approved in the waiver received under par. (am).

6           **SECTION 1465.** 46.271 (1) of the statutes is renumbered 46.271 (1) (a), and  
7     46.271 (1) (a) (intro.), as renumbered, is amended to read:

8           46.271 (1) (a) (intro.) From the appropriation under s. 20.435 (7) (bd), the  
9     department shall award \$100,000 in each fiscal year to applying county departments  
10    under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or to an aging unit under the conditions  
11    specified in ~~sub. (3)~~ par. (c) to establish pilot projects for home and community-based  
12    long-term support services. Funds awarded to the pilot projects shall be used to do  
13    any of the following:

14          **SECTION 1466.** 46.271 (2) of the statutes is renumbered 46.271 (1) (b), and  
15    46.271 (1) (b) 1. and 2., as renumbered, are amended to read:

16          46.271 (1) (b) 1. Solicit applications from county departments or aging units  
17    for the pilot projects under ~~sub. (1)~~ par. (a).

18          2. Require that an applying county department or aging unit under ~~par. (a)~~  
19    subd. 1. submit as part of the application specific plans for improving the  
20    coordination between hospitals and providers of home and community-based  
21    long-term support services.

22          **SECTION 1467.** 46.271 (2m) of the statutes is created to read:

23          46.271 (2m) (a) The department may establish, in geographic areas  
24    determined by the department, a pilot project under which the department may  
25    contract with a private or public entity to do all of the following:

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1           1. Serve as a clearinghouse of information for individuals who are interested  
2 in home or community-based long-term support services or institutional long-term  
3 care services.

4           2. Perform assessments, in accordance with s. 46.27 (6) (a) 1m. and 2. and using  
5 the assessment method established by the department, to determine an individual's  
6 functional abilities, disabilities, personal preferences and need for home or  
7 community-based long-term support services or institutional long-term care  
8 services.

9           3. Collect information specified by the department on the individuals served  
10 by the entity and provide that information to the department.

11           (am) Residents of the geographic areas where a pilot project under this  
12 subsection is established shall receive an assessment by the entity contracted with  
13 under par. (a) (intro.) prior to entry into a nursing home or community-based  
14 residential facility or participation in the long-term support community options  
15 program under s. 46.27.

16           (ap) The department may require that the results of a client's assessment  
17 under par. (a) 2. be submitted at the time that a provider submits a request for prior  
18 authorization for medical assistance services.

19           (b) From the appropriation under s. 20.435 (7) (bd), the department shall  
20 distribute funds to the entities with which the department contracts under par. (a)  
21 (intro.) for the performance of the functions specified under par. (a) 1. to 3.

22           **SECTION 1468.** 46.271 (3) of the statutes is renumbered 46.271 (1) (c) and  
23 amended to read:

**SENATE BILL 77****SECTION 1468**

1           46.271 (1) (c) The department may contract with an aging unit, as defined in  
2 s. 46.27 (1) (a), for administration of services under ~~sub. (1)~~ par. (a) if, by resolution,  
3 the county board of supervisors of that county so requests the department.

4           **SECTION 1469.** 46.275 (5) (a) of the statutes is amended to read:

5           46.275 (5) (a) Medical assistance reimbursement for services a county, or the  
6 department under sub. (3r), provides under this program is available from the  
7 appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o). If 2 or more counties jointly contract  
8 to provide services under this program and the department approves the contract,  
9 medical assistance reimbursement is also available for services provided jointly by  
10 these counties.

11           **SECTION 1470.** 46.275 (5) (c) of the statutes is amended to read:

12           46.275 (5) (c) The total allocation under s. 20.435 ~~(1)~~ (5) (b) and (o) to counties  
13 and to the department under sub. (3r) for services provided under this section may  
14 not exceed the amount approved by the federal department of health and human  
15 services. A county may use funds received under this section only to provide services  
16 to persons who meet the requirements under sub. (4) and may not use unexpended  
17 funds received under this section to serve other developmentally disabled persons  
18 residing in the county.

19           **SECTION 1471.** 46.275 (5) (d) of the statutes is amended to read:

20           46.275 (5) (d) The department may, from the appropriation under s. 20.435 ~~(1)~~  
21 (5) (o), provide reimbursement for services provided under this section by counties  
22 that are in excess of the current average annual per person rate, as established by  
23 the department, and are less than the average amount approved in the waiver  
24 received under sub. (2).

25           **SECTION 1472.** 46.278 (6) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1472**

1           46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
2 share of service costs under the waiver received under sub. (3), the department may,  
3 from the appropriation under s. 20.435 ~~(1)~~ (5) (o), provide reimbursement for services  
4 that the county provides under this section to persons who are in addition to those  
5 who may be served under this section with funds from the appropriation under s.  
6 20.435 ~~(1)~~ (5) (b).

7           **SECTION 1473.** 46.278 (6) (f) of the statutes is created to read:

8           46.278 (6) (f) If a county owns the institution or intermediate care facility for  
9 the mentally retarded from which an individual is relocated to the community under  
10 this section, in order to receive funding under the program, the county shall submit  
11 a plan for delicensing a bed of the institution or intermediate care facility for the  
12 mentally retarded that is approved by the department.

13           **SECTION 1474.** 46.28 (3) of the statutes is amended to read:

14           46.28 (3) The department may authorize the authority to issue revenue bonds  
15 under s. ~~234.70~~ 234.61 to finance any residential facility it approves under sub. (2).

16           **SECTION 1475.** 46.28 (4) of the statutes is amended to read:

17           46.28 (4) The department may charge sponsors for administrative costs and  
18 expenses it incurs in exercising its powers and duties under this section and under  
19 s. ~~234.70~~ 234.61.

20           **SECTION 1476.** 46.29 (3) (a) of the statutes is amended to read:

21           46.29 (3) (a) The ~~secretary of education~~ state superintendent of public  
22 instruction.

23           **SECTION 1477.** 46.30 (4) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1477**

1           46.30 (4) (a) The department shall distribute the federal community services  
2 block grant funds received under 42 USC 9903 and deposited in the appropriations  
3 under s. 20.435 (6) (3) (mc) and ~~(7)~~ (md).

4           **SECTION 1478.** 46.35 (4) (a) of the statutes is amended to read:

5           46.35 (4) (a) The ~~secretary of education~~ state superintendent of public  
6 instruction.

7           **SECTION 1479.** 46.40 (1) (a) of the statutes is amended to read:

8           46.40 (1) (a) Within the limits of available federal funds and of the  
9 appropriations under s. 20.435 (3) (nL) and (7) (b), (kw) and (o), the department shall  
10 distribute funds for community social, mental health, developmental disabilities and  
11 alcohol and other drug abuse services and for services under ss. 46.51, 46.87, 46.985  
12 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437  
13 and to county aging units, as provided in subs. (2) to (8).

14           **SECTION 1480.** 46.40 (1) (b) of the statutes is amended to read:

15           46.40 (1) (b) Notwithstanding s. 46.49, if the department receives any federal  
16 moneys under 42 USC 670 to 679a in reimbursement of moneys allocated under par.  
17 (a) for the provision of foster care, the department shall distribute those federal  
18 moneys for services and projects to assist children and families and for the  
19 operational requirements of the department in administering programs to assist  
20 children and families.

21           **SECTION 1481.** 46.40 (1) (c) of the statutes is amended to read:

22           46.40 (1) (c) The Milwaukee County department of social services shall report  
23 to the department in a manner specified by the department on all children under the  
24 supervision of the Milwaukee County department of social services who are placed  
25 in foster homes and whose foster parents receive funding for child care from the



**SENATE BILL 77****SECTION 1481**

1 amounts distributed under par. (a) so that the department may claim federal foster  
2 care and adoption assistance reimbursement under 42 USC 670 to 679a for the  
3 amounts expended by the Milwaukee County department of social services for the  
4 provision of child care for those children. Notwithstanding s. 46.49, if the  
5 department receives any federal moneys under 42 USC 67 670 to 679a in  
6 reimbursement of the amounts expended by the Milwaukee County department of  
7 social services for the provision of child care for children in foster care in 1996 and  
8 1997, the department shall distribute those federal moneys to the Milwaukee County  
9 department of social services for the provision of child care for children in foster care.

10 **SECTION 1482.** 46.40 (2) of the statutes is amended to read:

11 46.40 (2) BASIC COUNTY ALLOCATION. For social services under s. 46.495 (1) (d)  
12 and services under s. 51.423 (2), the department shall distribute not more than  
13 ~~\$292,368,400~~ \$284,851,700 for fiscal year ~~1995-96~~ 1997-98 and ~~\$291,349,200~~  
14 \$284,212,200 for fiscal year ~~1996-97~~ 1998-99.

15 **SECTION 1483.** 46.40 (2m) (a) of the statutes is amended to read:

16 46.40 (2m) (a) *Prevention and treatment of substance abuse.* For prevention  
17 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the  
18 department shall distribute not more than ~~\$11,087,200~~ \$10,493,900 in fiscal year  
19 ~~1995-96~~ 1997-98 and not more than ~~\$11,285,200~~ \$10,224,100 in fiscal year ~~1996-97~~  
20 1998-99.

21 **SECTION 1484.** 46.40 (2m) (b) of the statutes is amended to read:

22 46.40 (2m) (b) *Community mental health services.* For community mental  
23 health services under 42 USC 300x to 300x-9, the department shall distribute not  
24 more than \$2,513,400 in each fiscal year ~~1995-96~~ and not more than ~~\$2,513,400~~ in  
25 ~~fiscal year 1996-97~~.

**SENATE BILL 77****SECTION 1485**

1           **SECTION 1485.** 46.40 (14m) of the statutes is amended to read:

2           46.40 (14m) COUNTY COMMUNITY AIDS BUDGETS. Before December 1 of each year,  
3 each county department under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 and each  
4 tribal governing body shall submit to the department a proposed budget for the  
5 expenditure of funds allocated under this section, distributed under s. 46.45 (2) (a)  
6 or carried forward under s. 46.45 (3) (a). The proposed budget shall be submitted on  
7 a form developed by the department and approved by the department of  
8 administration.

9           **SECTION 1486.** 46.45 (2) of the statutes is created to read:

10           46.45 (2) (a) If on December 31 of any year there remains unspent or  
11 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the  
12 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that  
13 year, the department shall carry forward the excess moneys and distribute not less  
14 than 50% of the excess moneys to counties having a population of less than 500,000  
15 for services and projects to assist children and families, notwithstanding the  
16 percentage limit specified in sub. (3) (a). A county shall use not less than 50% of the  
17 moneys distributed to the county under this subsection for services for children who  
18 are at risk of abuse or neglect to prevent the need for child abuse and neglect  
19 intervention services.

20           (b) A county may not use any moneys distributed under par. (a) to supplant any  
21 other moneys expended by the county for services and projects to assist children and  
22 families in a base year determined by the department.

23           (c) The department may use any moneys carried forward under par. (a), but not  
24 distributed to counties, for the operational requirements of the department in  
25 administering programs to assist children and families.

**SENATE BILL 77****SECTION 1487**

1           **SECTION 1487.** 46.48 (8) (d) 1. of the statutes is amended to read:

2           46.48 (8) (d) 1. The use of liaisons to meet with prospective program  
3 participants to provide information about the program and to assist program  
4 participants, prior to their release on community supervision or parole, in planning  
5 for and obtaining the housing, employment, education and treatment that they will  
6 need upon release.

7           **SECTION 1488.** 46.48 (15) (title) of the statutes is repealed.

8           **SECTION 1489.** 46.48 (15) (a) (intro.) of the statutes is repealed.

9           **SECTION 1490.** 46.48 (15) (a) 1. of the statutes is amended to read:

10          46.48 (15) (a) 1. For recruiting, training and licensing new foster parents and  
11 treatment foster parents for children in Milwaukee county and for providing ongoing  
12 family reunification services for children and families in Milwaukee county,  
13 ~~\$750,000~~ \$375,000 in each fiscal year.

14          **SECTION 1491.** 46.48 (15) (a) 1. of the statutes, as affected by 1997 Wisconsin  
15 Act .... (this act), is repealed.

16          **SECTION 1492.** 46.48 (15) (a) 2. of the statutes is amended to read:

17          46.48 (15) (a) 2. For purchasing foster parent and treatment foster parent  
18 training from a private or educational agency, ~~\$150,000~~ \$75,000 in each fiscal year.

19          **SECTION 1493.** 46.48 (15) (a) 2. of the statutes, as affected by 1997 Wisconsin  
20 Act .... (this act), is repealed.

21          **SECTION 1494.** 46.48 (15) (a) 3. of the statutes is amended to read:

22          46.48 (15) (a) 3. For enhancing Milwaukee county's capacity to assess the needs  
23 of children who are in long-term foster or treatment foster care and children who are  
24 new to foster or treatment foster care, for recruiting and investigating proposed

**SENATE BILL 77****SECTION 1494**

1 adoptive parents and for prosecuting adoption petitions, ~~\$130,000~~ \$65,000 in each  
2 fiscal year.

3 **SECTION 1495.** 46.48 (15) (a) 3. of the statutes, as affected by 1997 Wisconsin  
4 Act .... (this act), is repealed.

5 **SECTION 1496.** 46.48 (15) (b) of the statutes is repealed.

6 **SECTION 1497.** 46.48 (16) (title) of the statutes is repealed.

7 **SECTION 1498.** 46.48 (16) (a) of the statutes is amended to read:

8 46.48 (16) (a) The department shall distribute not more than ~~\$37,500~~ \$18,700  
9 in each fiscal year as grants to private, nonprofit organizations to recruit African  
10 American foster parents, including African American prospective adoptive parents,  
11 in communities that have a high percentage of African American children and a high  
12 percentage of children in out-of-home placements. The department shall review  
13 applications submitted under this paragraph and determine the number of grants  
14 that will be awarded, which of the applicants will receive grants and the amount of  
15 each grant. A private, nonprofit organization receiving a grant under this paragraph  
16 shall cooperate and coordinate its activities under the grant with the county  
17 department under s. 46.215, 46.22 or 46.23 serving the area from which the private,  
18 nonprofit organization recruits African American foster parents.

19 **SECTION 1499.** 46.48 (16) (a) of the statutes, as affected by 1997 Wisconsin Act  
20 .... (this act), is repealed.

21 **SECTION 1500.** 46.48 (16) (b) of the statutes is repealed.

22 **SECTION 1501.** 46.485 (2g) (intro.) of the statutes is amended to read:

23 46.485 (2g) (intro.) From the appropriation under s. 20.435 (~~1~~) (5) (b), the  
24 department may in each fiscal year transfer funds to the appropriation under s.  
25 20.435 (~~3~~) (7) (kb) for distribution under this section and from the appropriation

**SENATE BILL 77****SECTION 1501**

1 under s. 20.435 (7) (mb) the department shall may not distribute more than \$240,000  
2 in each fiscal year to applying counties in this state that meet all of the following  
3 requirements, as determined by the department:

4 **SECTION 1502.** 46.485 (3r) of the statutes is amended to read:

5 46.485 (3r) Funds that a county does not encumber before 24 months after  
6 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse  
7 to the appropriation under s. 20.435 (~~1~~) (5) (b).

8 **SECTION 1503.** 46.49 (1) of the statutes is amended to read:

9 46.49 (1) Subject to ss. 46.40 (1) (b) and (c) and 46.48 (15) (b), if the department  
10 receives unanticipated federal community mental health services block grant funds  
11 under 42 USC 300x to 300x-9, federal prevention and treatment of substance abuse  
12 block grant funds under 42 USC 300x-21 to 300x-35, or foster care and adoption  
13 assistance payments under 42 USC 670 to 679a and it proposes to allocate the  
14 unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the  
15 department shall submit a plan for the proposed allocation to the secretary of  
16 administration. If the secretary of administration approves the plan, he or she shall  
17 submit it to the joint committee on finance. If the cochairpersons of the committee  
18 do not notify the secretary of administration that the committee has scheduled a  
19 meeting for the purpose of reviewing the plan within 14 working days after the date  
20 of his or her submittal, the department may implement the plan, notwithstanding  
21 any allocation limits under s. 46.40. If within 14 working days after the date of the  
22 submittal by the secretary of administration the cochairpersons of the committee  
23 notify him or her that the committee has scheduled a meeting for the purpose of  
24 reviewing the plan, the department may implement the plan, notwithstanding s.  
25 46.40, only with the approval of the committee.

**SENATE BILL 77****SECTION 1504**

1           **SECTION 1504.** 46.49 (1) of the statutes, as affected by 1997 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           46.49 (1) Subject to s. 46.40 (1) (b) and (c), if the department receives  
4 unanticipated federal community mental health services block grant funds under 42  
5 USC 300x to 300x-9, federal prevention and treatment of substance abuse block  
6 grant funds under 42 USC 300x-21 to 300x-35, or foster care and adoption  
7 assistance payments under 42 USC 670 to 679a and it proposes to allocate the  
8 unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the  
9 department shall submit a plan for the proposed allocation to the secretary of  
10 administration. If the secretary of administration approves the plan, he or she shall  
11 submit it to the joint committee on finance. If the cochairpersons of the committee  
12 do not notify the secretary of administration that the committee has scheduled a  
13 meeting for the purpose of reviewing the plan within 14 working days after the date  
14 of his or her submittal, the department may implement the plan, notwithstanding  
15 any allocation limits under s. 46.40. If within 14 working days after the date of the  
16 submittal by the secretary of administration the cochairpersons of the committee  
17 notify him or her that the committee has scheduled a meeting for the purpose of  
18 reviewing the plan, the department may implement the plan, notwithstanding s.  
19 46.40, only with the approval of the committee.

20           **SECTION 1505.** 46.495 (1) (am) of the statutes is amended to read:

21           46.495 (1) (am) The department shall reimburse each county from the  
22 appropriations under s. 20.435 (3) (nL) and (7) (b), (kw) and (o) for social services as  
23 approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1) (b)  
24 1. d. and (e) 3. a. except that no reimbursement may be made for the administration  
25 of or aid granted under s. 49.02.

**SENATE BILL 77****SECTION 1506**

1           **SECTION 1506.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act  
2           404, section 72, is amended to read:

3           46.495 (1) (d) From the appropriations under s. 20.435 (3) (nL) and (7) (b), (kw)  
4           and (o), the department shall distribute the funding for social services, including  
5           funding for foster care or treatment foster care of a child on whose behalf aid is  
6           received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23  
7           as provided under s. 46.40. County matching funds are required for the distributions  
8           under s. 46.40 (2) and (8). Each county's required match for a year equals 9.89% of  
9           the total of the county's distributions for that year for which matching funds are  
10          required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to  
11          spend for juvenile delinquency-related services from its distribution for 1987.  
12          Matching funds may be from county tax levies, federal and state revenue sharing  
13          funds or private donations to the county that meet the requirements specified in s.  
14          51.423 (5). Private donations may not exceed 25% of the total county match. If the  
15          county match is less than the amount required to generate the full amount of state  
16          and federal funds distributed for this period, the decrease in the amount of state and  
17          federal funds equals the difference between the required and the actual amount of  
18          county matching funds.

19          **SECTION 1507.** 46.52 of the statutes is amended to read:

20          **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)  
21          (md), the department shall may not distribute more than \$350,000 in each fiscal year  
22          to counties to assist in relocating individuals with mental illness from institutional  
23          or residential care to less restrictive and more cost-effective community settings and  
24          services. The department shall distribute funds to each recipient under this section  
25          so as to permit initial phasing in of community services for individuals with mental

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1 illness who are relocated or diverted from institutional or residential care and shall  
2 eliminate the funding at the end of a period of not more than 5 years in order to  
3 provide funding to another county. The department shall require that the  
4 community services that are developed under this section are continued, following  
5 termination of a county's funding under this section, by use of funding made  
6 available to the county from reduced institutional and residential care utilization.

7 **SECTION 1508.** 46.53 of the statutes is amended to read:

8 **46.53 Mental health treatment provider training.** From the  
9 appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute more  
10 than \$182,000 in each fiscal year to provide training for mental health treatment  
11 professionals on new mental health treatment approaches in working with special  
12 populations, including seriously mentally ill individuals and children with serious  
13 emotional disturbances, and on the use of new mental health treatment medications.

14 **SECTION 1509.** 46.54 of the statutes is amended to read:

15 **46.54 Consumer and family self-help and peer-support programs.**  
16 From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not  
17 distribute more than \$180,000 in each fiscal year to increase support for mental  
18 health family support projects, employment projects operated by consumers of  
19 mental health services, mental health crisis intervention and drop-in projects and  
20 public mental health information activities.

21 **SECTION 1510.** 46.56 (14) (a) (intro.) of the statutes is renumbered 46.56 (14)  
22 (a) and amended to read:

23 46.56 (14) (a) In order to support the development of a comprehensive system  
24 of coordinated care for children with severe disabilities and their families, the  
25 department shall establish a statewide advisory committee with representatives of



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1 county departments, the department of education public instruction, educational  
2 agencies, professionals experienced in the provision of services to children with  
3 severe disabilities, families with children with severe disabilities, advocates for such  
4 families and their children, the subunit of the department of industry, labor and job  
5 development that administers vocational rehabilitation, the technical college  
6 system, health care providers, courts assigned to exercise jurisdiction under chs. 48  
7 and 938, child welfare officials, and other appropriate persons as selected by the  
8 department. The department may use an existing committee for this purpose if it  
9 has representatives from the listed groups and is willing to perform the required  
10 functions. This committee shall ~~do all of the following:~~ monitor the development of  
11 programs throughout the state and support communication and mutual assistance  
12 among operating programs as well as those that are being developed.

13 **SECTION 1511.** 46.56 (14) (a) 1. and 2. of the statutes are repealed.

14 **SECTION 1512.** 46.56 (14) (c) (intro.) of the statutes is amended to read:

15 46.56 (14) (c) (intro.) The department shall evaluate the programs funded  
16 under this section. ~~The report of this evaluation shall be submitted to the chief clerk~~  
17 ~~of each house of the legislature for distribution to the appropriate standing~~  
18 ~~committees on children, in the manner provided in s. 13.172 (3), and shall be broadly~~  
19 ~~disseminated to county departments and school districts. The evaluation shall be~~  
20 ~~completed by January 1, 1992, and all organizations participating in the program~~  
21 ~~shall cooperate with the evaluation. The evaluation shall include information about~~  
22 all of the following:

23 **SECTION 1513.** 46.56 (15) (a) of the statutes is amended to read:

24 46.56 (15) (a) From the appropriation under s. 20.435 (3) (7) (co), the  
25 department shall make available funds to implement programs. The funds may be

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1 used to pay for the intake, assessment, case planning and service coordination  
2 provided under sub. (8) and for expanding the capacity of the county to provide  
3 community-based care and treatment for children with severe disabilities.

4 **SECTION 1514.** 46.715 (1) of the statutes is renumbered 46.715 (1m), and 46.715  
5 (1m) (intro.), as renumbered, is amended to read:

6 46.715 (1m) (intro.) Within the limits of the availability of federal funds, ~~the~~  
7 ~~department shall~~, from the appropriation under s. 20.435 (7) ~~(mb)~~ (3) (md), the  
8 department may not award ~~not~~ more than \$1,200,000 in each fiscal year to fund  
9 programs to limit violence and abuse of controlled substances and controlled  
10 substance analogs in neighborhoods, including funding for the creation of Wisconsin  
11 against drug environments centers and for the use of neighborhood organizers,  
12 culturally representative alcohol and other drug abuse trainers, community  
13 speakers and persons to monitor certain court actions, as grants to any of the  
14 following applying entities:

15 **SECTION 1515.** 46.715 (1) of the statutes is created to read:

16 46.715 (1) In this section, “nonprofit organization” has the meaning given in  
17 s. 560.20 (1) (d).

18 **SECTION 1516.** 46.715 (1m) (d) of the statutes is created to read:

19 46.715 (1m) (d) A community-based nonprofit organization.

20 **SECTION 1517.** 46.73 (title) of the statutes is created to read:

21 **46.73 (title) Grants to school districts for prevention and intervention**  
22 **programs.**

23 **SECTION 1518.** 46.73 (7) (f) of the statutes is created to read:

24 46.73 (7) (f) For grants for youth alcohol and other drug abuse programs under  
25 sub. (6), \$1,800,000.

**SENATE BILL 77****SECTION 1519**

1           **SECTION 1519.** 46.75 (2) (a) of the statutes is amended to read:

2           46.75 (2) (a) From the appropriation under s. 20.435 (7) (3) (dn), the  
3 department shall award grants to agencies to operate food distribution programs  
4 that qualify for participation in the emergency food assistance program under P.L.  
5 98-8, as amended.

6           **SECTION 1520.** 46.76 (2) of the statutes is amended to read:

7           46.76 (2) Advise the department, the department of education public  
8 instruction and any other relevant state agency on the use of state and federal  
9 resources and on the provision and administration of programs for hunger  
10 prevention.

11           **SECTION 1521.** 46.76 (5) of the statutes is amended to read:

12           46.76 (5) Submit, by December 31 annually, the plan developed under sub. (4)  
13 to the governor, the secretary, the ~~secretary of education~~ state superintendent of  
14 public instruction and the appropriate standing committees under s. 13.172 (3).

15           **SECTION 1522.** 46.765 (2) (intro.) of the statutes is amended to read:

16           46.765 (2) PURPOSE; AMOUNT. (intro.) From the appropriation under s. 20.435  
17 (7) (3) (dr), the department shall provide start-up grants, awarded by the board on  
18 hunger, to one or more agencies, but not to exceed \$20,000 per grant per year, for any  
19 of the following purposes:

20           **SECTION 1523.** 46.77 of the statutes is amended to read:

21           **46.77 Food distribution administration.** From the appropriation under s.  
22 20.435 (7) (3) (dn), the department shall allocate funds to eligible recipient agencies,  
23 as defined in the emergency food assistance act, P.L. 98-8, section 201A, as amended,  
24 for the storage, transportation and distribution of commodities provided under the  
25 hunger prevention act of 1988, P.L. 100-435, as amended.

**SENATE BILL 77****SECTION 1524**

1           **SECTION 1524.** 46.80 (2m) (b) of the statutes is amended to read:

2           46.80 **(2m)** (b) May operate the foster grandparent project specified under 42  
3           USC 5011 (a). If the department operates that project, the department shall  
4           distribute funds from the appropriation under s. 20.435 (3) (dh) to supplement any  
5           federal foster grandparent project funds received under 42 USC 5011 (a).

6           **SECTION 1525.** 46.86 (3m) of the statutes is amended to read:

7           46.86 **(3m)** From the appropriation under s. 20.435 (7) (md), the department  
8           shall may not distribute more than \$900,000 in each fiscal year to fund a  
9           multidisciplinary prevention and treatment team in Milwaukee county for  
10          cocaine-abusing women and their children. The multidisciplinary prevention and  
11          treatment team must coordinate its activities with other prevention and treatment  
12          programs in Milwaukee county for cocaine-abusing women and their children.  
13          Residents from other counties may be served by the multidisciplinary prevention  
14          and treatment team. The department may carry forward funds distributed under  
15          this subsection, but not encumbered by December 31, for distribution for the purpose  
16          under this subsection in the following calendar year.

17          **SECTION 1526.** 46.86 (5) of the statutes is amended to read:

18          46.86 **(5)** From the appropriation under s. 20.435 (7) (md), the department shall  
19          may not distribute more than \$35,000 in each fiscal year as a grant to the ARC  
20          community services center for women and children in Dane county, to address a  
21          projected operation deficit of the center; to provide additional funding for  
22          transportation and meal expenses for chemically dependent women who receive  
23          services from the center; and to provide additional funding for staff of the center.

24          **SECTION 1527.** 46.87 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1527**

1           46.87 (2) From the appropriations under s. 20.435 (7) (b), (kw) and (o), the  
2 department shall allocate funds to agencies designated under sub. (3) (c), to be used  
3 for the administration and implementation of an Alzheimer's family and caregiver  
4 support program for persons with Alzheimer's disease and their caregivers.

5           **SECTION 1528.** 46.93 (2) (intro.) of the statutes is amended to read:

6           46.93 (2) PURPOSE; ALLOCATION. (intro.) From the appropriation under s. ~~20.434~~  
7 ~~(1) (b)~~ 20.435 (3) (eg), the board shall award not more than \$566,300 in fiscal year  
8 ~~1995-96 and not more than \$439,300 in fiscal year 1996-97~~ each of fiscal years  
9 1997-98 and 1998-99 for grants to organizations to provide adolescent pregnancy  
10 prevention programs or pregnancy services that include health care, education,  
11 counseling and vocational training. Types of services and programs that are eligible  
12 for grants include all of the following:

13           **SECTION 1529.** 46.93 (3) of the statutes is amended to read:

14           46.93 (3) STAFF AND SALARIES. The salaries of the board staff and all actual and  
15 necessary operating expenses of the board shall be paid from the appropriation  
16 under s. ~~20.434 (1) (a)~~ 20.435 (3) (a).

17           **SECTION 1530.** 46.935 of the statutes is repealed.

18           **SECTION 1531.** 46.95 (2) (a) of the statutes is amended to read:

19           46.95 (2) (a) The secretary shall make grants from the appropriations under  
20 s. 20.435 ~~(1) (3)~~ (3) (cd) and (hh) to organizations for the provision of any of the services  
21 specified in sub. (1) (d). Grants may be made to organizations which have provided  
22 those domestic abuse services in the past or to organizations which propose to  
23 provide those services in the future. No grant may be made to fund services for child  
24 abuse or abuse of elderly persons.

25           **SECTION 1532.** 46.95 (2) (f) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1532**

1           46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (1) (3) (cd) and  
2 (hh), the department shall do all of the following:

3           **SECTION 1533.** 46.972 (2) (b) of the statutes is amended to read:

4           46.972 (2) (b) From the appropriation under s. 20.435 (1) (5) (ce), the  
5 department shall allocate up to \$125,000 in each fiscal year as grants to applying  
6 public or nonprofit private entities for the costs of providing primary health services  
7 and any other services that may be funded by the program under 42 USC 256 to  
8 homeless individuals. Entities that receive funds allocated by the department under  
9 this paragraph shall provide the primary health services as required under 42 USC  
10 256 (f). The department may allocate to an applying entity up to 100% of the amount  
11 of matching funds required under 42 USC 256 (e).

12           **SECTION 1534.** 46.972 (3) (b) of the statutes is amended to read:

13           46.972 (3) (b) From the appropriation under s. 20.435 (7) (ce), the department  
14 ~~shall allocate up to \$125,000~~ may not allocate more than \$45,000 in each fiscal year  
15 to applying public or nonprofit private entities for the costs of providing certain  
16 mental health services to homeless individuals with chronic mental illness. Entities  
17 that receive funds allocated by the department under this subsection shall provide  
18 the mental health services required under 42 USC 290cc-24. The amount that the  
19 department allocates to an applying entity may not exceed 50% of the amount of  
20 matching funds required under 42 USC 290cc-23.

21           **SECTION 1535.** 46.974 of the statutes is repealed.

22           **SECTION 1536.** 46.985 (7) (a) of the statutes is amended to read:

23           46.985 (7) (a) From the appropriations under s. 20.435 (7) (b), (kw) and (o), the  
24 department shall allocate to county departments funds for the administration and  
25 implementation of the program.

**SENATE BILL 77****SECTION 1537**

1           **SECTION 1537.** 46.995 (1) (intro.) of the statutes is amended to read:

2           46.995 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“high-risk;~~

3           (m) “High-risk adolescent” means a person who is at least 13 years of age but  
4           under the age of 20 and who is at risk of becoming an unmarried parent as an  
5           adolescent and of incurring long-term economic dependency on public funds and is  
6           characterized by one or more of the following:

7           **SECTION 1538.** 46.995 (1) (a) to (f) of the statutes are renumbered 46.995 (1) (m)  
8           1. to 6.

9           **SECTION 1539.** 46.995 (1) (g) of the statutes is created to read:

10           46.995 (1) (g) “Board” means the adolescent pregnancy prevention and  
11           pregnancy services board under s. 15.195 (5).

12           **SECTION 1540.** 46.995 (2) (intro.) of the statutes is amended to read:

13           46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the  
14           appropriation under s. 20.435 (3) (eg), the ~~department~~ board may allocate \$582,100  
15           in each fiscal year to provide a grant annually to a public or private entity or to the  
16           elected governing body of a federally recognized American Indian tribe or band to  
17           provide services in counties or to a tribe or band for adolescent parents which shall  
18           emphasize high school graduation and vocational preparation, training and  
19           experience and may be structured so as to strengthen the adolescent parent’s  
20           capacity to fulfill parental responsibilities by developing social skills and increasing  
21           parenting skills. The public or private entity seeking to receive a grant to provide  
22           these services shall develop a proposed service plan that is approved by the  
23           ~~department~~ board. Except with respect to award of a grant to a tribe or band, the  
24           ~~department~~ board shall rank individual counties and give priority by this ranking  
25           for the award of grants under this subsection, based on all of the following factors:

**SENATE BILL 77****SECTION 1541**

1           **SECTION 1541.** 46.995 (3) of the statutes is amended to read:

2           46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the  
3 appropriation under s. 20.435 (3) (eg), the ~~department~~ board may allocate \$340,000  
4 in each fiscal year to provide a grant annually to a public or private entity or to the  
5 elected governing body of a federally recognized American Indian tribe or band to  
6 provide to high-risk adolescents pregnancy and parenthood prevention services  
7 which shall be structured so as to increase development of decision-making and  
8 communications skills, promote graduation from high school and expand career and  
9 other options and which may address needs of adolescents with respect to pregnancy  
10 prevention. Except with respect to award of a grant to a tribe or band, the  
11 ~~department~~ board shall rank individual counties and give priority by this ranking  
12 for the award of grants under this subsection, based on the factors specified under  
13 sub. (2) (a) to (d).

14           **SECTION 1542.** 46.995 (4) of the statutes is amended to read:

15           46.995 (4) GRANT RENEWAL. If provisions of a grant made under sub. (2) or (3)  
16 are met, the ~~department~~ board may renew the grant up to 4 times before reassessing  
17 the grantee's eligibility for funding based on the rank by individual counties  
18 established under sub. (2) or (3).

19           **SECTION 1543.** 46.997 (1) (am) of the statutes is created to read:

20           46.997 (1) (am) "Board" means the adolescent pregnancy prevention and  
21 pregnancy services board under s. 15.195 (5).

22           **SECTION 1544.** 46.997 (2) (intro.) of the statutes is amended to read:

23           46.997 (2) (intro.) From the appropriation under s. ~~20.435 (6) (a), the~~  
24 ~~department shall allocate not more than \$65,500 in each fiscal year to solicit~~  
25 ~~applications from organizations and provide technical assistance to grantees and,~~



**SENATE BILL 77****SECTION 1544**

1 ~~from the appropriation under~~ s. 20.435 (3) (eg), the department board shall allocate  
2 not more than \$210,000 in each fiscal year to make grants to applying organizations  
3 for the provision, on a regional or tribal project basis, of information to communities  
4 in order to increase community knowledge about problems of adolescents and  
5 information to and activities for adolescents, particularly female adolescents, in  
6 order to enable the adolescents to develop skills with respect to all of the following:

7 **SECTION 1545.** 46.997 (3) of the statutes is amended to read:

8 46.997 (3) Each funded regional project under sub. (2) shall provide services  
9 in one of 6 regional areas of the state, and each funded tribal project under sub. (2)  
10 shall provide services in areas of the state as approved by the Indian tribe and the  
11 department board. The department board shall determine the boundaries of the  
12 regional areas prior to soliciting project grant applications.

13 **SECTION 1546.** 46.997 (4) of the statutes is amended to read:

14 46.997 (4) Prior to making grants to applying organizations under sub. (2), the  
15 department board shall consider whether and how the applying organization  
16 proposes to coordinate its services with other public or private resources, programs  
17 or activities in the region and the state.

18 **SECTION 1547.** 46.997 (5) of the statutes is amended to read:

19 46.997 (5) The department board shall work closely with the women's council  
20 and the department of education public instruction, on a continuing basis,  
21 concerning the scope and direction of activities under projects funded by the program  
22 under sub. (2).

23 **SECTION 1548.** 47.03 (9) of the statutes is renumbered 46.294 and amended to  
24 read:

**SENATE BILL 77****SECTION 1548**

1           **46.294** (title) **Council on blindness**. The council on blindness shall make  
2 recommendations to the department and to any other state agency concerning  
3 procedures, policies, services, activities, programs, investigations and research that  
4 affect any problem of blind or visually impaired persons. The department shall  
5 consult with the council concerning its programs that affect blind or visually  
6 impaired persons; the council may initiate consultations with the department. Upon  
7 request, the department shall provide information to the council relating to matters  
8 concerning blind or visually impaired persons, but only information of a summary  
9 or statistical nature.

10           **SECTION 1549.** 47.03 (11) (e) of the statutes is amended to read:

11           47.03 **(11)** (e) The department shall distribute at least \$218,600 from the  
12 appropriations in s. 20.445 (5) (bm) and (na) in each fiscal year for homecraft services  
13 relating to the marketing and distribution of homecraft products ~~and to the purchase~~  
14 ~~of capital equipment~~ for each client who participates in the homecraft program.

15           **SECTION 1550.** 48.02 (2g) of the statutes is amended to read:

16           48.02 **(2g)** "County department" means a county department under s. ~~46.215,~~  
17 46.22 or 46.23, unless the context requires otherwise.

18           **SECTION 1551.** 48.02 (13) of the statutes is amended to read:

19           48.02 **(13)** "Parent" means either a biological parent, a husband who has  
20 consented to the artificial insemination of his wife under s. 891.40, or a parent by  
21 adoption. If the child is a nonmarital child who is not adopted or whose parents do  
22 not subsequently intermarry under s. 767.60, "parent" includes a person ~~adjudged~~  
23 ~~in a judicial proceeding~~ adjudicated or acknowledged to be the biological father.  
24 "Parent" does not include any person whose parental rights have been terminated.

25           **SECTION 1552.** 48.06 (1) (a) 1. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1552**

1           48.06 (1) (a) 1. In counties with a population of 500,000 or more, the county  
2 board of supervisors department shall provide the court with the services necessary  
3 for investigating and supervising child welfare cases ~~by operating a children's court~~  
4 ~~center under the supervision of a director who is appointed as provided in s. 46.21~~  
5 ~~(1m) (a). The director is the chief administrative officer of the center and of the intake~~  
6 ~~and probation sections and secure detention facilities of the center except as~~  
7 ~~otherwise provided in this subsection. The director under this chapter. The~~  
8 department is charged with providing child welfare intake and dispositional services  
9 and with administration of the personnel and services of the child welfare intake and  
10 dispositional sections ~~and of the secure detention facilities, and is responsible for~~  
11 ~~supervising both the operation of the physical plant and the maintenance and~~  
12 ~~improvement of the buildings and grounds of the center. The center department~~  
13 ~~shall include investigative services for all children alleged to be in need of protection~~  
14 ~~or services to be provided by the county department, and the services of an assistant~~  
15 ~~district attorney or assistant corporation counsel or both, who shall be assigned to~~  
16 ~~the center to provide investigative as well as legal work in the cases.~~

17           **SECTION 1553.** 48.06 (1) (a) 2. of the statutes is amended to read:

18           48.06 (1) (a) 2. The chief judge of the judicial administrative district shall  
19 formulate written judicial policy governing intake and court services for juvenile  
20 child welfare matters under this chapter and the ~~director~~ department shall be  
21 charged with executing the judicial policy. The chief judge shall direct and supervise  
22 the work of all personnel of the court, except the work of the district attorney or  
23 corporation counsel assigned to the court. The chief judge may delegate his or her  
24 supervisory functions under s. 48.065 (1).

25           **SECTION 1554.** 48.06 (1) (a) 3. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1554**

1           48.06 (1) (a) 3. ~~The county board of supervisors shall develop policies and~~  
2 ~~establish necessary rules for the management and administration of the nonjudicial~~  
3 ~~operations of the children's court center. The director of the center shall report and~~  
4 ~~is responsible to the director of the county department for the execution of all~~  
5 ~~nonjudicial operational policies and rules governing the center, including activities~~  
6 ~~of probation officers whenever they are not performing services for the court. The~~  
7 ~~director of the center is also responsible for the preparation and submission to the~~  
8 ~~county board of supervisors of the annual budget for the center except for the judicial~~  
9 ~~functions or responsibilities which are delegated by law to the judge or judges and~~  
10 ~~clerk of circuit court. The county board of supervisors shall make provision in the~~  
11 ~~organization of the office of director for the devolution of the director's authority in~~  
12 ~~the case of temporary absence, illness, disability to act or a vacancy in position and~~  
13 ~~shall establish the general qualifications for the position. The county board of~~  
14 ~~supervisors also has the authority to investigate, arbitrate and resolve any conflict~~  
15 ~~in the administration of the center as between judicial and nonjudicial operational~~  
16 ~~policy and rules. The county board of supervisors does not have authority and may~~  
17 ~~not assert jurisdiction over the disposition of any case or child after a written order~~  
18 ~~is made under s. 48.21 or if a petition is filed under s. 48.25. All personnel of the~~  
19 ~~intake and probation sections and of the secure detention facilities shall be appointed~~  
20 ~~under civil service by the director except that existing court service personnel having~~  
21 ~~permanent civil service status may be reassigned to any of the respective sections~~  
22 ~~within the center specified in this paragraph.~~

23           **SECTION 1555.** 48.06 (1) (am) 1. of the statutes is amended to read:

24           48.06 (1) (am) 1. All intake workers beginning providing services under this  
25 chapter who begin employment after May 15, 1980, shall have the qualifications

**SENATE BILL 77****SECTION 1555**

1 required to perform entry level social work in a county department and shall have  
2 successfully completed 30 hours of intake training approved or provided by the  
3 department prior to the completion of the first 6 months of employment in the  
4 position. The department shall monitor compliance with this subdivision according  
5 to rules promulgated by the department.

6 **SECTION 1556.** 48.06 (1) (am) 2. of the statutes is amended to read:

7 48.06 (1) (am) 2. The department shall make training programs available  
8 annually that permit intake workers who provide services under this chapter to  
9 satisfy the requirements specified under subd. 1.

10 **SECTION 1557.** 48.06 (1) (am) 3. of the statutes is amended to read:

11 48.06 (1) (am) 3. Each intake worker providing services under this chapter  
12 whose responsibilities include investigation or treatment of child abuse or neglect  
13 shall successfully complete additional training in child abuse and neglect protective  
14 services approved by the department under s. 48.981 (8) (d). Not more than 4 hours  
15 of the additional training may be applied to the requirement under subd. 1.

16 **SECTION 1558.** 48.06 (1) (b) of the statutes is repealed.

17 **SECTION 1559.** 48.06 (2) (b) 1. of the statutes is amended to read:

18 48.06 (2) (b) 1. All intake workers beginning providing services under this  
19 chapter who begin employment after May 15, 1980, shall have the qualifications  
20 required to perform entry level social work in a county department and shall have  
21 successfully completed 30 hours of intake training approved or provided by the  
22 department prior to the completion of the first 6 months of employment in the  
23 position. The department shall monitor compliance with this paragraph according  
24 to rules promulgated by the department.

25 **SECTION 1560.** 48.06 (2) (b) 2. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1560**

1           48.06 (2) (b) 2. The department shall make training programs available  
2 annually that permit intake workers who provide services under this chapter to  
3 satisfy the requirements specified under subd. 1.

4           **SECTION 1561.** 48.06 (2) (c) of the statutes is amended to read:

5           48.06 (2) (c) Each intake worker providing services under this chapter whose  
6 responsibilities include investigation or treatment of child abuse or neglect shall  
7 successfully complete additional training in child abuse and neglect protective  
8 services approved by the department under s. 48.981 (8) (d). Not more than 4 hours  
9 of the additional training may be applied to the requirement under par. (b).

10          **SECTION 1562.** 48.06 (3) of the statutes is amended to read:

11          48.06 (3) INTAKE SERVICES. The court or, the department in a county having a  
12 population of 500,000 or more or the county department responsible for providing  
13 intake services under s. 48.067 shall specify one or more persons to provide intake  
14 services. If there is more than one such worker, one of the workers shall be  
15 designated as chief worker and shall supervise other workers.

16          **SECTION 1563.** 48.069 (1) (intro.) of the statutes is amended to read:

17          48.069 (1) (intro.) The staff of the department, the court, a county department  
18 or a licensed child welfare agency designated by the court to carry out the objectives  
19 and provisions of this chapter, or, in a county having a population of 500,000 or more,  
20 the department or an agency under contract with the department to provide  
21 dispositional services, shall:

22          **SECTION 1564.** 48.069 (2) of the statutes is amended to read:

23          48.069 (2) Licensed Except in a county having a population of 500,000 or more,  
24 licensed child welfare agencies and the department shall provide services under this  
25 section only upon the approval of the agency from whom services are requested. In

**SENATE BILL 77****SECTION 1564**

1 a county having a population of 500,000 or more, the department or, with the  
2 approval of the department, a licensed child welfare agency shall provide services  
3 under this section.

4 **SECTION 1565.** 48.069 (3) of the statutes is amended to read:

5 48.069 (3) A court or county department responsible for disposition staff or, in  
6 a county having a population of 500,000 or more, the department may agree with the  
7 court or county department responsible for providing intake services that the  
8 disposition staff may be designated to provide some or all of the intake services.

9 **SECTION 1566.** 48.07 (3) of the statutes is amended to read:

10 48.07 (3) (title) ~~COUNTY~~ THE DEPARTMENT IN POPULOUS COUNTIES. In counties  
11 having a population of 500,000 or more, the ~~director of the county~~ department may  
12 be ordered by the court to provide services for furnishing emergency shelter care to  
13 any child whose need therefor is determined by the intake worker under s. 48.205.  
14 The court may authorize the ~~director~~ department to appoint members of the ~~county~~  
15 department to furnish emergency shelter care services for the child. The emergency  
16 shelter care may be provided as specified in s. 48.207.

17 **SECTION 1567.** 48.207 (2) of the statutes is amended to read:

18 48.207 (2) If a facility listed in sub. (1) (b) to (k) is used to hold children in  
19 custody, or if supervisory services of a home detention program are provided to  
20 children held under sub. (1) (a), its authorized rate ~~shall be paid by the county~~ for the  
21 care of the child shall be paid by the county in a county having a population of less  
22 than 500,000 or by the department in a county having a population of 500,000 or  
23 more. If no authorized rate has been established, a reasonable sum to be fixed by the  
24 court shall be paid by the county in a county having a population of less than 500,000

**SENATE BILL 77****SECTION 1567**

1 or by the department in a county having a population of 500,000 or more for the  
2 supervision or care of the child.

3 **SECTION 1568.** 48.275 (2) (d) of the statutes is renumbered 48.275 (2) (d) 1. and  
4 amended to read:

5 48.275 (2) (d) 1. Reimbursement In a county having a population of less than  
6 500,000, reimbursement payments shall be made to the clerk of courts of the county  
7 where the proceedings took place. Each payment shall be transmitted to the county  
8 treasurer, who shall deposit 25% of the amount paid for state-provided counsel in the  
9 county treasury and transmit the remainder to the state treasurer. Payments  
10 transmitted to the state treasurer shall be deposited in the general fund and credited  
11 to the appropriation account under s. 20.550 (1) (L). The county treasurer shall  
12 deposit 100% of the amount paid for county-provided counsel in the county treasury.

13 **SECTION 1569.** 48.275 (2) (d) 2. of the statutes is created to read:

14 48.275 (2) (d) 2. In a county having a population of 500,000 or more,  
15 reimbursement payments shall be made to the clerk of courts of the county where the  
16 proceedings took place. Each payment shall be transmitted to the state treasurer,  
17 who shall deposit the amount paid in the general fund and credit 25% of the amount  
18 paid to the appropriation account under s. 20.435 (3) (gx) and the remainder to the  
19 appropriation account under s. 20.550 (1) (L).

20 **SECTION 1570.** 48.295 (1) of the statutes is amended to read:

21 48.295 (1) After the filing of a petition and upon a finding by the court that  
22 reasonable cause exists to warrant an examination or an alcohol and other drug  
23 abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court  
24 may order any child coming within its jurisdiction to be examined as an outpatient  
25 by personnel in an approved treatment facility for alcohol and other drug abuse, by



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1 a physician, psychiatrist or licensed psychologist, or by another expert appointed by  
2 the court holding at least a master's degree in social work or another related field of  
3 child development, in order that the child's physical, psychological, alcohol or other  
4 drug dependency, mental or developmental condition may be considered. The court  
5 may also order an examination or an alcohol and other drug abuse assessment that  
6 conforms to the criteria specified under s. 48.547 (4) of a parent, guardian or legal  
7 custodian whose ability to care for a child is at issue before the court. The court shall  
8 hear any objections by the child, the child's parents, guardian or legal custodian to  
9 the request for such an examination or assessment before ordering the examination  
10 or assessment. The expenses of an examination, if approved by the court, shall be  
11 paid by the county of the court ordering the examination in a county having a  
12 population of less than 500,000 or by the department in a county having a population  
13 of 500,000 or more. The payment for an alcohol and other drug abuse assessment  
14 shall be in accordance with s. 48.361.

15 **SECTION 1571.** 48.33 (4) (b) of the statutes is amended to read:

16 48.33 (4) (b) A recommendation for an amount of child support to be paid by  
17 either or both of the child's parents or for referral to the county-designee child support  
18 agency under s. 59.53 (5) for the establishment of child support.

19 **SECTION 1572.** 48.345 (4) (b) of the statutes is amended to read:

20 48.345 (4) (b) ~~A~~ The county department in a county having a population of less  
21 than 500,000.

22 **SECTION 1573.** 48.345 (4) (bm) of the statutes is created to read:

23 48.345 (4) (bm) The department in a county having a population of 500,000 or  
24 more.

25 **SECTION 1574.** 48.345 (11) of the statutes is repealed.

**SENATE BILL 77****SECTION 1575**

1           **SECTION 1575.** 48.345 (12) (b) of the statutes is amended to read:

2           48.345 (12) (b) The judge shall order the school board to disclose the child's  
3 pupil records, as defined under s. 118.125 (1) (d), to the county department,  
4 department, in a county having a population of 500,000 or more, or licensed child  
5 welfare agency responsible for supervising the child, as necessary to determine the  
6 child's compliance with the order under par. (a).

7           **SECTION 1576.** 48.345 (12) (c) of the statutes is amended to read:

8           48.345 (12) (c) The judge shall order the county department, department, in  
9 a county having a population of 500,000 or more, or licensed child welfare agency  
10 responsible for supervising the child to disclose to the school board, technical college  
11 district board or private, nonprofit, nonsectarian agency which is providing an  
12 educational program under par. (a) 3. records or information about the child, as  
13 necessary to assure the provision of appropriate educational services under par. (a).

14           **SECTION 1577.** 48.345 (13) (a) of the statutes is amended to read:

15           48.345 (13) (a) If the report prepared under s. 48.33 (1) recommends that the  
16 child is in need of treatment for the use or abuse of alcohol beverages, controlled  
17 substances or controlled substance analogs and its medical, personal, family or social  
18 effects, the court may order the child to enter an outpatient alcohol and other drug  
19 abuse treatment program at an approved treatment facility. The approved  
20 treatment facility shall, under the terms of a service agreement between the county  
21 ~~and the approved treatment facility~~ and the county in a county having a population  
22 of less than 500,000 or the department in a county having a population of 500,000  
23 or more, or with the written informed consent of the child or the child's parent if the  
24 child has not attained the age of 12, report to the agency primarily responsible for

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1 providing services to the child as to whether the child is cooperating with the  
2 treatment and whether the treatment appears to be effective.

3 **SECTION 1578.** 48.345 (13) (b) of the statutes is amended to read:

4 48.345 (13) (b) If the report prepared under s. 48.33 (1) recommends that the  
5 child is in need of education relating to the use of alcohol beverages, controlled  
6 substances or controlled substance analogs, the court may order the child to  
7 participate in an alcohol or other drug abuse education program approved by the  
8 court. The person or agency that provides the education program shall, under the  
9 terms of a service agreement between the ~~county and the~~ education program and the  
10 county in a county having a population of less than 500,000 or the department in a  
11 county having a population of 500,000 or more, or with the written informed consent  
12 of the child or the child's parent if the child has not attained the age of 12, report to  
13 the agency primarily responsible for providing services to the child about the child's  
14 attendance at the program.

15 **SECTION 1579.** 48.355 (2) (b) 4. of the statutes is amended to read:

16 48.355 (2) (b) 4. If the child is placed outside the child's home, a designation of  
17 the amount of support, if any, to be paid by the child's parent, guardian or trustee,  
18 specifying that the support obligation begins on the date of the placement, or a  
19 referral to the county ~~designee~~ child support agency under s. 59.53 (5) for  
20 establishment of child support.

21 **SECTION 1580.** 48.355 (2) (b) 6. of the statutes is amended to read:

22 48.355 (2) (b) 6. If the child is placed outside the home, ~~the court's~~ a finding that  
23 continued placement of the child in his or her home would be contrary to the welfare  
24 of the child and a finding as to whether a the county department which provides  
25 social services, the department, in a county having a population of 500,000 or more,

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1 or the agency primarily responsible for the provision of services under a court order  
2 has made reasonable efforts to prevent the removal of the child from the home or, if  
3 applicable, that the agency primarily responsible for the provision of services under  
4 a court order has made reasonable efforts to make it possible for the child to return  
5 to his or her home.

6 **SECTION 1581.** 48.355 (2) (c) of the statutes is amended to read:

7 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,  
8 the order shall specify what constitutes a violation of the condition and shall direct  
9 the school board of the school district in which the child is enrolled to notify the  
10 county department that is responsible for supervising the child or, in a county having  
11 a population of 500,000 or more, the department within 5 days after any violation of  
12 the condition by the child.

13 **SECTION 1582.** 48.355 (2c) (a) (intro.) of the statutes is amended to read:

14 48.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to  
15 whether a the county department which provides social services, the department, in  
16 a county having a population of 500,000 or more, or the agency primarily responsible  
17 for providing services to the child under a court order has made reasonable efforts  
18 to prevent the removal of the child from his or her home, the court's consideration of  
19 reasonable efforts shall include, but not be limited to, whether:

20 **SECTION 1583.** 48.36 (1) (a) of the statutes is amended to read:

21 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the  
22 court otherwise designates an alternative placement for the child by a disposition  
23 made under s. 48.345 or by a change in placement under s. 48.357, the duty of the  
24 parent or guardian or, in the case of a transfer of guardianship and custody under  
25 s. 48.839 (4), the duty of the former guardian to provide support shall continue even

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1       though the legal custodian or the placement designee may provide the support. A  
2       copy of the order transferring custody or designating alternative placement for the  
3       child shall be submitted to the agency or person receiving custody or placement and  
4       the agency or person may apply to the court for an order to compel the parent or  
5       guardian to provide the support. Support payments for residential services, when  
6       purchased or otherwise funded or provided by the department or a county  
7       department under s. ~~46.215~~, 46.22, 46.23, 51.42 or 51.437, shall be determined under  
8       s. 46.10 (14).

9               **SECTION 1584.** 48.36 (1) (b) of the statutes is amended to read:

10              48.36 (1) (b) In determining the amount of support under par. (a), the court may  
11       consider all relevant financial information or other information relevant to the  
12       parent's earning capacity, including information reported under s. 49.22 (2m) to the  
13       department of industry, labor and job development, or the county child and spousal  
14       support agency, under s. ~~49.22 (2m)~~ 59.53 (5). If the court has insufficient  
15       information with which to determine the amount of support, the court shall order the  
16       child's parent to furnish a statement of income, assets, debts and living expenses, if  
17       the parent has not already done so, to the court within 10 days after the court's order  
18       transferring custody or designating an alternative placement is entered or at such  
19       other time as ordered by the court.

20              **SECTION 1585.** 48.36 (2) of the statutes is amended to read:

21              48.36 (2) If a child whose legal custody has not been taken from a parent or  
22       guardian is given educational and social services, or medical, psychological or  
23       psychiatric treatment by order of the court, the cost thereof, if ordered by the court,  
24       shall be a charge upon the county in a county having a population of less than 500,000  
25       or the department in a county having a population of 500,000 or more. This section

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1 does not prevent recovery of reasonable contribution toward the costs from the  
2 parent or guardian of the child as the court may order based on the ability of the  
3 parent or guardian to pay. This subsection shall be subject to s. 46.03 (18).

4 **SECTION 1586.** 48.36 (3) of the statutes is amended to read:

5 48.36 (3) In determining county or departmental liability, this section does not  
6 apply to services specified in ch. 115.

7 **SECTION 1587.** 48.365 (2g) (a) of the statutes is amended to read:

8 48.365 (2g) (a) At the hearing the person or agency primarily responsible for  
9 providing services to the child shall file with the court a written report stating to  
10 what extent the dispositional order has been meeting the objectives of the plan for  
11 the child's rehabilitation or care and treatment. ~~The juvenile offender review  
12 program may file a written report regarding any child examined by the program.~~

13 **SECTION 1588.** 48.366 (8) of the statutes is amended to read:

14 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections  
15 may transfer a person subject to an order between secured correctional facilities.  
16 After the person attains the age of 17 years, the department of corrections may place  
17 the person in a state prison named in s. 302.01. If the person is 15 years of age or  
18 over, the department of corrections may transfer the person to the Racine youthful  
19 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If  
20 the department of corrections places a person subject to an order under this section  
21 in a state prison, that department shall provide services for that person from the  
22 appropriate appropriation under s. 20.410 (1). The department of corrections may  
23 transfer a person placed in a state prison under this subsection to or between state  
24 prisons named in s. 302.01 without petitioning for revision of the order under sub.  
25 (5) (a).

**SENATE BILL 77****SECTION 1589**

1           **SECTION 1589.** 48.38 (5) (am) of the statutes is amended to read:

2           48.38 (5) (am) The court may appoint an independent agency to designate a  
3 panel to conduct a permanency plan review under par. (a). If the court in a county  
4 having a population of less than 500,000 appoints an independent agency under this  
5 paragraph, the county department of the county of the court shall authorize and  
6 contract for the purchase of services from the independent agency. If the court in a  
7 county having a population of 500,000 or more appoints an independent agency  
8 under this paragraph, the department shall authorize and contract for the purchase  
9 of services from the independent agency.

10           **SECTION 1590.** 48.396 (2) (dm) of the statutes is amended to read:

11           48.396 (2) (dm) Upon request of a court having jurisdiction over actions  
12 affecting the family, an attorney responsible for support enforcement under s. ~~59.458~~  
13 ~~(1)~~ 59.53 (6) (a) or a party to a paternity proceeding under ss. 767.45 to 767.60, the  
14 party's attorney or the guardian ad litem for the child who is the subject of that  
15 proceeding to review or be provided with information from the records of the court  
16 assigned to exercise jurisdiction under this chapter and ch. 938 relating to the  
17 paternity of a child for the purpose of determining the paternity of the child or for the  
18 purpose of rebutting the presumption of paternity under s. 891.405 or 891.41 (1), the  
19 court assigned to exercise jurisdiction under this chapter and ch. 938 shall open for  
20 inspection by the requester its records relating to the paternity of the child or disclose  
21 to the requester those records.

22           **SECTION 1591.** 48.42 (4) (b) 2. of the statutes is amended to read:

23           48.42 (4) (b) 2. If the child is a nonmarital child who is not adopted or whose  
24 parents do not subsequently intermarry under s. 767.60 and paternity has not been

**SENATE BILL 77****SECTION 1591**

1 adjudicated or acknowledged, the court may, as provided in s. 48.422 (6) (b), order  
2 publication of a notice under subd. 4.

3 **SECTION 1592.** 48.428 (2) (a) of the statutes is amended to read:

4 48.428 (2) (a) Except as provided in par. (b), when a court places a child in  
5 sustaining care after an order under s. 48.427 (4), the court shall transfer legal  
6 custody of the child to the county department, the department, in a county having  
7 a population of 500,000 or more, or a licensed child welfare agency, transfer  
8 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. and place  
9 the child in the home of a licensed foster parent, licensed treatment foster parent or  
10 kinship care relative with whom the child has resided for 6 months or longer.  
11 Pursuant to such a placement, this licensed foster parent, licensed treatment foster  
12 parent or kinship care relative shall be a sustaining parent with the powers and  
13 duties specified in sub. (3).

14 **SECTION 1593.** 48.428 (2) (b) of the statutes is amended to read:

15 48.428 (2) (b) When a court places a child in sustaining care after an order  
16 under s. 48.427 (4) with a person who has been appointed as the guardian of the child  
17 under s. 48.977 (2), the court may transfer legal custody of the child to the county  
18 department, the department, in a county having a population of 500,000 or more, or  
19 a licensed child welfare agency, transfer guardianship of the child to an agency listed  
20 in s. 48.427 (3m) (a) 1. to 4. and place the child in the home of a licensed foster parent  
21 ~~or~~, licensed treatment foster parent or kinship care relative with whom the child has  
22 resided for 6 months or longer. Pursuant to such a placement, that licensed foster  
23 parent ~~or~~, licensed treatment foster parent or kinship care relative shall be a  
24 sustaining parent with the powers and duties specified in sub. (3). If the court



**SENATE BILL 77****SECTION 1593**

1 transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4.,  
2 the court shall terminate the guardianship under s. 48.977.

3 **SECTION 1594.** 48.48 (17) of the statutes is created to read:

4 48.48 (17) (a) In a county having a population of 500,000 or more, to administer  
5 child welfare services and to expend such amounts as may be necessary out of any  
6 moneys which may be appropriated for child welfare services by the legislature,  
7 which may be donated by individuals or private organizations or which may be  
8 otherwise provided. The department shall also have authority to do all of the  
9 following:

10 1. Investigate the conditions surrounding nonmarital children and children in  
11 need of protection or services within the county and to take every reasonable action  
12 within its power to secure for them the full benefit of all laws enacted for their benefit.  
13 Unless provided by another agency, the department shall offer social services to the  
14 caretaker of any child who is referred to it under the conditions specified in this  
15 subdivision. This duty shall be discharged in cooperation with the court and with  
16 the public officers or boards legally responsible for the administration and  
17 enforcement of these laws.

18 2. Accept legal custody of children transferred to it by the court under s. 48.355  
19 and to provide special treatment and care if ordered by the court and if providing  
20 special treatment and care is not the responsibility of the county department under  
21 s. 46.215, 51.42 or 51.437. A court may not order the department to administer  
22 psychotropic medications to children who receive special treatment or care under  
23 this subdivision.

24 3. Provide appropriate protection and services for children in its care, including  
25 providing services for children and their families in their own homes, placing the

**SENATE BILL 77****SECTION 1594**

1 children in licensed foster homes, licensed treatment foster homes or licensed group  
2 homes in this state or another state within a reasonable proximity to the agency with  
3 legal custody or contracting for services for them by licensed child welfare agencies,  
4 except that the department may not purchase the educational component of private  
5 day treatment programs unless the department, the school board as defined in s.  
6 115.001 (7) and the state superintendent of public instruction all determine that an  
7 appropriate public education program is not available. Disputes between the  
8 department and the school district shall be resolved by the state superintendent of  
9 public instruction.

10 4. Provide for the moral and religious training of children in its care according  
11 to the religious belief of the child or of his or her parents.

12 5. Place children in a county children's home in the county, to accept  
13 guardianship of children when appointed by the court and to place children under  
14 its guardianship for adoption.

15 6. Provide services to the court under s. 48.06.

16 7. Contract with any parent or guardian or other person for the care and  
17 maintenance of any child.

18 8. License foster homes or treatment foster homes in accordance with s. 48.75.

19 9. Use in the media a picture or description of a child in its guardianship for  
20 the purpose of finding adoptive parents for that child.

21 10. Administer kinship care as provided in s. 48.57 (3m) and (3p).

22 11. Contract with the county department under s. 46.215, 51.42 or 51.437 or  
23 with a licensed child welfare agency to provide any of the services that the  
24 department is authorized to provide under this chapter.

**SENATE BILL 77****SECTION 1594**

1 (b) In performing the functions specified in par. (a), the department may avail  
2 itself of the cooperation of any individual or private agency or organization interested  
3 in the social welfare of children in the county.

4 (c) From the appropriations under s. 20.435 (3) (cx), (gx), (kw) and (mx), the  
5 department may provide funding for the maintenance of any child who meets all of  
6 the following criteria:

7 1. Is 18 years of age or older.

8 2. Is enrolled in and regularly attending a secondary education classroom  
9 program leading to a high school diploma.

10 3. Received funding under s. 20.435 (3) (cx) or 46.495 (1) (d) immediately prior  
11 to his or her 18th birthday.

12 4. Is living in a foster home, treatment foster home, group home or child caring  
13 institution.

14 (d) The funding provided for the maintenance of a child under par. (c) shall be  
15 in an amount equal to that which the child would receive under s. 20.435 (3) (cx), (gx),  
16 (kw) and (mx) or 46.495 (1) (d) if the child were 17 years of age.

17 **SECTION 1595.** 48.551 (2) (a) of the statutes is amended to read:

18 48.551 (2) (a) Training persons who provide counseling to adolescents  
19 including school counselors, county or department employes providing child welfare  
20 services under s. 48.56 or 48.561 and family planning clinic employes.

21 **SECTION 1596.** Subchapter XII (title) of chapter 48 [precedes 48.56] of the  
22 statutes is amended to read:

23 **CHAPTER 48**

24 **SUBCHAPTER XII**

25 **COUNTY CHILD WELFARE SERVICES**

**SENATE BILL 77****SECTION 1597**

1           **SECTION 1597.** 48.56 (title) of the statutes is amended to read:

2           **48.56** (title) **County-child Child welfare services in counties having**  
3 **populations of less than 500,000.**

4           **SECTION 1598.** 48.56 (1) of the statutes is amended to read:

5           **48.56 (1)** Each county having a population of less than 500,000 shall provide  
6 child welfare services through its county department.

7           **SECTION 1599.** 48.561 of the statutes is created to read:

8           **48.561 Child welfare services in a county having a population of**  
9 **500,000 or more.** (1) The department shall provide child welfare services in a  
10 county having a population of 500,000 or more.

11           (2) The department shall employ personnel in a county having a population of  
12 500,000 or more who devote all of their time directly or indirectly to child welfare  
13 services. Whenever possible, these personnel shall be social workers certified under  
14 ch. 457.

15           (3) (a) A county having a population of 500,000 or more shall contribute  
16 \$24,365,900 in state fiscal year 1997-98 for the provision of child welfare services in  
17 that county by the department.

18           (b) The department of administration may collect the amount specified in par.  
19 (a) from a county having a population of 500,000 or more by deducting all or part of  
20 that amount from any state payment due that county or may add a special charge  
21 to the amount of taxes apportioned to and levied upon the county under s. 70.60. In  
22 making deductions under this paragraph, the department of administration shall  
23 first make deductions to payments due under ss. 46.40, 79.03, 79.04, 79.058, 79.06  
24 and 79.08. The department of administration shall credit all amounts deducted or  
25 charged under this paragraph to the appropriation account under s. 20.435 (3) (kw)

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1 and shall notify the county that is the subject of the deduction or charge of that  
2 action.

3 **SECTION 1600.** 48.561 (3) (a) of the statutes, as created by 1997 Wisconsin Act  
4 .... (this act), is amended to read:

5 48.561 (3) (a) A county having a population of 500,000 or more shall contribute  
6 ~~\$24,365,900~~ \$48,731,700 in each state fiscal year ~~1997-98~~ for the provision of child  
7 welfare services in that county by the department.

8 **SECTION 1601.** 48.57 (title) of the statutes is amended to read:

9 **48.57 (title) Powers and duties of department and county departments**  
10 **providing child welfare services.**

11 **SECTION 1602.** 48.57 (1) (intro.) of the statutes is amended to read:

12 48.57 (1) (intro.) Each county department shall administer and expend such  
13 amounts as may be necessary out of any moneys which may be appropriated for child  
14 welfare purposes by the county board of supervisors or by the legislature, which may  
15 be donated by individuals or private organizations. ~~It or which may be otherwise~~  
16 provided. The department shall have the authority specified in s. 48.48 (17). A  
17 county department shall have the authority:

18 **SECTION 1603.** 48.57 (1) (c) of the statutes is amended to read:

19 48.57 (1) (c) To provide appropriate protection and services for children in its  
20 care, including providing services for children and their families in their own homes,  
21 placing the children in licensed foster homes, licensed treatment foster homes or  
22 licensed group homes in this state or another state within a reasonable proximity to  
23 the agency with legal custody or contracting for services for them by licensed child  
24 welfare agencies, except that the county department shall not purchase the  
25 educational component of private day treatment programs unless the county

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1 department, the school board as defined in s. 115.001 (7) and the department of  
2 education state superintendent of public instruction all determine that an  
3 appropriate public education program is not available. Disputes between the county  
4 department and the school district shall be resolved by the ~~department of education~~  
5 state superintendent of public instruction.

6 **SECTION 1604.** 48.57 (1) (e) of the statutes is amended to read:

7 48.57 (1) (e) If a county department in a county with a population of 500,000  
8 or more and if contracted to do so by the department, to place children in a county  
9 children's home in the county under policies adopted by the county board of  
10 supervisors, to accept guardianship of children when appointed by the court and to  
11 place children under its guardianship for adoption.

12 **SECTION 1605.** 48.57 (3m) (am) (intro.) of the statutes, as affected by 1995  
13 Wisconsin Act 289, section 70g, is amended to read:

14 48.57 (3m) (am) (intro.) From the ~~appropriations~~ appropriation under s. 20.435  
15 ~~(7) (b) and (c) (3) (kc)~~, the department shall reimburse counties for payments made  
16 under this subsection. A county department shall make payments in the amount of  
17 \$215 per month to a kinship care relative who is providing care and maintenance for  
18 a child if all of the following conditions are met:

19 **SECTION 1606.** 48.57 (3m) (am) (intro.) of the statutes, as affected by 1997  
20 Wisconsin Act .... (this act), is repealed and recreated to read:

21 48.57 (3m) (am) (intro.) From the appropriation under s. 20.435 (3) (kc), the  
22 department shall reimburse counties having populations of less than 500,000 for  
23 payments made under this subsection and shall make payments under this  
24 subsection in a county having a population of 500,000 or more. A county department  
25 and, in a county having a population of 500,000 or more, the department shall make

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1 payments in the amount of \$215 per month to a kinship care relative who is providing  
2 care and maintenance for a child if all of the following conditions are met:

3 **SECTION 1607.** 48.57 (3m) (am) 1. of the statutes is amended to read:

4 48.57 **(3m)** (am) 1. The kinship care relative applies to the county department  
5 or department for payments under this subsection and the county department or  
6 department determines that there is a need for the child to be placed with the kinship  
7 care relative and that the placement with the kinship care relative is in the best  
8 interests of the child.

9 **SECTION 1608.** 48.57 (3m) (am) 2. of the statutes is amended to read:

10 48.57 **(3m)** (am) 2. The county department or department determines that the  
11 child meets one or more of the criteria specified in s. 48.13 or 938.13 or that the child  
12 would be at risk of meeting one or more of those criteria if the child were to remain  
13 in his or her home.

14 **SECTION 1609.** 48.57 (3m) (am) 4. of the statutes is amended to read:

15 48.57 **(3m)** (am) 4. The county department or department conducts a  
16 background investigation under sub. (3p) of the kinship care relative, the employes  
17 and prospective employes of the kinship care relative who have or would have  
18 regular contact with the child for whom the payments would be made and any other  
19 adult resident of the kinship care relative's home to determine if the kinship care  
20 relative, employe, prospective employe or adult resident has any arrests or  
21 convictions that could adversely affect the child or the kinship care relative's ability  
22 to care for the child.

23 **SECTION 1610.** 48.57 (3m) (am) 5. of the statutes is amended to read:

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1           48.57 (3m) (am) 5. The kinship care relative cooperates with the county  
2 department or department in the application process, including applying for other  
3 forms of assistance for which the kinship care relative may be eligible.

4           **SECTION 1611.** 48.57 (3m) (am) 6. of the statutes is created to read:

5           48.57 (3m) (am) 6. The child for whom the kinship care relative is providing  
6 care and maintenance is not receiving supplemental security income under 42 USC  
7 1381 to 1383c or state supplemental payments under s. 49.77.

8           **SECTION 1612.** 48.57 (3m) (b) 1. of the statutes is amended to read:

9           48.57 (3m) (b) 1. The county department or, in a county having a population  
10 of 500,000 or more, the department shall refer to the attorney responsible for support  
11 enforcement under s. ~~59.458 (1)~~ 59.53 (6) (a) the name of the parent or parents of a  
12 child for whom a payment is made under par. (am).

13           **SECTION 1613.** 48.57 (3m) (c) of the statutes is amended to read:

14           48.57 (3m) (c) The county department or, in a county having a population of  
15 500,000 or more, the department shall require the parent or parents of a child for  
16 whom a payment is made under par. (am) to initiate or continue health care  
17 insurance coverage for the child.

18           **SECTION 1614.** 48.57 (3m) (d) of the statutes, as affected by 1995 Wisconsin Act  
19 289, section 70g, is amended to read:

20           48.57 (3m) (d) A county department or, in a county having a population of  
21 500,000 or more, the department shall review a placement of a child for which the  
22 county department or department makes payments under par. (am) not less than  
23 every 12 months after the county department or department begins making those  
24 payments to determine whether the conditions specified in par. (am) continue to



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1 exist. If those conditions do not continue to exist, the county department or  
2 department shall discontinue making those payments.

3 **SECTION 1615.** 48.57 (3p) (b) 1. of the statutes is amended to read:

4 48.57 **(3p)** (b) 1. After receipt of an application for payments under sub. (3m),  
5 the county department or, in a county having a population of 500,000 or more, the  
6 department of health and family services, with the assistance of the department of  
7 justice, shall conduct a background investigation of the applicant.

8 **SECTION 1616.** 48.57 (3p) (b) 2. of the statutes is amended to read:

9 48.57 **(3p)** (b) 2. The county department or, in a county having a population of  
10 500,000 or more, the department of health and family services, with the assistance  
11 of the department of justice, may conduct a background investigation of any person  
12 who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d)  
13 or at any other time that the county department or department of health and family  
14 services considers to be appropriate.

15 **SECTION 1617.** 48.57 (3p) (c) 1. of the statutes is amended to read:

16 48.57 **(3p)** (c) 1. After receipt of an application for payments under sub. (3m),  
17 the county department or, in a county having a population of 500,000 or more, the  
18 department of health and family services, with the assistance of the department of  
19 justice, shall, in addition to the investigation under par. (b), conduct a background  
20 investigation of all employes and prospective employes of the applicant who have or  
21 would have regular contact with the child for whom those payments are being made  
22 and of each adult resident.

23 **SECTION 1618.** 48.57 (3p) (c) 2. of the statutes is amended to read:

24 48.57 **(3p)** (c) 2. The county department or, in a county having a population of  
25 500,000 or more, the department of health and family services, with the assistance

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1 of the department of justice, may conduct a background investigation of any of the  
2 employes or prospective employes of any person who is receiving payments under  
3 sub. (3m) who have or would have regular contact with the child for whom those  
4 payments are being made and of each adult resident at the time of review under sub.  
5 (3m) (d) or at any other time that the county department or department of health and  
6 family services considers to be appropriate.

7 **SECTION 1619.** 48.57 (3p) (c) 3. of the statutes is amended to read:

8 48.57 (3p) (c) 3. Before a person ~~that~~ who is receiving payments under sub. (3m)  
9 may employ any person in a position in which that person would have regular contact  
10 with the child for whom those payments are being made or permit any person to be  
11 an adult resident, the county department or, in a county having a population of  
12 500,000 or more, the department of health and family services, with the assistance  
13 of the department of justice, shall conduct a background investigation of the  
14 prospective employe or prospective adult resident unless that person has already  
15 been investigated under subd. 1. or 2.

16 **SECTION 1620.** 48.57 (3p) (d) of the statutes is amended to read:

17 48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a  
18 nonresident, or at any time within the 5 years preceding the date of the application  
19 has been a nonresident, or if the county department or, in a county having a  
20 population of 500,000 or more, the department of health and family services  
21 determines that the person's employment, licensing or state court records provide a  
22 reasonable basis for further investigation, the county department or department of  
23 health and family services shall require the person to be photographed and  
24 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's  
25 fingerprints. The department of justice may provide for the submission of the

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1 fingerprint cards to the federal bureau of investigation for the purposes of verifying  
2 the identity of the person fingerprinted and obtaining records of his or her criminal  
3 arrest and conviction.

4 **SECTION 1621.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

5 48.57 (3p) (e) (intro.) Upon request, a person being investigated under par. (b)  
6 or (c) shall provide the county department or, in a county having a population of  
7 500,000 or more, the department of health and family services with all of the  
8 following information:

9 **SECTION 1622.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

10 48.57 (3p) (fm) 1. The county department or, in a county having a population  
11 of 500,000 or more, the department of health and family services may provisionally  
12 approve the making of payments under sub. (3m) based on the applicant's statement  
13 under sub. (3m) (am) 4m. The county department or department of health and family  
14 services may not finally approve the making of payments under sub. (3m) unless that  
15 the county department or department of health and family services receives  
16 information from the department of justice indicating that the conviction record of  
17 the applicant under the law of this state is satisfactory according to the criteria  
18 specified in par. (g) 1. to 3. The county department or department of industry, labor  
19 and job development health and family services may make payments under sub. (3m)  
20 conditioned on the receipt of information from the federal bureau of investigation  
21 indicating that the person's conviction record under the law of any other state or  
22 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

23 **SECTION 1623.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

24 48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may  
25 provisionally employ a person in a position in which that person would have regular

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1 contact with the child for whom those payments are being made or provisionally  
2 permit a person to be an adult resident if the person receiving those payments states  
3 to the county department or, in a county having a population of 500,000 or more, the  
4 department of health and family services that the employe or adult resident does not  
5 have any arrests or convictions that could adversely affect the child or the ability of  
6 the person receiving payments to care for the child. A person receiving payments  
7 under sub. (3m) may not finally employ a person in a position in which that person  
8 would have regular contact with the child for whom those payments are being made  
9 or finally permit a person to be an adult resident until the county department or, in  
10 a county having a population of 500,000 or more, the department of health and family  
11 services receives information from the department of justice indicating that the  
12 person's conviction record under the law of this state is satisfactory according to the  
13 criteria specified in par. (g) 1. to 3. and the county department so advises the  
14 department of health and family services and the person receiving payments under  
15 sub. (3m) or the department of health and family services so advises that person. A  
16 person receiving payments under sub. (3m) may finally employ a person in a position  
17 in which that person would have regular contact with the child for whom those  
18 payments are being made or finally permit a person to be an adult resident  
19 conditioned on the receipt of information from the county department or, in a county  
20 having a population of 500,000 or more, the department of health and family services  
21 that the federal bureau of investigation indicates that the person's conviction record  
22 under the law of any other state or under federal law is satisfactory according to the  
23 criteria specified in par. (g) 1. to 3.

24 **SECTION 1624.** 48.57 (3p) (g) (intro.) of the statutes, as affected by 1995  
25 Wisconsin Act 289, section 71f, is amended to read:

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1           48.57 (3p) (g) (intro.) ~~Subject to par. (h), the~~ A county department or, in a county  
2           having a population of 500,000 or more, the department of health and family services  
3           may not make payments to a person applying for payments under sub. (3m) and a  
4           person receiving payments under sub. (3m) may not employ a person in a position  
5           in which that person would have regular contact with the child for whom those  
6           payments are being made or permit a person to be an adult resident if any of the  
7           following applies:

8           **SECTION 1625.** 48.57 (3p) (g) 2. of the statutes is amended to read:

9           48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified  
10          in s. 939.62, 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a  
11          violation of the law of any other state or federal law under circumstances under  
12          which the ~~applicant or other~~ person would be subject to a penalty specified in any of  
13          those sections if convicted in this state.

14          **SECTION 1626.** 48.57 (3p) (g) 3. of the statutes is amended to read:

15          48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944 or  
16          948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or  
17          of a violation of the law of any other state or federal law that would be a violation of  
18          ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63  
19          or 948.70, if committed in this state, except that ~~the~~ a county department or, in a  
20          county having a population of 500,000 or more, the department of health and family  
21          services may make payments to a person applying for payments under sub. (3m) and  
22          a person receiving payments under sub. (3m) may employ in a position in which the  
23          person would have regular contact with the child for whom those payments are being  
24          made or permit to be an adult resident a person who has been convicted of a violation  
25          of s. 944.30, 944.31 or 944.33 or of a violation of the law of any other state or federal

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1 law that would be a violation of s. 944.30, 944.31 or 944.33 if committed in this state,  
2 if that violation occurred 20 years or more before the date of the investigation.

3 **SECTION 1627.** 48.57 (3p) (i) of the statutes is amended to read:

4 48.57 (3p) (i) The A county department and, in a county having a population  
5 of 500,000 or more, the department of health and family services shall keep  
6 confidential all information received under this subsection from the department of  
7 justice or the federal bureau of investigation. Such information is not subject to  
8 inspection or copying under s. 19.35.

9 **SECTION 1628.** 48.57 (3p) (j) of the statutes is amended to read:

10 48.57 (3p) (j) The A county department or, in a county having a population of  
11 500,000 or more, the department of health and family services may charge a fee for  
12 conducting a background investigation under this subsection. The fee may not  
13 exceed the reasonable cost of conducting the investigation.

14 **SECTION 1629.** 48.58 (1) (b) of the statutes is amended to read:

15 48.58 (1) (b) Provide care for children in need of protection or services, and  
16 delinquent juveniles referred by the county department under s. 46.215, if the  
17 delinquent juveniles are placed in separate facilities;

18 **SECTION 1630.** 48.59 (1) of the statutes is amended to read:

19 48.59 (1) The county department or, in a county having a population of 500,000  
20 or more, the department or an agency under contract with the department shall  
21 investigate the personal and family history and environment of any child transferred  
22 to its legal custody or placed under its supervision under s. 48.345 and make any  
23 physical or mental examinations of the child considered necessary to determine the  
24 type of care necessary for the child. The county department, department or agency  
25 shall screen a child who is examined under this subsection to determine whether the

**SENATE BILL 77****SECTION 1630**

1 child is in need of special treatment or care because of alcohol or other drug abuse,  
2 mental illness or severe emotional disturbance. The county department, department  
3 or agency shall keep a complete record of the information received from the court, the  
4 date of reception, all available data on the personal and family history of the child,  
5 the results of all tests and examinations given the child and a complete history of all  
6 placements of the child while in the legal custody or under the supervision of the  
7 county department, department or agency.

8 **SECTION 1631.** 48.60 (1) of the statutes is amended to read:

9 48.60 (1) No person may receive children, with or without transfer of legal  
10 custody, to provide care and maintenance for 75 days in any consecutive 12 months'  
11 period for 4 or more such children at any one time unless that person obtains a license  
12 to operate a child welfare agency from the department. To obtain a license under this  
13 subsection to operate a child welfare agency, a person must meet the minimum  
14 requirements for a license established by the department under s. 48.67 and pay the  
15 applicable license fee under s. 48.615 (1) (a) or (b). A license issued under this  
16 subsection is valid ~~for 2 years after the date of issuance, unless sooner revoked or~~  
17 ~~suspended~~ until revoked or suspended, but shall be reviewed every 2 years as  
18 provided in s. 48.66 (5).

19 **SECTION 1632.** 48.60 (2) (c) of the statutes is amended to read:

20 48.60 (2) (c) A public agency other than a county that has established a child  
21 caring institution under s. 938.22;

22 **SECTION 1633.** 48.60 (3) of the statutes is amended to read:

23 48.60 (3) Before issuing or continuing any license to a child welfare agency  
24 under this section, the department of health and family services shall review the  
25 need for the additional placement resources that would be made available by ~~the~~

**SENATE BILL 77****SECTION 1633**

1 licensing or ~~relicensing~~ continuing the license of any child welfare agency after  
2 August 5, 1973, providing care authorized under s. 48.61 (3). Neither the  
3 department of health and family services nor the department of corrections may  
4 make any placements to any child welfare agency where the departmental review  
5 required under this subsection has failed to indicate the need for the additional  
6 placement resources.

7 **SECTION 1634.** 48.615 (1) (a) of the statutes is amended to read:

8 48.615 (1) (a) Before the department may issue a license under s. 48.60 (1) to  
9 a child welfare agency that regularly provides care and maintenance for children  
10 within the confines of its building, the child welfare agency must pay to the  
11 department a biennial fee of ~~\$100~~ \$110, plus a biennial fee of ~~\$15~~ \$16.50 per child,  
12 based on the number of children that the child welfare agency is licensed to serve.

13 **SECTION 1635.** 48.615 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
14 .... (this act), is repealed and recreated to read:

15 48.615 (1) (a) Before the department may issue a license under s. 48.60 (1) to  
16 a child welfare agency that regularly provides care and maintenance for children  
17 within the confines of its building, the child welfare agency must pay to the  
18 department a biennial fee of \$121, plus a biennial fee of \$18.15 per child, based on  
19 the number of children that the child welfare agency is licensed to serve.

20 **SECTION 1636.** 48.615 (1) (b) of the statutes is amended to read:

21 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
22 a child welfare agency that places children in licensed foster homes, licensed  
23 treatment foster homes and licensed group homes, the child welfare agency must pay  
24 to the department a biennial fee of ~~\$210~~ \$231.



**SENATE BILL 77****SECTION 1637**

1           **SECTION 1637.** 48.615 (1) (b) of the statutes, as affected by 1997 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
4 a child welfare agency that places children in licensed foster homes, licensed  
5 treatment foster homes and licensed group homes, the child welfare agency must pay  
6 to the department a biennial fee of \$254.10

7           **SECTION 1638.** 48.615 (1) (c) of the statutes is amended to read:

8           48.615 (1) (c) A child welfare agency that wishes to ~~renew~~ continue a license  
9 issued under s. 48.60 (1) shall pay the applicable fee under par. (a) or (b) by the  
10 ~~renewal~~ continuation date of the license.

11           **SECTION 1639.** 48.615 (2) of the statutes is amended to read:

12           48.615 (2) A child welfare agency that wishes to ~~renew~~ continue a license issued  
13 under s. 48.60 (1) and that fails to pay the applicable fee under sub. (1) (a) or (b) by  
14 the ~~renewal~~ continuation date of the license or a new child welfare agency that fails  
15 to pay the applicable fee under sub. (1) (a) or (b) by 30 days before the opening of the  
16 child welfare agency shall pay an additional fee of \$5 per day for every day after the  
17 deadline that the agency fails to pay the fee.

18           **SECTION 1640.** 48.625 (1) of the statutes is amended to read:

19           48.625 (1) Any person who receives, with or without transfer of legal custody,  
20 5 to 8 children, to provide care and maintenance for those children shall obtain a  
21 license to operate a group home from the department. To obtain a license under this  
22 subsection to operate a group home, a person must meet the minimum requirements  
23 for a license established by the department under s. 48.67 and pay the license fee  
24 under sub. (2). A license issued under this subsection is valid ~~for 2 years after the~~

**SENATE BILL 77****SECTION 1640**

1 ~~date of issuance, unless sooner revoked or suspended~~ until revoked or suspended, but  
2 shall be reviewed every 2 years as provided in s. 48.66 (5).

3 **SECTION 1641.** 48.625 (2) (a) of the statutes is amended to read:

4 48.625 (2) (a) Before the department may issue a license under sub. (1) to a  
5 group home, the group home must pay to the department a biennial fee of \$100 \$110,  
6 plus a biennial fee of \$15 \$16.50 per child, based on the number of children that the  
7 group home is licensed to serve. A group home that wishes to ~~renew~~ continue a  
8 license issued under sub. (1) shall pay the fee under this paragraph by the ~~renewal~~  
9 continuation date of the license. A new group home shall pay the fee under this  
10 paragraph no later than 30 days before the opening of the group home.

11 **SECTION 1642.** 48.625 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
12 .... (this act), is repealed and recreated to read:

13 48.625 (2) (a) Before the department may issue a license under sub. (1) to a  
14 group home, the group home must pay to the department a biennial fee of \$121, plus  
15 a biennial fee of \$18.15 per child, based on the number of children that the group  
16 home is licensed to serve. A group home that wishes to continue a license issued  
17 under sub. (1) shall pay the fee under this paragraph by the continuation date of the  
18 license. A new group home shall pay the fee under this paragraph no later than 30  
19 days before the opening of the group home.

20 **SECTION 1643.** 48.625 (2) (b) of the statutes is amended to read:

21 48.625 (2) (b) A group home that wishes to ~~renew~~ continue a license issued  
22 under sub. (1) and that fails to pay the fee under par. (a) by the ~~renewal~~ continuation  
23 date of the license or a new group home that fails to pay the fee under par. (a) by 30  
24 days before the opening of the group home shall pay an additional fee of \$5 per day  
25 for every day after the deadline that the group home fails to pay the fee.

**SENATE BILL 77****SECTION 1644**

1           **SECTION 1644.** 48.627 (2) (a) of the statutes is amended to read:

2           48.627 (2) (a) Before the department, a county department or a licensed child  
3 welfare agency may issue ~~or~~, renew or continue a foster home, treatment foster home  
4 or family-operated group home license, the licensing agency shall require the  
5 applicant to furnish proof satisfactory to the licensing agency that he or she has  
6 homeowner's or renter's liability insurance that provides coverage for negligent acts  
7 or omissions by children placed in a foster home, treatment foster home or  
8 family-operated group home that result in bodily injury or property damage to 3rd  
9 parties.

10           **SECTION 1645.** 48.65 (1) of the statutes is amended to read:

11           48.65 (1) No person may for compensation provide care and supervision for 4  
12 or more children under the age of 7 for less than 24 hours a day unless that person  
13 obtains a license to operate a day care center from the department. To obtain a  
14 license under this subsection to operate a day care center, a person must meet the  
15 minimum requirements for a license established by the department under s. 48.67  
16 and pay the license fee under sub. (3). A license issued under this subsection is valid  
17 ~~for 2 years after the date of issuance, unless sooner revoked or suspended until~~  
18 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

19           **SECTION 1646.** 48.65 (1m) (b) 2. of the statutes is amended to read:

20           48.65 (1m) (b) 2. The department of health and family services, with the  
21 assistance of the department of justice, shall conduct a background investigation of  
22 any person who, on July 1, 1996, is a day care provider licensed under this section  
23 or contracted for under s. 120.13 (14) or who, on July 1, 1996, has an application for  
24 licensure or a contract offer pending, within 6 months after July 1, 1996, or on the

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1 person's application for license continuation or contract renewal, whichever is  
2 earlier.

3 **SECTION 1647.** 48.65 (1m) (b) 3. of the statutes is amended to read:

4 48.65 (1m) (b) 3. Subject to subd. 2., the department of health and family  
5 services may, at the time of ~~renewal~~ continuation of the license or renewal of the  
6 contract of a day care provider licensed under this section or contracted for under s.  
7 120.13 (14), or at any other time that the department considers to be appropriate,  
8 conduct, with the assistance of the department of justice, a background investigation  
9 of that day care provider.

10 **SECTION 1648.** 48.65 (1m) (c) 2. of the statutes is amended to read:

11 48.65 (1m) (c) 2. The department of health and family services, with the  
12 assistance of the department of justice, shall conduct a background investigation of  
13 each adult resident of a person who, on July 1, 1996, is licensed under this section  
14 or contracted for under s. 120.13 (14) or who, on July 1, 1996, has an application for  
15 licensure or a contract offer pending, within 6 months after that date or on the  
16 person's application for license continuation or contract renewal, whichever is  
17 earlier.

18 **SECTION 1649.** 48.65 (1m) (c) 3. of the statutes is amended to read:

19 48.65 (1m) (c) 3. Subject to subd. 2., the department of health and family  
20 services may, at the time of ~~renewal~~ continuation of the license or renewal of the  
21 contract of a day care provider licensed under this section or contracted for under s.  
22 120.13 (14) or at any other time that the department considers to be appropriate,  
23 conduct, with the assistance of the department of justice, a background investigation  
24 of any employe or prospective employe of the day care provider who has or would have

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1 regular contact with any child receiving day care from the day care provider or of any  
2 adult resident of the day care provider.

3 **SECTION 1650.** 48.65 (3) (a) of the statutes is amended to read:

4 48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
5 care center that provides care and supervision for 4 to 8 children, the day care center  
6 must pay to the department a biennial fee of \$50 \$55. Before the department may  
7 issue a license under sub. (1) to a day care center that provides care and supervision  
8 for 9 or more children, the day care center must pay to the department a biennial fee  
9 of \$25 \$27.50, plus a biennial fee of \$7 \$7.70 per child, based on the number of  
10 children that the day care center is licensed to serve. A day care center that wishes  
11 to ~~renew~~ continue a license issued under sub. (1) shall pay the applicable fee under  
12 this paragraph by the ~~renewal~~ continuation date of the license. A new day care  
13 center shall pay the applicable fee under this paragraph no later than 30 days before  
14 the opening of the day care center.

15 **SECTION 1651.** 48.65 (3) (a) of the statutes, as affected by 1997 Wisconsin Act  
16 .... (this act), is repealed and recreated to read:

17 48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
18 care center that provides care and supervision for 4 to 8 children, the day care center  
19 must pay to the department a biennial fee of \$60.50. Before the department may  
20 issue a license under sub. (1) to a day care center that provides care and supervision  
21 for 9 or more children, the day care center must pay to the department a biennial fee  
22 of \$30.25, plus a biennial fee of \$8.47 per child, based on the number of children that  
23 the day care center is licensed to serve. A day care center that wishes to continue a  
24 license issued under sub. (1) shall pay the applicable fee under this paragraph by the

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1 continuation date of the license. A new day care center shall pay the applicable fee  
2 under this paragraph no later than 30 days before the opening of the day care center.

3 **SECTION 1652.** 48.65 (3) (b) of the statutes is amended to read:

4 48.65 (3) (b) A day care center that wishes to ~~renew~~ continue a license issued  
5 under par. (a) and that fails to pay the applicable fee under par. (a) by the ~~renewal~~  
6 continuation date of the license or a new day care center that fails to pay the  
7 applicable fee under par. (a) by 30 days before the opening of the day care center shall  
8 pay an additional fee of \$5 per day for every day after the deadline that the group  
9 home fails to pay the fee.

10 **SECTION 1653.** 48.651 (1) (intro.) of the statutes is amended to read:

11 48.651 (1) (intro.) Each county department shall certify, according to the  
12 standards adopted by the department of industry, labor and job development under  
13 s. ~~46.03 (21)~~ 49.155 (1d), each day care provider reimbursed for child care services  
14 provided to families determined eligible under ss. 49.132 (2r) and (4) and 49.155  
15 (1m), unless the provider is a day care center licensed under s. 48.65 or is established  
16 or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs  
17 of certification. The county shall certify the following categories of day care  
18 providers:

19 **SECTION 1654.** 48.651 (1) (a) of the statutes is amended to read:

20 48.651 (1) (a) Level I certified family day care providers, as established by the  
21 department ~~under s. 46.03 (21)~~ of industry, labor and job development under s.  
22 49.155 (1d). No county may certify a provider under this paragraph if the provider  
23 is a relative of all of the children for whom he or she provides care. ~~The department~~  
24 ~~may establish by rule other requirements for certification under this paragraph.~~

25 **SECTION 1655.** 48.651 (1) (b) of the statutes is amended to read:

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1           48.651 (1) (b) Level II certified family day care providers, as established by the  
2 department under s. 46.03 (21). ~~In establishing the requirements for certification~~  
3 ~~under this paragraph, the department may not include a requirement for training~~  
4 ~~for providers. The department may establish by rule requirements for certification~~  
5 ~~under this paragraph of industry, labor and job development, under s. 49.155 (1d).~~

6           **SECTION 1656.** 48.66 (1) of the statutes is amended to read:

7           48.66 (1) The department shall license and supervise child welfare agencies,  
8 as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities,  
9 as required by s. ~~48.48~~ 938.22, and day care centers, as required by s. 48.65. The  
10 department may license foster homes or treatment foster homes, as provided by s.  
11 48.62, and may license and supervise county departments in accordance with the  
12 procedures specified in this section and in ss. 48.67 to 48.74. The department of  
13 corrections may license a child welfare agency to operate a secured child caring  
14 institution, as defined in s. 938.02 (15g), for holding in secure custody children who  
15 have been convicted under s. 938.183 or adjudicated delinquent under s. 938.34 (4d),  
16 (4h) or (4m) and referred to the child welfare agency by the court or the department  
17 of corrections and to provide supervision, care and maintenance for those children.  
18 A license issued under this subsection, other than a license to operate a foster home,  
19 treatment foster home or secured child caring institution, is valid until revoked or  
20 suspended. A license issued under this subsection to operate a foster home,  
21 treatment foster home or secured child caring institution may be for any term not to  
22 exceed 2 years from the date of issuance. No license issued under this subsection is  
23 transferrable.

24           **SECTION 1657.** 48.66 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
25 (this act), is repealed and recreated to read:

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1           48.66 (1) Except as provided under s. 48.715 (6) and (7), the department shall  
2 license and supervise child welfare agencies, as required by s. 48.60, group homes,  
3 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care  
4 centers, as required by s. 48.65. The department may license foster homes or  
5 treatment foster homes, as provided by s. 48.62, and may license and supervise  
6 county departments in accordance with the procedures specified in this section and  
7 in ss. 48.67 to 48.74. Except as provided under s. 48.715 (6), the department of  
8 corrections may license a child welfare agency to operate a secured child caring  
9 institution, as defined in s. 938.02 (15g), for holding in secure custody children who  
10 have been convicted under s. 938.183 or adjudicated delinquent under s. 938.34 (4d),  
11 (4h) or (4m) and referred to the child welfare agency by the court or the department  
12 of corrections and to provide supervision, care and maintenance for those children.  
13 A license issued under this subsection, other than a license to operate a foster home,  
14 treatment foster home or secured child caring institution, is valid until revoked or  
15 suspended. A license issued under this subsection to operate a foster home,  
16 treatment foster home or secured child caring institution may be for any term not to  
17 exceed 2 years from the date of issuance. No license issued under this subsection is  
18 transferable.

19           **SECTION 1658.** 48.66 (2) of the statutes is amended to read:

20           48.66 (2) The department shall prescribe application forms to be used by all  
21 applicants for licenses from it. The application forms prescribed by the department  
22 shall require that the social security numbers of all applicants for a license to operate  
23 a child welfare agency, group home, shelter care facility or day care center who are  
24 individuals be provided and that the federal employer identification numbers of all



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1 applicants for a license to operate a child welfare agency, group home, shelter care  
2 facility or day care center who are not individuals be provided.

3 **SECTION 1659.** 48.66 (2m) of the statutes is created to read:

4 48.66 (2m) (a) The department of health and family services shall require each  
5 applicant for a license under sub. (1) to operate a child welfare agency, group home,  
6 shelter care facility or day care center who is an individual to provide that  
7 department with his or her social security number, and shall require each applicant  
8 for a license under sub. (1) to operate a child welfare agency, group home, shelter care  
9 facility or day care center who is not an individual to provide that department with  
10 the person's federal employer identification number, when initially applying for or  
11 applying to continue the license.

12 (am) The department of corrections shall require each applicant for a license  
13 under sub. (1) to operate a secured child caring institution who is an individual to  
14 provide that department with his or her social security number when initially  
15 applying for or applying to renew the license.

16 (b) The department of health and family services may not issue or continue a  
17 license specified in par. (a), and the department of corrections may not issue or renew  
18 a license specified in par. (am), to or for an applicant who is an individual unless the  
19 applicant has provided his or her social security number to that department. The  
20 department of health and family services may not issue or continue a license  
21 specified in par. (a) to or for an applicant who is not an individual unless the applicant  
22 has provided the applicant's federal employer identification number to the  
23 department.

24 (c) The department of health and family services may not disclose any  
25 information obtained under par. (a) and the department of corrections may not

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1 disclose any information obtained under par. (am) to any person except to the  
2 department of revenue for the sole purpose of requesting certifications under s.  
3 73.0301 or to the department of industry, labor and job development under s. 49.22  
4 (2m).

5 **SECTION 1660.** 48.66 (4) of the statutes is repealed.

6 **SECTION 1661.** 48.66 (5) of the statutes is repealed and recreated to read:

7 48.66 (5) A child welfare agency, group home, day care center or shelter care  
8 facility license, other than a probationary license, is valid until revoked or  
9 suspended, but shall be reviewed every 2 years after the date of issuance as provided  
10 in this subsection. At least 30 days prior to the continuation date of the license, the  
11 licensee shall submit to the department an application for continuance of the license  
12 in the form and containing the information that the department requires. If the  
13 minimum requirements for a license established under s. 48.67 are met, the  
14 application is approved, the applicable fee referred to in s. 48.68 (1) is paid, any  
15 forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is due is paid and, for  
16 a day care center, the fee under s. 48.65 (1m) (j) is paid, the department shall continue  
17 the license for an additional 2-year period, unless sooner suspended or revoked. If  
18 the application is not timely filed, the department shall issue a warning to the  
19 licensee. If the licensee fails to apply for continuance of the license within 30 days  
20 after receipt of the warning, the department may revoke the license as provided in  
21 s. 48.715 (4) and (4m) (b).

22 **SECTION 1662.** 48.67 of the statutes is amended to read:

23 **48.67 Rules governing child welfare agencies, day care centers, foster**  
24 **homes, treatment foster homes, group homes, shelter care facilities and**  
25 **county departments.** The department shall promulgate rules establishing

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1 minimum requirements for the issuance of licenses to, and establishing standards  
2 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
3 foster homes, group homes, shelter care facilities and county departments. These  
4 rules shall be designed to protect and promote the health, safety and welfare of the  
5 children in the care of all licensees. The department shall consult with the  
6 department of commerce and the department of education public instruction before  
7 promulgating these rules.

8 **SECTION 1663.** 48.68 (1) of the statutes is amended to read:

9 48.68 (1) After receipt of an application for a license, the department shall  
10 investigate to determine if the applicant meets the minimum requirements for a  
11 license adopted by the department under s. 48.67. In determining whether to issue  
12 or continue a license, the department may consider any action by the applicant, or  
13 by an employe of the applicant, that constitutes a substantial failure by the applicant  
14 or employe to protect and promote the health, safety and welfare of a child. Upon  
15 satisfactory completion of this investigation and payment of the fee required under  
16 s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department  
17 shall issue a license under s. 48.66 (1) or, if applicable, a probationary license under  
18 s. 48.69 or, if applicable, shall continue a license under s. 48.66 (5). At the time of  
19 initial licensure and license renewal, the department shall provide a foster home  
20 licensee with written information relating to the age-related monthly foster care  
21 rates and supplemental payments specified in s. 48.62 (4), including payment  
22 amounts, eligibility requirements for supplemental payments and the procedures for  
23 applying for supplemental payments.

24 **SECTION 1664.** 48.68 (2) of the statutes is amended to read:

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1           48.68 (2) Before ~~renewing~~ continuing the license of any child welfare agency  
2 or group home, the department shall consider all formal complaints filed under s.  
3 48.745 (2) and the disposition of each during the ~~current license~~ previous 2-year  
4 period.

5           **SECTION 1665.** 48.69 of the statutes is amended to read:

6           **48.69 Probationary licenses.** If Except as provided under s. 48.715 (6) and  
7 (7), if any child welfare agency, shelter care facility, group home or day care center  
8 that has not been previously issued a license under s. 48.66 (1) applies for a license,  
9 meets the minimum requirements for a license established under s. 48.67 and pays  
10 the applicable fee referred to in s. 48.68 (1), the department shall issue a  
11 probationary license to that child welfare agency, shelter care facility, group home  
12 or day care center. A probationary license is valid for up to 6 months after the date  
13 of issuance unless renewed under this section or suspended or revoked under s.  
14 48.715. Before a probationary license expires, the department shall inspect the child  
15 welfare agency, shelter care facility, group home or day care center holding the  
16 probationary license and, except as provided under s. 48.715 (6) and (7), if the child  
17 welfare agency, shelter care facility, group home or day care center meets the  
18 minimum requirements for a license established under s. 48.67, the department  
19 shall issue a license under s. 48.66 (1). A probationary license issued under this  
20 section may be renewed for one 6-month period.

21           **SECTION 1666.** 48.715 (3) (a) 3. of the statutes is amended to read:

22           48.715 (3) (a) 3. A person against whom the department has assessed a  
23 forfeiture shall pay that forfeiture to the department, or shall make arrangements  
24 acceptable to the department for the payment of that forfeiture, within 10 days after  
25 receipt of notice of the assessment or, if that person contests that assessment under

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1 s. 48.72, within 10 days after receipt of the final decision after exhaustion of  
2 administrative review or, if that person petitions for judicial review under ch. 227,  
3 within 10 days after receipt of the final decision after exhaustion of judicial review.  
4 The department shall remit all forfeitures paid under this subdivision to the state  
5 treasurer for deposit in the school fund.

6 **SECTION 1667.** 48.715 (3) (c) of the statutes is amended to read:

7 48.715 (3) (c) Refusal to renew continue a license or a probationary license.

8 **SECTION 1668.** 48.715 (4) (e) of the statutes is created to read:

9 48.715 (4) (e) The licensee has failed to apply for a continuance of the license  
10 within 30 days after receipt of the warning under s. 48.66 (5).

11 **SECTION 1669.** 48.715 (4m) (b) of the statutes is amended to read:

12 48.715 (4m) (b) For revocations under sub. (4) (b) ~~or~~ (c) or (e), the department  
13 may revoke the license or probationary license immediately upon written notice to  
14 the licensee of the revocation and the grounds for revocation.

15 **SECTION 1670.** 48.715 (5m) of the statutes is created to read:

16 48.715 (5m) The department shall revoke a license if, on the date on which the  
17 licensing fee under s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b)  
18 is due, the licensee has outstanding any forfeiture imposed by the department under  
19 sub. (3) (a) that the licensee has failed to pay in accordance with sub. (3) (a) 3. or in  
20 accordance with an arrangement made under sub. (3) (a) 3.

21 **SECTION 1671.** 48.715 (6) of the statutes is created to read:

22 48.715 (6) The department of health and family services shall deny, suspend,  
23 restrict, refuse to continue or otherwise withhold a license under s. 48.66 (1) or a  
24 probationary license under s. 48.69 to operate a child welfare agency, group home  
25 shelter care facility or day care center, and the department of corrections shall deny,

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1 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)  
2 to operate a secured child caring institution, for failure of the applicant or licensee  
3 to pay court-ordered payments of child or family support, maintenance, birth  
4 expenses, medical expenses or other expenses related to the support of a child or  
5 former spouse as provided in a memorandum of understanding entered into under  
6 s. 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject  
7 to review only as provided in the memorandum of understanding entered into under  
8 s. 49.857 and not as provided in s. 48.72.

9 **SECTION 1672.** 48.715 (7) of the statutes is created to read:

10 48.715 (7) The department shall deny an application for the issuance or  
11 continuation of a license under s. 48.66 (1) or a probationary license under s. 48.69  
12 to operate a child welfare agency, group home, shelter care facility or day care center,  
13 or revoke such a license already issued, if the department of revenue certifies under  
14 s. 73.0301 that the applicant or licensee is liable for delinquent taxes.  
15 Notwithstanding s. 48.72, an action taken under this subsection is subject to review  
16 only as provided under s. 73.0301 (2) (b) 1. and 2. and not as provided in s. 48.72.

17 **SECTION 1673.** 48.72 of the statutes is amended to read:

18 **48.72 Appeal procedure.** Any person aggrieved by the department's refusal  
19 or failure to issue ~~or~~, renew or continue a license or by any action taken by the  
20 department under s. 48.715 has the right to an administrative hearing provided for  
21 contested cases in ch. 227. To receive an administrative hearing under ch. 227, the  
22 aggrieved person shall send to the department a written request for a hearing under  
23 s. 227.44 within 10 days after the date of the department's refusal or failure to issue  
24 ~~or~~, renew or continue a license or the department's action taken under s. 48.715. The  
25 department shall hold an administrative hearing under s. 227.44 within 30 days

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1 after receipt of the request for the administrative hearing unless the aggrieved  
2 person consents to an extension of that time period. Judicial review of the  
3 department's decision may be had as provided in ch. 227.

4 **SECTION 1674.** 48.72 of the statutes, as affected by 1997 Wisconsin Act .... (this  
5 act), is repealed and recreated to read:

6 **48.72 Appeal procedure.** Except as provided in s. 48.715 (6) and (7), any  
7 person aggrieved by the department's refusal or failure to issue, renew or continue  
8 a license or by any action taken by the department under s. 48.715 has the right to  
9 an administrative hearing provided for contested cases in ch. 227. To receive an  
10 administrative hearing under ch. 227, the aggrieved person shall send to the  
11 department a written request for a hearing under s. 227.44 within 10 days after the  
12 date of the department's refusal or failure to issue, renew or continue a license or the  
13 department's action taken under s. 48.715. The department shall hold an  
14 administrative hearing under s. 227.44 within 30 days after receipt of the request  
15 for the administrative hearing unless the aggrieved person consents to an extension  
16 of that time period. Judicial review of the department's decision may be had as  
17 provided in ch. 227.

18 **SECTION 1675.** 48.735 of the statutes is amended to read:

19 **48.735 Immunization requirements; day care centers.** The department,  
20 after notice to a licensee, may suspend, revoke or refuse to ~~renew~~ continue a license  
21 in any case in which the department finds that there has been a substantial failure  
22 to comply with the requirements of s. 252.04.

23 **SECTION 1676.** 48.737 of the statutes is amended to read:

24 **48.737 Lead screening, inspection and reduction requirements; day**  
25 **care centers.** The department, after notice to a day care provider certified under

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1 s. 48.651, or a day care center that holds a license under s. 48.65 or a probationary  
2 license under s. 48.69, may suspend, revoke or refuse to renew or continue a license  
3 or certification in any case in which the department finds that there has been a  
4 substantial failure to comply with any rule promulgated under s. 254.162, 254.168  
5 or 254.172.

6 **SECTION 1677.** 48.745 (2) of the statutes is amended to read:

7 48.745 (2) Any individual may file a formal complaint under this section  
8 regarding the general operation of a child welfare agency or group home and shall  
9 not be subject to reprisals for doing so. All formal complaints regarding child welfare  
10 agencies and group homes shall be filed with the county department on forms  
11 supplied by the county department unless the county department designates the  
12 department to receive formal complaints. A county department shall designate the  
13 department to receive any formal complaints regarding a child welfare agency  
14 established by the county board of supervisors under s. 938.22. The county  
15 department shall investigate or cause to be investigated each formal complaint.  
16 Records of the results of each investigation and the disposition of each formal  
17 complaint shall be kept by the county department and filed with the subunit of the  
18 department which licenses child welfare agencies and group homes.

19 **SECTION 1678.** 48.75 (title) of the statutes is amended to read:

20 **48.75** (title) **Foster homes and treatment foster homes licensed by**  
21 **~~county departments~~ public licensing agencies and by child welfare**  
22 **agencies.**

23 **SECTION 1679.** 48.75 (1) of the statutes is renumbered 48.75 (1d) and amended  
24 to read:



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1           48.75 (1d) Child welfare agencies, if licensed to do so by the department, and  
2           ~~county departments~~ public licensing agencies may license foster homes and  
3           treatment foster homes under the rules promulgated by the department under s.  
4           48.67 governing the licensing of foster homes and treatment foster homes. A foster  
5           home or treatment foster home license shall be issued for a term not to exceed 2 years  
6           from the date of issuance, is not transferable and may be revoked by the child welfare  
7           agency or by the ~~county department~~ public licensing agency because the licensee has  
8           substantially and intentionally violated any provision of this chapter or of the rules  
9           of the department promulgated pursuant to s. 48.67 or because the licensee fails to  
10          meet the minimum requirements for a license. The licensee shall be given written  
11          notice of any revocation and the grounds therefor.

12           **SECTION 1680.** 48.75 (1b) of the statutes is created to read:

13           48.75 (1b) In this section, “public licensing agency” means a county  
14          department or, in a county having a population of 500,000 or more, the department.

15           **SECTION 1681.** 48.75 (1g) (a) (intro.) of the statutes is amended to read:

16           48.75 (1g) (a) (intro.) A ~~county department~~ public licensing agency may license  
17          a foster home only if the foster home is located in the county of the ~~county department~~  
18          public licensing agency, except that a ~~county department~~ public licensing agency  
19          may license a foster home located in another county if any of the following applies:

20           **SECTION 1682.** 48.75 (1g) (a) 2. of the statutes is amended to read:

21           48.75 (1g) (a) 2. A foster parent licensed by the ~~county department~~ public  
22          licensing agency moves to the other county with a child who has been placed in the  
23          foster parent’s home and the license will allow the foster parent to continue to care  
24          for that child.

25           **SECTION 1683.** 48.75 (1g) (a) 3. of the statutes is amended to read:

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1           48.75 (1g) (a) 3. The county of the ~~county department~~ public licensing agency  
2 issuing the license and the county in which the foster home is located are contiguous.

3           **SECTION 1684.** 48.75 (1g) (a) 4. of the statutes is amended to read:

4           48.75 (1g) (a) 4. The county of the ~~county department~~ public licensing agency  
5 issuing the license has a population of 500,000 or more and the placement is for  
6 adoption under s. 48.833, ~~48.835~~ or 48.837.

7           **SECTION 1685.** 48.75 (1g) (c) (intro.) of the statutes is amended to read:

8           48.75 (1g) (c) (intro.) No license may be issued under ~~this subsection~~ par. (a)  
9 1., 2. or 3. unless the ~~county department~~ public licensing agency issuing the license  
10 has notified the ~~county department~~ public licensing agency of the county in which  
11 the foster home will be located of its intent to issue the license and the 2 ~~county~~  
12 ~~departments~~ public licensing agencies have entered into a written agreement under  
13 this paragraph. A ~~county department~~ public licensing agency is not required to enter  
14 into any agreement under this paragraph allowing the ~~county department~~ public  
15 licensing agency of another county to license a foster home within its jurisdiction.  
16 The written agreement shall include all of the following:

17           **SECTION 1686.** 48.75 (1g) (c) 1. of the statutes is amended to read:

18           48.75 (1g) (c) 1. A statement that the ~~county department~~ public licensing  
19 agency issuing the license is responsible for providing services to the child who is  
20 placed in the foster home, as specified in the agreement.

21           **SECTION 1687.** 48.75 (1g) (c) 2. of the statutes is amended to read:

22           48.75 (1g) (c) 2. A statement that the ~~county department~~ public licensing  
23 agency issuing the license is responsible for the costs of the placement and any  
24 related costs, as specified in the agreement.

25           **SECTION 1688.** 48.75 (1g) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1688**

1           48.75 (1g) (d) If the ~~county department~~ public licensing agency issuing a  
2 license under ~~this subsection par. (a) 1., 2. or 3.~~ violates the agreement under par. (c),  
3 the ~~county department~~ public licensing agency of the county in which the foster home  
4 is located may terminate the agreement and, subject to ss. 48.357 and 48.64, require  
5 the ~~county department~~ public licensing agency that issued the license to remove the  
6 child from the foster home within 30 days after receipt, by the ~~county department~~  
7 public licensing agency that issued the license, of notification of the termination of  
8 the agreement.

9           **SECTION 1689.** 48.75 (1r) of the statutes is amended to read:

10           48.75 (1r) At the time of initial licensure and license renewal, the child welfare  
11 agency or ~~county department~~ public licensing agency issuing a license under sub. (1)  
12 (1d) or (1g) shall provide the licensee with written information relating to the  
13 age-related monthly foster care rates and supplemental payments specified in s.  
14 48.62 (4), including payment amounts, eligibility requirements for supplemental  
15 payments and the procedures for applying for supplemental payments.

16           **SECTION 1690.** 48.75 (2) of the statutes is amended to read:

17           48.75 (2) Any foster home or treatment foster home applicant or licensee of a  
18 ~~county department~~ public licensing agency or a child welfare agency may, if  
19 aggrieved by the failure to issue or renew its license or by revocation of its license,  
20 appeal as provided in s. 48.72.

21           **SECTION 1691.** 48.78 (2) (d) 5. of the statutes is amended to read:

22           48.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 or on community  
23 supervision under s. 302.113 or 302.114.

24           **SECTION 1692.** 48.831 (4) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1692**

1           48.831 (4) (c) If the court finds that adoption is not in the child's best interest,  
2 the court shall order that the child be placed in the guardianship of the department  
3 and place the child in the custody of a county department or, in a county having a  
4 population of 500,000 or more, the department or an agency under contract with the  
5 department.

6           **SECTION 1693.** 48.832 of the statutes is amended to read:

7           **48.832** (title) **Transfer of guardianship upon revocation of guardian's**  
8 **license or contract.** If the department revokes the license of a county department  
9 licensed under s. 48.57 (1) ~~(e)~~ or (hm) to accept guardianship, or of a child welfare  
10 agency licensed under s. 48.61 (5) to accept guardianship, or if the department  
11 terminates the contract of a county department licensed under s. 48.57 (1) (e) to  
12 accept guardianship, the department shall file a motion in the court that appointed  
13 the guardian for each child in the guardianship of the county department or agency,  
14 requesting that the court transfer guardianship and custody of the child. The motion  
15 may specify a county department or child welfare agency that has consented to  
16 accept guardianship of the child. The court shall transfer guardianship and custody  
17 of the child either to the county department or child welfare agency specified in the  
18 motion or to another county department under s. 48.57 (1) (e) or (hm) or a child  
19 welfare agency under s. 48.61 (5) which consents to the transfer. If no county  
20 department or child welfare agency consents, the court shall transfer guardianship  
21 and custody of the child to the department.

22           **SECTION 1694.** 48.837 (4) (d) of the statutes is amended to read:

23           48.837 (4) (d) May, at the request of a petitioning parent, or on its own motion  
24 after ordering the child taken into custody under s. 48.19 (1) (c), order the  
25 department or a county department under s. 48.57 (1) (e) or (hm) to place the child,

**SENATE BILL 77****SECTION 1694**

1 pending the hearing on the petition, in any home licensed under s. 48.62 except the  
2 home of the proposed adoptive parents or a relative of the proposed adoptive parents.

3 **SECTION 1695.** 48.837 (4) (e) of the statutes is amended to read:

4 48.837 (4) (e) Shall, before hearing the petitions under subs. (2) and (3),  
5 ascertain whether the child's paternity has been adjudicated or acknowledged in this  
6 state or another jurisdiction. If any person has filed a declaration of paternal interest  
7 under s. 48.025, the court shall determine the rights of that person. If the child's  
8 paternity has not been adjudicated or acknowledged and if no person has filed a  
9 declaration under s. 48.025, the court shall attempt to ascertain the paternity of the  
10 child. The court may not proceed with the hearing on the petitions under this section  
11 unless the parental rights of the nonpetitioning parent, whether known or unknown,  
12 have been terminated.

13 **SECTION 1696.** 48.839 (4) (b) of the statutes is amended to read:

14 48.839 (4) (b) Shall transfer legal custody of the child to the department, in a  
15 county having a population of 500,000 or more, to a county department or to a child  
16 welfare agency licensed under s. 48.60.

17 **SECTION 1697.** 48.88 (2) (c) of the statutes is amended to read:

18 48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has  
19 guardianship of the child, the court shall order the department, in a county having  
20 a population of 500,000 or more, or a county department or, with the consent of the  
21 department in a county having a population of less than 500,000 or a licensed child  
22 welfare agency, order the department or the child welfare agency to conduct a  
23 screening, consisting of no more than one interview with the petitioner and a check  
24 of the petitioner's background through public records, including records maintained  
25 by the department or any county department under s. 48.981. The department,

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1 county department or child welfare agency that conducts the screening shall file a  
2 report of the screening with the court within 30 days. After reviewing the report, the  
3 court may proceed to act on the petition, may order the department in a county  
4 having a population of 500,000 or more or the county department to conduct an  
5 investigation as described under par. (a) (intro.) or may order the department in a  
6 county having a population of less than 500,000 or a licensed child welfare agency  
7 to make the investigation if the department or child welfare agency consents.

8 **SECTION 1698.** 48.91 (2) of the statutes is amended to read:

9 48.91 (2) In an adoption proceeding for a nonmarital child who is not adopted  
10 or whose parents do not subsequently intermarry under s. 767.60, the court shall  
11 establish whether the rights of any persons who have filed declarations of paternal  
12 interest under s. 48.025 have been determined or whether paternity has been  
13 adjudicated or acknowledged in this state or in another jurisdiction. If the court finds  
14 that no such determination has been made, the court shall proceed, prior to any  
15 action on the petition for adoption, to attempt to ascertain the paternity of the child  
16 and the rights of any person who has filed a declaration under s. 48.025.

17 **SECTION 1699.** 48.93 (1d) of the statutes is amended to read:

18 48.93 (1d) All records and papers pertaining to an adoption proceeding shall  
19 be kept in a separate locked file and may not be disclosed except under sub. (1g) or  
20 (1r), s. 46.03 (29), 48.432, 48.433, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order of the  
21 court for good cause shown.

22 **SECTION 1700.** 48.977 (4) (a) 6. of the statutes is amended to read:

23 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has  
24 been placed pursuant to an order under ch. 938, a county department under s.  
25 46.215, 46.22 or 46.23.

**SENATE BILL 77****SECTION 1701**

1           **SECTION 1701.** 48.981 (1) (ag) of the statutes is created to read:

2           48.981 (1) (ag) "Agency" means a county department, the department in a  
3 county having a population of 500,000 or more or a licensed child welfare agency  
4 under contract with a county department or the department in a county having a  
5 population of 500,000 or more to perform investigations under this section.

6           **SECTION 1702.** 48.981 (3) (a) of the statutes is amended to read:

7           48.981 (3) (a) *Referral of report.* A person required to report under sub. (2) shall  
8 immediately inform, by telephone or personally, the county department or, in a  
9 county having a population of 500,000 or more, the department or a licensed child  
10 welfare agency under contract with the department or the sheriff or city, village or  
11 town police department of the facts and circumstances contributing to a suspicion of  
12 child abuse or neglect or to a belief that abuse or neglect will occur. The sheriff or  
13 police department shall within 12 hours, exclusive of Saturdays, Sundays or legal  
14 holidays, refer to the county department or, in a county having a population of  
15 500,000 or more, the department or a licensed child welfare agency under contract  
16 with the department all cases reported to it. The county department, department  
17 or licensed child welfare agency may require that a subsequent report be made in  
18 writing. Each county department, the department and a licensed child welfare  
19 agency under contract with the department shall adopt a written policy specifying  
20 the kinds of reports it will routinely report to local law enforcement authorities.

21           **SECTION 1703.** 48.981 (3) (c) 1. of the statutes is amended to read:

22           48.981 (3) (c) 1. Within 24 hours after receiving a report under par. (a), the  
23 ~~county department or licensed child welfare agency under contract with the county~~  
24 ~~department~~ agency shall, in accordance with the authority granted to the  
25 department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a),

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1 initiate a diligent investigation to determine if the child is in need of protection or  
2 services. The investigation shall be conducted in accordance with standards  
3 established by the department for conducting child abuse and neglect investigations.  
4 If the investigation is of a report of abuse or neglect or threatened abuse or neglect  
5 by a caregiver specified in sub. (1) (am) 5. to 8. who continues to have access to the  
6 child or a caregiver specified in sub. (1) (am) 1. to 4., or of a report that does not  
7 disclose who is suspected of the abuse or neglect and in which the investigation does  
8 not disclose who abused or neglected the child, the investigation shall also include  
9 observation of or an interview with the child, or both, and, if possible, an interview  
10 with the child's parents, guardian or legal custodian. If the investigation is of a  
11 report of abuse or neglect or threatened abuse or neglect by a caregiver who continues  
12 to reside in the same dwelling as the child, the investigation shall also include, if  
13 possible, a visit to that dwelling. At the initial visit to the child's dwelling, the person  
14 making the investigation shall identify himself or herself and the ~~county department~~  
15 ~~or licensed child welfare agency~~ involved to the child's parents, guardian or legal  
16 custodian. ~~The county department or licensed child welfare agency under contract~~  
17 ~~with the county department~~ agency may contact, observe or interview the child at  
18 any location without permission from the child's parent, guardian or legal custodian  
19 if necessary to determine if the child is in need of protection or services, except that  
20 the person making the investigation may enter a child's dwelling only with  
21 permission from the child's parent, guardian or legal custodian or after obtaining a  
22 court order to do so.

23 **SECTION 1704.** 48.981 (3) (c) 2. a. of the statutes is amended to read:

24 48.981 (3) (c) 2. a. If the person making the investigation is an employe of the  
25 county department or, in a county having a population of 500,000 or more, the



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1 department or a licensed child welfare agency under contract with the department  
2 and he or she determines that it is consistent with the child's best interest in terms  
3 of physical safety and physical health to remove the child from his or her home for  
4 immediate protection, he or she shall take the child into custody under s. 48.08 (2)  
5 or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

6 **SECTION 1705.** 48.981 (3) (c) 3. of the statutes is amended to read:

7 48.981 (3) (c) 3. If the county department or, in a county having a population  
8 of 500,000 or more, the department or a licensed child welfare agency under contract  
9 with the department determines that a child, any member of the child's family or the  
10 child's guardian or legal custodian is in need of services, the county department,  
11 department or licensed child welfare agency shall offer to provide appropriate  
12 services or to make arrangements for the provision of services. If the child's parent,  
13 guardian or legal custodian refuses to accept the services, the county department,  
14 department or licensed child welfare agency may request that a petition be filed  
15 under s. 48.13 alleging that the child who is the subject of the report or any other child  
16 in the home is in need of protection or services.

17 **SECTION 1706.** 48.981 (3) (c) 4. of the statutes is amended to read:

18 48.981 (3) (c) 4. The county department or, in a county having a population of  
19 500,000 or more, the department or a licensed child welfare agency under contract  
20 with the department shall determine, within 60 days after receipt of a report,  
21 whether abuse or neglect has occurred or is likely to occur. The determination shall  
22 be based on a preponderance of the evidence produced by the investigation. A  
23 determination that abuse or neglect has occurred may not be based solely on the fact  
24 that the child's parent, guardian or legal custodian in good faith selects and relies on  
25 prayer or other religious means for treatment of disease or for remedial care of the

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1 child. In making a determination that emotional damage has occurred, the county  
2 department or, in a county having a population of 500,000 or more, the department  
3 or a licensed child welfare agency under contract with the department shall give due  
4 regard to the culture of the subjects and shall establish that the person alleged to be  
5 responsible for the emotional damage is neglecting, refusing or unable for reasons  
6 other than poverty to remedy the harm. This subdivision does not prohibit a court  
7 from ordering medical services for the child if the child's health requires it.

8 **SECTION 1707.** 48.981 (3) (c) 5. of the statutes is amended to read:

9 48.981 (3) (c) 5. ~~The county department and licensed child welfare agency~~  
10 ~~under contract with the county department~~ agency shall maintain a record of its  
11 actions in connection with each report it receives. The record shall include a  
12 description of the services provided to any child and to the parents, guardian or legal  
13 custodian of the child. ~~The county department and licensed child welfare agency~~  
14 ~~under contract with the county department~~ agency shall update the record every 6  
15 months until the case is closed.

16 **SECTION 1708.** 48.981 (3) (c) 6. of the statutes is amended to read:

17 48.981 (3) (c) 6. ~~The county department or licensed child welfare agency under~~  
18 ~~contract with the county department~~ agency shall, within 60 days after it receives  
19 a report from a person required under sub. (2) to report, inform the reporter what  
20 action, if any, was taken to protect the health and welfare of the child who is the  
21 subject of the report.

22 **SECTION 1709.** 48.981 (3) (c) 6m. of the statutes is amended to read:

23 48.981 (3) (c) 6m. If a person who is not required under sub. (2) to report makes  
24 a report and is a relative of the child, other than the child's parent, that person may  
25 make a written request to the ~~county department or licensed child welfare agency~~

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1 ~~under contract with the county department~~ agency for information regarding what  
2 action, if any, was taken to protect the health and welfare of the child who is the  
3 subject of the report. ~~A county department or licensed child welfare~~ An agency that  
4 receives a written request under this subdivision shall, within 60 days after it  
5 receives the report or 20 days after it receives the written request, whichever is later,  
6 inform the reporter in writing of what action, if any, was taken to protect the health  
7 and welfare of the child, unless a court order prohibits that disclosure, and of the duty  
8 to keep the information confidential under sub. (7) (e) and the penalties for failing  
9 to do so under sub. (7) (f). ~~The county department or licensed child welfare~~ agency  
10 may petition the court ex parte for an order prohibiting that disclosure and, if the  
11 ~~county department or licensed child welfare~~ agency does so, the time period within  
12 which the information must be disclosed is tolled on the date the petition is filed and  
13 remains tolled until the court issues a decision. The court may hold an ex parte  
14 hearing in camera and shall issue an order granting the petition if the court  
15 determines that disclosure of the information would not be in the best interests of the  
16 child.

17 **SECTION 1710.** 48.981 (3) (c) 7. of the statutes is amended to read:

18 48.981 (3) (c) 7. The county department or, in a county having a population of  
19 500,000 or more, the department or a licensed child welfare agency under contract  
20 with the department shall cooperate with law enforcement officials, courts of  
21 competent jurisdiction, tribal governments and other human service services  
22 agencies to prevent, identify and treat child abuse and neglect. The county  
23 department or, in a county having a population of 500,000 or more, the department  
24 or a licensed child welfare agency under contract with the department shall  
25 coordinate the development and provision of services to abused and neglected

**SENATE BILL 77****SECTION 1710**

1 children and to families where abuse or neglect has occurred or to children and  
2 families where circumstances justify a belief that abuse or neglect will occur.

3 **SECTION 1711.** 48.981 (3) (c) 8. of the statutes is amended to read:

4 48.981 (3) (c) 8. Using the format prescribed by the department, each county  
5 department shall provide the department with information about each report that  
6 ~~it~~ the county department receives or that is received by a licensed child welfare  
7 agency that is under contract with the county department and about each  
8 investigation ~~it~~ that the county department or a licensed child welfare agency under  
9 contract with the county department conducts. Using the format prescribed by the  
10 department, a licensed child welfare agency under contract with the department  
11 shall provide the department with information about each report that the child  
12 welfare agency receives and about each investigation that the child welfare agency  
13 conducts. This information shall be used by the department to monitor services  
14 provided by county departments or licensed child welfare agencies under contract  
15 with county departments or the department. The department shall use  
16 nonidentifying information to maintain statewide statistics on child abuse and  
17 neglect, and for planning and policy development.

18 **SECTION 1712.** 48.981 (3) (c) 9. of the statutes is amended to read:

19 48.981 (3) (c) 9. The ~~county~~ agency may petition for child abuse restraining  
20 orders and injunctions under s. 48.25 (6).

21 **SECTION 1713.** 48.981 (3) (cm) of the statutes is amended to read:

22 48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county  
23 department may contract with a licensed child welfare agency to fulfill its the county  
24 department's duties specified under par. (c) 1., 2. b., 5., 6., 6m. and 8. The department  
25 may contract with a licensed child welfare agency to fulfill the department's duties

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1 specified under par. (c) 1., 2. a., 3., 4., 5., 6., 6m., 7., 8. and 9. in a county having a  
2 population of 500,000 or more. The confidentiality provisions specified in sub. (7)  
3 shall apply to any licensed child welfare agency with which a county department or  
4 the department contracts.

5 **SECTION 1714.** 48.981 (3) (d) of the statutes is amended to read:

6 48.981 (3) (d) *Independent investigation.* 1. In this paragraph, “agent”  
7 includes, but is not limited to, a foster parent, treatment foster parent or other person  
8 given custody of a child or a human services professional employed by a county  
9 department under s. 51.42 or 51.437 or by a child welfare agency who is working with  
10 the child under contract with or under the supervision of the department in a county  
11 having a population of 500,000 or more or a county department under s. 46.215 or  
12 46.22.

13 2. If an agent or employe of ~~a county department or licensed child welfare~~  
14 ~~agency under contract with the county department~~ an agency required to investigate  
15 under this subsection is the subject of a report, or if the ~~county department or~~  
16 ~~licensed child welfare agency under contract with the county department~~ agency  
17 determines that, because of the relationship between the ~~county department or~~  
18 ~~licensed child welfare agency under contract with the county department~~ agency and  
19 the subject of a report, there is a substantial probability that the ~~county department~~  
20 ~~or licensed child welfare agency under contract with the county department~~ agency  
21 would not conduct an unbiased investigation, the ~~county department or licensed~~  
22 ~~child welfare agency under contract with the county department~~ agency shall, after  
23 taking any action necessary to protect the child, notify the department. Upon receipt  
24 of the notice, the department, in a county having a population of less than 500,000  
25 or a county department or child welfare agency designated by the department in any

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1 county shall conduct an independent investigation. If the department designates a  
2 county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, that county  
3 department shall conduct the independent investigation. If a licensed child welfare  
4 agency agrees to conduct the independent investigation, the department may  
5 designate ~~that~~ the child welfare agency to do so. The powers and duties of the  
6 department or designated county department or child welfare agency making an  
7 independent investigation are those given to county departments under par. (c).

8 **SECTION 1715.** 48.981 (5) of the statutes is amended to read:

9 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of  
10 suspected child abuse or neglect who has reasonable cause to suspect that a child  
11 died as a result of child abuse or neglect shall report the fact to the appropriate  
12 medical examiner or coroner. The medical examiner or coroner shall accept the  
13 report for investigation and shall report the findings to the appropriate district  
14 attorney; to the department, or, in a county having a population of 500,000 or more,  
15 to a licensed child welfare agency under contract with the department; to the county  
16 department and, if the institution making the report initially is a hospital, to the  
17 hospital.

18 **SECTION 1716.** 48.981 (7) (a) (intro.) of the statutes is amended to read:

19 48.981 (7) (a) (intro.) All reports made under this section, notices provided  
20 under sub. (3) (bm) and records maintained by ~~the department, county departments~~  
21 ~~or licensed child welfare agencies under contract with the county departments~~ an  
22 agency and other persons, officials and institutions shall be confidential. Reports  
23 and records may be disclosed only to the following persons:

24 **SECTION 1717.** 48.981 (7) (a) 1m. of the statutes is amended to read:

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1           48.981 (7) (a) 1m. A reporter described in sub. (3) (c) 6m. who makes a written  
2 request to ~~the county department or licensed child welfare agency under contract~~  
3 ~~with the county department~~ an agency for information regarding what action, if any,  
4 was taken to protect the health and welfare of the child who is the subject of the  
5 report, unless a court order under sub. (3) (c) 6m. prohibits disclosure of that  
6 information to that reporter, except that the only information that may be disclosed  
7 is information in the record regarding what action, if any, was taken to protect the  
8 health and welfare of the child who is the subject of the report.

9           **SECTION 1718.** 48.981 (7) (a) 2. of the statutes is amended to read:

10           48.981 (7) (a) 2. Appropriate staff of ~~the department, a county department or~~  
11 ~~licensed child welfare agency under contract with the county departments,~~ an  
12 agency or a tribal social services department.

13           **SECTION 1719.** 48.981 (7) (a) 5. of the statutes is amended to read:

14           48.981 (7) (a) 5. A professional employe of a county department under s. 51.42  
15 or 51.437 who is working with the child under contract with or under the supervision  
16 of the county department under s. ~~46.215 or 46.22~~ or, in a county having a population  
17 of 500,000 or more, the department or a licensed child welfare agency under contract  
18 with the department.

19           **SECTION 1720.** 48.981 (7) (a) 6. of the statutes is amended to read:

20           48.981 (7) (a) 6. A multidisciplinary child abuse and neglect team recognized  
21 by the county department or, in a county having a population of 500,000 or more, the  
22 department or a licensed child welfare agency under contract with the department.

23           **SECTION 1721.** 48.981 (7) (a) 6m. of the statutes is amended to read:

24           48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by  
25 the county board ~~or,~~ the county department or, in a county having a population of

**SENATE BILL 77****SECTION 1721**

1 500,000 or more, the department or a licensed child welfare agency under contract  
2 with the department, to the extent necessary to perform the services for which the  
3 center is recognized by the county board ~~or~~, the county department, the department  
4 or the licensed child welfare agency.

5 **SECTION 1722.** 48.981 (7) (a) 8. of the statutes is amended to read:

6 48.981 (7) (a) 8. A law enforcement officer or law enforcement agency or a  
7 district attorney for purposes of investigation or prosecution.

8 **SECTION 1723.** 48.981 (7) (a) 11. of the statutes is amended to read:

9 48.981 (7) (a) 11. The county corporation counsel or district attorney  
10 representing the interests of the public, the agency legal counsel and the counsel or  
11 guardian ad litem representing the interests of a child in proceedings under subd.  
12 10., 10g or 10j.

13 **SECTION 1724.** 48.981 (7) (a) 11r. of the statutes is amended to read:

14 48.981 (7) (a) 11r. A volunteer appointed or person employed by a  
15 court-appointed special advocate program recognized by the county board or the  
16 county department or, in a county having a population of 500,000 or more, the  
17 department or a licensed child welfare agency under contract with the department,  
18 to the extent necessary to perform the advocacy services in proceedings related to a  
19 petition under s. 48.13 for which the court-appointed special advocate program is  
20 recognized by the county board ~~or~~, county department or department.

21 **SECTION 1725.** 48.981 (7) (a) 13. of the statutes is amended to read:

22 48.981 (7) (a) 13. The department, a county department under s. 48.57 (1) (e)  
23 or (hm) or a licensed child welfare agency ordered to conduct a screening or an  
24 investigation of a stepparent under s. 48.88 (2) (c).

25 **SECTION 1726.** 48.981 (7) (a) 15. of the statutes is amended to read:



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1           48.981 (7) (a) 15. A child fatality review team recognized by the county  
2 department or, in a county having a population of 500,000 or more, the department  
3 or a licensed child welfare agency under contract with the department.

4           **SECTION 1727.** 48.981 (7) (cm) of the statutes is amended to read:

5           48.981 (7) (cm) ~~A county~~ An agency may disclose information from its records  
6 for use in proceedings under s. 48.25 (6), 813.122 or 813.125.

7           **SECTION 1728.** 48.981 (7) (d) of the statutes is amended to read:

8           48.981 (7) (d) The department may have access to any report or record  
9 maintained by ~~a county department or licensed child welfare agency under contract~~  
10 ~~with a county department~~ an agency under this section.

11           **SECTION 1729.** 48.981 (8) (a) of the statutes is amended to read:

12           48.981 (8) (a) The department ~~and, the~~ the county departments and a licensed  
13 child welfare agency under contract with the department in a county having a  
14 population of 500,000 or more to the extent feasible shall conduct continuing  
15 education and training programs for staff of the department, the county  
16 departments, a licensed child welfare agency under contract with the department or  
17 a county department, and the tribal social services departments, persons and  
18 officials required to report, the general public and others as appropriate. The  
19 programs shall be designed to encourage reporting of child abuse and neglect, to  
20 encourage self-reporting and voluntary acceptance of services and to improve  
21 communication, cooperation and coordination in the identification, prevention and  
22 treatment of child abuse and neglect. The department ~~and, the~~ the county departments  
23 and a licensed child welfare agency under contract with the department in a county  
24 having a population of 500,000 or more shall develop public information programs  
25 about child abuse and neglect.

**SENATE BILL 77****SECTION 1730**

1           **SECTION 1730.** 48.981 (8) (c) of the statutes is amended to read:

2           48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the  
3 department ~~or~~, a county department or a licensed child welfare agency under  
4 contract with the department in a county having a population of 500,000 or more may  
5 contract with any public or private organization which meets the standards set by  
6 the department. In entering into the contracts the department ~~or~~, county  
7 department or licensed child welfare agency shall give priority to parental  
8 organizations combating child abuse and neglect.

9           **SECTION 1731.** 48.981 (8) (d) 1. of the statutes is amended to read:

10           48.981 (8) (d) 1. Each ~~county department or licensed child welfare agency~~  
11 ~~under contract with a county department~~ agency staff member and supervisor whose  
12 responsibilities include investigation or treatment of child abuse and neglect shall  
13 successfully complete training in child abuse and neglect protective services  
14 approved by the department. The department shall monitor compliance with this  
15 subdivision according to rules promulgated by the department.

16           **SECTION 1732.** 48.981 (8) (d) 2. of the statutes is amended to read:

17           48.981 (8) (d) 2. Each year the department shall make available training  
18 programs that permit intake workers and ~~county department or licensed child~~  
19 ~~welfare agency under contract with a county department~~ agency staff members and  
20 supervisors to satisfy the requirements under subd. 1. and s. 48.06 (1) (am) 3. and  
21 (2) (c).

22           **SECTION 1733.** 48.981 (10) of the statutes is amended to read:

23           48.981 (10) CURRENT LIST OF TRIBAL AGENTS. The department shall annually  
24 provide to each ~~county department~~ agency described in sub. (3) (bm) (intro.) a current  
25 list of all tribal agents in the state.

**SENATE BILL 77****SECTION 1734**

1           **SECTION 1734.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

2           48.982 **(2)** (g) (intro.) In coordination with the departments of health and social  
3 services and education public instruction:

4           **SECTION 1735.** 48.985 (1) of the statutes is amended to read:

5           48.985 **(1)** FEDERAL PROGRAM OPERATIONS. From the appropriation under s.  
6 20.435 (3) (n), the department shall expend not more than ~~\$543,700~~ \$273,700 in each  
7 fiscal year ~~1995-96~~ and not more than ~~\$543,700~~ in fiscal year ~~1996-97~~ of the moneys  
8 received under 42 USC 620 to 626 for the department's expenses in connection with  
9 administering the expenditure of funds received under 42 USC 620 to 626, ~~for child~~  
10 ~~welfare projects and services provided or purchased by the department, and~~ and for child  
11 abuse and neglect independent investigations ~~and for providing child-at-risk field~~  
12 ~~training to counties.~~

13           **SECTION 1736.** 48.985 (2) (a) of the statutes is renumbered 48.985 (2) and  
14 amended to read:

15           48.985 **(2)** COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the  
16 appropriation under s. 20.435 (7) (o), the department shall distribute not more than  
17 ~~\$3,919,800~~ in each \$3,804,000 in fiscal year 1997-98 and not more than \$3,734,000  
18 in fiscal year 1998-99 of the moneys received under 42 USC 620 to 626 to county  
19 departments under ss. 46.215, 46.22 and 46.23 for the provision or purchase of child  
20 welfare projects and services, for services to children and families and for  
21 family-based child welfare services.

22           **SECTION 1737.** 48.985 (3) of the statutes is amended to read:

23           48.985 **(3)** COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation account  
24 under s. 20.410 (3) ~~(oo)~~ (ko), the department of corrections shall allocate, to county

**SENATE BILL 77****SECTION 1737**

1 departments under ss. 46.215, 46.22 and 46.23 for the provision of services under s.  
2 301.26, not more than \$1,100,000 in each fiscal year.

3 **SECTION 1738.** 49.025 (2) (a) (intro.) of the statutes is amended to read:

4 49.025 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a  
5 year, the department shall pay to the county, in accordance with s. 49.031, from the  
6 appropriation under s. 20.435 (1) (5) (bt), an amount for that year determined as  
7 follows:

8 **SECTION 1739.** 49.027 (2) (a) (intro.) of the statutes is amended to read:

9 49.027 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a  
10 year, the department shall pay to the county, in accordance with s. 49.031, from the  
11 appropriation under s. 20.435 (1) (5) (bu), an amount for that year determined as  
12 follows:

13 **SECTION 1740.** 49.027 (2) (a) 1. d. of the statutes is amended to read:

14 49.027 (2) (a) 1. d. The department shall multiply the amount determined  
15 under subd. 1. c. by the amount appropriated under s. 20.435 (1) (5) (bu) for relief  
16 block grants for that year.

17 **SECTION 1741.** 49.029 (2) of the statutes is amended to read:

18 49.029 (2) AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the  
19 appropriation under s. 20.435 (1) (5) (bs), the department shall distribute a relief  
20 block grant to each eligible tribal governing body in an amount and in a manner  
21 determined in accordance with rules promulgated by the department. The  
22 department shall promulgate the rules after consulting with all tribal governing  
23 bodies eligible for a relief block grant. In promulgating rules under this section, the  
24 department shall consider each tribe's economic circumstances and need for health  
25 care services.

**SENATE BILL 77****SECTION 1742**

1           **SECTION 1742.** 49.124 (1) of the statutes is renumbered 49.124 (1) (intro.) and  
2 amended to read:

3           49.124 (1) (title) ~~DEFINITION~~ DEFINITIONS. In this section, “~~food~~;

4           **(b)** “Food stamp program” means the federal food stamp program under 7 USC  
5 2011 to ~~2029~~ 2036.

6           **SECTION 1743.** 49.124 (1) (ag) of the statutes is created to read:

7           49.124 (1) (ag) “Controlled substance” has the meaning given in 21 USC 802  
8 (6).

9           **SECTION 1744.** 49.124 (1) (am) of the statutes is created to read:

10          49.124 (1) (am) “Custodial parent” has the meaning given in s. 49.141 (1) (b).

11          **SECTION 1745.** 49.124 (1) (c) of the statutes is created to read:

12          49.124 (1) (c) “Noncustodial parent” has the meaning given in s. 49.141 (1) (h).

13          **SECTION 1746.** 49.124 (1) (d) of the statutes is created to read:

14          49.124 (1) (d) “Parent” has the meaning given in s. 49.141 (1) (j).

15          **SECTION 1747.** 49.124 (1) (e) of the statutes is created to read:

16          49.124 (1) (e) “Wisconsin works employment position” has the meaning given  
17 in s. 49.141 (1) (r).

18          **SECTION 1748.** 49.124 (1g) of the statutes is created to read:

19          49.124 (1g) **DENIAL OF ELIGIBILITY.** An individual is ineligible to participate in  
20 the food stamp program in a month that any of the following is true:

21           (a) The individual is a custodial parent of a child who is under the age of 18 and  
22 who has an absent parent, or the individual lives with and exercises parental control  
23 over a child who is under the age of 18 and who has an absent parent, and the  
24 individual does not fully cooperate in efforts directed at establishing the paternity  
25 of the child, if necessary, and obtaining support payments, if any, or other payments

**SENATE BILL 77****SECTION 1748**

1 or property, if any, to which that individual or the child may have rights. This  
2 paragraph does not apply if the individual has good cause for refusing to cooperate,  
3 as determined by the department in accordance with federal law and regulations.

4 (b) The individual is a man who is alleged to be the father under s. 767.45 of  
5 a child under the age of 18 or who has been ordered to submit to a genetic test under  
6 s. 49.225 and the individual refuses to cooperate, as determined by the department  
7 in accordance with federal law and regulations, in efforts directed at establishing the  
8 paternity of the child.

9 (c) If the individual is a noncustodial mother of a child under the age of 18 and  
10 the paternity of the father has not been established, the individual refuses to  
11 cooperate, as determined by the department in accordance with federal law and  
12 regulations, in efforts directed at establishing the paternity of the child.

13 (d) The individual is a noncustodial parent of a child under the age of 18 and  
14 the individual refuses to cooperate, as determined by the department in accordance  
15 with federal law and regulations, in providing or obtaining support for the child.

16 (e) The individual is obligated by court order to provide child support payments  
17 and is delinquent in making those court-ordered payments. This paragraph does not  
18 apply if any of the following applies:

19 1. The delinquency equals less than 3 months of the court-ordered support  
20 payments.

21 2. A court or county child support agency under s. 59.53 (5) is allowing the  
22 individual to delay the child support payments.

23 3. The individual is complying with a payment plan approved by a county child  
24 support agency under s. 59.53 (5) to provide support for the child of the individual.

25 **SECTION 1749.** 49.124 (1m) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1749**

1           49.124 **(1m)** (a) The department shall administer an employment and training  
2 program for recipients under the food stamp program. The department may contract  
3 with a Wisconsin works agency to administer the employment and training program  
4 under this section subsection. Except as provided in pars. (b) and (bm), the  
5 department may require able individuals who are 18 to 60 years of age who are not  
6 participants in a Wisconsin works employment position, ~~as defined in s. 49.141 (1)~~  
7 ~~(#)~~, to participate in the employment and training program under this section. ~~To the~~  
8 ~~extent permitted by federal law or waiver, and except as provided in par. (cm), the~~  
9 ~~department may distribute food stamp benefits on a pay-for-performance basis, as~~  
10 ~~determined under par. (c). The maximum number of hours an individual may be~~  
11 ~~required to work may not exceed 40 hours per week~~ subsection.

12           **SECTION 1750.** 49.124 (1m) (am) of the statutes is created to read:

13           49.124 **(1m)** (am) To the extent permitted by federal law or waiver, the  
14 department may distribute food stamp benefits as follows:

15           1. Except as provided in par. (cm), the department may distribute food stamp  
16 benefits on a pay-for-performance basis, as determined under par. (c). The  
17 maximum number of hours that an individual may be required to work may not  
18 exceed 30 hours per week.

19           2. The department may convert not more than \$300 of a household's food stamp  
20 benefit to use as a wage subsidy to be paid to the employer of an individual who is  
21 a member of the household if the individual is employed by the employer as a  
22 participant in a Wisconsin works employment position. The department may not  
23 implement this subdivision until the secretary of administration has reviewed and  
24 approved a plan submitted by the department to the secretary of administration that

**SENATE BILL 77****SECTION 1750**

1 details how this subdivision will be implemented and what fiscal effect the  
2 implementation of this subdivision will have.

3 3. The department may distribute food stamp benefits as cash only after the  
4 secretary of administration has reviewed and approved a plan submitted by the  
5 department to the secretary of administration that details how this subdivision will  
6 be implemented and what fiscal effect the implementation of this subdivision will  
7 have and only to the following recipients under the food stamp program:

8 a. Households in which a member is participating in a Wisconsin works  
9 employment position and a member has been employed in unsubsidized employment  
10 for at least 90 days, has earned at least \$350 per month for the last 90 days of that  
11 employment and continues to earn at least \$350 per month.

12 b. Households in which a member has been employed in unsubsidized  
13 employment for at least 90 days, has earned at least \$350 per month for the last 90  
14 days of that employment and continues to earn at least \$350 per month and a  
15 member participated in a Wisconsin works employment position, but solely because  
16 of earnings became ineligible to continue to participate in a Wisconsin works  
17 employment position.

18 **SECTION 1751.** 49.124 (1m) (c) 3. of the statutes is amended to read:

19 49.124 (1m) (c) 3. The department shall multiply the number of hours  
20 determined under subd. 2. by ~~the federal minimum hourly wage under 29 USC 206~~  
21 ~~(a) (1) \$4.25.~~

22 **SECTION 1752.** 49.124 (1n) of the statutes is created to read:

23 49.124 (1n) INELIGIBILITY FOR NONCOMPLIANCE WITH WORK REQUIREMENTS. An  
24 individual who fails to comply with the work requirements under sub. (1m) (a)



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1 without good cause is ineligible to participate in the food stamp program under this  
2 section as follows:

3 (a) For the first occurrence of noncompliance, one month.

4 (b) For the 2nd occurrence of noncompliance, 3 months.

5 (c) For the 3rd and subsequent occurrences of noncompliance, 6 months.

6 **SECTION 1753.** 49.124 (3) of the statutes is amended to read:

7 49.124 (3) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The  
8 department shall withhold the value of food stamp losses for which a county or  
9 federally recognized American Indian tribe is liable under sub. (2) from the payment  
10 to the county or tribe under s. 20.445 (3) ~~(de)~~ (dz) and (nL) and reimburse the federal  
11 government from the funds withheld.

12 **SECTION 1754.** 49.124 (5) of the statutes is created to read:

13 49.124 (5) INELIGIBILITY BECAUSE OF CERTAIN DRUG RELATED CONVICTIONS. (a)  
14 Except as provided in par. (c), an individual convicted after August 22, 1996, in any  
15 state or federal court of a felony that had as an element possession, use or  
16 distribution of a controlled substance is ineligible for benefits under the food stamp  
17 program for at least 12 months beginning on the date that the person first applies  
18 for benefits under the food stamp program. The department shall require an  
19 applicant for, or recipient under, the food stamp program to state in writing whether  
20 the applicant or recipient or any member of the applicant's or recipient's household  
21 has been convicted in any state or federal court of a felony that has as an element  
22 possession, use or distribution of a controlled substance.

23 (b) Except as provided in par. (c), in determining a household's eligibility for the  
24 food stamp program, for at least 12 months the department may not consider the  
25 needs of any individual in the household who was convicted after August 22, 1996,

**SENATE BILL 77****SECTION 1754**

1 in any state or federal court of a felony that had as an element possession, use or  
2 distribution of a controlled substance. The department shall, however, consider the  
3 resources and income of that individual to be available to the household.

4 (c) If an individual who has been determined to be ineligible under par. (a) or  
5 whose needs are not considered under par. (b) submits to a test for use of a controlled  
6 substance at least 12 months after the date that the department first determined the  
7 individual to be ineligible under par. (a) or first disregarded that individual's needs  
8 under par. (b), and if the test results are negative, the department shall consider the  
9 individual to be eligible, if the individual is otherwise eligible, and shall consider the  
10 individual's needs in determining the eligibility of the individual's household.

11 **SECTION 1755.** 49.124 (6) of the statutes is created to read:

12 49.124 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the food  
13 stamp program in a month in which that person is a fugitive felon under 7 USC 2015  
14 (k) (1) or is violating a condition of probation, parole or community supervision  
15 imposed by a state or federal court.

16 **SECTION 1756.** 49.125 (2) of the statutes is amended to read:

17 49.125 (2) A county ~~or~~, governing body of a federally recognized American  
18 Indian tribe or Wisconsin works agency may retain a portion 15% of the amount of  
19 an overpayment the state is authorized to retain under 7 USC 2025 which is  
20 recovered under sub. (1) due to the efforts of an employe or officer of the county ~~or~~,  
21 tribe or Wisconsin works agency. ~~The department shall promulgate a rule~~  
22 ~~establishing the portion of the amount of the overpayment that the county or~~  
23 ~~governing body may retain.~~ This subsection does not apply to recovery of an  
24 overpayment that was made as a result of state, county ~~or~~, tribal governing body or  
25 Wisconsin works agency error.

**SENATE BILL 77****SECTION 1757**

1           **SECTION 1757.** 49.127 (8) (a) 2. of the statutes is amended to read:

2           49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than  
3           \$5,000, a person who violates this section may be fined not more than \$10,000 or  
4           imprisoned for not more than 5 years or both.

5           **SECTION 1758.** 49.127 (8) (b) 2. of the statutes is amended to read:

6           49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than  
7           \$5,000, a person who violates this section may be fined not more than \$10,000 or  
8           imprisoned for not more than 5 years or both.

9           **SECTION 1759.** 49.127 (8) (c) of the statutes is created to read:

10          49.127 (8) (c) For any offense under this section, if the value of the food coupons  
11          is \$5,000 or more, a person who violates this section may be fined not more than  
12          \$250,000 or imprisoned for not more than 20 years or both.

13          **SECTION 1760.** 49.127 (8) (d) of the statutes is renumbered 49.127 (8) (d) 1.  
14          (intro.) and amended to read:

15          49.127 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a)  
16          ~~or~~, (b) or (c), the court ~~may~~ shall suspend a person who violates this section from  
17          participation in the food stamp program ~~up to 18 months.~~ as follows:

18          2. The person may apply to the county department under s. 46.215, 46.22 or  
19          46.23 or the federally recognized American Indian tribal governing body or, if the  
20          person is a supplier, to the federal department of agriculture for reinstatement  
21          following the period of suspension, if the suspension is not permanent.

22          **SECTION 1761.** 49.127 (8) (d) 1. a., b. and c. of the statutes are created to read:

23          49.127 (8) (d) 1. a. For a first offense under this section, one year. The court  
24          may extend the suspension by not more than 18 months.

**SENATE BILL 77****SECTION 1761**

1           b. For a 2nd offense under this section, 2 years. The court may extend the  
2 suspension by not more than 18 months.

3           c. For a 3rd offense under this section, permanently.

4           **SECTION 1762.** 49.127 (8) (d) 1m. of the statutes is created to read:

5           49.127 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b) or  
6 (c), a court shall permanently suspend from the food stamp program a person who  
7 has been convicted of an offense under 7 USC 2024 (b) or (c) involving an item covered  
8 by 7 USC 2024 (b) or (c) having a value of \$500 or more.

9           **SECTION 1763.** 49.127 (8) (e) of the statutes is created to read:

10           49.127 (8) (e) 1. If a court finds that a person traded a controlled substance, as  
11 defined in s. 961.01 (4), for food coupons, the court shall suspend the person from  
12 participation in the food stamp program as follows:

13           a. Upon the first such finding, for 2 years.

14           b. Upon the 2nd such finding, permanently.

15           2. If a court finds that a person traded firearms, ammunition or explosives for  
16 food coupons, the court shall suspend the person permanently from participation in  
17 the food stamp program.

18           **SECTION 1764.** 49.127 (8) (f) of the statutes is created to read:

19           49.127 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable  
20 under par. (a), (b) or (c), the court shall suspend from the food stamp program for a  
21 period of 10 years a person who fraudulently misstates or misrepresents his or her  
22 identity or place of residence for the purpose of receiving multiple benefits  
23 simultaneously under the food stamp program.

24           **SECTION 1765.** 49.13 of the statutes is repealed.

**SENATE BILL 77****SECTION 1766**

1           **SECTION 1766.** 49.131 (1) of the statutes is renumbered 49.155 (1) (ag) and  
2 amended to read:

3           49.155 (1) (ag) ~~In this section, “child~~ “Child care provider” means a provider  
4 licensed under s. 48.65, certified under s. 48.651 or established or contracted for  
5 under s. 120.13 (14).

6           **SECTION 1767.** 49.131 (2) (intro.) of the statutes is renumbered 49.155 (1g)  
7 (intro.) and amended to read:

8           49.155 (1g) (intro.) Subject to sub. ~~(4) (1j)~~ and s. 16.54 (2), the department shall,  
9 within the limits of the availability of the federal child care and development block  
10 grant funds received under 42 USC 9858, do all of the following:

11           **SECTION 1768.** 49.131 (2) (a) of the statutes is repealed.

12           **SECTION 1769.** 49.131 (2) (b) 1. and (c) 1., 2., 3. and 4. of the statutes are  
13 consolidated, renumbered 49.131 (2) (b) 1m. and amended to read:

14           49.131 (2) (b) 1m. From the appropriation under s. 20.445 (3) (mc), distribute  
15 \$190,800 ~~\$4,315,000~~ in fiscal year ~~1995-96~~ 1997-98 and \$197,700 ~~\$4,315,000~~ in  
16 fiscal year ~~1996-97~~ 1998-99 for the purposes of providing technical assistance for  
17 child care providers and of administering the child care ~~programs funded under s.~~  
18 ~~20.445 (3) (cp) and (md).~~ (e) 1. For program under this section and for grants under  
19 s. 49.136 (2) for the start-up and expansion of child day care services, and for child  
20 day care start-up and expansion planning, \$430,000 in fiscal year 1995-96 and  
21 \$226,400 in fiscal year 1996-97. ~~2. For~~ for grants under s. 49.134 (2) for child day  
22 care resource and referral services, \$960,000 in fiscal year 1995-96 and \$960,000,  
23 in fiscal year 1996-97. ~~3. For~~ for grants under s. 49.137 (3) to assist child care  
24 providers in meeting the quality of care standards established under s. 49.132 (4) (e)  
25 sub. (1d) and for a system of rates or a program of grants, as provided under s. 49.132

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1 ~~(4) (e) sub. (1d), to reimburse child care providers that meet those quality of care~~  
2 ~~standards, \$1,559,200 in fiscal year 1995-96 and \$1,576,700 in fiscal year 1996-97.~~  
3 ~~If an amount distributed under this subdivision will not be fully expended, the~~  
4 ~~department may transfer the unexpended funds to the distribution under subd. 4.~~  
5 ~~4. For and for grants under s. 49.137 (2) and contracts under s. 49.137 (4) to improve~~  
6 ~~the quality of child day care services in this state, \$450,000 in fiscal year 1995-96~~  
7 ~~and \$450,000 in fiscal year 1996-97, plus any amounts that the department~~  
8 ~~transfers to this distribution under subd. 3.~~

9 **SECTION 1770.** 49.131 (2) (b) 1m. of the statutes, as affected by 1997 Wisconsin  
10 Act .... (this act), is renumbered 49.155 (1g) (b).

11 **SECTION 1771.** 49.131 (2) (b) 2. of the statutes is amended to read:

12 49.131 (2) (b) 2. From the appropriation under s. 20.445 (3) (mc) transfer  
13 ~~\$1,026,800~~ \$1,687,400 in fiscal year ~~1996-97~~ 1997-98 and \$1,687,400 in fiscal year  
14 1998-99 to the appropriation under s. 20.435 (6) (kx) for the purpose of day care  
15 center licensing under s. 48.65.

16 **SECTION 1772.** 49.131 (2) (b) 2. of the statutes, as affected by 1997 Wisconsin  
17 Act .... (this act), is renumbered 49.155 (1g) (c).

18 **SECTION 1773.** 49.131 (2) (c) (intro.) of the statutes is repealed.

19 **SECTION 1774.** 49.131 (3) of the statutes is repealed.

20 **SECTION 1775.** 49.131 (4) of the statutes is renumbered 49.155 (1j) and  
21 amended to read:

22 49.155 (1j) If the department receives unanticipated federal child care and  
23 development block grant funds under 42 USC 9858 and it proposes to allocate the  
24 unanticipated funds so that an allocation limit in sub. ~~(2)~~ (1g) is exceeded, the  
25 department shall submit a plan for the proposed allocation to the secretary of

**SENATE BILL 77****SECTION 1775**

1 administration. If the secretary of administration approves the plan, he or she shall  
2 submit it to the joint committee on finance. If the cochairpersons of the committee  
3 do not notify the secretary of administration within 14 working days after the date  
4 of his or her submittal that the committee has scheduled a meeting for the purpose  
5 of reviewing the plan ~~within 14 working days after the date of his or her submittal~~,  
6 the department may implement the plan, notwithstanding any allocation limit  
7 under sub. (2) (1g). If within 14 working days after the date of the submittal by the  
8 secretary of administration the cochairpersons of the committee notify him or her  
9 that the committee has scheduled a meeting for the purpose of reviewing the plan,  
10 the department may implement the plan, notwithstanding sub. (2) (1g), only with the  
11 approval of the committee.

12 **SECTION 1776.** 49.132 (2) (a) of the statutes is amended to read:

13 49.132 (2) (a) The Within the limits of available federal funds and from the  
14 appropriation under s. 20.445 (3) (cm) the department shall distribute the funds  
15 ~~allocated under s. 49.13~~ for at-risk and low-income child care services under subs.  
16 (2m) and (3) to county departments under s. 46.215, 46.22 or 46.23 and to private  
17 ~~nonprofit child care providers who~~ agencies that provide child care for the children  
18 of migrant workers or shall reimburse child care providers who provide at-risk and  
19 low-income child care.

20 **SECTION 1777.** 49.132 (4) (am) of the statutes is amended to read:

21 49.132 (4) (am) A parent who is gainfully employed, or who is less than 20 years  
22 of age and is enrolled in an educational program, who is in need of child care services  
23 and who applies for aid on or after May 10, 1996, is eligible for aid under this section  
24 if the family income of the applicant is equal to or less than 165% of the poverty line.  
25 An applicant who is eligible under this paragraph and who began receiving aid under

**SENATE BILL 77****SECTION 1777**

1 this section on or after May 10, 1996, continues to be eligible for aid under this section  
2 until the family income of the applicant is greater than 200% of the poverty line.

3 **SECTION 1778.** 49.132 (6) of the statutes is amended to read:

4 49.132 (6) SUNSET. This section does not apply beginning on ~~the first day of the~~  
5 ~~6th month beginning after the date specified in the notice under s. 49.141 (2) (d)~~  
6 October 1, 1997.

7 **SECTION 1779.** 49.134 (2) (a) of the statutes is amended to read:

8 49.134 (2) (a) From the allocation under s. ~~49.131 (2) (e) 2.~~ 49.131 (2) (b) 1m.,  
9 the department shall make grants to local agencies to fund child care resource and  
10 referral services provided by those local agencies. The department shall provide an  
11 allocation formula to determine the amount of a grant awarded under this section.

12 **SECTION 1780.** 49.134 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
13 .... (this act), is amended to read:

14 49.134 (2) (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the  
15 department shall make grants to local agencies to fund child care resource and  
16 referral services provided by those local agencies. The department shall provide an  
17 allocation formula to determine the amount of a grant awarded under this section.

18 **SECTION 1781.** 49.136 (2) (a) of the statutes is amended to read:

19 49.136 (2) (a) From the allocation under s. ~~49.131 (2) (e) 1.~~ 49.131 (2) (b) 1m.,  
20 the department shall award grants for the start-up or expansion of child care  
21 services.

22 **SECTION 1782.** 49.136 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
23 .... (this act), is amended to read:

24 49.136 (2) (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the  
25 department shall award grants for the start-up or expansion of child care services.



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1           **SECTION 1783.** 49.137 (2) (a) of the statutes is amended to read:

2           49.137 (2) (a) From the allocation under s. ~~49.131 (2) (e) 4.~~ 49.131 (2) (b) 1m.,  
3           the department may award grants to child care providers that meet the quality of  
4           care standards established under s. ~~49.132 (4) (e) or 49.155 (6)~~ 49.155 (1d) (b) to  
5           improve the retention of skilled and experienced child care staff. In awarding grants  
6           under this subsection, the department shall consider the applying child care  
7           provider's total enrollment of children and average enrollment of children who  
8           receive or are eligible for publicly funded care from the child care provider.

9           **SECTION 1784.** 49.137 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
10          .... (this act), is amended to read:

11          49.137 (2) (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the  
12          department may award grants to child care providers that meet the quality of care  
13          standards established under s. ~~49.132 (4) (e) or 49.155 (6)~~ 49.155 (1d) (b) to improve  
14          the retention of skilled and experienced child care staff. In awarding grants under  
15          this subsection, the department shall consider the applying child care provider's  
16          total enrollment of children and average enrollment of children who receive or are  
17          eligible for publicly funded care from the child care provider.

18          **SECTION 1785.** 49.137 (3) (a) of the statutes is amended to read:

19          49.137 (3) (a) From the allocation under s. ~~49.131 (2) (e) 3.~~ 49.131 (2) (b) 1m.,  
20          the department may award grants to child care providers for assistance in meeting  
21          the quality of care standards established under s. ~~49.132 (4) (e)~~ 49.155 (1d) (b).

22          **SECTION 1786.** 49.137 (3) (a) of the statutes, as affected by 1997 Wisconsin Act  
23          .... (this act), is amended to read:

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1           49.137 (3) (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the  
2 department may award grants to child care providers for assistance in meeting the  
3 quality of care standards established under s. ~~49.132 (4) (e)~~ 49.155 (1d) (b).

4           **SECTION 1787.** 49.137 (4) (intro.) of the statutes is amended to read:

5           49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the  
6 allocation under s. ~~49.131 (2) (e) 4.~~ 49.131 (2) (b) 1m., the department may contract  
7 with one or more agencies for the provision of training and technical assistance to  
8 improve the quality of child care provided in this state. The training and technical  
9 assistance activities contracted for under this subsection may include any of the  
10 following activities:

11           **SECTION 1788.** 49.137 (4) (intro.) of the statutes, as affected by 1997 Wisconsin  
12 Act .... (this act), is amended to read:

13           49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the  
14 allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the department may contract  
15 with one or more agencies for the provision of training and technical assistance to  
16 improve the quality of child care provided in this state. The training and technical  
17 assistance activities contracted for under this subsection may include any of the  
18 following activities:

19           **SECTION 1789.** 49.138 (1) of the statutes is renumbered 49.138 (1m), and 49.138  
20 (1m) (intro.), as renumbered, is amended to read:

21           49.138 (1m) (intro.) The department shall implement a program of emergency  
22 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or  
23 energy crisis. ~~Eligibility shall not exceed the limitations for federal participation~~  
24 ~~defined by applicable federal laws and regulations.~~ The department shall establish  
25 the maximum amount of aid to be granted, except for cases of energy crisis, per family

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1 member based on the funding available under s. 20.445 (3) (dc) and ~~(p)~~ (md). The  
2 department need not establish the maximum amount by rule under ch. 227. The  
3 department shall publish the maximum amount and annual changes to it in the  
4 Wisconsin administrative register. Emergency assistance provided to needy persons  
5 under this section in cases of fire, flood, natural disaster or energy crisis may only  
6 be provided to a needy person once in a 12-month period. Emergency assistance  
7 provided to needy persons under this section in cases of homelessness may be used  
8 only to obtain a permanent living accommodation and, except as provided in sub. (2),  
9 may only be provided to a needy person once in a 36-month period. For the purposes  
10 of this section, a family is considered to be homeless if any of the following applies:

11 **SECTION 1790.** 49.138 (1d) of the statutes is created to read:

12 49.138 (1d) In this section:

13 (a) "Administering agency" means the department or, if the department has  
14 contracted with a Wisconsin works agency under sub. (3), the Wisconsin works  
15 agency.

16 (b) "Needy person" has the meaning specified by the department by rule.

17 **SECTION 1791.** 49.138 (2) of the statutes is amended to read:

18 49.138 (2) Emergency assistance provided to a person under sub. (1) (1m) (c)  
19 may be provided once in a 12-month period.

20 **SECTION 1792.** 49.138 (3) of the statutes is created to read:

21 49.138 (3) The department may contract with a Wisconsin works agency to  
22 administer this section.

23 **SECTION 1793.** 49.138 (4) of the statutes is created to read:

24 49.138 (4) (a) Any individual whose application for emergency assistance  
25 under this section is not acted upon with reasonable promptness after the filing of

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1 the application, as defined by the department by rule, or is denied in whole or in part,  
2 or who believes that the assistance amount was calculated incorrectly, may petition  
3 the administering agency for a review of such action. Review is unavailable if the  
4 action by the administering agency occurred more than 45 days prior to submission  
5 of the petition for review.

6 (b) Upon a timely petition under par. (a), the administering agency shall give  
7 the petitioner reasonable notice and opportunity for a review. The administering  
8 agency shall render its decision as soon as possible after the review and shall send  
9 by 1st class mail a certified copy of its decision to the petitioner. The administering  
10 agency shall deny a petition for a review or shall refuse to grant relief if the petitioner  
11 does any of the following:

12 1. Withdraws the petition in writing.

13 2. Abandons the petition. Abandonment occurs if the petitioner fails to appear  
14 in person or by representative at a scheduled review without good cause, as defined  
15 by the department by rule.

16 (c) If the administering agency is a Wisconsin works agency, the department  
17 may review the decision of the Wisconsin works agency if, within 14 days after the  
18 date on which the certified copy of the decision of the Wisconsin works agency is  
19 mailed, the applicant or participant petitions the department for a review of that  
20 decision.

21 **SECTION 1794.** 49.141 (1) (j) of the statutes is renumbered 49.141 (1) (j) (intro.)  
22 and amended to read:

23 49.141 (1) (j) (intro.) "Parent" means either a any of the following:

24 1. A biological parent,~~a.~~

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1           2. A person who has consented to the artificial insemination of his wife under  
2 s. 891.40, ~~or a.~~

3           3. A parent by adoption.

4           **SECTION 1795.** 49.141 (1) (j) 4. of the statutes is created to read:

5           49.141 (1) (j) 4. A man adjudged in a judicial proceeding to be the biological  
6 father of a child if the child is a nonmarital child who is not adopted or whose parents  
7 do not subsequently intermarry under s. 767.60.

8           **SECTION 1796.** 49.141 (1) (j) 5. of the statutes is created to read:

9           49.141 (1) (j) 5. A man who has signed and filed with the state registrar under  
10 s. 69.15 (3) (b) 3. a statement acknowledging paternity.

11           **SECTION 1797.** 49.141 (1) (p) of the statutes is amended to read:

12           49.141 (1) (p) "Wisconsin works" means the assistance program for families  
13 with dependent children, administered under ss. 49.141 to 49.161, except that  
14 "Wisconsin works" does not include the Wisconsin works health plan under s. 49.153,  
15 unless a waiver under s. 49.153 (1m) is granted and in effect or federal legislation  
16 that permits the application of s. 49.153 is enacted.

17           **SECTION 1798.** 49.141 (2) (a) of the statutes is amended to read:

18           49.141 (2) (a) If necessary, the department shall request a waiver from the  
19 secretaries of the federal department of health and human services, the federal  
20 department of agriculture and the federal social security administration or shall  
21 seek the passage of federal legislation to permit the department to conduct the  
22 Wisconsin works program in lieu of the aid to families with dependent children  
23 program under s. 49.19, the job opportunities and basic skills program under s.  
24 49.193, the parental responsibility pilot program under s. 49.25 and the  
25 work-not-welfare program under s. 49.27 and as part of the food stamp program

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1 under 7 USC 2011 to 2029 and the medical assistance program under 42 USC 1396  
2 to 1396u.

3 **SECTION 1799.** 49.141 (7) (c) of the statutes is created to read:

4 49.141 (7) (c) Except as provided in par. (d), in addition to the penalties  
5 applicable under par. (a) or (b), a person shall be suspended from participating in  
6 Wisconsin works, except s. 49.153, for a period of 10 years, beginning on the date of  
7 conviction, if the person is convicted in a federal or state court for any of the following:

8 1. Violating sub. (6) (a) with respect to his or her identity or place of residence  
9 for the purpose of receiving simultaneously from this state and at least one other  
10 state assistance funded by a block grant under Title I of the Federal Personal  
11 Responsibility and Work Opportunity Reconciliation Act of 1996.

12 2. Fraudulently misstating or misrepresenting his or her identity or place of  
13 residence for the purpose of receiving simultaneously from this state and at least one  
14 other state benefits under the medical assistance program under 42 USC 1396 et seq.

15 3. Fraudulently misstating or misrepresenting his or her identity or place of  
16 residence for the purpose of receiving simultaneously in this state and at least one  
17 other state benefits under the federal food stamp program under 7 USC 2011 to 2029.

18 4. Fraudulently misstating or misrepresenting his or her identity or place of  
19 residence for the purpose of receiving simultaneously in this state and at least one  
20 other state benefits under the federal supplemental security income program under  
21 42 USC 1381 to 1383d.

22 **SECTION 1800.** 49.141 (7) (d) of the statutes is created to read:

23 49.141 (7) (d) A person who has been suspended from participating in  
24 Wisconsin works under par. (c) and whom the president of the United States has  
25 pardoned with respect to the conduct for which the person had been suspended may

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1 have his or her eligibility to participate in Wisconsin works reinstated beginning on  
2 the first day of the first month beginning after the pardon.

3 **SECTION 1801.** 49.143 (2) (a) 11. of the statutes is created to read:

4 49.143 (2) (a) 11. In a county having a population of 500,000 or more, provide  
5 a forum for those persons who are interested in the delivery of child welfare services  
6 in the area of that county served by the Wisconsin works agency to communicate with  
7 and make recommendations to the department of health and family services with  
8 respect to the delivery of child welfare services in that area.

9 **SECTION 1802.** 49.145 (2) (i) of the statutes is amended to read:

10 49.145 (2) (i) The individual is not receiving supplemental security income  
11 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if  
12 the individual is a dependent child, the custodial parent of the individual does not  
13 receive a payment on behalf of the individual under s. 49.775.

14 **SECTION 1803.** 49.145 (2) (n) of the statutes is renumbered 49.145 (2) (n) 1.  
15 (intro.) and amended to read:

16 49.145 (2) (n) 1. (intro.) ~~Beginning~~ Except as provided in subd. 4., beginning  
17 on the date on which the individual has attained the age of 18, the total number of  
18 months in which the individual has actively participated in the job opportunities and  
19 basic skills program under s. 49.193 or has participated in a Wisconsin works  
20 employment position or both, or has received benefits under, any of the following or  
21 any combination of the following does not exceed 60 months. ~~The months need not~~  
22 ~~be consecutive. Participation in the, whether or not consecutive:~~

23 a. The job opportunities and basic skills program under s. 49.193. Active  
24 participation in the job opportunities and basic skills program begins to count toward  
25 the 60-month limit beginning on July ~~October~~ 1, 1996.

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1           3. A Wisconsin works agency may extend the time limit under this paragraph  
2 only if the Wisconsin works agency determines, in accordance with rules  
3 promulgated by the department, that unusual circumstances exist that warrant an  
4 extension of the participation period.

5           **SECTION 1804.** 49.145 (2) (n) 1. b. of the statutes is created to read:

6           49.145 (2) (n) 1. b. A Wisconsin works employment position.

7           **SECTION 1805.** 49.145 (2) (n) 1. c. of the statutes is created to read:

8           49.145 (2) (n) 1. c. Any program in this state or in any other state funded by  
9 a federal block grant for temporary assistance for needy families under title I of P.L.  
10 104-193, if the individual received benefits under that program that were  
11 attributable to funds provided by the federal government.

12           **SECTION 1806.** 49.145 (2) (n) 2. of the statutes is created to read:

13           49.145 (2) (n) 2. Except as provided in subd. 4., in calculating the number of  
14 months in which the individual participated under subd. 1., the Wisconsin works  
15 agency shall include any month in which any adult member of the Wisconsin works  
16 group participated in a Wisconsin works employment position, if the individual was  
17 a member of that Wisconsin works group during that month. If the individual  
18 becomes a member of a new Wisconsin works group in which another adult member  
19 has participated in any of the activities listed under subd. 1. a. to c., the Wisconsin  
20 works agency shall attribute to that individual the greater of the following:

21           a. The number of months in which the individual participated in any of the  
22 activities listed under subd. 1. a. to c.

23           b. The number of months in which the other adult member of the Wisconsin  
24 works group participated in any of the activities listed under subd. 1. a. to c. before  
25 the individual became a member of that Wisconsin works group.



**SENATE BILL 77****SECTION 1807**

1           **SECTION 1807.** 49.145 (2) (n) 4. of the statutes is created to read:

2           49.145 (2) (n) 4. In calculating the number of months under subds. 1. and 2.,  
3           a Wisconsin works agency shall exclude any month during which any adult in the  
4           Wisconsin works group participated in any activity listed under subd. 1. a. to c. while  
5           living on a federally recognized American Indian reservation or in an Alaskan Native  
6           village if, during that month, all of the following applied:

7           a. At least 1,000 individuals were living on the reservation or in the village.

8           b. At least 50% of the adults living on the reservation or in the village were  
9           unemployed.

10          **SECTION 1808.** 49.145 (2) (r) of the statutes is created to read:

11          49.145 (2) (r) The individual is not a fugitive felon under 42 USC 608 (a) (9) (A)  
12          (i).

13          **SECTION 1809.** 49.145 (2) (rm) of the statutes is created to read:

14          49.145 (2) (rm) The individual is not violating a condition of probation, parole  
15          or community supervision imposed under federal or state law.

16          **SECTION 1810.** 49.145 (2) (s) of the statutes is created to read:

17          49.145 (2) (s) The individual assigns to the state any right of the individual or  
18          of any dependent child of the individual to support or maintenance from any other  
19          person, including any right to amounts accruing during the time that any Wisconsin  
20          works benefit is paid to the individual. If a minor who is a beneficiary of any  
21          Wisconsin works benefit is also the beneficiary of support under a judgment or order  
22          that includes support for one or more children not receiving a benefit under  
23          Wisconsin works, any support payment made under the judgment or order is  
24          assigned to the state during the period that the minor is a beneficiary of the  
25          Wisconsin works benefit in the amount that is the proportionate share of the minor

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1 receiving the benefit under Wisconsin works, except as otherwise ordered by the  
2 court on the motion of a party. Amounts assigned to the state under this paragraph  
3 remain assigned to the state until that amount of benefits paid that represents the  
4 amount due as support or maintenance has been recovered. No amount of support  
5 that begins to accrue after the individual ceases to receive benefits under Wisconsin  
6 works may be considered assigned to this state. Any money received by the  
7 department in a month under an assignment to the state under this paragraph for  
8 a person applying for or participating in Wisconsin works may be paid to the  
9 individual applying for or participating in Wisconsin works.

10 **SECTION 1811.** 49.145 (2) (v) of the statutes is created to read:

11 49.145 (2) (v) The individual states in writing whether the individual has been  
12 convicted in any state or federal court of a felony that has as an element possession,  
13 use or distribution of a controlled substance, as defined in 21 USC 802 (6).

14 **SECTION 1812.** 49.145 (3) (b) 2. of the statutes is amended to read:

15 49.145 (3) (b) 2. Child support payments received by the individual on behalf  
16 of a child who is a member of the Wisconsin works group. The Wisconsin works  
17 agency shall not include child support payments received by the department under  
18 an assignment under sub. (2) (s) unless the department has distributed the money  
19 to the individual.

20 **SECTION 1813.** 49.147 (6) (c) of the statutes is amended to read:

21 49.147 (6) (c) *Distribution and administration.* From the appropriation  
22 appropriations under s. 20.445 (3) (e), (jL) and (md), the department shall distribute  
23 funds for job access loans to a Wisconsin works agency, which shall administer the  
24 loans in accordance with rules promulgated by the department.

25 **SECTION 1814.** 49.147 (6) (d) 2. of the statutes is amended to read:

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1           49.147 (6) (d) 2. The individual has graduated from high school or has met the  
2 standards established by the ~~secretary of education~~ state superintendent of public  
3 instruction for the granting of a declaration of equivalency of high school graduation  
4 under s. 115.29 (4).

5           **SECTION 1815.** 49.148 (1) (b) of the statutes is amended to read:

6           49.148 (1) (b) *Community service jobs.* For a participant in a community service  
7 job, a monthly grant of ~~\$555~~ \$673, paid by the Wisconsin works agency or by the  
8 department under sub. (2). For every hour that the participant misses work or  
9 education or training activities without good cause, ~~the Wisconsin works agency~~  
10 ~~shall reduce~~ the grant amount shall be reduced by ~~\$4.25~~ \$5.15. Good cause shall be  
11 determined by the financial and employment planner in accordance with rules  
12 promulgated by the department. Good cause shall include required court  
13 appearances for a victim of domestic abuse.

14           **SECTION 1816.** 49.148 (1) (c) of the statutes is amended to read:

15           49.148 (1) (c) *Transitional placements.* For a participant in a transitional  
16 placement, a grant of ~~\$518~~ \$628, paid monthly by the Wisconsin works agency or by  
17 the department under sub. (2). For every hour that the participant fails to  
18 participate in any required activity without good cause, including any activity under  
19 s. 49.147 (5) (b) 1. a. to e., ~~the Wisconsin works agency shall reduce~~ the grant amount  
20 shall be reduced by ~~\$4.25~~ \$5.15. Good cause shall be determined by the financial and  
21 employment planner in accordance with rules promulgated by the department. Good  
22 cause shall include required court appearances for a victim of domestic abuse.

23           **SECTION 1817.** 49.148 (1m) (a) of the statutes is amended to read:

24           49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and  
25 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a

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1 monthly grant of \$555 \$673 unless another adult member of the custodial parent's  
2 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin  
3 works employment position or is employed in unsubsidized employment, as defined  
4 in s. 49.147 (1) (a). A Wisconsin works agency may not require a participant under  
5 this subsection to participate in any employment positions. Receipt of a grant under  
6 this subsection does not constitute participation in a Wisconsin works employment  
7 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)  
8 or (5) (b) 2. if the child is born to the participant not more than 10 months after the  
9 date that the participant was first determined to be eligible for assistance under s.  
10 49.19 or for a Wisconsin works employment position.

11 **SECTION 1818.** 49.148 (2) of the statutes is created to read:

12 49.148 (2) ELECTRONIC FUNDS TRANSFER. If the department makes benefit  
13 payments under sub. (1) (b) or (c) or (1m), it may make the payments by an electronic  
14 funds transfer system. If the department elects to make the payments by an  
15 electronic funds transfer system, the department may require a participant in a  
16 community service job or transitional placement or a participant under sub. (1m) to  
17 have an individual checking or savings account in a financial institution, as defined  
18 in s. 69.30 (1) (b), into which the department may electronically transfer the funds.

19 **SECTION 1819.** 49.148 (3) of the statutes is amended to read:

20 49.148 (3) WISCONSIN WORKS HEALTH PLAN. A If a waiver under s. 49.153 (1m)  
21 is granted and in effect or federal legislation that permits the application of s. 49.153  
22 is enacted, a participant in a Wisconsin works employment position shall participate  
23 in the Wisconsin works health plan under s. 49.153. ~~The participant and~~ shall pay  
24 a premium in an amount and in the manner established under s. 49.153 (4) (d).

25 **SECTION 1820.** 49.148 (4) of the statutes is created to read:

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1           49.148 (4) DRUG TESTING. (a) A Wisconsin works agency shall require a  
2 participant in a community service job or transitional placement who, after August  
3 22, 1996, was convicted in any state or federal court of a felony that had as an element  
4 possession, use or distribution of a controlled substance to submit to a test for use of  
5 a controlled substance as a condition of continued eligibility. If the test results are  
6 positive, the Wisconsin works agency shall decrease the pre-sanction benefit  
7 amount for that participant by not more than 15% for not fewer than 12 months, or  
8 for the remainder of the participant's period of participation in a community service  
9 job or transitional placement, if less than 12 months. If, at the end of 12 months, the  
10 individual is still a participant in a community service job or transitional placement  
11 and submits to another test for use of a controlled substance and if the results of the  
12 test are negative, the Wisconsin works agency shall discontinue the reduction under  
13 this subsection.

14           (b) The Wisconsin works agency may require an individual who tests positive  
15 for use of a controlled substance under this subsection to participate in a drug abuse  
16 evaluation, assessment and treatment program as part of the participation  
17 requirement under s. 49.147 (4) (as) or (5) (bs).

18           **SECTION 1821.** 49.15 of the statutes is created to read:

19           **49.15 Wisconsin works; 2-parent families. (1) DEFINITION.** In this section,  
20 "other parent" means a parent who is not a participant in a Wisconsin works  
21 employment position.

22           **(2) REQUIREMENTS FOR NONPARTICIPANT PARENT.** (a) If a participant in a  
23 Wisconsin works employment position resides with the other parent of a dependent  
24 child with respect to whom the participant is a custodial parent, the other parent  
25 shall participate for not fewer than 20 hours per week in any activity described under

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1 sub. (3) if the Wisconsin works group receives federally funded child care assistance  
2 on behalf of the dependent child.

3 (b) Paragraph (a) does not apply if the other parent is disabled, as defined by  
4 the department, or is caring for a severely disabled child, as defined by the  
5 department.

6 **(3) PRESCRIBED WORK ACTIVITIES.** An individual who is subject to the work  
7 requirement under sub. (2) may satisfy the requirement only by participating in any  
8 of the following activities:

9 (a) Unsubsidized employment, as defined in s. 49.147 (1) (a).

10 (b) Subsidized employment, as defined by the department.

11 (c) If sufficient private sector employment is not available, work experience, as  
12 defined by the department.

13 (d) On-the-job training, as defined by the department.

14 (e) A community service program, as defined by the department.

15 **(4) SINGLE GRANT OR SUBSIDY.** Notwithstanding the number of adults in a  
16 Wisconsin works group that are engaged in work activities in a month, no person,  
17 other than a participant in a community service job or transitional placement may  
18 receive a grant under s. 49.148 (1) (b) or (c) and no subsidy may be paid to an employer  
19 under s. 49.147 (3) (a) except on behalf of a participant in a trial job, regardless of the  
20 number of members of the Wisconsin works group that the employer employs.

21 **(5) SANCTION.** The Wisconsin works agency may reduce the monthly grant  
22 amount of a participant in a community service job or transitional placement by  
23 \$5.15 for every hour that an individual who is in the participant's Wisconsin work  
24 group and who is subject to the work requirement under sub. (2) fails to meet the  
25 work requirement in a month without good cause. Good cause shall be determined

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1 by the financial and employment planner in accordance with rules promulgated by  
2 the department. Good cause shall include required court appearances for a victim  
3 of domestic abuse.

4 **SECTION 1822.** 49.151 (1) (intro.) of the statutes is amended to read:

5 49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to  
6 participate 3 times in any Wisconsin works employment position component is  
7 ineligible to participate in that component. A participant is also ineligible to  
8 participate in that Wisconsin works employment position component if an individual  
9 in the participant's Wisconsin works group is subject to the work requirement under  
10 s. 49.15 (2) and refuses 3 times to participate as required. A participant whom the  
11 Wisconsin works agency has determined is ineligible under this section for a  
12 particular Wisconsin works employment position component may be eligible to  
13 participate in any other Wisconsin works employment position component in which  
14 the participant has not refused to participate 3 times. A participant ~~refuses to~~  
15 ~~participate in a Wisconsin works employment position component if the participant~~  
16 ~~does~~ or an individual who is subject to the work requirement under s. 49.15 (2)  
17 demonstrates a refusal to participate if any of the following applies:

18 **SECTION 1823.** 49.151 (1) (a) of the statutes is amended to read:

19 49.151 (1) (a) ~~Expresses~~ The participant, or an individual who is in the  
20 participant's Wisconsin works group and who is subject to the work requirement  
21 under s. 49.15 (2), expresses verbally or in writing to a Wisconsin works agency that  
22 he or she refuses to participate.

23 **SECTION 1824.** 49.151 (1) (b) of the statutes is amended to read:

24 49.151 (1) (b) ~~Fails~~ The participant, or an individual who is in the participant's  
25 Wisconsin works group and who is subject to the work requirement under s. 49.15

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1 (2), fails, without good cause, as determined by the Wisconsin works agency, to  
2 appear for an interview with a prospective employer or, if the participant is in a  
3 Wisconsin works transitional placement, the participant fails to appear for an  
4 assigned activity, including an activity under s. 49.147 (5) (b) 1. a. to e., without good  
5 cause, as determined by the Wisconsin works agency.

6 **SECTION 1825.** 49.151 (1) (c) of the statutes is amended to read:

7 49.151 (1) (c) ~~Voluntarily~~ The participant, or an individual who is in the  
8 participant's Wisconsin works group and who is subject to the work requirement  
9 under s. 49.15 (2), voluntarily leaves appropriate employment or training without  
10 good cause, as determined by the Wisconsin works agency.

11 **SECTION 1826.** 49.151 (1) (d) of the statutes is amended to read:

12 49.151 (1) (d) ~~Loses~~ The participant, or an individual who is in the participant's  
13 Wisconsin works group and who is subject to the work requirement under s. 49.15  
14 (2), loses employment as a result of being discharged for cause.

15 **SECTION 1827.** 49.151 (1) (e) of the statutes is amended to read:

16 49.151 (1) (e) ~~Demonstrates~~ The participant, or an individual who is in the  
17 participant's Wisconsin works group and who is subject to the work requirement  
18 under s. 49.15 (2), demonstrates through other behavior or action, as specified by the  
19 department by rule, that he or she refuses to participate in a Wisconsin works  
20 employment position.

21 **SECTION 1828.** 49.152 (1) of the statutes is amended to read:

22 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any  
23 component of Wisconsin works under s. 49.147 (1) to (5) is not acted upon by the  
24 Wisconsin works agency with reasonable promptness after the filing of the  
25 application, as defined by the department by rule, or is denied in whole or in part,



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1 whose benefit is modified or canceled, or who believes that the benefit was calculated  
2 incorrectly or that the employment position in which the individual was placed is  
3 inappropriate, may petition the Wisconsin works agency for a review of such action.  
4 Review is unavailable if the action by the Wisconsin works agency occurred more  
5 than 45 days prior to submission of the petition for review.

6 **SECTION 1829.** 49.152 (2) (a) (intro.) of the statutes is amended to read:

7 49.152 (2) (a) (intro.) Upon a timely petition under sub. (1), the Wisconsin  
8 works agency shall give the applicant or participant reasonable notice and  
9 opportunity for a review. The Wisconsin works agency shall render its decision as  
10 soon as possible after the review and shall send by 1st class mail a certified copy of  
11 its decision to the last-known address of the applicant or participant. The Wisconsin  
12 works agency shall deny a petition for a review or shall refuse to grant relief if the  
13 petitioner does any of the following:

14 **SECTION 1830.** 49.152 (2) (b) 1. of the statutes is amended to read:

15 49.152 (2) (b) 1. Within ~~15~~ 14 days of receiving after the date on which the  
16 certified copy of the decision of the Wisconsin works agency is mailed, the applicant  
17 or participant petitions the department for a review of that decision.

18 **SECTION 1831.** 49.152 (2) (c) 1. of the statutes is amended to read:

19 49.152 (2) (c) 1. Within ~~15~~ 14 days after ~~receiving~~ the date on which the certified  
20 copy of the decision of the Wisconsin works agency is mailed, the applicant petitions  
21 the department for a review of the decision.

22 **SECTION 1832.** 49.152 (3) of the statutes is created to read:

23 49.152 (3) REMEDIES. (a) If, following review under sub. (2), the Wisconsin  
24 works agency or the department determines that an individual, whose application  
25 for a Wisconsin works employment position was denied based on eligibility, was in

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1 fact eligible, or that the individual was placed in an inappropriate Wisconsin works  
2 employment position, the Wisconsin works agency shall place the individual in the  
3 first available Wisconsin works employment position that is appropriate for that  
4 individual, as determined by the Wisconsin works agency or the department. An  
5 individual who is placed in a Wisconsin works employment position under this  
6 paragraph is eligible for the benefit for that position under s. 49.148 beginning on the  
7 date on which the individual begins participation under s. 49.147.

8 (b) If, following review under sub. (2), the Wisconsin works agency or the  
9 department determines that a participant's benefit was improperly modified or  
10 canceled, or was calculated incorrectly, the Wisconsin works agency shall restore the  
11 benefit to the level determined to be appropriate by the Wisconsin works agency or  
12 by the department retroactive to the date on which the benefit was first improperly  
13 modified or canceled or incorrectly calculated.

14 **SECTION 1833.** 49.153 (1m) of the statutes is created to read:

15 49.153 (1m) WAIVER. (a) If necessary, the department of health and family  
16 services shall request a waiver from the secretary of the federal department of health  
17 and human services or shall seek the passage of federal legislation to permit the  
18 application of this section as part of the medical assistance program under 42 USC  
19 1396 to 1396u. If a waiver is granted or federal legislation is enacted, the department  
20 of health and family services shall publish a notice in the Wisconsin Administrative  
21 Register indicating the date on which this section will first be implemented. If a  
22 waiver is granted and in effect or federal legislation is enacted, the department of  
23 health and family services, in consultation with the department of industry, labor  
24 and job development, shall implement this section beginning no later than the first

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1 day of the 3rd month beginning after the waiver is granted or the federal legislation  
2 is enacted.

3 (b) Notwithstanding subch. IV, if a waiver under par. (a) is granted and in effect  
4 or federal legislation is enacted, beginning on the date stated in the notice under par.  
5 (a), the department of health and family services may terminate the eligibility for  
6 medical assistance under subch. IV of persons who are eligible to participate in the  
7 health plan under this section.

8 **SECTION 1834.** 49.153 (3g) (a) 1. of the statutes is amended to read:

9 49.153 (3g) (a) 1. The individual meets the criteria under s. 49.145 (2) (c), (f),  
10 (g), (i), (L) ~~and~~, (m) and (s) and resides in this state.

11 **SECTION 1835.** 49.153 (4) (b) 1u. of the statutes is created to read:

12 49.153 (4) (b) 1u. The Wisconsin works health plan may cover an  
13 over-the-counter drug if the department of health and family services determines  
14 that the over-the-counter drug is more cost-effective than the prescription drug  
15 equivalent.

16 **SECTION 1836.** 49.153 (4) (b) 2. c. of the statutes is amended to read:

17 49.153 (4) (b) 2. c. ~~Over-the-counter~~ Except as provided in subd. 1u.,  
18 over-the-counter drugs.

19 **SECTION 1837.** 49.153 (4) (c) of the statutes is amended to read:

20 49.153 (4) (c) *Distribution of payments.* From the appropriations under s.  
21 20.435 (1) (5) (b) and (o), the department of health and family services shall make  
22 payments to a health maintenance organization or other health care provider with  
23 which the department of health and family services has contracted under par. (a) in  
24 accordance with a payment schedule established by contract.

25 **SECTION 1838.** 49.155 (1) (a) of the statutes is renumbered 49.155 (1) (am).

**SENATE BILL 77****SECTION 1839**

1           **SECTION 1839.** 49.155 (1) (c) of the statutes is created to read:

2           49.155 (1) (c) Notwithstanding s. 49.141 (1) (j), “parent” means a custodial  
3 parent, guardian, foster parent, treatment foster parent, legal custodian or a person  
4 acting in the place of a parent.

5           **SECTION 1840.** 49.155 (1d) of the statutes is created to read:

6           49.155 (1d) CHILD CARE CERTIFICATION RULES. (a) The department shall  
7 promulgate rules establishing standards for the certification of child care providers  
8 under s. 48.651. In establishing the requirements for certification as a level II  
9 certified family day care provider, the department may not include a requirement for  
10 training for providers.

11           (b) The department shall promulgate rules to establish quality of care  
12 standards for child care providers that are higher than the quality of care standards  
13 required for licensure under s. 48.65 or for certification under s. 48.651. The  
14 standards established by rules promulgated under this paragraph shall consist of  
15 the standards provided for the accreditation of day care centers by the national  
16 association for the education of young children or any other comparable standards  
17 that the department may establish, including standards regarding the turnover of  
18 child care provider staff and the training and benefits provided for child care  
19 provider staff.

20           **SECTION 1841.** 49.155 (1g) (title) of the statutes is created to read:

21           49.155 (1g) (title) DISTRIBUTION OF FUNDS.

22           **SECTION 1842.** 49.155 (1j) (title) of the statutes is created to read:

23           49.155 (1j) (title) UNANTICIPATED FEDERAL FUNDS.

24           **SECTION 1843.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1843**

1           49.155 (1m) (a) (intro.) The individual is a ~~eustodial~~ parent of a child who is  
2 under the age of 13, or is a person who, under s. 48.57 (3m), is providing care and  
3 maintenance for a child who is under the age of 13, and child care services for that  
4 child are needed in order for the individual to do any of the following:

5           **SECTION 1844.** 49.155 (1m) (a) 1m. of the statutes is created to read:

6           49.155 (1m) (a) 1m. If the individual is a minor, but is not subject to the school  
7 attendance requirement under s. 49.26 (1) (ge) and the individual resides with his  
8 or her custodial parent or with a kinship care relative under s. 48.57 (3m) or is in a  
9 foster home or treatment foster home licensed under s. 48.62, a group home or an  
10 independent living arrangement supervised by an adult, obtain a high school  
11 diploma or participate in a course of study meeting the standards established by the  
12 state superintendent of public instruction for the granting of a declaration of  
13 equivalency of high school graduation.

14           **SECTION 1845.** 49.155 (1m) (a) 3. of the statutes is amended to read:

15           49.155 (1m) (a) 3. Work in a Wisconsin works employment position, including  
16 participation in job search, orientation and training activities under s. 49.147 (2) (a)  
17 and in education or training activities under s. 49.147 (3) (am), (4) (am) or (5) (bm).

18           **SECTION 1846.** 49.155 (1m) (a) 4. (intro.) of the statutes is amended to read:

19           49.155 (1m) (a) 4. (intro.) Participate in other employment skills training,  
20 including an English as a 2nd language course, if the Wisconsin works agency  
21 determines that the course would facilitate the individual's efforts to obtain  
22 employment; a course of study meeting the standards established by the ~~secretary~~  
23 ~~of education~~ state superintendent of public instruction under s. 115.29 (4) for the  
24 granting of a declaration of equivalency of high school graduation; a course of study  
25 at a technical college; or participation in educational courses that provide an

**SENATE BILL 77****SECTION 1846**

1 employment skill, as determined by the department. An individual may receive aid  
2 under this subdivision for up to one year. An individual may not receive aid under  
3 this subdivision unless the individual meets at least one of the following conditions:

4 **SECTION 1847.** 49.155 (1m) (b) of the statutes is renumbered 49.155 (1m) (b)  
5 (intro.) and amended to read:

6 49.155 (1m) (b) (intro.) The individual meets the eligibility ~~conditions~~ criteria  
7 under s. all of the following:

8 1. Section 49.145 (2) (c) to, (f) and (g) and,

9 3. Section 49.145 (3) (a), ~~except that an individual may be eligible for a child~~  
10 ~~care subsidy under this section regardless of the number of days the individual has~~  
11 ~~resided in this state prior to applying for the child care subsidy.~~

12 **SECTION 1848.** 49.155 (1m) (b) 2. of the statutes is created to read:

13 49.155 (1m) (b) 2. Section 49.145 (2) (s).

14 **SECTION 1849.** 49.155 (1m) (c) of the statutes is renumbered 49.155 (1m) (c) 1.  
15 and amended to read:

16 49.155 (1m) (c) 1. The gross income of the individual's family is at or below  
17 165% of the poverty line for a family the size of the individual's family or, for an  
18 individual who is already receiving a child care subsidy under this section, the gross  
19 income of the individual's family is at or below 200% of the poverty line for a family  
20 the size of the individual's family. In calculating the gross income of the family, the  
21 Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. to  
22 3.

23 **SECTION 1850.** 49.155 (1m) (c) (intro.) of the statutes is created to read:

24 49.155 (1m) (c) (intro.) Any of the following applies:

25 **SECTION 1851.** 49.155 (1m) (c) 2. of the statutes is created to read:

**SENATE BILL 77****SECTION 1851**

1           49.155 **(1m)** (c) 2. The individual was eligible under s. 49.132 (4) (am) for aid  
2           under s. 49.132 and received aid under s. 49.132 on or after May 10, 1996, but lost  
3           eligibility solely because of increased income, and the gross income of the individual's  
4           family is at or below 200% of the poverty line for a family the size of the individual's  
5           family. This subdivision does not apply to an individual whose family's gross income  
6           increased to more than 200% of the poverty line for a family the size of the  
7           individual's family.

8           **SECTION 1852.** 49.155 (1m) (c) 3. of the statutes is created to read:

9           49.155 **(1m)** (c) 3. The individual was eligible for a child care subsidy under s.  
10          49.191 (2) on or after May 10, 1996, and received a child care subsidy on or after May  
11          10, 1996, but lost the subsidy solely because of increased income, and the gross  
12          income of the individual's family is at or below 200% of the poverty line for a family  
13          the size of the individual's family. This subdivision does not apply to an individual  
14          whose family's gross income increased to more than 200% of the poverty line for a  
15          family the size of the individual's family.

16          **SECTION 1853.** 49.155 (3m) of the statutes is created to read:

17          49.155 **(3m)** DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES AND CERTAIN CHILD  
18          CARE PROVIDERS. (a) The department shall reimburse child care providers or shall  
19          distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care  
20          services provided under this section and to private nonprofit agencies that provide  
21          child care for children of migrant workers.

22          (b) Not more than 5%, or \$20,000, whichever is greater, of the funds distributed  
23          under par. (a) may be used for the costs of administering the program under this  
24          section.

**SENATE BILL 77****SECTION 1853**

1 (c) From the funds distributed under par. (a), a county may provide child care  
2 services itself, purchase child care services from a child care provider, provide  
3 vouchers to an eligible parent for the payment of child care services provided by a  
4 child care provider, reimburse an eligible parent for payments made by the parent  
5 to a child care provider for child care services, adopt, with the approval of the  
6 department, any other arrangement that the county considers appropriate or use  
7 any combination of these methods to provide child care.

8 (d) No funds distributed under par. (a) may be used to provide care for a child  
9 by a person who resides with the child, unless the county determines that the care  
10 is necessary because of a special health condition of the child.

11 **SECTION 1854.** 49.155 (6) (a) of the statutes is amended to read:

12 49.155 (6) (a) ~~The department~~ Subject to review and approval by the  
13 department, each county shall establish the maximum reimbursement rate that a  
14 county ~~department under s. 46.215, 46.22 or 46.23~~ may pay for licensed child care  
15 services provided under this section. ~~The department~~ A county shall set the rate so  
16 that at least 75% of the number of places for children within the licensed capacity of  
17 all child care providers in each that county ~~or in a multicounty area determined by~~  
18 ~~the department~~ can be purchased at or below that maximum rate.

19 **SECTION 1855.** 49.155 (6) (b) of the statutes is amended to read:

20 49.155 (6) (b) ~~The department~~ Subject to review and approval by the  
21 department, each county shall set a maximum reimbursement rate that a county  
22 ~~department under s. 46.215, 46.22 or 46.23~~ may pay for Level I certified family day  
23 care providers for services provided to eligible individuals under this section. The  
24 maximum rate set under this paragraph may not exceed 75% of the rate established  
25 under par. (a).



**SENATE BILL 77****SECTION 1856**

1           **SECTION 1856.** 49.155 (6) (c) of the statutes is amended to read:

2           49.155 (6) (c) ~~The department~~ Subject to review and approval by the  
3 department, each county shall set a maximum reimbursement rate ~~that a county~~  
4 ~~department under s. 46.215, 46.22 or 46.23 may pay for Level II certified family day~~  
5 ~~care providers for services provided to eligible individuals~~ under this section. The  
6 maximum rate set under this paragraph may not exceed 50% of the rate established  
7 under par. (a).

8           **SECTION 1857.** 49.155 (6) (d) of the statutes is amended to read:

9           49.155 (6) (d) The department may promulgate rules to establish a system of  
10 ~~rates for child care programs that exceed the quality of care standards required for~~  
11 ~~licensure under s. 48.65 or for certification under s. 48.651 (1) (a)~~ or a program of  
12 grants that the department will pay to child care providers that meet the higher  
13 quality of care standards established by rules promulgated under sub. (1d) (b). If a  
14 system of rates is established under this paragraph, the rates under that system  
15 shall be higher than the rates established under pars. (a) to (c).

16           **SECTION 1858.** 49.185 (1m) of the statutes is created to read:

17           49.185 (1m) FUNDING. Payments for grants awarded under this section shall  
18 be made from the appropriations under s. 20.445 (3) (em) and (md).

19           **SECTION 1859.** 49.19 (10) (a) of the statutes is amended to read:

20           49.19 (10) (a) Aid under this section may also be granted to a nonrelative who  
21 cares for a child dependent upon the public for proper support in a foster home or  
22 treatment foster home having a license under s. 48.62, in a foster home or treatment  
23 foster home located within the boundaries of a federally recognized American Indian  
24 reservation in this state and licensed by the tribal governing body of the reservation  
25 or in a group home licensed under s. 48.625 or to a minor custodial parent who cares

**SENATE BILL 77****SECTION 1859**

1 for the dependent child, regardless of the cause or prospective period of dependency.  
2 The state shall reimburse counties pursuant to the procedure under s. 46.495 (2) and  
3 the percentage rate of participation set forth in s. 46.495 (1) (d) for aid granted under  
4 this subsection except that if the child does not have legal settlement in the granting  
5 county, state reimbursement shall be at 100%. The county department under s.  
6 46.215 or 46.22 shall determine the legal settlement of the child. A child under one  
7 year of age shall be eligible for aid under this subsection irrespective of any other  
8 residence requirement for eligibility within this section.

9 **SECTION 1860.** 49.19 (10) (d) of the statutes is amended to read:

10 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home  
11 ~~or~~, treatment foster home, ~~to a group home licensed under s. 48.625 or to a~~  
12 child-caring institution by the state when the child is in the custody or guardianship  
13 of the state, when the child is a ward of an American Indian tribal court in this state  
14 and the placement is made under an agreement between the department and the  
15 tribal governing body or when the child was part of the state's direct service case load  
16 and was removed from the home of a relative specified in sub. (1) (a) as a result of  
17 a judicial determination that continuance in the home of a relative would be contrary  
18 to the child's welfare for any reason and the child is placed by the department of  
19 health and family services or the department of corrections.

20 **SECTION 1861.** 49.19 (11) (a) 1. a. (intro.) of the statutes is amended to read:

21 49.19 (11) (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly  
22 payments made under s. 20.445 (3) ~~(d)~~ (dz) and ~~(p)~~ (md) to persons or to families with  
23 dependent children shall be based on family size and shall be at 80% of the total of  
24 the allowances under subs. 2. and 4. plus the following standards of assistance  
25 beginning on September 1, 1987:

**SENATE BILL 77****SECTION 1862**

1           **SECTION 1862.** 49.19 (19m) of the statutes is created to read:

2           49.19 (**19m**) Notwithstanding subs. (1) to (19), no aid may be paid under this  
3 section for a child on whose behalf a payment is made under s. 49.775.

4           **SECTION 1863.** 49.19 (20) (b) of the statutes is repealed and recreated to read:

5           49.19 (**20**) (b) Notwithstanding par. (a):

6           1. If a nonlegally responsible relative is receiving aid under this section on  
7 behalf of a dependent child on the effective date of this subdivision .... [revisor inserts  
8 date], no aid under this section may be paid to the nonlegally responsible relative  
9 after December 31, 1997, or the first reinvestigation under sub. (5) (e) occurring after  
10 the effective date of this subdivision .... [revisor inserts date], whichever is earlier.

11           2. If a nonlegally responsible relative is not receiving aid under this section on  
12 behalf of a dependent child on the effective date of this subdivision .... [revisor inserts  
13 date], no aid may be paid to the nonlegally responsible relative on or after the  
14 effective date of this subdivision .... [revisor inserts date].

15           **SECTION 1864.** 49.191 (1) (b) of the statutes is amended to read:

16           49.191 (**1**) (b) Within the limits of funds available under s. 20.445 (3) ~~(en)~~ (cm),  
17 (dz), (jg), (md) and (na), the department shall provide funds for individuals who are  
18 working and who receive aid to families with dependent children to pay child care  
19 costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and  
20 child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes  
21 available if the child care is provided by a child care provider. This paragraph does  
22 not apply beginning on the first day of the 6th month beginning after the date stated  
23 in the notice under s. 49.141 (2) (d).

24           **SECTION 1865.** 49.193 (1) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1865**

1           49.193 (1) (c) The department shall coordinate the program under this section  
2 with the programs of the department of administration, the department of industry,  
3 labor and job development, the department of commerce, the department of  
4 education public instruction and the technical college system board and with  
5 programs operated under the job training partnership act, 29 USC 1501 to 1791j.

6           **SECTION 1866.** 49.193 (10m) of the statutes is amended to read:

7           49.193 (10m) WORK-FIRST PROGRAM. The department shall select Kenosha  
8 county and additional counties in which to pilot the work-first program under this  
9 subsection. The work-first program shall be conducted as part of the job  
10 opportunities and basic skills program under this section and shall be funded from  
11 s. 20.445 (3) ~~(df)~~ (dz). The work-first program shall seek to increase the amount of  
12 job opportunities and basic skills program services provided to recipients of aid to  
13 families with dependent children and to minimize the time between the date on  
14 which a person in a pilot county first applies for aid to families with dependent  
15 children under s. 49.19 and the date on which the person begins to participate in the  
16 job opportunities and basic skills program under this section.

17           **SECTION 1867.** 49.195 (1) of the statutes is amended to read:

18           49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit  
19 under s. 49.132, 49.148, 49.153, 49.155 or 49.157 or at any time thereafter acquires  
20 property by gift, inheritance, sale of assets, court judgment or settlement of any  
21 damage claim, or by winning a lottery or prize, the county granting such aid, or the  
22 Wisconsin works agency granting such a benefit, may sue the parent on behalf of the  
23 department to recover the value of that portion of the aid or of the benefit which does  
24 not exceed the amount of the property so acquired. The value of the aid or benefit  
25 liable for recovery under this section may not include the value of work performed

**SENATE BILL 77****SECTION 1867**

1 by a member of the family in a community work experience program under s. 46.215  
2 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or  
3 in a community work experience component under s. 49.193 (6). During the life of  
4 the parent, the 10-year statute of limitations may be pleaded in defense against any  
5 suit for recovery under this section; and if such property is his or her homestead it  
6 shall be exempt from execution on the judgment of recovery until his or her death or  
7 sale of the property, whichever occurs first. Notwithstanding the foregoing  
8 restrictions and limitations, where the aid or benefit recipient is deceased a claim  
9 may be filed against any property in his or her estate and the statute of limitations  
10 specified in s. 859.02 shall be exclusively applicable. The court may refuse to render  
11 judgment or allow the claim in any case where a parent, spouse or child is dependent  
12 on the property for support, and the court in rendering judgment shall take into  
13 account the current family budget requirement as fixed by the U.S. department of  
14 labor for the community or as fixed by the authorities of the community in charge of  
15 public assistance. The records of aid or benefits paid kept by the county, by the  
16 department or by the Wisconsin works agency are prima facie evidence of the value  
17 of the aid or benefits furnished. Liability under this section shall extend to any  
18 parent or stepparent whose family receives aid under s. 49.19 or benefits under s.  
19 49.132, 49.148, 49.155 or 49.157 during the period that he or she is a member of the  
20 same household, but his or her liability is limited to such period. This section does  
21 not apply to medical and health assistance payments for which recovery is prohibited  
22 or restricted by federal law or regulation.

23 **SECTION 1868.** 49.195 (3) of the statutes is amended to read:

24 49.195 (3) Notwithstanding s. 49.96, the department shall promptly recover all  
25 overpayments made under s. ~~49.19~~ 49.132, 49.148, 49.153, 49.155 ~~or~~, 49.157 or 49.19

**SENATE BILL 77****SECTION 1868**

1 and shall promulgate rules establishing policies and procedures to administer this  
2 subsection. Any county, governing body of a federally recognized American Indian  
3 tribe or Wisconsin works agency may retain 15% of benefits distributed under s.  
4 49.132 or 49.155 that are recovered due to the efforts of an employe or officer of the  
5 county, tribe or W-2 agency, unless the benefits were provided as a result of state,  
6 county, tribal governing body or Wisconsin works agency error.

7 **SECTION 1869.** 49.195 (4) of the statutes is amended to read:

8 49.195 (4) Any county ~~or~~, governing body of a federally recognized American  
9 Indian tribe or Wisconsin works agency may retain 15% of benefits distributed under  
10 s. 49.19 that are recovered due to the efforts of an employe or officer of the county ~~or~~,  
11 tribe or Wisconsin works agency. This subsection does not apply to recovery of  
12 benefits that were provided as a result of state, county ~~or~~, tribal governing body or  
13 Wisconsin works agency error.

14 **SECTION 1870.** 49.195 (5) of the statutes is created to read:

15 49.195 (5) Any Wisconsin works agency may retain 15% of benefits distributed  
16 under s. 49.148, 49.153, 49.155 or 49.157 that are recovered due to the efforts of an  
17 employe or officer of the Wisconsin works agency. This subsection does not apply to  
18 recovery of benefits that were provided as a result of error on the part of the  
19 Wisconsin works agency.

20 **SECTION 1871.** 49.197 (1m) of the statutes is amended to read:

21 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)  
22 ~~(de)~~ (dz), (L), (md), (n) and (nL), the department shall establish a program to  
23 investigate suspected fraudulent activity on the part of recipients of medical  
24 assistance under subch. IV, aid to families with dependent children under s. 49.19  
25 and the food stamp program under 7 USC 2011 to ~~2029~~ 2036 and on the part of

**SENATE BILL 77****SECTION 1871**

1 participants in the Wisconsin works program under ss. 49.141 to 49.161. The  
2 department's activities under this subsection may include, but are not limited to,  
3 comparisons of information provided to the department by an applicant and  
4 information provided by the applicant to other federal, state and local agencies,  
5 development of an advisory welfare investigation prosecution standard and  
6 provision of funds to county departments under ss. 46.215, 46.22 and 46.23 and to  
7 Wisconsin works agencies to encourage activities to detect fraud. The department  
8 shall cooperate with district attorneys regarding fraud prosecutions.

9 **SECTION 1872.** 49.197 (4) of the statutes is amended to read:

10 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide  
11 funds from the appropriations under s. 20.445 (3) ~~(de)~~ (dz), (L) and (Lm) and federal  
12 matching funds from the appropriations under s. 20.445 (3) (md), (n) and (nL) to  
13 counties and governing bodies of federally recognized American Indian tribes  
14 administering medical assistance under subch. IV, aid to families with dependent  
15 children under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset  
16 administrative costs of reducing payment errors in those programs.

17 **SECTION 1873.** 49.20 of the statutes is repealed.

18 **SECTION 1874.** 49.22 (2m) of the statutes is renumbered 49.22 (2m) (a) and  
19 amended to read:

20 49.22 (2m) (a) The department may request from any person in this state any  
21 information it determines appropriate and necessary for the administration of this  
22 section, ss. 49.145, 49.19, 49.46, 49.468 and 49.47 and programs carrying out the  
23 purposes of 7 USC 2011 to 2029. Any person in this state Unless access to the  
24 information is prohibited or restricted by law, the person shall provide this  
25 information within 7 days after receiving a request under this subsection paragraph.

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1 Except as provided in sub. (2p) and subject to sub. (12), the department or the county  
2 child and spousal support agency under s. 59.53 (5) may disclose information  
3 obtained under this ~~subsection~~ paragraph only in the administration of this section,  
4 ss. 49.145, 49.19, 49.46 and 49.47 and programs carrying out the purposes of 7 USC  
5 2011 to 2029.

6 **SECTION 1875.** 49.22 (2m) (b) of the statutes is created to read:

7 49.22 **(2m)** (b) The department or county child support agency under s. 59.53  
8 (5) may issue a subpoena to compel the production of financial information and other  
9 documentary evidence in the administration of this section, ss. 49.145, 49.19, 49.46  
10 and 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029.

11 **SECTION 1876.** 49.22 (2m) (c) of the statutes is created to read:

12 49.22 **(2m)** (c) A person is not liable to any person for any of the following:

13 1. Allowing access to financial or other records by the department or a county  
14 child support agency under s. 59.53 (5) in response to a request under par. (a).

15 2. Disclosing information from financial or other records to the department or  
16 a county child support agency under s. 59.53 (5) in response to a request under par.  
17 (a).

18 3. Any other action taken in good faith to comply with this section or to comply  
19 with a request for information or access to records from the department or a county  
20 child support agency under s. 59.53 (5) in the administration of this section, ss.  
21 49.145, 49.19, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011  
22 to 2029.

23 **SECTION 1877.** 49.22 (2m) (d) of the statutes is created to read:

24 49.22 **(2m)** (d) Any person who fails to respond to or comply with a request  
25 under par. (a) by the department or a county child support agency under s. 59.53 (5)



**SENATE BILL 77****SECTION 1877**

1 may be required to pay a forfeiture in an amount determined by the department by  
2 rule.

3 **SECTION 1878.** 49.22 (2p) of the statutes is amended to read:

4 49.22 (2p) The Except as provided in sub. (12), the department or a county child  
5 ~~and spousal~~ support agency under s. 59.53 (5) may disclose to a parent with legal  
6 custody of a child, upon the parent's request, the last-known address, and the name  
7 and address of the last-known employer, of the child's other parent if that other  
8 parent owes a support obligation to the child and is in arrears in the payment of the  
9 support.

10 **SECTION 1879.** 49.22 (7) of the statutes is amended to read:

11 49.22 (7) The department may represent the state in any action to establish  
12 paternity or to establish or enforce a support or maintenance obligation. The  
13 department may delegate its authority to represent the state in any action to  
14 establish paternity or to establish or enforce a support or maintenance obligation  
15 under this section to an attorney responsible for support enforcement under s. 59.53  
16 (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall  
17 ensure that any such contract is for an amount reasonable and necessary to assure  
18 quality service. The department may, by such a contract, authorize a county to  
19 contract with any attorney, collection agency or other person to collect unpaid child  
20 support or maintenance. If a county fails to fully implement the programs under s.  
21 59.53 (5), the department may implement them and may contract with any  
22 appropriate person to obtain necessary services. The department shall establish a  
23 formula for disbursing funds appropriated under s. 20.445 (3) (~~p~~) (md) to carry out  
24 a contract under this subsection.

25 **SECTION 1880.** 49.22 (7g) of the statutes is created to read:

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1           49.22 (7g) The department shall provide all of the following:

2           (a) Training to hospital staff members concerning the form that is prescribed  
3 by the state registrar under s. 69.15 (3) (b) 3. and concerning the significance and  
4 benefits of establishing paternity.

5           (b) The written information that is required to be provided to parents under s.  
6 69.14 (1) (cm).

7           **SECTION 1881.** 49.22 (12) of the statutes is created to read:

8           49.22 (12) The department or a county child and spousal support agency may  
9 not release information to a person about the whereabouts of a person who is  
10 receiving services under this section if any of the following applies:

11           (a) The person seeking the information is subject to a temporary restraining  
12 order or injunction under s. 813.12, 813.122, 813.123, 813.125 or 813.127 with  
13 respect to the person who is receiving services under this section; and the  
14 department or county child and spousal support agency has notice of the temporary  
15 restraining order or injunction.

16           (b) The department or county child and spousal support agency has reason to  
17 believe that releasing the information may result in physical or emotional harm to  
18 the person who is receiving services under this section.

19           **SECTION 1882.** 49.225 of the statutes is created to read:

20           **49.225 Ordering genetic tests. (1)** In this section, “genetic test” has the  
21 meaning given in s. 767.001 (1m).

22           **(2)** (a) A county child support agency under s. 59.53 (5) may require, by  
23 subpoena or otherwise, a child, the child’s mother and a male alleged, or alleging  
24 himself, to be the child’s father to submit to genetic tests if there is probable cause  
25 to believe that the male had sexual intercourse with the child’s mother during a

**SENATE BILL 77****SECTION 1882**

1 possible time of the child's conception. Probable cause of sexual intercourse during  
2 a possible time of conception may be established by a sufficient affidavit of the child's  
3 mother or the male alleged, or alleging himself, to be the child's father.

4 (b) If there is only one male alleged, or alleging himself, to be the father and  
5 one or more persons required to submit to genetic tests under par. (a) fail to appear  
6 for the scheduled tests, the county child support agency under s. 59.53 (5) shall bring  
7 an action under s. 767.45 for determining the paternity of the child.

8 (3) The fees and costs for genetic tests performed on any person required to  
9 submit to the tests under sub.(2) (a) shall be paid for by the county except as follows:

10 (a) The county may seek reimbursement from either the mother or male  
11 alleged, or alleging himself, to be the father, or from both, if the test results show that  
12 the male is not excluded as the father and that the statistical probability of the male's  
13 parentage is 99.0% or higher.

14 (b) If 2 or more identical series of genetic tests are performed upon the same  
15 person, the county child support agency under s. 59.53 (5) shall require the person  
16 requesting the 2nd or subsequent series of tests to pay for the tests in advance. If  
17 the person requesting the 2nd or subsequent series of tests is indigent, the county  
18 shall pay for the tests and may seek reimbursement from the person.

19 **SECTION 1883.** 49.25 (3) (a) 8. of the statutes is amended to read:

20 49.25 (3) (a) 8. A man who has been adjudicated or who has acknowledged  
21 himself to be the father of a child of a woman subject to the program under this  
22 section under subd. 1., 2. or 3., if the man is living with the woman.

23 **SECTION 1884.** 49.26 (1) (a) 2. d. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1884**

1           49.26 (1) (a) 2. d. A course of study meeting the standards established by the  
2 ~~secretary of education~~ state superintendent of public instruction under s. 115.29 (4)  
3 for the granting of a declaration of equivalency of high school graduation.

4           **SECTION 1885.** 49.26 (1) (d) of the statutes is amended to read:

5           49.26 (1) (d) A county department that provides services under this subsection  
6 directly shall develop a plan, in coordination with the school districts located in  
7 whole or in part in the county, describing the assistance that the county department  
8 and school districts will provide to individuals receiving services under this  
9 subsection, the number of individuals that will be served and the estimated cost of  
10 the services. The county department shall submit the plan to the department of  
11 industry, labor and job development and the department of ~~education~~ public  
12 instruction by August 15, annually.

13           **SECTION 1886.** 49.26 (1) (e) of the statutes is amended to read:

14           49.26 (1) (e) For an individual who is a recipient of aid under s. 49.19, or whose  
15 custodial parent is a participant under s. 49.147 (3) to (5), who is the parent with  
16 whom a dependent child lives and who is ~~either~~ subject to the school attendance  
17 requirement under par. (g) ~~or is under 20 years of age and wants to attend school,~~  
18 the department shall make a monthly payment to the individual or the child care  
19 provider for the month's child care costs in an amount based on need with the  
20 maximum amount per child equal to the lesser of the actual cost of the care or the  
21 rate established under s. 49.155 (6) if the individual demonstrates the need to  
22 purchase child care services in order to attend school and those services are available  
23 from a child care provider.

24           **SECTION 1887.** 49.26 (1) (g) 1. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1887**

1           49.26 (1) (g) 1. Before the first day of the fall 1994 school term, as defined in  
2 s. 115.001 (12), the individual is 13 to ~~19~~ 17 years of age. Beginning on the first day  
3 of the fall 1997 school term, as defined in s. 115.001 (12), the individual is 6 to ~~19~~ 17  
4 years of age.

5           **SECTION 1888.** 49.26 (1) (h) 1m. (intro.) of the statutes is amended to read:

6           49.26 (1) (h) 1m. (intro.) An individual who is 13 to ~~19~~ 17 years of age and who  
7 fails to meet the school attendance requirement under par. (g) is subject to sanctions  
8 as provided under subd. 1s. only if all of the following apply:

9           **SECTION 1889.** 49.26 (2) (b) of the statutes is amended to read:

10           49.26 (2) (b) From the ~~appropriation~~ appropriations under s. 20.445 (3) ~~(dg)~~ (dz)  
11 and (md), the department shall allocate funds to county departments for the  
12 provision of case management services to individuals who are subject to the school  
13 attendance requirement under the learnfare program under sub. (1) and their  
14 families to improve the school attendance and achievement of those individuals. At  
15 least 75% of the funds that the department allocates under this paragraph to provide  
16 case management services to individuals who are 13 to ~~19~~ 17 years of age shall be  
17 allocated to a county department of a county with a population of 500,000 or more.  
18 A county department is eligible to receive funds under this subsection to provide case  
19 management services to individuals who are 13 to ~~19~~ 17 years of age in a year if 35  
20 or more individuals, 13 to ~~19~~ 17 years of age, residing in the county were sanctioned  
21 under sub. (1) (h) or were subject to the monthly attendance requirement under s.  
22 HSS 201.195 (4) (b) 2., Wis. adm. code, in any month during the previous year.

23           **SECTION 1890.** 49.27 (5) (e) 5. of the statutes is amended to read:

24           49.27 (5) (e) 5. A person in need of a high school diploma shall be assigned to  
25 a course of study meeting the standards established by the ~~secretary of education~~

**SENATE BILL 77****SECTION 1890**

1 state superintendent of public instruction for the granting of a declaration of  
2 equivalency of high school graduation unless the person demonstrates a basic  
3 literacy level or the employability plan for the individual identifies a long-term  
4 employment goal that does not require a high school diploma or a declaration of  
5 equivalency.

6 **SECTION 1891.** 49.27 (8) of the statutes is repealed.

7 **SECTION 1892.** 49.27 (11) (i) of the statutes is amended to read:

8 49.27 (11) (i) Provide transitional child care services under sub. (6), and shelter  
9 payments under sub. (7) ~~and transitional medical assistance coverage under sub. (8).~~

10 **SECTION 1893.** 49.30 (2) of the statutes is amended to read:

11 49.30 (2) ~~The state~~ From the appropriation under s. 20.445 (3) (dz), the  
12 department shall reimburse a county or applicable tribal governing body or  
13 organization for any amount that the county or applicable tribal governing body or  
14 organization is required to pay under sub. (1). ~~The state~~ From the appropriation  
15 under s. 20.445 (3) (dz), the department shall reimburse a county or applicable tribal  
16 governing body or organization for cemetery expenses or for funeral and burial  
17 expenses for persons described under sub. (1) that the county or applicable tribal  
18 governing body or organization is not required to pay under subs. (1) and (1m) only  
19 if the department approves the reimbursement due to unusual circumstances.

20 **SECTION 1894.** 49.32 (8) of the statutes is amended to read:

21 49.32 (8) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make  
22 a periodic check of the amounts earned by recipients of aid to families with dependent  
23 children under s. 49.19 and by participants under Wisconsin works under ss. 49.141  
24 to 49.161 through a check of the amounts credited to the recipient's social security  
25 number. The department shall make an investigation into any discrepancy between

**SENATE BILL 77****SECTION 1894**

1 the amounts credited to a social security number and amounts reported as income  
2 on the declaration application and take appropriate action under s. 49.95 when  
3 warranted. The department shall use the state wage reporting system under 1985  
4 Wisconsin Act 17, section 65 (1), when the system is implemented, to make periodic  
5 earnings checks.

6 **SECTION 1895.** 49.32 (9) (a) of the statutes is amended to read:

7 49.32 (9) (a) Each county department under s. 46.215, 46.22 or 46.23  
8 administering aid to families with dependent children shall maintain a monthly  
9 report at its office showing the names of all persons receiving such aid to families  
10 with dependent children together with the amount paid during the preceding month.  
11 Each Wisconsin works agency administering Wisconsin works under ss. 49.141 to  
12 49.161 shall maintain a monthly report at its office showing the names and addresses  
13 of all persons receiving benefits under s. 49.148 together with the amount paid  
14 during the preceding month. Nothing in this paragraph shall be construed to  
15 authorize or require the disclosure in the report of any information (names, amounts  
16 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children  
17 in foster homes or treatment foster homes under s. ~~42.261~~ 46.261 or 49.19 (10).

18 **SECTION 1896.** 49.32 (9) (b) of the statutes is amended to read:

19 49.32 (9) (b) The report under par. (a) shall be open to public inspection at all  
20 times during regular office hours and may be destroyed after the next succeeding  
21 report becomes available. Any person except any public officer, seeking permission  
22 to inspect such report shall be required to prove his or her identity and to sign a  
23 statement setting forth his or her address and the reasons for making the request  
24 and indicating that he or she understands the provisions of par. (c) with respect to  
25 the use of the information obtained. The use of a fictitious name is a violation of this

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1 section. ~~or Wisconsin works agency~~ Within 7 days after the record is inspected, or  
2 on the next regularly scheduled communication with that person, whichever is  
3 sooner, the county department or Wisconsin works agency shall notify each person  
4 whose name and amount of aid was inspected that the record was inspected and of  
5 the name and address of the person making such inspection. County departments  
6 under ss. 46.215 ~~and~~, 46.22 ~~and~~ 46.23 administering aid to families with dependent  
7 children ~~and Wisconsin works agencies administering Wisconsin works under ss.~~  
8 49.141 to 49.161 may withhold the right to inspect the name of and amount paid to  
9 recipients from private individuals who are not inspecting this information for  
10 purposes related to public, educational, organizational, governmental or research  
11 purposes until the person whose record is to be inspected is notified by the county  
12 department ~~or Wisconsin works agency~~, but in no case may the county department  
13 ~~or Wisconsin works agency~~ withhold this information for more than 5 working days.  
14 The county department or Wisconsin works agency shall keep a record of such  
15 requests. The record shall indicate the name, address, employer and telephone  
16 number of the person making the request. If the person refuses to provide his or her  
17 name, address, employer and telephone number, the request to inspect this  
18 information may be denied.

19 **SECTION 1897.** 49.32 (10) (a) (intro.) of the statutes is amended to read:

20 49.32 (10) (a) (intro.) Each county department under s. 46.215 ~~or~~, 46.22 ~~or~~ 46.23  
21 may release the current address of a recipient of food stamps or of aid under s. 49.19,  
22 and each Wisconsin works agency may release the current address of a recipient of  
23 food stamps or of a participant in Wisconsin works under ss. 49.141 to 49.161, to a  
24 law enforcement officer if the officer meets all of the following conditions:

25 **SECTION 1898.** 49.32 (10) (a) 1. of the statutes is amended to read:



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1           49.32 (10) (a) 1. The officer provides, in writing, the name and social security  
2           number of the recipient or participant.

3           **SECTION 1899.** 49.32 (10) (a) 2. a. of the statutes is amended to read:

4           49.32 (10) (a) 2. a. That the recipient or participant is a fugitive felon under 42  
5           USC ~~602~~ 608 (a) (9), is violating a condition of probation, parole or community  
6           supervision imposed under state or federal law or has information that is necessary  
7           for the officer to conduct the official duties of the officer.

8           **SECTION 1900.** 49.32 (10) (a) 2. b. of the statutes is amended to read:

9           49.32 (10) (a) 2. b. That the location or apprehension of the felon recipient or  
10          participant under subd. 2. a. is within the official duties of the officer.

11          **SECTION 1901.** 49.33 (2) of the statutes is amended to read:

12          49.33 (2) CONTRACTS. County departments under ss. 46.215, 46.22 and 46.23  
13          shall annually enter into a contract with the department detailing the reasonable  
14          cost of administering the income maintenance programs and the food stamp program  
15          under 7 USC 2011 to 2029 when so appointed by the department. Contracts created  
16          under this section control the distribution of payments under s. 20.445 (3) ~~(de)~~ (dz),  
17          (md) and (nL) in accordance with the reimbursement method established under sub.  
18          (8). The department may reduce its payment to any county under s. 20.445 (3) ~~(de)~~  
19          (dz), (md) and (nL) if federal reimbursement is withheld due to audits, quality control  
20          samples or program reviews.

21          **SECTION 1902.** 49.33 (8) (a) of the statutes is amended to read:

22          49.33 (8) (a) The department shall reimburse each county for reasonable costs  
23          of income maintenance relating to the administration of the programs under this  
24          subchapter and subch. IV according to a formula based on workload within the limits  
25          of available state and federal funds under s. 20.445 (3) ~~(de)~~, (dz), (md) and (nL) by

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1 contract under s. 49.33 (2). The amount of reimbursement calculated under this  
2 paragraph and par. (b) is in addition to any reimbursement provided to a county for  
3 fraud and error reduction under s. 49.197 (1m) and (4).

4 **SECTION 1903.** 49.33 (9) of the statutes is amended to read:

5 49.33 (9) REIMBURSEMENT FOR INCOME MAINTENANCE BENEFITS. The department  
6 shall reimburse each county from the appropriations under s. 20.445 (3) ~~(d)~~ (dz) and  
7 ~~(p)~~ (md) for 100% of the cost of aid to families with dependent children granted under  
8 s. 49.19 and for funeral expenses paid for recipients of aid under s. 49.30.

9 **SECTION 1904.** 49.36 (2) of the statutes is amended to read:

10 49.36 (2) The department may contract with any county or with a Wisconsin  
11 works agency to administer a work experience and job ~~training~~ search program for  
12 parents who are not custodial parents and who fail to pay child support or to meet  
13 their children's needs for support as a result of unemployment or underemployment.  
14 The program may provide the kinds of work experience and ~~job training~~ services  
15 available from the program under s. 49.193 or 49.147 ~~(3)~~ ~~or~~ (4). The program may  
16 also include job search and ~~job orientation~~ activities. The department shall fund the  
17 program from the appropriation under s. 20.445 (3) ~~(df)~~ (dz).

18 **SECTION 1905.** 49.45 (2) (a) 3. of the statutes is amended to read:

19 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,  
20 rehabilitative and social services under ss. 49.46, 49.468 and 49.47 and rules and  
21 policies adopted by the department and may designate this function to the county  
22 department under s. 46.215 ~~or~~, 46.22 or 46.23 or to a Wisconsin works agency.

23 **SECTION 1906.** 49.45 (2) (a) 5. of the statutes is amended to read:

**SENATE BILL 77****SECTION 1906**

1           49.45 (2) (a) 5. Cooperate with the division for learning support, equity and  
2 advocacy in the department of ~~education~~ public instruction to carry out the  
3 provisions of Title XIX.

4           **SECTION 1907.** 49.45 (2) (a) 11. of the statutes is amended to read:

5           49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of  
6 services under Title XIX of the social security act and, except as provided in s. 49.48,  
7 certify such eligible providers.

8           **SECTION 1908.** 49.45 (2) (a) 12. of the statutes is amended to read:

9           49.45 (2) (a) 12. Decertify or suspend under this subdivision a provider from  
10 the medical assistance program, if after giving reasonable notice and opportunity for  
11 hearing, the department finds that the provider has violated federal or state law or  
12 administrative rule and such violations are by law, regulation or rule grounds for  
13 decertification or suspension. No payment may be made under the medical  
14 assistance program with respect to any service or item furnished by the provider  
15 subsequent to decertification or during the period of suspension.

16           **SECTION 1909.** 49.45 (2) (a) 17. of the statutes is amended to read:

17           49.45 (2) (a) 17. Notify the governor, the joint committee on legislative  
18 organization, the joint committee on finance and appropriate standing committees,  
19 as determined by the presiding officer of each house, if the appropriation under s.  
20 20.435 (1) (5) (b) is insufficient to provide the state share of medical assistance.

21           **SECTION 1910.** 49.45 (3) (ag) of the statutes is created to read:

22           49.45 (3) (ag) Reimbursement shall be made to each entity contracted with  
23 under s. 46.271 (2m) for assessments completed under s. 46.271 (2m) (a) 2.

24           **SECTION 1911.** 49.45 (5) of the statutes is renumbered 49.45 (5) (a) and  
25 amended to read:

**SENATE BILL 77****SECTION 1911**

1           49.45 (5) (a) Any person whose application for medical assistance is denied or  
2 is not acted upon promptly or who believes that the payments made in the person's  
3 behalf have not been properly determined or that his or her eligibility has not been  
4 properly determined may file an appeal with the department pursuant to s. 49.21 (1)  
5 par. (b). Review is unavailable if the decision or failure to act arose more than 45 days  
6 before submission of the petition for a hearing.

7           **SECTION 1912.** 49.45 (5) (b) of the statutes is created to read:

8           49.45 (5) (b) 1. Upon receipt of a timely petition under par. (a) the department  
9 shall give the applicant or recipient reasonable notice and opportunity for a fair  
10 hearing. The department may make such additional investigation as it considers  
11 necessary. Notice of the hearing shall be given to the applicant or recipient and to  
12 the county clerk or Wisconsin works agency. The county or Wisconsin works agency  
13 may be represented at such hearing. The department shall render its decision as  
14 soon as possible after the hearing and shall send a certified copy of its decision to the  
15 applicant or recipient, the county clerk and to the county officer or Wisconsin works  
16 agency charged with administration of the medical assistance program. The decision  
17 of the department shall have the same effect as an order of the county officer or  
18 Wisconsin works agency charged with the administration of the medical assistance  
19 program. The decision shall be final, but may be revoked or modified as altered  
20 conditions may require. The department shall deny a petition for a hearing or shall  
21 refuse to grant relief if:

22           a. The petitioner withdraws the petition in writing.

23           b. The sole issue in the petition concerns an automatic payment adjustment or  
24 change that affects an entire class of recipients and is the result of a change in state  
25 or federal law.

**SENATE BILL 77****SECTION 1912**

1 c. The petitioner abandons the petition. Abandonment occurs if the petitioner  
2 fails to appear in person or by representative at a scheduled hearing without good  
3 cause, as determined by the department.

4 2. If a recipient requests a hearing within the timely notice period specified in  
5 42 CFR 431.231 (c), medical assistance coverage shall not be suspended, reduced or  
6 discontinued until a decision is rendered after the hearing but medical assistance  
7 payments made pending the hearing decision may be recovered by the department  
8 if the contested decision or failure to act is upheld. The department shall promptly  
9 notify the county department or Wisconsin works agency of the county in which the  
10 recipient resides that the recipient has requested a hearing. Medical assistance  
11 coverage shall be suspended, reduced or discontinued if:

12 a. The recipient is contesting a state or federal law or a change in state or  
13 federal law and not the determination of the payment made on the recipient's behalf.

14 b. The recipient is notified of a change in his or her medical assistance coverage  
15 while the hearing decision is pending but the recipient fails to request a hearing on  
16 the change.

17 3. The recipient shall be promptly informed in writing if medical assistance is  
18 to be suspended, reduced or terminated pending the hearing decision.

19 **SECTION 1913.** 49.45 (5m) (a) of the statutes is amended to read:

20 49.45 (5m) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
21 20.435 (1) (5) (b) and (o) the department shall distribute not more than \$2,256,000  
22 in each fiscal year, to provide supplemental funds to rural hospitals that, as  
23 determined by the department, have high utilization of inpatient services by  
24 patients whose care is provided from governmental sources, except that the

**SENATE BILL 77****SECTION 1913**

1 department may not distribute funds to a rural hospital to the extent that the  
2 distribution would exceed any limitation under 42 USC 1396b (i) (3).

3 **SECTION 1914.** 49.45 (6b) (b) of the statutes is amended to read:

4 49.45 (6b) (b) Beginning in fiscal year ~~1995-96~~ 1997-98, for relocations from  
5 the northern Wisconsin center for the developmentally disabled, by ~~\$199~~ \$174 per  
6 day.

7 **SECTION 1915.** 49.45 (6b) (c) of the statutes is amended to read:

8 49.45 (6b) (c) Beginning in fiscal year ~~1995-96~~ 1997-98, for relocations from  
9 the southern Wisconsin center for the developmentally disabled, by ~~\$149~~ \$174 per  
10 day.

11 **SECTION 1916.** 49.45 (6c) (c) (intro.) of the statutes is amended to read:

12 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), ~~by April~~  
13 ~~1, 1990, and at least annually thereafter,~~ the department or an entity to which the  
14 department has delegated authority shall review every resident of a facility or  
15 institution for mental diseases who has a developmental disability or mental illness  
16 and who has experienced a significant change in his or her physical or mental  
17 condition to determine if any of the following applies:

18 **SECTION 1917.** 49.45 (6m) (a) 3. of the statutes is amended to read:

19 49.45 (6m) (a) 3. "Facility" means a nursing home as defined under s. 50.01 (3)  
20 or a community-based residential facility that is licensed under s. 50.03 and that is  
21 certified by the department as a provider of medical assistance.

22 **SECTION 1918.** 49.45 (6m) (a) 5. of the statutes is created to read:

23 49.45 (6m) (a) 5. "Nursing home" has the meaning given under s. 50.01 (3).

24 **SECTION 1919.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1919**

1           49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this  
2 subsection made under s. 20.435 (1) ~~(b), (c) or (p)~~ or (5) (b) or (o) shall, except as  
3 provided in pars. (bg), (bm) and (br), be determined according to a prospective  
4 payment system updated annually by the department. The payment system shall  
5 implement standards which are reasonable and adequate to meet the costs which  
6 must be incurred by efficiently and economically operated facilities in order to  
7 provide care in conformity with this section, with federal regulations authorized  
8 under 42 USC 1396a (a) (13) (A), 1396a (a) (30), 1396b (i) (3), 1396L and 1396r (e)  
9 and with quality and safety standards established under subch. II of ch. 50 and ch.  
10 150. In administering this payment system, the department shall allow costs it  
11 determines are necessary and proper for providing patient care. The payment  
12 system shall reflect all of the following:

13           **SECTION 1920.** 49.45 (6m) (ag) 3m. of the statutes is amended to read:

14           49.45 (6m) (ag) 3m. For state fiscal year ~~1995-96~~ 1997-98, rates that shall be  
15 set by the department based on information from cost reports for the ~~1994~~ 1996 fiscal  
16 year of the facility and for state fiscal year ~~1996-97~~ 1998-99, rates that shall be set  
17 by the department based on information from cost reports for the ~~1995~~ 1997 fiscal  
18 year of the facility.

19           **SECTION 1921.** 49.45 (6m) (ag) 8. of the statutes is amended to read:

20           49.45 (6m) (ag) 8. Calculation of total payments and supplementary payments  
21 to facilities that permits an aggregate increase in funds allocated under s. 20.435 ~~(1)~~  
22 (5) (b) and (o) for nursing home care provided medical assistance recipients,  
23 including an increase resulting in adjustment of facility base rates and percentage  
24 increases over facility base rates, over that paid for services provided in state fiscal  
25 year ~~1994-95~~ 1996-97 of no more than ~~4.25%~~ 6.1% or \$50,975,000, whichever is less,

**SENATE BILL 77****SECTION 1921**

1 during state fiscal year ~~1995-96~~ and 1997-98; and calculation of total payments and  
2 supplementary payments to facilities that permits an aggregate increase in funds  
3 allocated under s. 20.435 (5) (b) and (o) for nursing home care provided medical  
4 assistance recipients, including a percentage increase over facility base rates, over  
5 that paid for services provided in state fiscal year ~~1995-96~~ 1997-98 of no more than  
6 3.5% or \$30,322,500, whichever is less, during state fiscal year 1996-97, excluding  
7 1998-99. Calculation of total payments and supplementary payments under this  
8 subdivision excludes increases in total payments attributable to increases in  
9 recipient utilization of facility care, payments for the provision of active treatment  
10 to facility residents with developmental disability or chronic mental illness and  
11 payments for preadmission screening of facility applicants and annual reviews of  
12 facility residents required under 42 USC 1396r (e).

13 **SECTION 1922.** 49.45 (6m) (ap) of the statutes is created to read:

14 49.45 **(6m)** (ap) If the bed occupancy of a nursing home is below the minimum  
15 patient day occupancy standards that are established by the department under par.  
16 (ar) (intro.), the department may approve a request by the nursing home to delicense  
17 any of the nursing home's licensed beds. If the department approves the nursing  
18 home's request, all of the following apply:

19 1. The department shall delicense the number of beds in accordance with the  
20 nursing home's request.

21 2. The department may not include the number of beds of the nursing home  
22 that the department delicens under this paragraph in determining the costs per  
23 patient day under the minimum patient day occupancy standards under par. (ar).

24 3. The nursing home may not use or sell a bed that is delicensed under this  
25 paragraph.



**SENATE BILL 77****SECTION 1922**

1           4. Every 12 months following the delicensure of a bed under this paragraph,  
2           for which a nursing home has not resumed licensure under subd. 5., the department  
3           shall reduce the licensed bed capacity of the nursing home by 10% of all of the nursing  
4           home's beds that remain delicensed under this paragraph or by 25% of one bed,  
5           whichever is greater. The department shall reduce the statewide maximum number  
6           of licensed nursing home beds under s. 150.31 (1) (intro.) by the number or portion  
7           of a number of beds by which the nursing home's licensed bed capacity is reduced  
8           under this subdivision.

9           5. A nursing home retains the right to resume licensure of a bed of the nursing  
10          home that was delicensed under this paragraph unless the licensed bed capacity of  
11          the nursing home has been reduced by that bed under subd. 4. The nursing home  
12          may not resume licensure of a fraction of a bed. The nursing home may resume  
13          licensure 18 months after the nursing home notifies the department in writing that  
14          the nursing home intends to resume the licensure. If a nursing home resumes  
15          licensure of a bed under this subdivision, subd. 2 does not apply with respect to that  
16          bed.

17          **SECTION 1923.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

18          49.45 **(6m)** (ar) 1. a. The department shall establish standards for payment of  
19          allowable direct care costs, for facilities that do not primarily serve the  
20          developmentally disabled, that are at least 110% of not less than the median for  
21          direct care costs for a sample of all of those facilities that do not primarily serve the  
22          developmentally disabled in this state and separate standards for payment of  
23          allowable direct care costs, for facilities that primarily serve the developmentally  
24          disabled, that are at least 110% of not less than the median for direct care costs for  
25          a sample of all of those facilities primarily serving the developmentally disabled in

**SENATE BILL 77****SECTION 1923**

1 this state. The standards shall be adjusted by the department for regional labor cost  
2 variations. ~~The department may decrease the percentage established for the~~  
3 ~~standards only if amounts available under par. (ag) (intro.) are insufficient to provide~~  
4 ~~total payment under par. (am), less capital costs under subd. 6.~~

5 **SECTION 1924.** 49.45 (6m) (br) 1. of the statutes is amended to read:

6 49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(1)~~ (5) (bt) or (bu)  
7 or (7) (b) or 20.445 (3) ~~(de)~~ (dz), the department shall reduce allocations of funds to  
8 counties in the amount of the disallowance from the ~~appropriations~~ appropriation  
9 account under s. ~~20.410 (3) (cd)~~ ~~or~~ 20.435 ~~(1)~~ (5) (bt) or (bu) or (7) (b), or the  
10 department shall direct the department of industry, labor and job development to  
11 reduce allocations of funds to counties or Wisconsin works agencies in the amount  
12 of the disallowance from the appropriation account under s. 20.445 (3) ~~(de)~~ ~~or~~ (dz) ~~or~~  
13 direct the department of corrections to reduce allocations of funds to counties in the  
14 amount of the disallowance from the appropriation account under s. 20.410 (3) (cd),  
15 in accordance with s. 16.544 to the extent applicable.

16 **SECTION 1925.** 49.45 (6s) of the statutes is repealed.

17 **SECTION 1926.** 49.45 (6t) (intro.) of the statutes is amended to read:

18 49.45 **(6t)** COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING  
19 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (o), for  
20 reduction of operating deficits, as defined under criteria developed by the  
21 department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42  
22 or by a local health department, as defined in s. 250.01 (4), for services provided  
23 under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management  
24 services under s. 49.46 (2) (b) 12. and for mental health day treatment services for  
25 minors provided under the authorization under 42 USC 1396d (r) (5), the department

**SENATE BILL 77****SECTION 1926**

1 shall allocate up to \$4,500,000 in each fiscal year to these county departments, or  
2 local health departments as determined by the department, and shall perform all of  
3 the following:

4 **SECTION 1927.** 49.45 (6t) (d) of the statutes is amended to read:

5 49.45 (6t) (d) If the federal department of health and human services approves  
6 for state expenditure in a fiscal year amounts under s. 20.435 (1) (5) (o) that result  
7 in a lesser allocation amount than that allocated under this subsection or disallows  
8 use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
9 this subsection and distribute on a prorated basis, as determined by the department.

10 **SECTION 1928.** 49.45 (6u) (intro.) of the statutes is amended to read:

11 49.45 (6u) (title) ~~FACILITY OPERATING DEFICIT REDUCTION~~ SUPPLEMENTAL  
12 PAYMENTS TO COUNTY HOMES. (intro.) ~~Except as provided in par. (g)~~ Notwithstanding  
13 sub. (6m), from the appropriation under s. 20.435 (1) (5) (o), for reduction of operating  
14 deficits, as defined under criteria developed by the department, incurred by a facility,  
15 as defined under sub. (6m) (a) ~~2.~~ 3., that is established under s. 49.70 (1) ~~or that is~~  
16 ~~owned and operated by a city, village or town,~~ the department shall may not  
17 distribute to these facilities ~~not more than \$18,600,000~~ \$38,600,000 in each fiscal  
18 year, as determined by the department, and except that the department shall also  
19 distribute for this same purpose from the appropriation under s. 20.435 (5) (o) any  
20 additional federal medical assistance moneys that were not anticipated before  
21 enactment of the biennial budget act or other legislation affecting s. 20.435 (5) (o) and  
22 that were not used to fund nursing home rate increases under sub. (6m) (ag) 8. The  
23 total amount that a county certifies under this subsection may not exceed 100% of  
24 otherwise-unreimbursed care. In distributing funds under this subsection, the  
25 department shall perform all of the following:

**SENATE BILL 77****SECTION 1929**

1           **SECTION 1929.** 49.45 (6u) (d) of the statutes is amended to read:

2           49.45 **(6u)** (d) If the federal department of health and human services approves  
3 for state expenditure in a fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result  
4 in a lesser allocation amount than that allocated under this subsection, allocate not  
5 more than the lesser amount so approved by the federal department of health and  
6 human services.

7           **SECTION 1930.** 49.45 (6u) (e) of the statutes is amended to read:

8           49.45 **(6u)** (e) If the federal department of health and human services approves  
9 for state expenditure in a fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result  
10 in a lesser allocation amount than that allocated under this subsection, submit a  
11 revision of the method developed under par. (b) for approval by the joint committee  
12 on finance in that state fiscal year.

13           **SECTION 1931.** 49.45 (6u) (f) of the statutes is amended to read:

14           49.45 **(6u)** (f) If the federal department of health and human services disallows  
15 use of the allocation of matching federal medical assistance funds distributed under  
16 par. (c), apply the requirements under sub. (6m) (br) ~~shall apply~~.

17           **SECTION 1932.** 49.45 (6u) (g) of the statutes is amended to read:

18           49.45 **(6u)** (g) If a facility that is otherwise eligible for an allocation of funds  
19 under this section is found by the federal health care financing administration or the  
20 department to be an institution for mental diseases, as defined under 42 CFR  
21 435.1009, ~~the department may not allocate~~ cease distributing to that facility funds  
22 under this section after the date on which the finding is made.

23           **SECTION 1933.** 49.45 (6w) (intro.) of the statutes is amended to read:

24           49.45 **(6w)** HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the  
25 appropriation under s. 20.435 ~~(1)~~ (5) (o), for reduction of operating deficits, as defined

**SENATE BILL 77****SECTION 1933**

1 under criteria developed by the department, incurred by a hospital, as defined under  
2 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or  
3 owned and operated by a city or village, the department shall allocate up to  
4 \$3,300,000 in each fiscal year to these hospitals, as determined by the department,  
5 and shall perform all of the following:

6 **SECTION 1934.** 49.45 (6w) (d) of the statutes is amended to read:

7 49.45 (6w) (d) If the federal department of health and human services approves  
8 for state expenditure in a fiscal year amounts under s. 20.435 (1) (5) (o) that result  
9 in a lesser allocation amount than that allocated under this subsection or disallows  
10 use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
11 this subsection and distribute on a prorated basis, as determined by the department.

12 **SECTION 1935.** 49.45 (6x) (a) of the statutes is amended to read:

13 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
14 20.435 (1) (5) (b) and (o) the department shall distribute not more than \$4,748,000  
15 in each fiscal year, to provide funds to an essential access city hospital, except that  
16 the department may not allocate funds to an essential access city hospital to the  
17 extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

18 **SECTION 1936.** 49.45 (6x) (d) of the statutes is amended to read:

19 49.45 (6x) (d) If the federal department of health and human services approves  
20 for state expenditure in any state fiscal year amounts under s. 20.435 (1) (5) (o) that  
21 result in a lesser distribution amount than that distributed under this subsection or  
22 disallows use of federal medicaid funds under par. (a), the department of health and  
23 family services shall reduce the distributions under this subsection.

24 **SECTION 1937.** 49.45 (6y) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 1937**

1           49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
2           20.435 ~~(1)~~ (5) (b) and (o) the department shall distribute funding in each fiscal year  
3           to provide supplemental payment to hospitals that enter into a contract under s.  
4           49.02 (2) to provide health care services funded by a relief block grant, as determined  
5           by the department, for hospital services that are not in excess of the hospitals'  
6           customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief  
7           block grant is awarded under this chapter or if the allocation of funds to such  
8           hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
9           may distribute funds to hospitals that have not entered into a contract under s. 49.02  
10          (2).

11           **SECTION 1938.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

12           49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations  
13           under s. 20.435 ~~(1)~~ (5) (b) and (o) the department shall distribute funding in each  
14           fiscal year to supplement payment for services to hospitals that enter into a contract  
15           under s. 49.02 (2) to provide health care services funded by a relief block grant under  
16           this chapter, if the department determines that the hospitals serve a  
17           disproportionate number of low-income patients with special needs. If no medical  
18           relief block grant under this chapter is awarded or if the allocation of funds to such  
19           hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
20           may distribute funds to hospitals that have not entered into a contract under s. 49.02  
21           (2). The department may not distribute funds under this subsection to the extent  
22           that the distribution would do any of the following:

23           **SECTION 1939.** 49.45 (8) (b) of the statutes is amended to read:

24           49.45 **(8)** (b) Reimbursement under s. 20.435 ~~(1)~~ (5) (b) and (o) for home health  
25           services provided by a certified home health agency or independent nurse shall be

**SENATE BILL 77****SECTION 1939**

1 made at the home health agency's or nurse's usual and customary fee per patient care  
2 visit, subject to a maximum allowable fee per patient care visit that is established  
3 under par. (c).

4 **SECTION 1940.** 49.45 (8e) of the statutes is repealed.

5 **SECTION 1941.** 49.45 (8m) (intro.) of the statutes is amended to read:

6 49.45 **(8m)** RATES FOR RESPIRATORY CARE SERVICES. (intro.) Notwithstanding the  
7 ~~limits under subs. (8) and (8e)~~ limit under sub. (8), the rates under sub. (8) and rates  
8 charged by providers under s. 49.46 (2) (a) 4. d. that are not home health agencies,  
9 for reimbursement for respiratory care services for ventilator-dependent  
10 individuals under ss. 49.46 (2) (b) 6. m. and 49.47 (6) (a) 1., shall be as follows:

11 **SECTION 1942.** 49.45 (8r) of the statutes is amended to read:

12 49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate  
13 of payment for obstetric and gynecological care provided in primary care ~~health~~  
14 ~~professional~~ shortage areas, as defined in s. ~~560.184 (1) (e)~~ 560.183 (1) (cm), or  
15 provided to recipients of medical assistance who reside in primary care ~~health~~  
16 ~~professional~~ shortage areas, that is equal to 125% of the rates paid under this section  
17 to primary care physicians in primary care ~~health professional~~ shortage areas, shall  
18 be paid to all certified primary care providers who provide obstetric or gynecological  
19 care to those recipients.

20 **SECTION 1943.** 49.45 (24m) (intro.) of the statutes is amended to read:

21 49.45 **(24m)** HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)  
22 From the appropriations under s. 20.435 ~~(1) (5)~~ (b) and (o), in order to test the  
23 feasibility of instituting a system of reimbursement for providers of home health care  
24 and personal care services for medical assistance recipients that is based on  
25 competitive bidding, the department shall:

**SENATE BILL 77****SECTION 1944**

1           **SECTION 1944.** 49.45 (25) (am) 14. of the statutes is created to read:

2           49.45 **(25)** (am) 14. Is a woman who is aged 45 to 64 and who is not a resident  
3 of a nursing home or otherwise receiving case management services under this  
4 paragraph.

5           **SECTION 1945.** 49.45 (25) (b) of the statutes is amended to read:

6           49.45 **(25)** (b) A county, city, village ~~or~~, town or, in a county having a population  
7 of 500,000 or more, the department may elect to make case management services  
8 under this subsection available in the county, city, village or town to one or more of  
9 the categories of beneficiaries under par. (am) through the medical assistance  
10 program. A county, city, village ~~or~~, town or, in a county having a population of 500,000  
11 or more, the department that elects to make the services available shall reimburse  
12 a case management provider for the amount of the allowable charges for those  
13 services under the medical assistance program that is not provided by the federal  
14 government.

15           **SECTION 1946.** 49.45 (25) (be) of the statutes is amended to read:

16           49.45 **(25)** (be) A private nonprofit agency that is a certified case management  
17 provider may elect to provide case management services to medical assistance  
18 beneficiaries who have HIV infection, as defined in s. 252.01 (2). The amount of the  
19 allowable charges for those services under the medical assistance program that is not  
20 provided by the federal government shall be paid from the appropriation under s.  
21 20.435 (1) (5) (am).

22           **SECTION 1947.** 49.45 (41) (a) 1. of the statutes is amended to read:

23           49.45 **(41)** (a) 1. “Mental health crisis intervention services” means services  
24 that are provided by a mental health crisis intervention program operated by, or  
25 under contract with, a county ~~or~~, municipality or, in a county having a population of



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1 500,000 or more, the department, if the county or, municipality or department is  
2 certified as a medical assistance provider.

3 **SECTION 1948.** 49.45 (41) (b) of the statutes is amended to read:

4 49.45 (41) (b) If a county or, municipality or, in a county having a population  
5 of 500,000 or more, the department elects to become certified as a provider of mental  
6 health crisis intervention services, the county or, municipality or department may  
7 provide mental health crisis intervention services under this subsection in the  
8 county or municipality to medical assistance recipients through the medical  
9 assistance program. A county or, municipality or, in a county having a population  
10 of 500,000 or more, the department that elects to provide the services shall pay the  
11 amount of the allowable charges for the services under the medical assistance  
12 program that is not provided by the federal government. The subunit of the  
13 department administering the medical assistance program shall reimburse the  
14 county or, municipality or subunit of the department administering child welfare  
15 services in a county having a population of 500,000 or more under this subsection  
16 only for the amount of the allowable charges for those services under the medical  
17 assistance program that is provided by the federal government.

18 **SECTION 1949.** 49.46 (1) (a) 1. of the statutes is amended to read:

19 49.46 (1) (a) 1. Any person included in the grant of aid to families with  
20 dependent children and any person who does not receive such aid solely because of  
21 the application of s. 49.19 (11) (a) 7. This If a waiver under s. 49.153 (1m) (a) is  
22 granted and in effect or federal legislation that permits the application of s. 49.153  
23 is enacted, this subdivision does not apply beginning on the first day of the 6th month  
24 beginning after the date stated in the notice under s. 49.141 (2) (d) 49.153 (1m) (a).

25 **SECTION 1950.** 49.46 (1) (a) 1m. of the statutes is amended to read:

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1           49.46 (1) (a) 1m. Any pregnant woman who meets the resource and income  
2 limits under s. 49.19 (4) (bm) and (es) and whose pregnancy is medically verified.  
3 Eligibility continues to the last day of the month in which the 60th day after the last  
4 day of the pregnancy falls. This If a waiver under s. 49.153 (1m) (a) is granted and  
5 in effect or federal legislation that permits the application of s. 49.153 is enacted, this  
6 subdivision does not apply beginning on the first day of the 6th month beginning  
7 after the date stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

8           **SECTION 1951.** 49.46 (1) (a) 4m. of the statutes is created to read:

9           49.46 (1) (a) 4m. Any child for whom a payment is made under s. 49.775.

10          **SECTION 1952.** 49.46 (1) (a) 6. of the statutes is amended to read:

11          49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is considered,  
12 under federal law, to be receiving aid to families with dependent children for the  
13 purpose of determining eligibility for medical assistance. This If a waiver under s.  
14 49.153 (1m) (a) is granted and in effect or federal legislation that permits the  
15 application of s. 49.153 is enacted, this subdivision does not apply beginning on the  
16 first day of the 6th month beginning after the date stated in the notice under s. ~~49.141~~  
17 ~~(2) (d)~~ 49.153 (1m) (a).

18          **SECTION 1953.** 49.46 (1) (a) 9. of the statutes is amended to read:

19          49.46 (1) (a) 9. Any pregnant woman not described under subd. 1. or 1m. whose  
20 family income does not exceed 133% of the poverty line for a family the size of the  
21 woman's family. This If a waiver under s. 49.153 (1m) (a) is granted and in effect or  
22 federal legislation that permits the application of s. 49.153 is enacted, this  
23 subdivision does not apply beginning on the first day of the 6th month beginning  
24 after the date stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

25          **SECTION 1954.** 49.46 (1) (a) 10. of the statutes is amended to read:

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1           49.46 (1) (a) 10. Any child not described under subd. 1. who is under 6 years  
2 of age and whose family income does not exceed 133% of the poverty line for a family  
3 the size of the child's family. This If a waiver under s. 49.153 (1m) (a) is granted and  
4 in effect or federal legislation that permits the application of s. 49.153 is enacted, this  
5 subdivision does not apply beginning on the first day of the 6th month beginning  
6 after the date stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

7           **SECTION 1955.** 49.46 (1) (a) 11. of the statutes is amended to read:

8           49.46 (1) (a) 11. Any child not described under subd. 1. who was born after  
9 September 30, 1983, who has attained the age of 6 but has not attained the age of 19  
10 and whose family income does not exceed 100% of the poverty line for a family the  
11 size of the child's family. This If a waiver under s. 49.153 (1m) (a) is granted and in  
12 effect or federal legislation that permits the application of s. 49.153 is enacted, this  
13 subdivision does not apply beginning on the first day of the 6th month beginning  
14 after the date stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

15           **SECTION 1956.** 49.46 (1) (a) 12. of the statutes is amended to read:

16           49.46 (1) (a) 12. Any child not described under subd. 1. who is under 19 years  
17 of age and who meets the resource and income limits under s. 49.19 (4). This If a  
18 waiver under s. 49.153 (1m) (a) is granted and in effect or federal legislation that  
19 permits the application of s. 49.153 is enacted, this subdivision does not apply  
20 beginning on the first day of the 6th month beginning after the date stated in the  
21 notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

22           **SECTION 1957.** 49.46 (1) (a) 13. of the statutes is amended to read:

23           49.46 (1) (a) 13. Any child who is under one year of age, whose mother was  
24 determined to be eligible under subd. 9. and who lives with his or her mother. This  
25 If a waiver under s. 49.153 (1m) (a) is granted and in effect or federal legislation that

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1 permits the application of s. 49.153 is enacted, this subdivision does not apply  
2 beginning on the first day of the 6th month beginning after the date stated in the  
3 notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

4 **SECTION 1958.** 49.46 (1) (am) 3. of the statutes is amended to read:

5 49.46 (1) (am) 3. This If a waiver under s. 49.153 (1m) (a) is granted and in  
6 effect, this paragraph does not apply beginning on the first day of the 6th month  
7 beginning after the date stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

8 **SECTION 1959.** 49.46 (1) (c) (intro.) of the statutes is amended to read:

9 49.46 (1) (c) (intro.) Except as provided under ~~pars. par. (co) and (cs)~~, a family  
10 that becomes ineligible for aid to families with dependent children under s. 49.19  
11 because of increased income from employment or increased hours of employment or  
12 because of the expiration of the time during which the disregards under s. 49.19 (5)  
13 (a) 4. or 4m. or (am) apply shall receive medical assistance for:

14 **SECTION 1960.** 49.46 (1) (cb) of the statutes is amended to read:

15 49.46 (1) (cb) Paragraph If a waiver under s. 49.153 (1m) (a) is granted and in  
16 effect or federal legislation that permits the application of s. 49.153 is enacted, par.  
17 (c) does not apply beginning on the first day of the 6th month beginning after the date  
18 stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

19 **SECTION 1961.** 49.46 (1) (cg) of the statutes is amended to read:

20 49.46 (1) (cg) ~~Except as provided in par. (cs), medical~~ Medical assistance shall  
21 be provided to a dependent child, a relative with whom the child is living or the  
22 spouse of the relative, if the spouse meets the requirements of s. 49.19 (1) (c) 2. a. or  
23 b., for 4 calendar months beginning with the month in which the child, relative or  
24 spouse is ineligible for aid to families with dependent children because of the  
25 collection or increased collection of maintenance or support, if the child, relative or

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1 spouse received aid to families with dependent children in 3 or more of the 6 months  
2 immediately preceding the month in which that ineligibility begins. ~~This~~ If a waiver  
3 under s. 49.153 (1m) (a) is granted and in effect or federal legislation that permits  
4 the application of s. 49.153 is enacted, this paragraph does not apply beginning on  
5 the first day of the 6th month beginning after the date stated in the notice under s.  
6 49.141 (2) (d) 49.153 (1m) (a).

7 **SECTION 1962.** 49.46 (1) (co) 1. of the statutes is amended to read:

8 49.46 (1) (co) 1. Except as provided under subd. 2. ~~and par. (cs),~~ medical  
9 assistance shall be provided to a family for 12 consecutive calendar months following  
10 the month in which the family becomes ineligible for aid to families with dependent  
11 children because of increased income from employment, because the family no longer  
12 receives the earned income disregard under s. 49.19 (5) (a) 4. or 4m. or (am) due to  
13 the expiration of the time limit during which the disregards are applied or because  
14 of the application of the monthly employment time eligibility limitation under 45  
15 CFR 233.100 (a) (1) (i).

16 **SECTION 1963.** 49.46 (1) (co) 4. of the statutes is amended to read:

17 49.46 (1) (co) 4. ~~This~~ If a waiver under s. 49.153 (1m) (a) is granted and in effect  
18 or federal legislation that permits the application of s. 49.153 is enacted, this  
19 paragraph does not apply beginning on the first day of the 6th month beginning after  
20 the date stated in the notice under s. 49.141 (2) (d) 49.153 (1m) (a).

21 **SECTION 1964.** 49.46 (1) (cr) of the statutes is repealed.

22 **SECTION 1965.** 49.46 (1) (cs) of the statutes is repealed.

23 **SECTION 1966.** 49.46 (1) (e) 2. of the statutes is amended to read:

24 49.46 (1) (e) 2. ~~Beginning~~ If a waiver under s. 49.153 (1m) (a) is granted and  
25 in effect or federal legislation that permits the application of s. 49.153 is enacted,

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1 beginning on the first day of the 6th month beginning after the date stated in the  
2 notice under s. 49.141 (2) (d) 49.153 (1m) (a), this paragraph does not apply with  
3 respect to a person who has income and resources within the limitations of s. 49.19  
4 whether or not the person requests or receives a grant of aid under that section.

5 **SECTION 1967.** 49.46 (2) (a) 4. d. of the statutes is amended to read:

6 49.46 (2) (a) 4. d. Home health services, subject to the limitations limitation  
7 under s. 49.45 (8) and ~~(8e)~~, or, if a home health agency is unavailable, nursing  
8 services, ~~subject to the limitations under s. 49.45 (8e)~~.

9 **SECTION 1968.** 49.46 (2) (b) 6. j. of the statutes is amended to read:

10 49.46 (2) (b) 6. j. Personal care services, subject to the limitations limitation  
11 under s. 49.45 ~~(8e)~~ and (42).

12 **SECTION 1969.** 49.465 (7) of the statutes is amended to read:

13 49.465 (7) ~~This~~ If a waiver under s. 49.153 (1m) (a) is granted and in effect or  
14 federal legislation that permits the application of s. 49.153 is enacted, this section  
15 does not apply beginning on the first day of the 6th month beginning after the date  
16 stated in the notice under s. 49.141 (2) (d) 49.153 (1m) (a).

17 **SECTION 1970.** 49.47 (1) of the statutes is amended to read:

18 49.47 (1) PURPOSE. Medical assistance as set forth herein shall be provided to  
19 persons over 65, if eligible under this section, all disabled children under 18, if  
20 eligible under this section, and persons who are blind or disabled, if eligible under  
21 this section. Unless a waiver under s. 49.153 (1m) (a) is granted and in effect or  
22 federal legislation that permits the application of s. 49.153 is enacted, medical  
23 assistance as set forth herein shall also be provided to all children under 18 who are  
24 eligible under this section and, if a child is dependent pursuant to s. 49.19, the  
25 relatives enumerated in s. 49.19 with whom the child is living.

**SENATE BILL 77****SECTION 1971**

1           **SECTION 1971.** 49.47 (4) (ag) of the statutes is amended to read:

2           49.47 (4) (ag) ~~No~~ If a waiver under s. 49.153 (1m) (a) is granted and in effect  
3 or federal legislation that permits the application of s. 49.153 is enacted, beginning  
4 on the first day of the 6th month beginning after the date stated in the notice under  
5 s. 49.153 (1m) (a), no individual is eligible for medical assistance in a month that the  
6 individual is eligible for health care coverage under s. 49.153.

7           **SECTION 1972.** 49.47 (4) (an) of the statutes is amended to read:

8           49.47 (4) (an) ~~Paragraph~~ If a waiver under s. 49.153 (1m) (a) is granted and in  
9 effect or federal legislation that permits the application of s. 49.153 is enacted, par.  
10 (am) does not apply beginning on the first day of the 6th month beginning after the  
11 date stated in the notice under s. ~~49.141 (2) (d)~~ 49.153 (1m) (a).

12           **SECTION 1973.** 49.47 (4) (c) 2. of the statutes is amended to read:

13           49.47 (4) (c) 2. Whenever an applicant has excess income under subd. 1. or par.  
14 (am), no certification may be issued until the excess income above the applicable  
15 limits has been obligated or expended for medical care or for any other type of  
16 remedial care recognized under state law or for personal health insurance premiums  
17 or both. ~~No~~ If a waiver under s. 49.153 (1m) (a) is granted and in effect or federal  
18 legislation that permits the application of s. 49.153 is enacted, no individual is  
19 eligible for medical assistance under this subdivision in a month in which the  
20 individual is eligible for health care coverage under s. 49.153 beginning on first day  
21 of the 6th month beginning after the date stated in the notice under s. 49.153 (1m)  
22 (a).

23           **SECTION 1974.** 49.48 of the statutes is created to read:

24           **49.48 Denial, nonrenewal and suspension of certification of service**  
25 **providers based on certain delinquency in payment. (1)** The department

**SENATE BILL 77****SECTION 1974**

1 shall require each applicant to provide the department with the applicant's social  
2 security number, if the applicant is an individual, as a condition of issuing or  
3 renewing a certification under s. 49.45 (2) (a) 11. as an eligible provider of services.

4 (2) The department may not disclose any information received under sub. (1)  
5 to any person except to the department of industry, labor and job development for the  
6 purpose of making certifications required under s. 49.857.

7 (3) The department shall deny an application for the issuance or renewal of a  
8 certification specified in sub. (1), shall suspend a certification specified in sub. (1) or  
9 may, under a memorandum of understanding under s. 49.857 (2), restrict a  
10 certification specified in sub. (1) if the department of industry, labor and job  
11 development certifies under s. 49.857 that the applicant for or holder of the  
12 certificate is delinquent in the payment of court-ordered payments of child or family  
13 support, maintenance, birth expenses, medical expenses or other expenses related  
14 to the support of a child or former spouse.

15 **SECTION 1975.** 49.496 (5) of the statutes is amended to read:

16 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (~~1~~) (5) (im),  
17 the department shall pay the amount of the payments under sub. (4) that is not paid  
18 from federal funds, shall pay to the federal government the amount of the funds  
19 recovered under this section equal to the amount of federal funds used to pay the  
20 benefits recovered under this section and shall spend the remainder of the funds  
21 recovered under this section for medical assistance benefits under this subchapter

22 **SECTION 1976.** 49.496 (7) of the statutes is created to read:

23 49.496 (7) INSTALMENT PAYMENTS. If a recovery under sub. (3) does not work an  
24 undue hardship on the heirs of the estate, and if the heirs wish to satisfy the recovery



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1 claim without selling a nonliquid asset that is subject to recovery, the department  
2 may establish a reasonable payment schedule subject to reasonable interest.

3 **SECTION 1977.** 49.497 (1) of the statutes is amended to read:

4 49.497 (1) The department may recover any payment made incorrectly for  
5 benefits specified under s. 49.46, 49.468 or 49.47 if the incorrect payment results  
6 from any misstatement or omission of fact by a person supplying information in an  
7 application for benefits under s. 49.46, 49.468 or 49.47. The department may also  
8 recover if a medical assistance recipient or any other person responsible for giving  
9 information on the recipient's behalf fails to report the receipt of income or assets in  
10 an amount that would have affected the recipient's eligibility for benefits. The  
11 department's right of recovery is against any medical assistance recipient to whom  
12 or on whose behalf the incorrect payment was made. The extent of recovery is limited  
13 to the amount of the benefits incorrectly granted. The county department under s.  
14 46.215 ~~or~~, 46.22 or 46.23, the governing body of a federally recognized American  
15 Indian tribe administering medical assistance, or a Wisconsin works agency  
16 administering medical assistance shall begin recovery actions on behalf of the  
17 department according to rules promulgated by the department.

18 **SECTION 1978.** 49.497 (2) of the statutes is amended to read:

19 49.497 (2) A county ~~or~~, governing body of a federally recognized American  
20 Indian tribe or Wisconsin works agency may retain 15% of benefits distributed under  
21 s. 49.46, 49.468 or 49.47 that are recovered under sub. (1) due to the efforts of an  
22 employe or officer of the county ~~or~~, tribe or Wisconsin works agency.

23 **SECTION 1979.** 49.498 (16) (g) of the statutes is amended to read:

24 49.498 (16) (g) All forfeitures, penalty assessments and interest, if any, shall  
25 be paid to the department within 10 days of receipt of notice of assessment or, if the

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1 forfeiture, penalty assessment and interest, if any, are contested under par. (f),  
2 within 10 days of receipt of the final decision after exhaustion of administrative  
3 review, unless the final decision is appealed and the order is stayed by court order  
4 under sub. (19) (b). The department shall remit all forfeitures paid to the state  
5 treasurer for deposit in the school fund. The department shall deposit all penalty  
6 assessments and interest in the appropriation under s. 20.435 (~~1~~) (6) (g).

7 **SECTION 1980.** 49.499 (intro.) of the statutes is amended to read:

8 **49.499 Nursing facility resident protection.** (intro.) From the  
9 appropriation under s. 20.435 (~~1~~) (6) (g), the department shall contribute to the  
10 payment of all of the following, as needed by a resident in a nursing facility, as defined  
11 in s. 49.498 (1) (i), that is in violation of s. 49.498 or of a rule promulgated under s.  
12 49.498:

13 **SECTION 1981.** 49.683 (2) of the statutes is amended to read:

14 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the  
15 appropriation under s. 20.435 (~~1~~) (5) (e).

16 **SECTION 1982.** 49.686 (2) of the statutes is amended to read:

17 49.686 (2) REIMBURSEMENT. From the appropriation under s. 20.435 (~~1~~) (5) (am),  
18 the department may reimburse or supplement the reimbursement of the cost of AZT,  
19 the drug pentamidine and any drug approved for reimbursement under sub. (4) (c)  
20 for an individual who is eligible under sub. (3).

21 **SECTION 1983.** 49.687 (2) of the statutes is amended to read:

22 49.687 (2) The department shall develop and implement a sliding scale of  
23 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.  
24 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to  
25 pay for treatment. To ensure that the needs for treatment of patients with lower

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1 incomes receive priority within the availability of funds under s. 20.435 ~~(1)~~ (5) (e),  
2 the department shall revise the sliding scale for patient liability by January 1, 1994,  
3 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the  
4 sliding scale.

5 **SECTION 1984.** 49.775 of the statutes is created to read:

6 **49.775 Payments for children of supplemental security income**  
7 **recipients. (1) DEFINITIONS.** In this section:

8 (a) "Custodial parent" has the meaning given in s. 49.141 (1) (b).

9 (b) "Dependent child" has the meaning given in s. 49.141 (1) (c).

10 **(2) SUPPLEMENTAL PAYMENTS.** Subject to sub. (3), from the appropriations under  
11 s. 20.435 (7) (ed) and (ky), the department shall make a monthly payment of \$77 to  
12 a custodial parent for each dependent child of the custodial parent if all of the  
13 following conditions are met:

14 (a) The custodial parent is a recipient of supplemental security income under  
15 42 USC 1381 to 1383c or of state supplemental payments under s. 49.77, or both.

16 (b) If the dependent child has 2 custodial parents, each custodial parent  
17 receives supplemental security income under 42 USC 1381 to 1383c or state  
18 supplemental payments under s. 49.77, or both.

19 (c) The dependent child of the custodian parent meets the eligibility criteria  
20 under the aid to families with dependent children program under s. 49.19 (1) to (19)  
21 or would meet the eligibility criteria under s. 49.19 but for the application of s. 49.19  
22 (20).

23 (d) The dependent child does not receive supplemental security income under  
24 42 USC 1381 to 1383d.

25 (e) The custodial parent meets any of the following conditions:

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1           1. The custodial parent is ineligible for aid under s. 49.19 solely because he or  
2 she receives supplemental security income under 42 USC 1381 to 1383c or state  
3 supplemental payments under s. 49.77.

4           2. The custodial parent is ineligible for a Wisconsin works employment  
5 position, as defined under s. 49.141 (1) (r), solely because of the application of s.  
6 49.145 (2) (i).

7           **(3) TWO-PARENT FAMILIES.** In the case of a dependent child who has 2 custodial  
8 parents, the department may not make more than one \$77 payment per month for  
9 that dependent child.

10           **SECTION 1985.** 49.852 of the statutes is created to read:

11           **49.852 Delinquent support payments; pension plans.** (1) The  
12 department of industry, labor and job development may direct the department of  
13 employe trust funds, the retirement system of any 1st class city, any retirement  
14 system established under chapter 201, laws of 1937, or the administrator of any  
15 other pension plan to withhold the amount certified under s. 49.855 (1) from any  
16 lump sum payment from a pension plan that may be paid a delinquent support  
17 obligor, except that the department of industry, labor and job development may not  
18 direct that an amount be withheld under this subsection unless it has met the notice  
19 requirements under sub. (2) and unless its certification has either not been appealed  
20 or is no longer under appeal.

21           **(2)** The department of industry, labor and job development shall send a notice  
22 to the last-known address of the person from whom the department intends to  
23 recover the amount certified under s. 49.855 (1). The notice shall do all of the  
24 following:

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1           (a) Inform the person that the department of employe trust funds, the  
2 retirement system of any 1st class city, any retirement system established under  
3 chapter 201, laws of 1937, or the administrator of any other pension plan, whichever  
4 is appropriate, shall withhold the amount certified under s. 49.855 (1) from any lump  
5 sum payment from a pension plan that may be paid the person.

6           (b) Inform the person that he or she may, within 20 days after the date of the  
7 notice, by motion, request a court hearing on the issue of whether the person owes  
8 the amount certified under s. 49.855 (1).

9           (c) Request that the person inform the department of industry, labor and job  
10 development or the appropriate county child support agency under s. 59.53 (5) if a  
11 bankruptcy stay is in effect with respect to the person.

12           **(3)** If a person has requested a hearing pursuant to sub. (2) (b), the hearing  
13 shall be conducted before the circuit court that rendered the initial order to pay  
14 support. Within 10 days after receiving a request for a hearing, the court shall set  
15 the matter for hearing. The family court commissioner may conduct the hearing.  
16 If the court determines that the person owes the amount certified under s. 49.855 (1),  
17 the department of industry, labor and job development may direct the department  
18 of employe trust funds, the retirement system of any 1st class city, any retirement  
19 system established under chapter 201, laws of 1937, or the administrator of any  
20 other pension plan, whichever is appropriate, to withhold the amount from any lump  
21 sum payment from a pension plan that may be paid the person. If the court  
22 determines that the person does not owe the amount certified under s. 49.855 (1), the  
23 department of industry, labor and job development may not direct the department  
24 of employe trust funds, the retirement system of any 1st class city, any retirement  
25 system established under chapter 201, laws of 1937, or the administrator of any

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1 other pension plan, whichever is appropriate, to withhold the amount from any lump  
2 sum payment from a pension plan that may be paid the person.

3 (4) (a) If the department of industry, labor and job development directs the  
4 department of employe trust funds, the retirement system of any 1st class city, any  
5 retirement system established under chapter 201, laws of 1937, or the administrator  
6 of any other pension plan to withhold the amount certified under s. 49.855 (1), this  
7 directive shall shall constitute a lien, equal to the amount certified, on any lump sum  
8 payment from a pension plan that may be paid the person.

9 (b) If the department of industry, labor and job development directs the  
10 department of employe trust funds, the retirement system of any 1st class city, any  
11 retirement system established under chapter 201, laws of 1937, or the administrator  
12 of any other pension plan to withhold the amount certified under s. 49.855 (1), the  
13 department of employe trust funds, the retirement system of any 1st class city, any  
14 retirement system established under chapter 201, laws of 1937, or the administrator  
15 of any other pension plan, after verifying the amount certified under s. 49.885 (1),  
16 shall deduct from any lump sum payment that may be paid the person the amount  
17 that is certified, less any amount specified under par. (d). If the amount certified  
18 under s. 49.855 (1), less any amount specified under par. (d), exceeds the lump sum  
19 payment, the department of employe trust funds, the retirement system of any 1st  
20 class city, any retirement system established under chapter 201, laws of 1937, or the  
21 administrator of any other pension plan shall deduct the entire lump sum payment,  
22 less any withholdings otherwise required by law. The amount deducted under this  
23 paragraph shall be remitted to the department of industry, labor and job  
24 development.

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1 (c) A directive to the department of employe trust funds, the retirement system  
2 of any 1st class city, any retirement system established under chapter 201, laws of  
3 1937, or the administrator of any other pension plan to withhold the amount certified  
4 under s. 49.855 (1) under this section does not prohibit the department of industry,  
5 labor and job development from attempting to recover the amount through other  
6 legal means.

7 (d) The department of industry, labor and job development shall promptly  
8 notify the department of employe trust funds, the retirement system of any 1st class  
9 city, any retirement system established under chapter 201, laws of 1937, or the  
10 administrator of any other pension plan upon recovery of any amount previously  
11 certified under s. 49.855 (1).

12 **SECTION 1986.** 49.853 of the statutes is created to read:

13 **49.853 Financial record matching program. (1) DEFINITIONS.** In this  
14 section:

15 (a) "Account" means a demand deposit account, checking or negotiable  
16 withdrawal order account, savings account, time deposit account or money market  
17 mutual fund account.

18 (am) "County child support agency" means the county child support agency  
19 under s. 59.53 (5).

20 (b) "Department" means the department of industry, labor and job  
21 development.

22 (c) "Financial institution" means all of the following:

- 23 1. A depository institution, as defined in 12 USC 1813 (c).  
24 2. An institution-affiliated party, as defined in 12 USC 1813 (u), of a depository  
25 institution under subd. 1.

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1           3. A federal credit union or state credit union, as defined in 12 USC 1752.

2           4. An institution-affiliated party, as defined in 12 USC 1786 (r), of a credit  
3 union under subd. 3.

4           5. A benefit association, insurance company, safe deposit company, money  
5 market mutual fund or similar entity authorized to do business in this state.

6           (d) "Obligor" has the meaning given in s. 49.854 (1) (d).

7           (e) "Support" has the meaning given in s. 49.854 (1) (f).

8           **(2) FINANCIAL RECORD MATCHING PROGRAM AND AGREEMENTS.** The department  
9 shall operate a financial record matching program under this section, consisting of  
10 the components described in subs. (3) to (5). The department shall promulgate rules  
11 specifying procedures under which the department shall enter into agreements with  
12 financial institutions doing business in this state to operate the financial record  
13 matching program under this section.

14           **(3) PROVISION OF INFORMATION REGARDING DELINQUENT PAYMENTS AND AMOUNTS.**  
15 The department shall provide to a financial institution with which it has an  
16 agreement under sub. (2) information regarding all certifications of delinquent  
17 support that the department provides to the department of revenue under s. 49.855.  
18 The information shall be provided at least once each calendar quarter and shall  
19 include the amount of support owed, as well as the obligor's name, address of record  
20 and social security number or other taxpayer identification number. The  
21 information shall be provided to the financial institution in the manner specified by  
22 rule or by agreement. To the extent feasible, the information required under this  
23 subsection shall be provided to the financial institution by an automated data  
24 exchange.



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1           **(4) REQUIRED MATCHING.** Each financial institution receiving information under  
2 sub. (3) shall take actions necessary to determine whether any obligor maintains an  
3 account at the financial institution. If the financial institution determines that an  
4 obligor has an account at the financial institution, the financial institution shall  
5 provide the department with a notice providing the obligor's account information,  
6 including the account number and the balance of the account at the time that the  
7 record match is made. The notice under this subsection shall be provided in the  
8 manner, and shall contain the information, specified by rule or agreement. To the  
9 extent feasible, the notice required under this subsection shall be provided to the  
10 department by an automated data exchange.

11           **(5) DELEGATION.** The department may delegate any powers and duties given  
12 to the department under this section to county child support agencies. The  
13 department may require financial institutions to provide county child support  
14 agencies with any notices that are required under this section to be provided to the  
15 department.

16           **SECTION 1987.** 49.854 of the statutes is created to read:

17           **49.854 Liens against property for delinquent support payments. (1)**

18           **DEFINITIONS.** In this section:

19           (a) "Department" means the department of industry, labor and job  
20 development.

21           (b) "County child support agency" means the county child support agency under  
22 s. 59.53 (5).

23           (c) "Levy" means all powers of distraint and seizure.

24           (d) "Obligor" means a person who is obligated to pay court-ordered support.

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1 (e) "Property" includes real and personal property, tangible and intangible  
2 property and rights to property, but is limited to property and rights to property  
3 existing at the time of levy.

4 (f) "Support" means any of the following:

- 5 1. Child or family support.
- 6 2. Maintenance.
- 7 3. Medical expenses of a child.
- 8 4. Birth expenses.
- 9 5. Any accrued interest on delinquent amounts under subsds. 1. to 4.

10 **(2) CREATION OF LIEN; SATISFACTION.** (a) *Creation.* If a person obligated to pay  
11 support fails to pay any court-ordered amount of support, that amount is a lien in  
12 favor of the department upon all property of the person. The lien is effective at the  
13 time that the support is due and shall continue until the liability for the amount owed  
14 is satisfied. The lien is perfected by being included in a support lien docket under  
15 par. (b).

16 (b) *Support lien docket.* At least annually, the department shall provide to each  
17 clerk of circuit court a statewide listing of all certifications of delinquent support that  
18 the department provides to the department of revenue under s. 49.855. The  
19 department shall also provide the listing to each state agency that titles personal  
20 property. Upon receiving a listing under this paragraph, a clerk of court shall  
21 promptly file the listing. The list constitutes a support lien docket in the office of each  
22 clerk of circuit court. Each entry shall contain at least the following information:

- 23 1. The name of the obligor.
- 24 2. The social security number of the obligor.
- 25 3. Any county in which support owed by the obligor is of record.

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1           4. The case number of each matter in which support is owed.

2           (c) *Updating support lien dockets.* A clerk of circuit court shall discard a list  
3 under par. (b) when a new list is received from the department to replace the previous  
4 list. The clerk of circuit court shall add or delete an entry in a support lien docket  
5 in response to the directions of the department or a court.

6           (d) *Amount of lien; satisfaction.* The amount of any support obligation that is  
7 a lien under this subsection may be determined by requesting that information from  
8 the clerk of circuit court or county child support agency for the county in which the  
9 support owed by the obligor is of record. Payment of the full amount that is  
10 delinquent at the time of payment to that clerk extinguishes that lien. Upon request,  
11 the clerk shall furnish to the payer of the delinquent amount a satisfaction of lien  
12 showing that the amount of support owed has been paid in full and that the person  
13 no longer owes any support with respect to the case number of the matter for which  
14 the amount was paid. The satisfaction of lien may be recorded in the office of the  
15 register of deeds for any county in which real and personal property of the person who  
16 owed the support is located.

17           **(3) NOTIFICATION AND APPEAL OF AUTOMATIC LIEN.** (a) *Notice and hearing.* When  
18 a delinquent support obligation is included in a listing provided to county clerks of  
19 court under sub. (2) (b), the department shall provide notice to the obligor that a lien  
20 exists with respect to the delinquent support obligation. The notice shall inform the  
21 obligor that the lien is in effect and that the obligor may, within a 20-day period, by  
22 motion, request a court hearing on the issue of whether support is owed by the  
23 obligor. If the obligor makes a timely request for a hearing under this subsection, the  
24 court or family court commissioner shall schedule a hearing within 10 business days  
25 after the date of the request. If, at the hearing, the obligor establishes that the lien

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1 is not proper because of a mistake of fact, the court or family court commissioner shall  
2 direct that that the lien be withdrawn from the support lien dockets of all clerks of  
3 circuit court and shall direct the department not to include the lien in future listings  
4 provided under sub. (2) (b).

5 (b) *Appeal*. If a family court commissioner conducts the hearing under par. (a),  
6 the department or the obligor may, within 15 business days after the date of the  
7 decision by the family court commissioner, request review of the decision by the court  
8 having jurisdiction over the action. The court conducting the review may order that  
9 the lien be withdrawn from the support lien dockets of all clerks of circuit court. If  
10 no appeal is sought or the court does not order the withdrawal of the lien, the  
11 department may take appropriate actions to enforce the lien.

12 (4) POWERS OF LEVY AND DISTRAINT; GENERALLY. If any obligor neglects or refuses  
13 to pay the support owed by the obligor after the department has made demand for  
14 payment, the department may collect that support and the levy fees and costs under  
15 sub. (11) by levy upon any property belonging to the obligor as provided in subs. (5)  
16 to (7). Whenever the value of any property that has been levied upon under this  
17 subsection is not sufficient to satisfy the claim of the department, the department  
18 may levy upon any additional property of the obligor until the support owed and levy  
19 costs are fully paid.

20 (5) LEVYING AGAINST FINANCIAL ACCOUNTS. (a) *Definitions*. In this subsection:

21 1. "Account" has the meaning given in s. 49.853 (1) (a).

22 2. "Financial institution" has the meaning given in s. 49.853 (1) (c).

23 (b) *Freezing of accounts*. To enforce a lien under this section by levying against  
24 an account at a financial institution, the department shall send a notice to the  
25 financial institution instructing the financial institution to prohibit the closing of or

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1 withdrawals from one or more accounts that the obligor owns in whole or in part, up  
2 to a total amount that is sufficient to pay the support owed, financial institution fees  
3 under par. (c) and estimated levy fees and costs under sub. (11), until further notice  
4 from the department or a court.

5 (c) *Financial institution fees.* In addition to the levy fee authorized under sub.  
6 (11) (a), a financial institution may collect any early withdrawal penalty incurred  
7 under the terms of an account as a result of the levy. Financial institution fees  
8 authorized under this paragraph may be charged to the account immediately prior  
9 to the levy against the account under par. (e) and may be charged even if the amounts  
10 in the obligor's accounts are insufficient to pay the total amount of support owed and  
11 the department's levy costs under sub. (11) (b).

12 (d) *Notice of intent to levy.* No later than the next business day after the  
13 department sends notice to the financial institution under par. (b), the department  
14 shall send a notice of intent to levy to the obligor. The department shall also send  
15 a notice to any other person in whose name the account is held. The notices required  
16 under this paragraph shall be in the form determined by the department, however  
17 the notice sent to the obligor must include language stating all of the following:

- 18 1. That the obligor has been certified as delinquent in paying support.
- 19 2. The amount of the support owed.
- 20 3. The financial institution to which the department sent the notice under par.  
21 (b).

- 22 4. That one or more accounts owned in whole or in part by the obligor at the  
23 financial institution have been frozen, up to a total amount that is sufficient pay the  
24 support owed, the department's levy costs and financial institution fees, until further  
25 notice from the department.

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1           5. That, unless the obligor requests a hearing within 20 business days after the  
2 date of the notice, the department may direct the financial institution to pay moneys  
3 from one or more of the obligor's accounts to the department to pay the support owed.

4           6. The address to which the request for hearing must be mailed or delivered in  
5 order to schedule a hearing.

6           (e) *Notice of levy.* If the obligor fails to make a timely request for a hearing, the  
7 department shall provide the financial institution to which the department sent a  
8 notice under par. (b) with a notice of levy ordering the financial institution to pay  
9 moneys from one or more of the obligor's accounts to the department to pay the  
10 support owed. A financial institution receiving a notice of levy under this paragraph  
11 shall pay the moneys to the department in the manner, and within the time, specified  
12 by rule or by agreement. If the department sends a a notice of levy to a financial  
13 institution under this paragraph, the department shall send a copy of the notice of  
14 levy to the obligor and to any other person in whose name the account is held.

15           (f) *Hearings.* A hearing requested under par. (d) 5. shall be conducted before  
16 the circuit court rendering the order to pay support. Within 10 business days after  
17 receiving a request for hearing under par. (d) 5., the court shall set the matter for  
18 hearing. The family court commissioner may conduct the hearing. The sole issue at  
19 the hearing shall be whether the obligor owes the amount of support certified. After  
20 a decision in the hearing is issued, the department shall either send a notice of levy  
21 to the financial institution under par. (e) ordering payment of the amount of support  
22 owed or instructing the financial institution to release the accounts.

23           **(6) LEVYING AGAINST OTHER PERSONAL PROPERTY.** (a) *When notice of seizure*  
24 *required.* If the department has enforced a lien under this section by levying against  
25 personal property, the department shall immediately notify the obligor that the

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1 property has been seized. The department shall provide the notice of seizure under  
2 this paragraph to any person known to have a lien on the property and, if the property  
3 is titled, to the state agency that titles the property. A state agency receiving a notice  
4 under this paragraph may not transfer title to the personal property described in the  
5 notice, except on the instructions of a court or the department.

6 (b) *Content of notice of seizure.* The notice provided under par. (a) shall include  
7 all of the following:

- 8 1. The name of the obligor and the amount of the support owed.
- 9 2. A description of the personal property seized.
- 10 3. A statement that the obligor may, within 20 business days after the date of  
11 the notice, request a hearing on the questions of whether past-due support is owed  
12 and whether the property was wrongfully seized.
- 13 4. A statement that the hearing may be requested by filing a motion with the  
14 court issuing the order to pay the support.

15 (c) *Hearing.* If a hearing is requested under par. (b) 4., the court or family court  
16 commissioner shall schedule a hearing within 10 business days after receiving the  
17 request under par. (b) 4. If, at the hearing, the obligor establishes that the seizure  
18 of the personal property was not proper because of a mistake of fact, the court or  
19 family court commissioner shall direct that the department or its designee return the  
20 seized personal property within 15 business days. If a family court commissioner  
21 conducts the hearing under this paragraph, the department or the obligor may,  
22 within 15 business days after the date that the family court commissioner made his  
23 or her decision, request review of the decision by the court with jurisdiction over the  
24 action. The court reviewing the decision may order the department to return the  
25 seized property or may authorize the sale of the property by the department. If the

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1 department is ordered to return seized property under this paragraph, the court  
2 shall instruct any state agency responsible for titling the property that it may  
3 transfer title to the property without receiving instructions from a court or the  
4 department under par. (a).

5 (d) *Notice of sale.* As soon as practicable after seizing the personal property and  
6 after any requested hearings are conducted under par. (c), the department shall send  
7 a notice to the obligor indicating when and where the property will be sold. The  
8 department shall publish or post the time and date of sale.

9 (e) *Redemption.* At any time after receiving the notice of sale under par. (d),  
10 but before the property is sold, the obligor may redeem the property by paying the  
11 total past-due support owed together with any levy fees and costs under sub. (11).  
12 If the obligor redeems the property, the department shall instruct the titling agency  
13 that the agency may transfer title to the property without receiving instructions from  
14 a court or the department under par. (a).

15 (f) *Sale.* The date of sale must be no more than 60 days after the date of the  
16 notice of sale under par. (d). The department shall give the purchaser of property  
17 under this paragraph a certificate of sale upon payment in full of the purchase price.  
18 If the property seized and sold is titled property, the department shall direct the state  
19 agency that titled the property to transfer the title of the property to the purchaser  
20 of the property.

21 **(7) LEVYING AGAINST REAL PROPERTY.** (a) *When notice of intent to levy required.*  
22 To enforce a lien under this section by levying against real property, the department  
23 shall provide the obligor with a notice of intent to levy. The notice shall be provided  
24 to any persons known to have a lien against the real property.



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1           (b) *Content of notice of intent.* The notice provided under par. (a) shall include  
2 all of the following:

3           1. The name of the obligor and the amount of the support owed.

4           2. A description of the real property against which the department intends to  
5 levy.

6           3. A statement that the obligor may, within 20 business days after the date of  
7 the notice, request a hearing on the question of whether past-due support is owed.

8           4. A statement that the hearing may be requested by filing a motion with the  
9 court issuing the order to pay the support.

10          5. In notices being provided to known lienholders, a request that the lienholder  
11 notify the department, within 10 days after receiving the notice under par. (a), of the  
12 amount of the lienholder's lien on the property.

13          (c) *Hearing.* If a hearing is requested under par. (b) 4., the court or family court  
14 commissioner shall schedule a hearing within 10 business days after receiving the  
15 request under par. (b) 4. If, at the hearing, the obligor establishes that enforcing a  
16 lien against the real property would not be proper because of a mistake of fact, the  
17 court or family court commissioner shall direct the department not to proceed with  
18 the levy. If a family court commissioner conducts the hearing under this paragraph,  
19 the department or the obligor may, within 15 business days after the date that the  
20 family court commissioner made his or her decision, request review of the decision  
21 by the court with jurisdiction over the action. The court reviewing the decision may  
22 direct the department not to proceed with the levy or may authorize the sale of the  
23 property by the department.

24          (d) *Final notice.* Unless the department has been directed not to proceed with  
25 the levy in a hearing under par. (c) or unless the obligor has paid the support owed

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1 and any levy fees and costs under sub. (11), the department may send to the obligor  
2 a final notice of intent to seize and sell the property. The final notice may not be sent  
3 until 20 days after the date of the notice of intent to levy under par. (a) or after any  
4 requested hearings under par. (c) have been completed. The final notice shall include  
5 a date by which the obligor must vacate the premises and a date on which the  
6 property will be sold, unless the obligor pays the support owed and any levy fees and  
7 costs under sub. (11). The date in the notice by which the obligor must vacate the  
8 premises must be at least 60 days after the date that the final notice is sent and the  
9 date of sale must be at least 90 days after the date that the final notice is sent. The  
10 department shall provide a copy of any final notice under this paragraph to the  
11 register of deeds in the county where the real property is located. A register of deeds  
12 receiving a final notice under this paragraph may not issue or transfer a deed for the  
13 property, except on the instructions of a court or the department.

14 (e) *Sale*. The department shall publish a class 1 notice, under ch. 985, in the  
15 county where the property is to be seized within 60 days after issuing the final notice  
16 under par. (d). The obligor may redeem the property prior to the date of sale by  
17 paying the full amount of support owed together with any levy fees and costs under  
18 sub. (11). The department may proceed with the sale 30 days after the notice is  
19 posted or published, unless the obligor has redeemed the property. If the obligor has  
20 failed to redeem the property and has failed to vacate the property prior to the date  
21 specified in the final notice, the department may issue an administrative order  
22 directing a local law enforcement agency or official to escort the obligor and any other  
23 residents off the property. The department may establish procedures for conducting  
24 sales of property under this paragraph. The department shall instruct the county

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1 register of deeds in the county where the property is located to issue a deed to any  
2 person purchasing property sold under this paragraph.

3 (8) DUTIES TO SURRENDER; GENERALLY. Any person in possession of or obligated  
4 with respect to property or rights to property that is subject to levy under this section  
5 and upon which a levy has been made shall, upon demand of the department,  
6 surrender the property or rights or discharge the obligation to the department,  
7 except that part of the property or rights that is, at the time of the demand, subject  
8 to any prior attachment or execution under any judicial process.

9 (9) NOTICE. Any notice required to be provided under this section may be  
10 provided by sending the notice by regular mail to the last known address of the  
11 person to whom notice is to be sent.

12 (10) FAILURE TO SURRENDER; ENFORCEMENT OF LEVY. (a) *Proceedings against*  
13 *obligor*. Any obligor who fails or refuses to surrender any property or rights to  
14 property that is subject to levy, upon demand by the department, is subject to  
15 proceedings to enforce the amount of the levy.

16 (b) *Proceedings against 3rd parties*. A 3rd party who fails to surrender any  
17 property or rights to property subject to levy, upon demand of the department, is  
18 subject to proceedings to enforce the levy. The 3rd party is not liable to the  
19 department under this paragraph for more than 25% of the support owed. The  
20 department shall issue a determination to the 3rd party for the amount of the  
21 liability.

22 (c) *Surrender and discharge*. When a 3rd party surrenders the property or  
23 rights to the property on demand of the department or discharges the obligation to  
24 the department for which the levy is made, the 3rd party is discharged from any

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1 obligation or liability to the obligor with respect to the property or rights to the  
2 property arising from the surrender or payment to the department.

3 **(11) LEVY FEES AND COSTS.** (a) *Third parties.* Any 3rd party is entitled to a levy  
4 fee of \$5 for each levy in any case where property is secured through the levy. The  
5 3rd party shall deduct the fee from the proceeds of the levy.

6 (b) *The department.* The department may assess a collection fee to recover the  
7 department's costs incurred in levying against property under this section. The  
8 department shall determine its costs to be paid in all cases of levy. The obligor is  
9 liable to the department for the amount of the collection fee authorized under this  
10 paragraph. Fees collected under this paragraph shall be credited to the  
11 appropriation account under s. 20.445 (1) (L).

12 **(12) USE OF PROCEEDS.** (a) *Priorities.* After paying any liens on a property that  
13 have priority over a lien under this section, the department shall apply all proceeds  
14 from a sale of that property under this section first against the support in respect to  
15 which the levy was made and then against levy fees and costs under sub. (11).

16 (b) *Refunds or credits.* The department may refund or credit any amount left  
17 after the applications under par. (a), upon submission of a claim therefor and  
18 satisfactory proof of the claim, to the person entitled to that amount.

19 **(13) RELEASE OF LEVY; SUSPENSION OF PROCEEDINGS TO ENFORCE LIEN.** (a) *Release.*  
20 The department may release the levy upon all or part of property levied upon to  
21 facilitate the collection of the liability or to grant relief from a wrongful levy, but that  
22 release does not prevent any later levy.

23 (b) *Settlement.* If the county child support agency accepts a plan for the  
24 payment of support owed by an obligor, the department shall suspend all actions to

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1 enforce a lien under this section as long as the obligor remains in compliance with  
2 the payment plan.

3 (14) **WRONGFUL LEVY.** If the department determines that property has been  
4 wrongfully levied upon, the department may return the property at any time, or may  
5 return an amount of money equal to the amount of money, or value of the property,  
6 levied upon.

7 (15) **ACTIONS AGAINST THIS STATE.** (a) *Commencement of actions.* If the  
8 department has levied upon property, any person, other than the obligor who is liable  
9 to pay the support out of which the levy arose, who claims an interest in or lien on  
10 that property and claims that that property was wrongfully levied upon may bring  
11 a civil action against the state in the circuit court for Dane County. If the county child  
12 support agency has levied upon property pursuant to delegated authority under sub.  
13 (17), any person, other than the obligor who is liable to pay the support out of which  
14 the levy arose, who claims an interest in or lien on that property and claims that that  
15 property was wrongfully levied upon may bring a civil action against the county child  
16 support agency in the circuit court for the county where the court order for the  
17 payment of support, upon which the seizure is based, was first entered or last  
18 modified. That action may be brought whether or not that property has been  
19 surrendered to the department or the county child support agency. The court may  
20 grant only the relief under par. (b). No other action to question the validity of or  
21 restrain or enjoin a levy by the department or a county child support agency may be  
22 maintained.

23 (b) *Remedies.* In an action under par. (a), if a levy would irreparably injure  
24 rights to property, the court may enjoin the enforcement of that levy. If the court

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1 determines that the property has been wrongfully levied upon, it may grant a  
2 judgment for the amount of money obtained by levy.

3 (c) *Validity of determination.* For purposes of an adjudication under this  
4 subsection, the support obligation upon which the lien is based is conclusively  
5 presumed to be valid.

6 (16) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No employer  
7 may discharge or otherwise discriminate with respect to the terms and conditions of  
8 employment against any employe by reason of the fact that his or her property has  
9 been subject to levy for any one levy or because of compliance with any provision of  
10 this section. Whoever wilfully violates this subsection may be fined not more than  
11 \$1,000 or imprisoned for not more than one year or both.

12 (17) DELEGATION. The department may delegate any duties or powers given to  
13 the department under this section to county child support agencies, except that the  
14 department must approve the initiation of any levy proceedings under sub. (7) and  
15 any final notice provided under sub. (7) (d).

16 (18) PRESERVATION OF REMEDIES. The availability of the remedies under this  
17 section does not abridge the right of the department to pursue other remedies.

18 **SECTION 1988.** 49.855 (1) of the statutes is amended to read:

19 49.855 (1) If a person obligated to provide child support, family support or  
20 maintenance is delinquent in making court-ordered payments, or owes an  
21 outstanding amount that has been ordered by the court for past support, medical  
22 expenses or birth expenses, the clerk of circuit court or county support collection  
23 designee under s. ~~59.07 (97m)~~ 59.53 (5m), whichever is appropriate, upon application  
24 of the county designee under s. 59.53 (5) or the department of industry, labor and job

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1 development, shall certify the delinquent payment or outstanding amount to the  
2 department of industry, labor and job development.

3 **SECTION 1989.** 49.855 (1) and (2) of the statutes, as affected by 1997 Wisconsin  
4 Act .... (this act), are consolidated, renumbered 49.855 (1) and amended to read:

5 49.855 (1) If a person obligated to provide child support, family support or  
6 maintenance is delinquent in making court-ordered payments, or owes an  
7 outstanding amount that has been ordered by the court for past support, medical  
8 expenses or birth expenses, ~~the clerk of circuit court or county support collection~~  
9 ~~designee under s. 59.53 (5m), whichever is appropriate, upon application of the~~  
10 ~~county designee under s. 59.53 (5) or the department of industry, labor and job~~  
11 ~~development, shall certify the delinquent payment or outstanding amount to the~~  
12 ~~department of industry, labor and job development.~~ (2) ~~At least annually, the~~  
13 ~~department of industry, labor and job development~~ revenue and, at least annually,  
14 shall provide to the department of revenue ~~the certifications that it receives under~~  
15 ~~sub. (1) and any certifications of delinquencies or outstanding amounts that it~~  
16 receives from another state because the obligor resides in this state.

17 **SECTION 1990.** 49.855 (2p) of the statutes is created to read:

18 49.855 (2p) At least annually, the department of corrections shall certify to the  
19 department of revenue any obligation owed to the department of corrections under  
20 s. 301.12 if the obligation is rendered to a judgment.

21 **SECTION 1991.** 49.855 (3) of the statutes is amended to read:

22 49.855 (3) Receipt of a certification by the department of revenue shall  
23 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
24 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
25 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines

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1 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
2 obligor that the state intends to reduce any state tax refund or credit due the obligor  
3 by the amount the obligor is delinquent under the support or maintenance order, by  
4 the outstanding amount for past support, medical expenses or birth expenses under  
5 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall  
6 provide that within 20 days the obligor may request a hearing before the circuit court  
7 rendering the order. Within 10 days after receiving a request for hearing under this  
8 subsection, the court shall set the matter for hearing. Pending further order by the  
9 court or family court commissioner, the clerk of circuit court or county support  
10 collection designee under s. ~~59.07 (97m)~~ 59.53 (5m) is prohibited from disbursing the  
11 obligor's state tax refund or credit. The family court commissioner may conduct the  
12 hearing. The sole issues at that hearing shall be whether the obligor owes the  
13 amount certified and, if not and it is a support or maintenance order, whether the  
14 money withheld from a tax refund or credit shall be paid to the obligor or held for  
15 future support or maintenance. An obligor may, within 20 days of receiving notice  
16 that the amount certified shall be withheld from his or her federal tax refund or  
17 credit, request a hearing under this subsection.

18 **SECTION 1992.** 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act ...  
19 (this act), is amended to read:

20 49.855 (3) Receipt of a certification by the department of revenue shall  
21 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
22 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
23 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines  
24 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
25 obligor that the state intends to reduce any state tax refund or credit due the obligor



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1 by the amount the obligor is delinquent under the support or maintenance order, by  
2 the outstanding amount for past support, medical expenses or birth expenses under  
3 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall  
4 provide that within 20 days the obligor may request a hearing before the circuit court  
5 rendering the order. Within 10 days after receiving a request for hearing under this  
6 subsection, the court shall set the matter for hearing. Pending further order by the  
7 court or family court commissioner, the ~~clerk of circuit court or county support~~  
8 ~~collection designee under s. 59.53 (5m)~~ department of industry, labor and job  
9 development or its designee, whichever is appropriate, is prohibited from disbursing  
10 the obligor's state tax refund or credit. The family court commissioner may conduct  
11 the hearing. The sole issues at that hearing shall be whether the obligor owes the  
12 amount certified and, if not and it is a support or maintenance order, whether the  
13 money withheld from a tax refund or credit shall be paid to the obligor or held for  
14 future support or maintenance. An obligor may, within 20 days of receiving notice  
15 that the amount certified shall be withheld from his or her federal tax refund or  
16 credit, request a hearing under this subsection.

17 **SECTION 1993.** 49.855 (4) of the statutes is amended to read:

18 49.855 (4) The department of revenue shall send that portion of any state or  
19 federal tax refunds or credits withheld for delinquent child support or maintenance  
20 or past support, medical expenses or birth expenses to the department of industry,  
21 labor and job development or its designee for distribution to the ~~appropriate clerk of~~  
22 ~~circuit court or county support collection designee under s. 59.07 (97m)~~ obligee. The  
23 department of industry, labor and job development shall make a settlement at least  
24 annually with the department of revenue ~~and with each clerk of circuit court or~~  
25 ~~county support collection designee under s. 59.07 (97m) who has certified a~~

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1 delinquent obligation or outstanding amount for past support, medical expenses or  
2 birth expenses. The settlement shall state the amounts certified, the amounts  
3 deducted from tax refunds and credits and returned to the clerk of circuit court or  
4 county support collection designee under s. 59.07 (97m) and the administrative costs  
5 incurred by the department of revenue. The department of industry, labor and job  
6 development may charge the county whose clerk of circuit court or support collection  
7 designee under s. 59.07 (97m) certified the obligation or outstanding amount the  
8 related administrative costs incurred by the department of industry, labor and job  
9 development and the department of revenue.

10 **SECTION 1994.** 49.855 (4m) (b) of the statutes is amended to read:

11 49.855 (4m) (b) The department of revenue may provide a certification that it  
12 receives under sub. (2) ~~or~~, (2m) or (2p) to the department of administration. Upon  
13 receipt of the certification, the department of administration shall determine  
14 whether the obligor is a vendor or is receiving any other payments from this state,  
15 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.  
16 45.351 (1), this chapter or ch. 46 ~~or~~, 108 or 301. If the department of administration  
17 determines that the obligor is a vendor or is receiving payments from this state,  
18 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.  
19 45.351 (1), this chapter or ch. 46 ~~or~~, 108 or 301, it shall begin to withhold the amount  
20 certified from those payments and shall notify the obligor that the state intends to  
21 reduce any payments due the obligor by the amount the obligor is delinquent under  
22 the support or maintenance order, by the outstanding amount for past support,  
23 medical expenses or birth expenses under the court order or by the amount due under  
24 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt  
25 of the notice the obligor may request a hearing before the circuit court rendering the

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1 order. An obligor may, within 20 days after receiving notice, request a hearing under  
2 this paragraph. Within 10 days after receiving a request for hearing under this  
3 paragraph, the court shall set the matter for hearing. The family court commissioner  
4 may conduct the hearing. Pending further order by the court or family court  
5 commissioner, the clerk of circuit court or county support collection designee under  
6 s. ~~59.07 (97m)~~ 59.53 (5m) may not disburse the payments withheld from the obligor.  
7 The sole issues at the hearing are whether the obligor owes the amount certified and,  
8 if not and it is a support or maintenance order, whether the money withheld shall be  
9 paid to the obligor or held for future support or maintenance.

10 **SECTION 1995.** 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin  
11 Act .... (this act), is amended to read:

12 49.855 (**4m**) (b) The department of revenue may provide a certification that it  
13 receives under sub. ~~(2)~~ (1), (2m) or (2p) to the department of administration. Upon  
14 receipt of the certification, the department of administration shall determine  
15 whether the obligor is a vendor or is receiving any other payments from this state,  
16 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.  
17 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration  
18 determines that the obligor is a vendor or is receiving payments from this state,  
19 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.  
20 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount  
21 certified from those payments and shall notify the obligor that the state intends to  
22 reduce any payments due the obligor by the amount the obligor is delinquent under  
23 the support or maintenance order, by the outstanding amount for past support,  
24 medical expenses or birth expenses under the court order or by the amount due under  
25 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt

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1 of the notice the obligor may request a hearing before the circuit court rendering the  
2 order. An obligor may, within 20 days after receiving notice, request a hearing under  
3 this paragraph. Within 10 days after receiving a request for hearing under this  
4 paragraph, the court shall set the matter for hearing. The family court commissioner  
5 may conduct the hearing. Pending further order by the court or family court  
6 commissioner, the ~~clerk of circuit court or county support collection designee under~~  
7 ~~s. 59.53 (5m)~~ department of industry, labor and job development or its designee,  
8 whichever is appropriate, may not disburse the payments withheld from the obligor.  
9 The sole issues at the hearing are whether the obligor owes the amount certified and,  
10 if not and it is a support or maintenance order, whether the money withheld shall be  
11 paid to the obligor or held for future support or maintenance.

12 **SECTION 1996.** 49.855 (4m) (c) of the statutes is amended to read:

13 49.855 (4m) (c) Except as provided by order of the court after hearing under  
14 par. (b), the department of administration shall continue withholding until the  
15 amount certified is recovered in full. The department of administration shall  
16 transfer the amounts withheld under this paragraph to the department of industry,  
17 labor and job development for distribution to the appropriate clerk of court, county  
18 support collection designee under s. ~~59.07 (97m)~~ or 59.53 (5m), department of health  
19 and family services or department of corrections, whichever is appropriate.

20 **SECTION 1997.** 49.855 (4m) (c) of the statutes, as affected by 1995 Wisconsin  
21 Act .... (this act), is amended to read:

22 49.855 (4m) (c) Except as provided by order of the court after hearing under  
23 par. (b), the department of administration shall continue withholding until the  
24 amount certified is recovered in full. The department of administration shall  
25 transfer the amounts withheld under this paragraph to the department of industry,

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1 labor and job development ~~for distribution to the appropriate clerk of court, county~~  
2 ~~support collection designee under s. 59.53 (5m) or its designee~~, department of health  
3 and family services or department of corrections, whichever is appropriate. The  
4 department of industry, labor and job development or its designee shall distribute  
5 amounts withheld for delinquent child or family support or maintenance or past  
6 support, medical expenses or birth expenses to the obligee.

7 **SECTION 1998.** 49.855 (5) of the statutes is amended to read:

8 49.855 (5) Certification of an obligation to the department of industry, labor  
9 and job development revenue does not deprive any party of the right to collect the  
10 obligation or to prosecute the obligor. ~~The clerk of court or county support collection~~  
11 ~~designee under s. 59.07 (97m), whichever is appropriate~~, department of industry,  
12 labor and job development or its designee shall immediately notify the department  
13 of industry, labor and job development revenue of any collection of an obligation that  
14 has been certified by ~~the clerk of court or county support collection designee under~~  
15 ~~s. 59.07 (97m)~~. ~~The department of industry, labor and job development shall correct~~  
16 ~~the certified obligation according to the amount the county has collected and report~~  
17 ~~the correction to the department of revenue.~~

18 **SECTION 1999.** 49.855 (6) of the statutes is amended to read:

19 49.855 (6) If the state implements the child and spousal support and paternity  
20 program under s. ss. 49.22 and 59.53 (5), the state may act under this section in place  
21 of the county designee child support agency under s. ~~59.07 (97)~~ 59.53 (5).

22 **SECTION 2000.** 49.855 (7) of the statutes is amended to read:

23 49.855 (7) The department of industry, labor and job development may provide  
24 a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11  
25 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m),

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1 45.351 ~~(2) (e)~~, 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1)  
2 (c), 234.59 (3) (c), 234.65 (3) (f), 234.83 (2) (a) 3., 234.90 (3) (d) or (3g) (c), ~~234.905 (3)~~  
3 ~~(d)~~, 281.65 (8) (L) or 949.08 (2) (g).

4 **SECTION 2001.** 49.856 of the statutes is created to read:

5 **49.856 Notification of delinquent payments. (1)** In this section:

6 (a) "Agency" means the county child support agency under s. 59.53 (5).

7 (b) "Department" means the department of industry, labor and job  
8 development.

9 (c) "Obligor" means a person who owes a delinquent child support, family  
10 support or maintenance payment or who owes an outstanding amount that has been  
11 ordered by a court for past support, medical expenses or birth expenses and that  
12 delinquent payment or outstanding amount has been certified by the department  
13 under s. 49.855.

14 **(2)** If the department certifies a delinquent payment or outstanding amount  
15 under s. 49.855 (1) and the obligor receives a judgment against another person or has  
16 settled a lawsuit against another person that provides for the payment of money, the  
17 department or agency may send a notice to any person who is ordered to pay the  
18 judgment, who has agreed to the settlement or who holds the amount of the judgment  
19 or settlement in trust. The notice shall inform the person that the amount of the  
20 judgment or settlement due the obligor is subject to a lien by the department for the  
21 payment of the delinquent payment or outstanding amount certified under s. 49.855.  
22 The notification shall include the name and address of the obligor and the total  
23 amount certified under s. 49.855. Upon receipt of a notification, the person receiving  
24 the notification shall withhold an amount equal to the amount certified under s.

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1 49.855 before making any payment under the judgment or pursuant to the  
2 settlement.

3 (3) When the department or agency notifies a person under sub. (2), the  
4 department or agency shall send a notice to the last-known address of the obligor.  
5 The notice shall do all of the following:

6 (a) Inform the obligor that the department or agency notified the person who  
7 owes money to the obligor or who holds money in trust for the obligor under a  
8 judgment or pursuant to a settlement to withhold the amount that was certified  
9 under s. 49.855 from any lump sum payment that may be paid to the obligor as a  
10 result of the judgment or settlement.

11 (b) Inform the obligor that he or she may request a hearing before the circuit  
12 court that rendered the order to pay support, maintenance, medical expenses or birth  
13 expenses within 20 days after receipt of this notice.

14 (c) Inform the obligor that if a hearing is requested under par. (b) the  
15 department or agency will not require the person withholding the amount to send the  
16 amount to that department or agency until a final decision is issued in response to  
17 the request for a hearing.

18 (d) Request that the obligor inform the department or agency if a bankruptcy  
19 stay is in effect with respect to the obligor.

20 (4) If the obligor requests a hearing under sub. (3) (b), the circuit court shall,  
21 within 10 days after receiving the request, set the matter for a hearing. The only  
22 issue at the hearing shall be whether the person owes the delinquent payment or  
23 outstanding amount certified under s. 49.855. A family court commissioner may  
24 conduct the hearing.

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1           **(5)** Receipt of a notification by a person under sub. (2) shall constitute a lien,  
2 equal to the amount certified, on any lump sum payment resulting from a judgment  
3 or settlement that may be due the obligor. The department or agency shall notify the  
4 person who received the notification under sub. (2) that the obligor has not requested  
5 a hearing or, if he or she has requested a hearing, of the results of that hearing, and  
6 of the responsibilities of the person who received the notification under sub. (2),  
7 including the requirement to submit the amount certified under s. 49.855. Use of the  
8 procedures under this section does not prohibit the department or agency from  
9 attempting to recover the amount certified under s. 49.855 through other legal  
10 means. The department or agency shall promptly notify any person who receives  
11 notification under sub. (2) if the amount certified under s. 49.855 has been recovered  
12 by some other means and no longer must be withheld from the judgment or  
13 settlement under this section.

14           **SECTION 2002.** 49.857 of the statutes is created to read:

15           **49.857 Administrative enforcement of support; denial, nonrenewal,**  
16 **restriction and suspension of licenses. (1)** In this section:

17           (a) "Credential" means a license, permit, certificate or registration that is  
18 granted under chs. 440 to 480.

19           (b) "Credentialing board" means a board, examining board or affiliated  
20 credentialing board in the department of regulation and licensing that grants a  
21 credential.

22           (c) "License" means any of the following:

23           1. A license issued under s. 13.63 or a registration issued under s. 13.64.

24           2. An approval specified in s. 29.091 (1).

25           3. A license issued under s. 48.66 (1).



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- 1           4. A certification, license, training permit, registration, approval or certificate
- 2           issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a), 250.05 (5),
- 3           252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3) or (4), 254.47
- 4           (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).
- 5           5. A business tax registration certificate issued under s. 73.03 (50).
- 6           6. A license, registration, registration certificate or certification specified in s.
- 7           93.135 (1).
- 8           7. A license, permit or certificate of certification or registration specified in s.
- 9           101.02 (21) (a).
- 10          8. A license issued under s. 102.17 (1) (c), 104.07 or 105.05.
- 11          9. A permit issued under s. 103.25 or 103.70.
- 12          10. A certificate issued under s. 103.275, 103.91 or 103.92.
- 13          11. A license or permit issued under chs. 115 and 118.
- 14          12. A license or certificate of registration issued under s. 138.09, 138.12, 217.06,
- 15          218.01, 218.02, 218.04, 218.05 or 224.72 or subch. III of ch. 551.
- 16          13. A permit issued under s. 170.12.
- 17          14. A certification under s. 165.85.
- 18          15. A license, permit or registration issued under s. 218.01, 218.11, 218.12,
- 19          218.22, 218.32, 218.41, 218.51, 341.51, 343.305 (6), 343.61 or 343.62.
- 20          16. A license, registration or certification specified in s. 299.08 (1) (a).
- 21          17. A license issued under ch. 343 or, with respect to restriction, limitation or
- 22          suspension, an individual's operating privilege, as defined in s. 340.01 (40).
- 23          18. A credential.
- 24          19. A license issued under s. 563.24 or ch. 562.

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1           20. A license issued under s. 628.04, 632.68 (2) or (4) or 633.14 or a temporary  
2 license issued under s. 628.09.

3           21. A license to practice law.

4           (d) "Licensing agency" means a board, office or commissioner, department or  
5 division within a department that grants or issues a license, but does not include a  
6 credentialing board.

7           (e) "Support" means child or family support, maintenance, birth expenses,  
8 medical expenses or other expenses related to the support of a child or former spouse.

9           **(2)** (a) The department of industry, labor and job development shall establish  
10 a system, in accordance with federal law, under which the supreme court is  
11 requested, and a licensing agency or credentialing board is required, to restrict,  
12 limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew, continue  
13 or revalidate a license in a timely manner upon certification by and in cooperation  
14 with the department of industry, labor and job development, if the individual holding  
15 or applying for the license is delinquent in making court-ordered payments of  
16 support.

17           (b) Under the system, the department of industry, labor and job development  
18 shall enter into a memorandum of understanding with the supreme court, if the  
19 supreme court agrees, and with a licensing agency. A memorandum of  
20 understanding under this paragraph shall address at least all of the following:

21           1. The circumstances under which the supreme court or the licensing agency  
22 must restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to  
23 renew, continue or revalidate a license and guidelines for determining the  
24 appropriate action to take. The memorandum of understanding with the  
25 department of regulation and licensing shall include the circumstances under which

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1 the department of regulation and licensing shall direct a credentialing board to  
2 restrict, limit, suspend, withhold, deny or refuse to grant a credential and guidelines  
3 for determining the appropriate action to take.

4 2. Procedures that the department of industry, labor and job development shall  
5 use for doing all of the following:

6 a. Certifying to the supreme court or licensing agency a delinquency in support.  
7 The memorandum of understanding with the department of regulation and licensing  
8 shall include procedures for the department of regulation and licensing to notify a  
9 credentialing board that a certification of delinquency in support has been made by  
10 the department of industry, labor and job development with respect to an individual  
11 who holds or applied for a credential granted by the credentialing board.

12 b. Notifying an individual who is delinquent in making court-ordered  
13 payments of support under sub. (3) (a).

14 c. Notifying the supreme court or licensing agency that an individual has paid  
15 delinquent support or made satisfactory alternative payment arrangements. The  
16 memorandum of understanding with the department of regulation and licensing  
17 shall include procedures for the department of regulation and licensing to notify a  
18 credentialing board that an individual who holds or applied for a credential granted  
19 by the credentialing board has paid delinquent support or made satisfactory  
20 alternative payment arrangements.

21 3. Procedures that the supreme court or licensing agency shall use for doing all  
22 of the following:

23 a. Notifying an individual who is delinquent in making court-ordered  
24 payments of support under sub. (3) (c) 1.

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1           b. Restricting, limiting, suspending, withholding, denying, refusing to grant or  
2 issue or refusing to renew, continue or revalidate a license. The memorandum of  
3 understanding with the department of regulation and licensing shall include  
4 procedures for the department of regulation and licensing to direct a credentialing  
5 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

6           c. Issuing or reinstating a license if the department of industry, labor and job  
7 development notifies the supreme court or licensing agency that an individual who  
8 was delinquent in making court-ordered payments of support has paid the  
9 delinquent support or made satisfactory alternative payment arrangements. The  
10 memorandum of understanding with the department of regulation and licensing  
11 shall include procedures for the department of regulation and licensing to direct a  
12 credentialing board to grant or reinstate a credential if the department of industry,  
13 labor and job development notifies the department of regulation and licensing that  
14 an individual who holds or applied for a credential granted by the credentialing  
15 board has paid the delinquent support or made satisfactory alternative payment  
16 arrangements.

17           4. Procedures for the use under the system of social security numbers obtained  
18 from license applications.

19           5. Procedures for safeguarding the confidentiality of information about an  
20 individual, including social security numbers obtained by the department of  
21 industry, labor and job development, the supreme court, the licensing agency or a  
22 credentialing board.

23           (c) The system shall provide for adequate notice to an individual who is  
24 delinquent in making court-ordered payments of support, an opportunity for the  
25 individual to make alternative arrangements for paying the delinquent support, an

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1 opportunity for the individual to request and obtain a hearing before a court or family  
2 court commissioner as provided in sub. (3) and prompt reinstatement of the  
3 individual's license upon payment of the delinquent support or upon making  
4 satisfactory alternative payment arrangements.

5 (3) (a) Before the department of industry, labor and job development certifies  
6 to the supreme court or a licensing agency under the system established under sub.  
7 (2) that an individual is delinquent in making court-ordered payments of support,  
8 the department of industry, labor and job development or a county child support  
9 agency under s. 59.53 (5) shall provide notice to the individual by regular mail. The  
10 notice shall inform the individual of all of the following:

11 1. That a certification of delinquency in paying support will be made to the  
12 supreme court, a licensing agency or, with respect to a credential granted by a  
13 credentialing board, the department of regulation and licensing.

14 2. When the certification under subd. 1. will occur.

15 3. That, upon certification, any license that the individual holds from any  
16 licensing agency or credentialing board, or from the supreme court if the supreme  
17 court agrees, will be restricted, limited, suspended or not renewed, continued or  
18 revalidated, and any license for which the individual applies or has applied from any  
19 licensing agency or credentialing board, or from the supreme court if the supreme  
20 court agrees, will not be granted or issued.

21 4. That the certification will not be made if the individual pays the delinquent  
22 amount in full or makes satisfactory alternative payment arrangements with the  
23 department of industry, labor and job development or a county child support agency  
24 under s. 59.53 (5). The notice shall inform the individual of how he or she may pay  
25 the delinquent amount or make satisfactory alternative payment arrangements.

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1           5. That, within 20 days after receiving the notice, the individual may request  
2 a hearing before the circuit court that rendered the order or judgment requiring the  
3 payments.

4           (b) 1. If the individual timely requests a hearing under par. (a) 5., the court shall  
5 set the matter for hearing within 10 days after receiving the request. The family  
6 court commissioner may conduct the hearing. The only issue at the hearing shall be  
7 whether the individual owes the amount that will be certified by the department of  
8 industry, labor and job development.

9           2. If at the hearing the court or family court commissioner finds that the  
10 individual does not owe the delinquent support, or if within 20 days after receiving  
11 the notice under par. (a) the individual pays the delinquent amount in full or makes  
12 satisfactory alternative payment arrangements, the department of industry, labor  
13 and job development shall not make a certification of delinquency to the supreme  
14 court or a licensing agency.

15           (c) 1. If the department of industry, labor and job development certifies to the  
16 supreme court, a licensing agency or, with respect to a credential granted by a  
17 credentialing board, the department of regulation and licensing that an individual  
18 is delinquent in making court-ordered payments of support and the individual did  
19 not request a hearing under par. (a) 5., the supreme court, if the supreme court  
20 agrees, licensing agency or department of regulation and licensing shall provide  
21 notice to the individual by regular mail. The notice shall inform the individual that,  
22 within 20 days after receiving the notice, the individual may request a hearing before  
23 the circuit court that rendered the order or judgment requiring the payments upon  
24 which the certification is based. If the individual timely requests a hearing under  
25 this subdivision, the court shall set the hearing within 10 days after receiving the

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1 request. The family court commissioner may conduct the hearing, and the only issue  
2 at the hearing shall be whether the individual owes the amount certified by the  
3 department of industry, labor and job development.

4 2. If at the hearing the court or family court commissioner finds that the  
5 individual does not owe the delinquent support, or if within 20 days after receiving  
6 the notice under subd. 1. the individual pays the delinquent amount in full or makes  
7 satisfactory alternative payment arrangements, the department of industry, labor  
8 and job development shall notify the supreme court or the licensing agency that the  
9 individual's license should not be restricted, limited, suspended, withheld, denied,  
10 refused granting or issuance or refused renewal, continuance or revalidation under  
11 a memorandum of understanding entered into under sub. (2) (b). If the individual  
12 holds or applied for a credential granted by a credentialing board, the department  
13 of regulation and licensing shall, upon notice by the department of industry, labor  
14 and job development, notify the credentialing board that the individual's credential  
15 should not be restricted, limited, suspended, withheld, denied or refused granting.

16 (d) If an individual who is denied a license or whose license is restricted,  
17 limited, suspended or refused renewal, continuance or revalidation under a  
18 memorandum of understanding entered into under sub. (2) (b) pays the delinquent  
19 amount of support in full or makes satisfactory alternative payment arrangements,  
20 the department of industry, labor and job development shall immediately notify the  
21 supreme court or licensing agency to issue or reinstate the individual's license as  
22 provided in the memorandum of understanding. If the individual held or applied for  
23 a credential granted by a credentialing board, the department of regulation and  
24 licensing shall, upon notice by the department of industry, labor and job

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1 development, notify the credentialing board to grant or reinstate the individual's  
2 credential.

3 (4) Each licensing agency shall enter into a memorandum of understanding  
4 with the department of industry, labor and job development under sub. (2) (b) and  
5 shall cooperate with the department of industry, labor and job development in its  
6 administration of s. 49.22. The department of regulation and licensing shall enter  
7 into a memorandum of understanding with the department of industry, labor and job  
8 development on behalf of a credentialing board with respect to a credential granted  
9 by the credentialing board.

10 (5) The restriction, limitation, suspension, withholding or denial of, or the  
11 refusal to grant, issue, renew, continue or revalidate, a license under a memorandum  
12 of understanding entered into under sub. (2) (b) is not subject to administrative  
13 review under ch. 227.

14 **SECTION 2003.** 49.89 (7) (c) of the statutes is amended to read:

15 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the  
16 amount recovered because of benefits paid under s. 49.20, 1995 stats., or s. 49.19,  
17 49.20, 49.30 or 253.05. The incentive payment shall be taken from the state share  
18 of the sum recovered, except that the incentive payment for an amount recovered  
19 because of benefits paid under s. 49.19 shall be considered an administrative cost  
20 under s. 49.19 for the purpose of claiming federal funding.

21 **SECTION 2004.** 49.90 (2g) of the statutes is amended to read:

22 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a  
23 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who  
24 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a  
25 dependent minor or the child's parent may apply to the circuit court for the county



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1 in which the child resides for an order to compel the provision of maintenance. A  
2 county department under s. 46.215, 46.22 or 46.23, a county child support agency  
3 under s. 59.53 (5) or the department of industry, labor and job development may  
4 initiate an action to obtain maintenance of the child by the child's grandparent under  
5 sub. (1) (a) 2., regardless of whether the child receives public assistance.

6 **SECTION 2005.** 50.02 (1) of the statutes is amended to read:

7 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,  
8 statewide licensing, inspection and regulation of community-based residential  
9 facilities and nursing homes as provided in this subchapter. The Except as provided  
10 in s. 50.022, the department shall certify, inspect and otherwise regulate adult family  
11 homes, as specified under s. 50.032 and shall license adult family homes, as specified  
12 under s. 50.033. Nothing in this subchapter may be construed to limit the authority  
13 of the department of commerce or of municipalities to set standards of building safety  
14 and hygiene, but any local orders of municipalities shall be consistent with uniform,  
15 statewide regulation of community-based residential facilities. The department  
16 may not prohibit any nursing home from distributing over-the-counter drugs from  
17 bulk supply. The department may consult with nursing homes as needed and may  
18 provide specialized consultations when requested by any nursing home, separate  
19 from its inspection process, to scrutinize any particular questions the nursing home  
20 raises. The department shall, by rule, define "specialized consultation".

21 **SECTION 2006.** 50.022 of the statutes is created to read:

22 **50.022 Denial, nonrenewal and revocation of license, certification or**  
23 **registration based on tax delinquency.** (1) The department shall require each  
24 applicant to provide the department with his or her social security number, if the  
25 applicant is an individual, or the applicant's federal employer identification member,

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1 if the applicant is not an individual, as a condition of issuing or renewing a  
2 certification under s. 50.034 (1) (a) or a registration under s. 50.034 (1) (b) or of  
3 issuing any of the following:

4 (a) A license under s. 50.03 (4) (a) 1. a.

5 (b) A license under s. 50.03 (4) (a) 1. b.

6 (c) A provisional license under s. 50.03 (4m) (a).

7 (d) A provisional license under s. 50.03 (4m) (b).

8 (e) A certification issued by the department under s. 50.032 (1m) (b).

9 (f) A license issued by the department under s. 50.033 (1m) (b).

10 (g) A conditional license under s. 50.04 (6) (a).

11 (h) A license under s. 50.05 (13).

12 (i) A certificate of approval under s. 50.35.

13 (j) A license under s. 50.49 (6) (a).

14 (k) A provisional license under s. 50.49 (10).

15 (L) A license or a provisional license under s. 50.52 (2).

16 (m) A license under s. 50.92 (2).

17 (n) A provisional license under s. 50.93 (3).

18 **(1m)** The department shall require each licensee or holder of a certification or  
19 certificate of approval specified under sub. (1) (a), (b), (e), (f), (h), (i), (j) or (m) or a  
20 licensee under s. 50.52 (2) to provide the department with his or her social security  
21 number if the licensee or holder of a certification or certificate of approval is an  
22 individual, or the licensee's or holder's federal employer identification number, if the  
23 licensee or holder is not an individual, as a condition of reporting under s. 50.03 (4)  
24 (c) 1. or 2., 50.032 (2r), 50.033 (2m), 50.355, 50.49 (6) (d), 50.535 or 50.93 (3m).

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1           **(2)** The department may not disclose any information received under sub. (1)  
2 or (1m) to any person except to the department of revenue for the sole purpose of  
3 requesting certifications under s. 73.0301.

4           **(3)** The department shall deny an application for the issuance or renewal of a  
5 certification under s. 50.034 (1) (a) or a registration under s. 50.034 (1) (b) or for the  
6 issuance of a license, certificate of approval, provisional license, conditional license,  
7 certification or registration specified in sub. (1) if the applicant does not provide the  
8 information specified in sub. (1) or shall deny approval of a report specified in sub.  
9 (1m) if the licensee or holder of a certification or certificate of approval does not  
10 provide the information specified in sub. (1m). A denial or nonrenewal under this  
11 subsection is subject to review under ch. 227.

12           **(4)** The department shall deny an application for the issuance or renewal of a  
13 certification under s. 50.034 (1) (a) or a registration under s. 50.034 (1) (b) or for the  
14 issuance of a license, certificate of approval, provisional license, conditional license,  
15 certification or registration specified in sub. (1) or shall revoke a certification under  
16 s. 50.034 (1) (a) or a registration under s. 50.034 (1) (b) or a license, certificate of  
17 approval, provisional license, conditional license, certification or registration  
18 specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the  
19 applicant for or holder of the license, certificate of approval, provisional license,  
20 conditional license, certification or registration is liable for delinquent taxes.

21           **SECTION 2007.** 50.03 (1m) of the statutes is amended to read:

22           **50.03 (1m) DISTINCT PART OR SEPARATE LICENSURE FOR INSTITUTIONS FOR MENTAL**  
23 **DISEASES.** Upon application to the department, the department may approve  
24 licensure of the operation of a nursing home or a distinct part of a nursing home as  
25 an institution for mental diseases, as defined under 42 CFR 435.1009. Conditions

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1 and procedures for application for, approval of, and operation under ~~and renewal of~~  
2 licensure under this subsection shall be established in rules promulgated by the  
3 department.

4 **SECTION 2008.** 50.03 (2) (d) of the statutes is amended to read:

5 50.03 (2) (d) Any holder of a license or applicant for a license shall be deemed  
6 to have given consent to any authorized officer, employe or agent of the department  
7 to enter and inspect the facility in accordance with this subsection. Refusal to permit  
8 such entry or inspection shall constitute grounds for initial licensure denial,  
9 ~~nonrenewal as provided in sub. (4), or suspension~~ or revocation of license, as provided  
10 in sub. (5).

11 **SECTION 2009.** 50.03 (3) (b) (intro.) of the statutes is amended to read:

12 50.03 (3) (b) (intro.) The application for a license ~~or a license renewal~~ and the  
13 report of a licensee shall be in writing upon forms provided by the department and  
14 shall contain such information as the department requires, including the name,  
15 address and type and extent of interest of each of the following persons:

16 **SECTION 2010.** 50.03 (3) (f) of the statutes is amended to read:

17 50.03 (3) (f) Community-based residential facilities ~~applying for renewal of~~  
18 license shall report all formal complaints regarding their operation filed under sub.  
19 (2) (f) and the disposition of each when reporting under sub. (4) (c) 1.

20 **SECTION 2011.** 50.03 (4) (a) 1. a. of the statutes is amended to read:

21 50.03 (4) (a) 1. a. Except as provided in sub. (4m) (a) and s. 50.022, the  
22 department shall issue a license for a nursing home if it finds the applicant to be fit  
23 and qualified and if it finds that the nursing home meets the requirements  
24 established by this subchapter. The department, or its designee, shall make such  
25 inspections and investigations as are necessary to determine the conditions existing

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1 in each case and shall file written reports. The department shall promulgate rules  
2 defining “fit and qualified” for the purposes of this subd. 1. a.

3 **SECTION 2012.** 50.03 (4) (a) 1. b. of the statutes is amended to read:

4 50.03 (4) (a) 1. b. Except as provided in sub. (4m) (b) and, after December 31,  
5 1997, s. 50.022, the department shall issue a license for a community-based  
6 residential facility if it finds the applicant to be fit and qualified, if it finds that the  
7 community-based residential facility meets the requirements established by this  
8 subchapter and if the community-based residential facility has paid the license fee  
9 under s. 50.037 (2) (a). In determining whether to issue a license for a  
10 community-based residential facility, the department may consider any action by  
11 the applicant or by an employe of the applicant that constitutes a substantial failure  
12 by the applicant or employe to protect and promote the health, safety or welfare of  
13 a resident. The department may deny licensure to or ~~not renew~~ revoke licensure for  
14 any person who conducted, maintained, operated or permitted to be maintained or  
15 operated a community-based residential facility for which licensure was revoked.  
16 The department, or its designee, shall make such inspections and investigations as  
17 are necessary to determine the conditions existing in each case and shall file written  
18 reports. ~~Before renewing the license of any~~ In reviewing the report of a  
19 community-based residential facility that is required to be submitted under par. (c)  
20 1., the department shall consider all complaints filed under sub. (2) (f) ~~during the~~  
21 ~~current license period~~ since initial license issuance or since the last review,  
22 whichever is later, and the disposition of each. The department shall promulgate  
23 rules defining “fit and qualified” for the purposes of this subd. 1. b.

24 **SECTION 2013.** 50.03 (4) (a) 2. of the statutes is amended to read:

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1           50.03 (4) (a) 2. The past record of violations of applicable laws and regulations  
2 of the United States or of this or any other state, in the operation of a residential or  
3 health care facility, or in any other health-related activity by any of the persons  
4 listed in sub. (3) (b) shall be relevant to the issue of the fitness of an applicant for  
5 issuance or renewal of a license.

6           **SECTION 2014.** 50.03 (4) (c) 1. of the statutes is amended to read:

7           50.03 (4) (c) 1. ~~Unless sooner~~ Except as provided in s. 50.022 after December  
8 31, 1997, a community-based residential facility license is valid until it is revoked  
9 ~~or suspended, a community-based residential facility license is valid for 24 months.~~  
10 ~~At least 30 days prior to license expiration, the applicant under this section. Every~~  
11 ~~24 months, on a schedule determined by the department, a community-based~~  
12 ~~residential facility licensee shall submit a biennial report and application for~~  
13 ~~renewal of the license in the form and containing the information that the~~  
14 ~~department requires. If the report and application are approved, the license shall~~  
15 ~~be renewed for an additional 24-month period. If the application for renewal and,~~  
16 ~~including payment of the fees required under s. 50.037 (2) (a). If a complete annual~~  
17 ~~biennial report are is not timely filed, the department shall issue a warning to the~~  
18 ~~licensee. Failure to make application for renewal within 30 days after receipt of the~~  
19 ~~warning is grounds for nonrenewal of the license. The department may revoke a~~  
20 ~~community-based residential facility license for failure to timely and completely~~  
21 ~~report within 60 days after the report date established under the schedule~~  
22 ~~determined by the department.~~

23           **SECTION 2015.** 50.03 (4) (c) 2. of the statutes is amended to read:

24           50.03 (4) (c) 2. ~~Unless sooner revoked or suspended, a~~ Except as provided in s.  
25 50.022 after December 31, 1997, a nursing home license is valid for 12 months, but

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1 may be issued to a new licensee for less than 12 months to coincide with the date of  
2 federal medical assistance certification as a skilled nursing facility or intermediate  
3 care facility. At least 120 days but not more than 150 days prior to license expiration,  
4 the applicant until it is revoked or suspended under this section. Every 12 months,  
5 on a schedule determined by the department, a nursing home licensee shall submit  
6 an annual a report and application for renewal of the license in the form and  
7 containing the information that the department requires. If the report and  
8 application are approved, the license shall be renewed for an additional 12-month  
9 period. If the application for renewal and, including payment of the fee required  
10 under s. 50.135 (2) (a). If a complete annual report are is not timely filed, the  
11 department shall issue a warning to the licensee. Failure to make application for  
12 renewal within 30 days after receipt of the warning is grounds for nonrenewal of the  
13 license. The department may revoke a nursing home license for failure to timely and  
14 completely report within 60 days after the report date established under the  
15 schedule determined by the department.

16 **SECTION 2016.** 50.03 (4) (d) of the statutes is amended to read:

17 50.03 (4) (d) Immediately upon the denial under this section of any application  
18 for a license under this section, the department shall notify the applicant in writing.  
19 Notice of denial shall include a clear and concise statement of the violations on which  
20 denial is based and notice of the opportunity for a hearing under s. 227.44. If the  
21 applicant desires to contest the denial of a license it shall provide written notice to  
22 the department of a request for a hearing within 10 days after receipt of the notice  
23 of denial.

24 **SECTION 2017.** 50.03 (4) (e) of the statutes is amended to read:

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1           50.03 (4) (e) Each license shall be issued only for the premises and persons  
2 named in the application and ~~shall not be~~ is not transferable or assignable. The  
3 license shall be posted in a place readily visible to residents and visitors, such as the  
4 lobby or reception area of the facility. Any license granted shall state the maximum  
5 bed capacity allowed, the person to whom the license is granted, the date, ~~the~~  
6 ~~expiration date~~ of issuance, the maximum level of care for which the facility is  
7 licensed as a condition of its licensure and such additional information and special  
8 conditions as the department may prescribe.

9           **SECTION 2018.** 50.03 (4) (f) of the statutes is amended to read:

10           50.03 (4) (f) The issuance or ~~renewal~~ continuance of a license after notice of a  
11 violation has been sent shall not constitute a waiver by the department of its power  
12 to rely on the violation as the basis for subsequent license revocation or other  
13 enforcement action under this subchapter arising out of the notice of violation.

14           **SECTION 2019.** 50.03 (4m) (a) of the statutes is amended to read:

15           50.03 (4m) (a) If the applicant for licensure as a nursing home has not been  
16 previously licensed under this subchapter or if the nursing home is not in operation  
17 at the time application is made, the department shall, except as provided in s. 50.022,  
18 issue a probationary license. A probationary license shall be valid for 12 months from  
19 the date of issuance unless sooner suspended or revoked under sub. (5) or s. 50.022.  
20 Prior to the expiration of a probationary license, the department shall inspect the  
21 nursing home and, if the nursing home meets the applicable requirements for  
22 licensure, shall issue a regular license under sub. (4) (a) 1. a. If the department finds  
23 that the nursing home does not meet the requirements for licensure, the department  
24 may not issue a regular license under sub. (4) (a) 1. a.

25           **SECTION 2020.** 50.03 (4m) (b) of the statutes is amended to read:



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1           50.03 (4m) (b) If the applicant for licensure as a community-based residential  
2 facility has not been previously licensed under this subchapter or if the  
3 community-based residential facility is not in operation at the time application is  
4 made, the department shall, except as provided in s. 50.022, issue a probationary  
5 license, except that the department may deny licensure to any person who  
6 conducted, maintained, operated or permitted to be maintained or operated a  
7 community-based residential facility for which licensure was revoked within 5 years  
8 before application is made. A probationary license shall be valid for up to 12 months  
9 from the date of issuance unless sooner suspended or revoked under sub. (5g) or s.  
10 50.022. Prior to the expiration of a probationary license, the department shall  
11 inspect the community-based residential facility and, if the community-based  
12 residential facility meets the applicable requirements for licensure, shall issue a  
13 regular license under sub. (4) (a) 1. b. If the department finds that the  
14 community-based residential facility does not meet the requirements for licensure,  
15 the department may not issue a regular license under sub. (4) (a) 1. b.

16           **SECTION 2021.** 50.03 (5) (title) of the statutes is amended to read:

17           50.03 (5) (title) ~~NONRENEWAL~~ SUSPENSION AND REVOCATION OF NURSING HOME  
18 LICENSES.

19           **SECTION 2022.** 50.03 (5) (a) of the statutes is amended to read:

20           50.03 (5) (a) *Power of department.* The department, after notice to a nursing  
21 home applicant or licensee, may suspend, or revoke ~~or refuse to renew~~ a license in  
22 any case in which the department finds that the nursing home has substantially  
23 failed to comply with the applicable requirements of this subchapter and the rules  
24 promulgated under this subchapter. No state or federal funds passing through the

**SENATE BILL 77****SECTION 2022**

1 state treasury may be paid to a nursing home that does not have a valid license issued  
2 under this section.

3 **SECTION 2023.** 50.03 (5) (b) of the statutes is amended to read:

4 50.03 (5) (b) *Form of notice.* Notice under this subsection shall include a clear  
5 and concise statement of the violations on which the ~~nonrenewal or~~ revocation is  
6 based, the statute or rule violated and notice of the opportunity for an evidentiary  
7 hearing under par. (c).

8 **SECTION 2024.** 50.03 (5) (c) of the statutes is amended to read:

9 50.03 (5) (c) (title) *Contest of ~~nonrenewal or~~ revocation.* If a nursing home  
10 desires to contest the ~~nonrenewal or~~ revocation of a license, the nursing home shall,  
11 within 10 days after receipt of notice under par. (b), notify the department in writing  
12 of its request for a hearing under s. 227.44. The department shall hold the hearing  
13 within 30 days of receipt of such notice and shall send notice to the nursing home of  
14 the hearing as provided under s. 227.44 (2).

15 **SECTION 2025.** 50.03 (5) (d) (title) of the statutes is amended to read:

16 50.03 (5) (d) (title) *Effective date of ~~nonrenewal or~~ revocation.*

17 **SECTION 2026.** 50.03 (5) (d) 2. of the statutes is repealed.

18 **SECTION 2027.** 50.03 (5) (d) 3. of the statutes is amended to read:

19 50.03 (5) (d) 3. The department may extend the effective date of license  
20 revocation ~~or expiration~~ in any case in order to permit orderly removal and relocation  
21 of residents of the nursing home.

22 **SECTION 2028.** 50.03 (5) (e) of the statutes is created to read:

23 50.03 (5) (e) *Applicability.* This subsection does not apply to the nonrenewal  
24 or revocation of a nursing home license under s. 50.022.

25 **SECTION 2029.** 50.03 (5g) (c) 1. c. of the statutes is amended to read:

**SENATE BILL 77****SECTION 2029**

1           50.03 (5g) (c) 1. c. All forfeitures shall be paid to the department, or  
2           arrangements acceptable to the department for payment of those forfeitures shall be  
3           made, within 10 days after receipt of notice of assessment or, if the forfeiture is  
4           contested under par. (f), within 10 days after receipt of the final decision after  
5           exhaustion of administrative review, unless the final decision is appealed and the  
6           order is stayed by court order under s. 50.03 (11). The department shall remit all  
7           forfeitures paid under this subdivision to the state treasurer for deposit in the school  
8           fund.

9           **SECTION 2030.** 50.03 (5g) (c) 3. of the statutes is amended to read:

10          50.03 (5g) (c) 3. ~~Refusal to renew licensure or revocation~~ Revocation of  
11          licensure, as specified in pars. (d) to (g).

12          **SECTION 2031.** 50.03 (5g) (d) (intro.) of the statutes is amended to read:

13          50.03 (5g) (d) (intro.) Under the procedure specified in par. (e), the department  
14          may revoke ~~or refuse to renew~~ a license for a licensee for any of the following reasons:

15          **SECTION 2032.** 50.03 (5g) (e) 1. of the statutes is amended to read:

16          50.03 (5g) (e) 1. The department may revoke ~~or refuse to renew~~ a license for  
17          a licensee for the reason specified in par. (d) 1., 2., 3. or 4. ~~and may refuse to renew~~  
18          a license for a licensee for the reason specified in par. (d) 1., 2. or 3. if the department  
19          provides the licensee with written notice of revocation ~~or nonrenewal~~, the grounds  
20          for the revocation ~~or nonrenewal~~ and an explanation of the process for appealing the  
21          revocation ~~or nonrenewal~~, at least 30 days before the date of revocation ~~or license~~  
22          ~~expiration~~. The department may revoke ~~or refuse to renew~~ the license only if the  
23          violation remains substantially uncorrected on the date of revocation or license  
24          expiration.

25          **SECTION 2033.** 50.03 (5g) (em) of the statutes is created to read:

**SENATE BILL 77****SECTION 2033**

1           50.03 (5g) (em) The department shall refuse to continue a license if, on the date  
2 on which the licensing fee under s. 50.037 is due, the licensee has outstanding any  
3 forfeiture imposed by the department under par. (c) that the licensee has failed to pay  
4 in accordance with par. (c) 1. c. or in accordance with an arrangement made under  
5 par. (c) 1. c.

6           **SECTION 2034.** 50.03 (5g) (f) of the statutes is amended to read:

7           50.03 (5g) (f) If a community-based residential facility desires to contest the  
8 ~~nonrenewal or~~ revocation of a license or to contest the imposing of a sanction under  
9 this subsection, the community-based residential facility shall, within 10 days after  
10 receipt of notice under par. (e), notify the department in writing of its request for a  
11 hearing under s. 227.44. The department shall hold the hearing within 30 days after  
12 receipt of such notice and shall send notice to the community-based residential  
13 facility of the hearing as provided under s. 227.44 (2).

14           **SECTION 2035.** 50.03 (5g) (g) 2. of the statutes is repealed.

15           **SECTION 2036.** 50.03 (5g) (g) 3. of the statutes is amended to read:

16           50.03 (5g) (g) 3. The department may extend the effective date of license  
17 ~~revocation or expiration~~ in any case in order to permit orderly removal and relocation  
18 of residents.

19           **SECTION 2037.** 50.03 (5g) (h) of the statutes is created to read:

20           50.03 (5g) (h) *Applicability.* This subsection does not apply to the nonrenewal  
21 or revocation of a community-based residential facility license under s. 50.022.

22           **SECTION 2038.** 50.03 (5m) (a) 2. of the statutes is amended to read:

23           50.03 (5m) (a) 2. The department has suspended, or ~~revoked or refused to~~  
24 ~~renew~~ the existing license of the facility as provided under sub. (5) or, after December  
25 31, 1997, s. 50.022.

**SENATE BILL 77****SECTION 2039**

1           **SECTION 2039.** 50.03 (5m) (a) 3. of the statutes is amended to read:

2           50.03 (**5m**) (a) 3. The department has initiated revocation ~~or nonrenewal~~  
3 procedures under sub. (5) and has determined that the lives, health, safety, or  
4 welfare of the resident cannot be adequately assured pending a full hearing on  
5 license ~~nonrenewal or~~ revocation under sub. (5).

6           **SECTION 2040.** 50.03 (11) (e) of the statutes is created to read:

7           50.03 (**11**) (e) This subsection does not apply to the denial, nonrenewal or  
8 revocation of a facility license under s. 50.022 (4).

9           **SECTION 2041.** 50.032 (2) of the statutes is amended to read:

10          50.032 (**2**) REGULATION. Standards for operation of certified adult family homes  
11 and procedures for application for certification, monitoring, inspection,  
12 decertification and appeal of decertification under this section shall be under rules  
13 promulgated by the department under s. 50.02 (2) (am) 1. Except as provided in s.  
14 50.022 after December 31, 1997, an adult family home certification is valid until  
15 decertified under this section. Certification shall be for a term not to exceed 12  
16 months from the date of issuance and is not transferable.

17          **SECTION 2042.** 50.032 (2r) of the statutes is created to read:

18          50.032 (**2r**) REPORTING. Every 12 months, on a schedule determined by the  
19 department, a certified adult family home shall submit an annual report in the form  
20 and containing the information that the department requires, including payment of  
21 a fee, if any is required under rules promulgated under s. 50.02 (2) (am) 1. If a  
22 complete annual report is not timely filed, the department shall issue a warning to  
23 the operator of the certified adult family home. The department may decertify a  
24 certified adult family home for failure to timely and completely report within 60 days  
25 after the report date established under the schedule determined by the department.

**SENATE BILL 77****SECTION 2043**

1           **SECTION 2043.** 50.032 (4) of the statutes is amended to read:

2           50.032 (4) DECERTIFICATION. A certified adult family home may be decertified  
3 because of the substantial and intentional violation of this section or of rules  
4 promulgated by the department under s. 50.02 (2) (am) 1. or because of failure to  
5 meet the minimum requirements for certification. The operator of the certified adult  
6 family home shall be given written notice of any decertification and the grounds for  
7 the decertification. Any adult family home certification applicant or operator of a  
8 certified adult family home may, if aggrieved by the failure to issue or renew the  
9 certification or by decertification, appeal under the procedures specified by the  
10 department by rule under s. 50.02 (2) (am) 1.

11           **SECTION 2044.** 50.033 (2) of the statutes is amended to read:

12           50.033 (2) REGULATION. Standards for operation of licensed adult family homes  
13 and procedures for application for licensure, monitoring, inspection, revocation and  
14 appeal of revocation under this section shall be under rules promulgated by the  
15 department under s. 50.02 (2) (am) 2. Except as provided in s. 50.022 after December  
16 31, 1997, an adult family home licensure is valid until revoked under this section.  
17 Licensure shall be for a term not to exceed 24 months from the date of issuance and  
18 is not transferable. The biennial licensure fee for a licensed adult family home is \$75.  
19 The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or  
20 51.437, if the county department licenses the adult family home under sub. (1m) (b),  
21 and is payable to the department, on a schedule determined by the department if the  
22 department licenses the adult family home under sub. (1m) (b).

23           **SECTION 2045.** 50.033 (2m) of the statutes is created to read:

24           50.033 (2m) REPORTING. Every 24 months, on a schedule determined by the  
25 department, a licensed adult family home shall submit a biennial report in the form

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1 and containing the information that the department requires, including payment of  
2 the fee required under sub. (2). If a complete biennial report is not timely filed, the  
3 department shall issue a warning to the licensee. The department may revoke the  
4 license for failure to timely and completely report within 60 days after the report date  
5 established under the schedule determined by the department.

6 **SECTION 2046.** 50.033 (4) of the statutes is amended to read:

7 50.033 (4) LICENSE REVOCATION. The license of a licensed adult family home may  
8 be revoked because of the substantial and intentional violation of this section or of  
9 rules promulgated by the department under s. 50.02 (2) (am) 2. or because of failure  
10 to meet the minimum requirements for licensure. The operator of the licensed adult  
11 family home shall be given written notice of any revocation and the grounds for the  
12 revocation. Any adult family home licensure applicant or operator of a licensed adult  
13 family home may, if aggrieved by the failure to issue ~~or renew~~ the license or by  
14 revocation, appeal under the procedures specified by the department by rule under  
15 s. 50.02 (2) (am) 2.

16 **SECTION 2047.** 50.034 (7) of the statutes is amended to read:

17 50.034 (7) REVOCATION OF CERTIFICATION. Certification for an assisted living  
18 facility may be revoked because of the substantial and intentional violation of this  
19 section or of rules promulgated by the department under sub. (2) or because of failure  
20 to meet the minimum requirements for certification. The operator of the certified  
21 assisted living facility shall be given written notice of any revocation of certification  
22 and the grounds for the revocation. Any Except for a denial, nonrenewal or  
23 revocation of certification under s. 50.022 (4), any assisted living facility certification  
24 applicant or operator of a certified assisted living facility may, if aggrieved by the

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1 failure to issue or renew the certification or by revocation of certification, appeal  
2 under the procedures specified by the department by rule under sub. (2).

3 **SECTION 2048.** 50.035 (8) of the statutes is created to read:

4 50.035 (8) ADMISSION OF RESIDENTS IN PILOT AREAS. No community-based  
5 residential facility located in a geographic area in which a pilot project under s.  
6 46.271 (2m) is established may admit an individual as a resident until the individual  
7 is assessed or is exempt from or waives assessment under s. 46.271 (2m) (a) 2.

8 **SECTION 2049.** 50.037 (2) (a) of the statutes is amended to read:

9 50.037 (2) (a) The biennial fee for a community-based residential facility is  
10 \$170, plus ~~an annual~~ a biennial fee of \$22 per resident, based on the number of  
11 residents that the facility is licensed to serve.

12 **SECTION 2050.** 50.037 (2) (b) of the statutes is amended to read:

13 50.037 (2) (b) ~~Such fees~~ Fees specified under par. (a) shall be paid to the  
14 department by the community-based residential facility before the department may  
15 issue a license under s. 50.03 (4) (a) 1. b. A licensed community-based residential  
16 facility ~~that wishes to renew a license issued under s. 50.03 (4) (a) 1. b.~~ shall pay the  
17 fee under par. (a) by the ~~renewal date of the license~~ established by the department.  
18 A new newly licensed community-based residential facility shall pay the fee under  
19 this subsection no later than 30 days before the opening of the facility.

20 **SECTION 2051.** 50.037 (2) (c) of the statutes is amended to read:

21 50.037 (2) (c) A community-based residential facility that ~~wishes to renew a~~  
22 ~~license issued under s. 50.03 (4) (a) 1. b. and that~~ fails to submit the biennial fee prior  
23 to the ~~renewal date of the license~~ established by the department, or a new  
24 community-based residential facility subject to this section that fails to submit the  
25 biennial fee by 30 days prior to the opening of the new community-based residential



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1 facility, shall pay an additional fee of \$10 per day for every day after the deadline that  
2 the facility does not pay the fee.

3 **SECTION 2052.** 50.04 (2m) of the statutes is amended to read:

4 50.04 **(2m)** PLAN OF CARE AND ASSESSMENT REQUIRED. No nursing home may  
5 admit any patient until a physician has completed a plan of care for the patient and  
6 the patient is assessed or the patient is exempt from or waives assessment under s.  
7 46.27 (6) (a) or 46.271 (2m) (a) 2. Failure to comply with this subsection is a class "C"  
8 violation under sub. (4) (b) 3.

9 **SECTION 2053.** 50.04 (6) (a) of the statutes is amended to read:

10 50.04 **(6)** (a) *Power of department.* In addition to the right to assess forfeitures  
11 under sub. (5), the department may, except as provided in s. 50.022, issue a  
12 conditional license to any nursing home if the department finds that either a class  
13 "A" or class "B" violation, as defined in sub. (4), continues to exist in such home. The  
14 issuance of a conditional license shall revoke any outstanding license held by the  
15 nursing home. The nursing home may seek review of a decision to issue a conditional  
16 license as provided under s. 50.03 (5).

17 **SECTION 2054.** 50.05 (2) (b) of the statutes is amended to read:

18 50.05 **(2)** (b) The department has suspended, or ~~revoked or refused to renew~~  
19 the existing license of the facility.

20 **SECTION 2055.** 50.05 (2) (c) of the statutes is amended to read:

21 50.05 **(2)** (c) The department has initiated revocation ~~or nonrenewal~~  
22 procedures under s. 50.03 (5) and has determined that the lives, health, safety, or  
23 welfare of the residents cannot be adequately assured pending a full hearing on  
24 license ~~nonrenewal or~~ revocation.

25 **SECTION 2056.** 50.05 (4) of the statutes is amended to read:

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1           50.05 (4) APPOINTMENT OF RECEIVER. Only the secretary, represented by the  
2 department of justice, may apply for a court order appointing the secretary or the  
3 secretary's designee receiver of the facility. The secretary, as represented, may apply  
4 by verified petition to the circuit court for Dane county for the order. The court shall  
5 hold a hearing on the petition within 5 days of the filing of the petition. The petition  
6 and notice of the hearing shall be served on the operator, administrator or designated  
7 agent of the facility as provided under ch. 801 or shall be posted in a conspicuous  
8 place in the facility not later than 3 days before the time specified for the hearing,  
9 unless a different period is fixed by order of the court. Notwithstanding ss. 803.01  
10 to 803.09 and 844.18, the only persons who may appear as a party at the hearing  
11 under this subsection or sub. (5) are the secretary or the secretary's designee and the  
12 operator of the facility. The court shall appoint a receiver for a specified time period  
13 requested by the secretary up to 120 days, if it finds that any ground exists which  
14 would authorize the appointment of a receiver under sub. (2) and that appointment  
15 of a receiver will contribute to the continuity of care or the orderly and safe transfer  
16 of residents in the facility. The court may extend the period of receivership in 30-day  
17 increments only on the petition of the department and if the court finds that the  
18 department has been unable to transfer all of the residents to another suitable  
19 location or the department has determined that it is necessary for the receivership  
20 to be extended for the continued health, safety and welfare of the residents.  
21 Notwithstanding s. 808.03 (1) and except for the nonrenewal or revocation of the  
22 existing license of a facility under s. 50.022 (4), any order issued at the hearing on  
23 the petition for receivership under this subsection or sub. (5) or at a subsequent  
24 hearing concerning matters arising under the receivership or concerning  
25 termination of the receivership under sub. (14) may be appealed as a matter of right.

**SENATE BILL 77****SECTION 2057**

1           **SECTION 2057.** 50.05 (10) of the statutes is amended to read:

2           50.05 (10) CONTINGENCY FUND. If funds collected under subs. (3), (7) and (8) are  
3 insufficient to meet the expenses of performing the powers and duties conferred on  
4 the receiver by this section, or if there are insufficient funds on hand to meet those  
5 expenses, the department may draw from the supplemental fund created under s.  
6 20.435 (1) (6) (dm) to pay the expenses associated with the placement of a monitor,  
7 if any, in a nursing home and the receivership of a nursing home. Operating funds  
8 collected under this section and not applied to the expenses of the placement of a  
9 monitor, if any, and the receivership, except for the amount of a security, if any is  
10 required under sub. (14m), shall be used to reimburse the fund for advances made  
11 under this section.

12           **SECTION 2058.** 50.05 (13) of the statutes is amended to read:

13           50.05 (13) LICENSING OF FACILITY UNDER RECEIVERSHIP. Other provisions of this  
14 chapter except s. 50.022 notwithstanding, the department may issue a license to a  
15 facility placed in receivership under this section. The duration of a license issued  
16 under this section is limited to the duration of the receivership.

17           **SECTION 2059.** 50.05 (15) (d) of the statutes is amended to read:

18           50.05 (15) (d) The lien provided by this subsection is prior to any lien or other  
19 interest which originates subsequent to the filing of a petition for receivership under  
20 this section, except for a construction or mechanic's lien arising out of work  
21 performed with the express consent of the receiver or a lien under s. 292.31 (8) (i),  
22 ~~292.41 (6) (d)~~ or 292.81.

23           **SECTION 2060.** 50.053 of the statutes is amended to read:

24           **50.053 Informal conference.** The Except for the denial, nonrenewal or  
25 revocation of a license under s. 50.022 (4), the department may hold an informal

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1 conference with the parties to any contested action under this subchapter to resolve  
2 any or all issues prior to formal hearing. Unless any party to the contested case  
3 objects, the department may delay the commencement of the formal hearing in order  
4 to hold the informal conference.

5 **SECTION 2061.** 50.09 (6) (d) of the statutes is amended to read:

6 50.09 (6) (d) The facility shall attach a statement, which summarizes  
7 complaints or allegations of violations of rights established under this section, to an  
8 ~~application for a new license or a renewal of its license. Such the report required~~  
9 under s. 50.03 (4) (c) 1. or 2. The statement shall contain the date of the complaint  
10 or allegation, the name of the persons involved, the disposition of the matter and the  
11 date of disposition. The department shall consider ~~such the~~ statement in reviewing  
12 the ~~application~~ report.

13 **SECTION 2062.** 50.13 of the statutes is amended to read:

14 **50.13 Fees permitted for a workshop or seminar.** If the department  
15 develops and provides a workshop or seminar relating to the provision of service by  
16 facilities, adult family homes or assisted living facilities under this subchapter, the  
17 department may establish a fee for each workshop or seminar and impose the fee on  
18 registrants for the workshop or seminar. A fee so established and imposed shall be  
19 in an amount sufficient to reimburse the department for the costs directly associated  
20 with developing and providing the workshop or seminar.

21 **SECTION 2063.** 50.35 of the statutes is amended to read:

22 **50.35 Application and approval.** Application for approval to maintain a  
23 hospital shall be made to the department on forms provided by the department. On  
24 receipt of an application, the department shall, except as provided in s. 50.022, issue  
25 a certificate of approval if the applicant and hospital facilities meet the requirements

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1 established by the department. This Except as provided in s. 50.022, this approval  
2 shall be in effect until, for just cause and in the manner herein prescribed, it is  
3 suspended or revoked. The certificate of approval may be issued only for the  
4 premises and persons or governmental unit named in the application and is not  
5 transferable or assignable. The Except as provided in s. 50.022, the department may  
6 not withhold, suspend or revoke approval unless for a substantial failure to comply  
7 with ss. 50.32 to 50.39 or the rules and standards adopted by the department after  
8 giving a reasonable notice, a fair hearing and a reasonable opportunity to comply.  
9 Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a  
10 substantial failure to comply under this section.

11 **SECTION 2064.** 50.355 of the statutes is created to read:

12 **50.355 Reporting.** Every 12 months, on a schedule determined by the  
13 department, an approved hospital shall submit an annual report in the form and  
14 containing the information that the department requires, including payment of the  
15 fee required under s. 50.135 (2) (a). If a complete annual report is not timely filed,  
16 the department shall issue a warning to the holder of the certificate for approval.  
17 The department may revoke approval for failure to timely and completely report  
18 within 60 days after the report date established under the schedule determined by  
19 the department.

20 **SECTION 2065.** 50.49 (2) (b) of the statutes is amended to read:

21 50.49 (2) (b) The department shall, by rule, set a license fee to be paid by home  
22 health agencies. The fee for ~~license renewal~~ shall be based on the annual net income,  
23 as determined by the department, of a home health agency.

24 **SECTION 2066.** 50.49 (6) (title) of the statutes is amended to read:

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1           50.49 (6) (title) ISSUANCE OF LICENSE; INSPECTION AND INVESTIGATION; ANNUAL  
2       RENEWAL; ~~NONTRANSFERABLE REPORT; NONTRANSFERABILITY;~~ CONTENT.

3           **SECTION 2067.** 50.49 (6) (a) of the statutes is amended to read:

4           50.49 (6) (a) The Except as provided in s. 50.022 after December 31, 1997, the  
5       department shall issue a home health agency license if the applicant is fit and  
6       qualified, and if the ~~home health agencies meet~~ home health agency meets the  
7       requirements established by this section. The department, or its designated  
8       representatives, shall make such inspections and investigations as are necessary to  
9       determine the conditions existing in each case and file written reports. Each licensee  
10      shall annually file a report with the department.

11          **SECTION 2068.** 50.49 (6) (b) of the statutes is amended to read:

12          50.49 (6) (b) ~~A~~ Except as provided in s. 50.022 after December 31, 1997, a home  
13      health agency license, ~~unless sooner is valid until~~ suspended or revoked, ~~shall be~~  
14      renewable at least biennially upon filing by the licensee, payment of the license fee  
15      and approval by the department of an annual report and application for renewal on  
16      forms provided by the department.

17          **SECTION 2069.** 50.49 (6) (c) of the statutes is amended to read:

18          50.49 (6) (c) Each license shall be issued only for the home health agency named  
19      in the application and ~~shall not be~~ is not transferable or assignable. ~~If application~~  
20      for renewal is not so filed, such license is automatically canceled as of the date of its  
21      expiration. Any license granted shall state such additional information and special  
22      limitations as the department, by rule, prescribes.

23          **SECTION 2070.** 50.49 (6) (d) of the statutes is created to read:

24          50.49 (6) (d) Every 12 months, on a schedule determined by the department,  
25      a licensed home health agency shall submit an annual report in the form and

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1 containing the information that the department requires, including payment of the  
2 fee required under sub. (2) (b). If a complete annual report is not timely filed, the  
3 department shall issue a warning to the licensee. The department may revoke the  
4 license for failure to timely and completely report within 60 days after the report date  
5 established under the schedule determined by the department.

6 **SECTION 2071.** 50.49 (10) of the statutes is amended to read:

7 50.49 (10) PROVISIONAL LICENSES. A Except as provided in s. 50.022, a  
8 provisional license if approved by the department may be issued to any home health  
9 agency, the facilities of which are in use or needed for patients, but which is  
10 temporarily unable to conform to all the rules established under this section. A  
11 provisional license may not be issued for more than one year.

12 **SECTION 2072.** 50.495 of the statutes is created to read:

13 **50.495 Fees permitted for a workshop or seminar.** If the department  
14 develops and provides a workshop or seminar relating to the provision of services by  
15 hospitals and home health agencies under this subchapter, the department may  
16 establish a fee for each workshop or seminar and impose the fee on registrants for  
17 the workshop or seminar. A fee so established and imposed shall be in an amount  
18 sufficient to reimburse the department for the costs directly associated with  
19 developing and providing the workshop or seminar.

20 **SECTION 2073.** 50.51 (2) (b) of the statutes is amended to read:

21 50.51 (2) (b) Minimum requirements for issuance of a provisional license, or a  
22 regular initial license ~~or a license renewal~~ to rural medical centers.

23 **SECTION 2074.** 50.51 (2) (c) of the statutes is amended to read:

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1           50.51 (2) (c) Fees for rural medical center provisional licensure and regular  
2           initial licensure and licensure renewal. The amounts of the fees shall be based on  
3           the health care services provided by the rural medical center.

4           **SECTION 2075.** 50.52 (2) (intro.) of the statutes is amended to read:

5           50.52 (2) (intro.) The Except as provided in s. 50.022 after December 31, 1997,  
6           the department shall issue a provisional license, or a regular ~~initial~~ license ~~or a~~  
7           ~~license renewal~~ as a rural medical center to an applicant if all of the following are first  
8           done:

9           **SECTION 2076.** 50.52 (4) of the statutes is amended to read:

10          50.52 (4) ~~Unless sooner revoked or suspended, a~~ A regular ~~initial~~ license ~~or a~~  
11          ~~license renewal~~ issued to a rural medical center is valid ~~for 24 months from the date~~  
12          ~~of issuance and a~~ until it is suspended or revoked. A provisional license issued to a  
13          rural medical center is valid for 6 months from the date of issuance.

14          **SECTION 2077.** 50.535 of the statutes is created to read:

15          **50.535 Reporting.** Every 24 months, on a schedule determined by the  
16          department, a licensed rural medical center shall submit a biennial report in the  
17          form and containing the information that the department requires, including  
18          payment of the fee required under s. 50.51 (2) (c). If a complete annual report is not  
19          timely filed, the department shall issue a warning to the licensee. The department  
20          may revoke the license for failure to timely and completely report within 60 days  
21          after the report date established under the schedule determined by the department.

22          **SECTION 2078.** 50.56 (1) (intro.) of the statutes is amended to read:

23          50.56 (1) (intro.) Any of the following facilities or entities is not required to  
24          obtain licensure or a certificate of approval under the following statutes or to pay  
25          ~~initial or renewal~~ license fees under the following statutes if all of the services of the



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1 facility or entity are provided as a part of a rural medical center that holds a ~~current,~~  
2 valid license under this subchapter:

3 **SECTION 2079.** 50.57 of the statutes is created to read:

4 **50.57 Fees permitted for a workshop or seminar.** If the department  
5 develops and provides a workshop or seminar relating to the provision of services by  
6 rural medical centers under this subchapter, the department may establish a fee for  
7 each workshop or seminar and impose the fee on registrants for the workshop or  
8 seminar. A fee so established and imposed shall be in an amount sufficient to  
9 reimburse the department for the costs directly associated with developing and  
10 providing the workshop or seminar.

11 **SECTION 2080.** 50.92 (2) of the statutes is amended to read:

12 50.92 (2) The ~~Except as provided in s. 50.022 after December 31, 1997, the~~  
13 ~~department shall issue an initial license or a renewal of a license if the department~~  
14 ~~finds that the applicant is fit and qualified and that the hospice meets the~~  
15 ~~requirements of this subchapter and the rules promulgated under this subchapter.~~

16 **SECTION 2081.** 50.92 (4) (a) of the statutes is amended to read:

17 50.92 (4) (a) In lieu of inspecting or investigating a hospice under sub. (3) prior  
18 to issuance of ~~an initial a~~ license, the department may accept evidence that a hospice  
19 applying for licensure under s. 50.93 has been inspected under and is currently  
20 certified as meeting the conditions for medicare participation under 42 USC 1395 to  
21 1395ccc. ~~In lieu of inspecting or investigating a hospice under sub. (3) prior to~~  
22 ~~issuance of a license renewal, the department shall accept evidence that a hospice~~  
23 ~~applying for licensure under s. 50.93 has been inspected under and is currently~~  
24 ~~certified as meeting the conditions for medicare participation under 42 USC 1395 to~~  
25 ~~1395ccc. The department shall inspect or investigate under sub. (3) prior to issuance~~

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1 ~~of an initial license or a renewal of a license~~ If a hospice that fails to meet the  
2 conditions for medicare participation under 42 USC 1395 to 1395ccc, the department  
3 shall inspect or investigate the hospice under sub. (3) before initially issuing a license  
4 for the hospice.

5 **SECTION 2082.** 50.92 (4) (b) of the statutes is amended to read:

6 50.92 (4) (b) In lieu of inspecting or investigating a hospice under sub. (3) prior  
7 to issuance of ~~an initial license or a renewal of a license~~, the department may accept  
8 evidence that a hospice applying for licensure under s. 50.93 has been inspected  
9 under and is currently in compliance with the hospice requirements of the joint  
10 commission for the accreditation of health organizations. A hospice shall provide the  
11 department with a copy of the report by the joint commission for the accreditation  
12 of health organizations of each periodic review the association conducts of the  
13 hospice.

14 **SECTION 2083.** 50.92 (5) of the statutes is amended to read:

15 50.92 (5) The past record of violations of applicable laws or regulations of the  
16 United States or of state statutes or rules of this or any other state, in the operation  
17 of any health-related organization, by an operator, managing employe or direct or  
18 indirect owner of a hospice or of an interest of a hospice is relevant to the issue of the  
19 fitness of an applicant for ~~receipt of an initial license or the renewal of a license~~. The  
20 department or the department's designated representative shall inspect and  
21 investigate as necessary to determine the conditions existing in each case under this  
22 subsection and shall prepare and maintain a written report concerning the  
23 investigation and inspection.

24 **SECTION 2084.** 50.93 (1) (intro.) of the statutes is amended to read:

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1           50.93 (1) APPLICATION. (intro.) The application for ~~an initial license, for renewal~~  
2 of a license or for a provisional license shall:

3           **SECTION 2085.** 50.93 (1) (c) of the statutes is amended to read:

4           50.93 (1) (c) Include licensing fee payment, unless the licensing fee is waived  
5 by the department on a case-by-case basis under criteria for determining financial  
6 hardship established in rules promulgated by the department. An initial licensing  
7 fee is \$300, except that, for a hospice that is a nonprofit corporation and that is served  
8 entirely by uncompensated volunteers or employs persons in not more than 1.5  
9 positions at 40 hours of employment per week, the initial licensing fee is \$25. The  
10 ~~renewal annual fee thereafter~~ is an amount equal to 0.15% of the net annual income  
11 of the hospice, based on the most recent annual report of the hospice under ~~par. (d)~~  
12 ~~sub. (3m), or, if that amount is less than \$200, the renewal fee is \$200, whichever is~~  
13 ~~greater, and if that the amount equal to 0.15% of the net annual income of the hospice~~  
14 is greater than \$1,000, the ~~renewal~~ fee is \$1,000, except that for a hospice that is a  
15 nonprofit corporation and that is served entirely by uncompensated volunteers or  
16 employs persons in not more than 1.5 positions at 40 hours of employment per week  
17 the ~~renewal annual~~ fee is \$10. The amount of the provisional licensing fee shall be  
18 established under s. 50.95 (2). The initial licensing fee for ~~an initial license~~ a hospice,  
19 including the initial licensing fee for a hospice that is a nonprofit corporation and  
20 that is served entirely by uncompensated volunteers or employs persons in not more  
21 than 1.5 positions at 40 hours of employment per week, issued after September 1  
22 shall may be prorated ~~according to the number of full months remaining in the~~  
23 ~~license period.~~

24           **SECTION 2086.** 50.93 (1) (d) of the statutes is repealed.

25           **SECTION 2087.** 50.93 (2) (title) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2087**

1           50.93 (2) (title) ~~ISSUANCE OF INITIAL LICENSE OR LICENSE RENEWAL.~~

2           **SECTION 2088.** 50.93 (2) (a) of the statutes is amended to read:

3           50.93 (2) (a) ~~Unless sooner revoked or suspended, an initial~~ A hospice license  
4 ~~or renewal of a license issued to a hospice is valid for 12 months from the date of~~  
5 ~~issuance~~ until suspended or revoked.

6           **SECTION 2089.** 50.93 (2) (b) of the statutes is repealed.

7           **SECTION 2090.** 50.93 (2) (d) of the statutes is amended to read:

8           50.93 (2) (d) ~~Any initial license or renewal of a license shall state any additional~~  
9 ~~information or~~ granted under special limitations prescribed by the department shall  
10 state the limitations.

11          **SECTION 2091.** 50.93 (3) of the statutes is amended to read:

12          50.93 (3) **PROVISIONAL LICENSE.** If the applicant has not been previously licensed  
13 under this subchapter or if the hospice is not in operation at the time that application  
14 is made, the department may, except as provided in s. 50.022, issue a provisional  
15 license. Unless sooner suspended or revoked under sub. (4), a provisional license  
16 shall be valid for 24 months from the date of issuance. Within 30 days prior to the  
17 termination of a provisional license, the department shall fully and completely  
18 inspect the hospice and, if the hospice meets the applicable requirements for  
19 licensure, shall, except as provided in s. 50.022, issue a regular license under sub.  
20 (2). If the department finds that the hospice does not meet the requirements for  
21 licensure, the department may not issue a regular license under sub. (2).

22          **SECTION 2092.** 50.93 (3m) of the statutes is created to read:

23          50.93 (3m) **REPORTING.** Every 12 months, on a schedule determined by the  
24 department, a licensed hospice shall submit an annual report in the form and  
25 containing the information that the department requires, including payment of the

**SENATE BILL 77****SECTION 2092**

1 fee required under sub. (1) (c), evidence of current certification as meeting the  
2 conditions for medicare participation under 42 USC 1395 to 1395ccc and evidence of  
3 current compliance with the hospice requirements of the joint commission for the  
4 accreditation of health organizations. If a complete annual report is not timely filed,  
5 the department shall issue a warning to the licensee. The department may revoke  
6 the license for failure to timely and completely report within 60 days after the report  
7 date established under the schedule determined by the department.

8 **SECTION 2093.** 50.93 (4) (title) of the statutes is amended to read:

9 50.93 (4) (title) ~~SUSPENSION, NONRENEWAL AND REVOCATION.~~

10 **SECTION 2094.** 50.93 (4) (a) of the statutes is amended to read:

11 50.93 (4) (a) The department, after notice to the applicant or licensee, may  
12 suspend, or revoke ~~or refuse to renew~~ a license in any case in which the department  
13 finds that there has been a substantial failure to comply with the requirements of  
14 this subchapter or the rules promulgated under this subchapter. No state or federal  
15 funds passing through the state treasury may be paid to a hospice not having a valid  
16 license issued under this section.

17 **SECTION 2095.** 50.93 (4) (b) of the statutes is amended to read:

18 50.93 (4) (b) Notice under this subsection shall include a clear and concise  
19 statement of the violations on which the ~~nonrenewal or~~ revocation is based, the  
20 statute or rule violated and notice of the opportunity for an evidentiary hearing  
21 under par. (c).

22 **SECTION 2096.** 50.93 (4) (c) of the statutes is amended to read:

23 50.93 (4) (c) If a hospice desires to contest the ~~nonrenewal or~~ revocation of a  
24 license, the hospice shall, within 10 days after receipt of notice under par. (b), notify  
25 the department in writing of its request for a hearing under s. 227.44.

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1           **SECTION 2097.** 50.93 (4) (d) 2. of the statutes is repealed.

2           **SECTION 2098.** 50.93 (4) (d) 3. of the statutes is amended to read:

3           50.93 (4) (d) 3. The department may extend the effective date of license  
4 revocation ~~or expiration~~ in any case in order to permit orderly removal and relocation  
5 of individuals served by the hospice.

6           **SECTION 2099.** 50.93 (4) (e) of the statutes is created to read:

7           50.93 (4) (e) This subsection does not apply to the nonrenewal or revocation of  
8 a license for a hospice under s. 50.022.

9           **SECTION 2100.** 50.95 (5) of the statutes is amended to read:

10          50.95 (5) Criteria for determining that the applicant for ~~initial licensure or~~  
11 ~~license renewal~~ is fit and qualified.

12          **SECTION 2101.** 50.981 of the statutes is created to read:

13          **50.981 Fees permitted for a workshop or seminar.** If the department  
14 develops and provides a workshop or seminar relating to the provision of services by  
15 hospices under this subchapter, the department may establish a fee for each  
16 workshop or seminar and impose the fee on registrants for the workshop or seminar.  
17 A fee so established and imposed shall be in an amount sufficient to reimburse the  
18 department for the costs directly associated with developing and providing the  
19 workshop or seminar.

20          **SECTION 2102.** 51.02 (1) (f) of the statutes is repealed.

21          **SECTION 2103.** 51.032 of the statutes is created to read:

22          **51.032 Denial and revocations of certification or approval based on tax**  
23 **delinquency.** (1) The department shall require each applicant to provide the  
24 department with his or her social security number, if the applicant is an individual,

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1 or the applicant's federal employer identification number, if the applicant is not an  
2 individual, as a condition of issuing any of the following:

- 3 (a) A certification issued under s. 51.038.  
4 (b) A certification issued under s. 51.04.  
5 (c) A certification issued under rules required under s. 51.42 (7) (b) 11.  
6 (d) A certification issued under rules required under s. 51.421 (3) (a).  
7 (e) An approval issued under s. 51.45 (8).

8 **(2)** The department may not disclose any information received under sub. (1)  
9 to any person except to the department of revenue for the sole purpose of requesting  
10 certifications under s. 73.0301.

11 **(3)** The department shall deny an application for the issuance of a certification  
12 or approval specified in sub. (1) if the applicant does not provide the information  
13 specified in sub. (1). A denial under this subsection is subject to review under ch. 227.

14 **(4)** The department shall deny an application for the issuance of a certification  
15 or approval specified in sub. (1) or shall revoke a certification or approval specified  
16 in sub. (1) if the department of revenue certifies under s. 73.0301 that the applicant  
17 for or holder of a certification or approval is liable for delinquent taxes.

18 **SECTION 2104.** 51.038 of the statutes is amended to read:

19 **51.038 Outpatient mental health clinic certification.** If Except as  
20 provided in s. 51.032, if a facility that provides mental health services on an  
21 outpatient basis holds current accreditation from the council on accreditation of  
22 services for families and children, the department may accept evidence of this  
23 accreditation as equivalent to the standards established by the department, for the  
24 purpose of certifying the facility for the receipt of funds for services provided as a

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1 benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f., a community aids  
2 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

3 **SECTION 2105.** 51.04 of the statutes is amended to read:

4 **51.04 Treatment facility certification.** ~~Any~~ Except as provided in s. 51.032,  
5 any treatment facility may apply to the department for certification of the facility for  
6 the receipt of funds for services provided as a benefit to a medical assistance recipient  
7 under s. 49.46 (2) (b) 6. f. or to a community aids funding recipient under s. 51.423  
8 (2) or provided as mandated coverage under s. 632.89. The department shall  
9 annually charge a fee for each certification.

10 **SECTION 2106.** 51.05 (3g) of the statutes is repealed.

11 **SECTION 2107.** 51.05 (3m) of the statutes is amended to read:

12 51.05 **(3m)** Notwithstanding s. 20.903 (1), the department shall implement a  
13 plan that is approved by the department of administration to assure that, ~~before July~~  
14 ~~1, 1999,~~ there are sufficient revenues, as projected by the department of health and  
15 family services, to cover anticipated expenditures ~~by that date~~ under the  
16 appropriation under s. 20.435 (2) (gk) for the purpose of reimbursing the provision  
17 of care to patients of the Mendota mental health institute or the Winnebago mental  
18 health institute. The department of health and family services shall make reports  
19 to the department of administration every 3 months, beginning on October 1, 1993,  
20 ~~and ending on July 1, 1999,~~ concerning the implementation of this plan.

21 **SECTION 2108.** 51.05 (5) of the statutes is amended to read:

22 51.05 **(5) SCHOOL ACTIVITIES.** If an individual over the age of 2 and under the  
23 age of 22 and eligible for schooling under ss. 115.76 (2) and 115.85 is committed,  
24 admitted or transferred to or is a resident of the Mendota mental health institute or  
25 Winnebago mental health institute, the individual shall attend a school program



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1 operated by the applicable mental health institute or a school outside the applicable  
2 mental health institute which is approved by the department of education public  
3 instruction. A school program operated by the Mendota mental health institute or  
4 Winnebago mental health institute shall be under the supervision of the department  
5 of education public instruction and shall meet standards prescribed by that agency.

6 **SECTION 2109.** 51.055 of the statutes is created to read:

7 **51.055 Nontreatment unit or facility.** The department, a county  
8 department under s. 51.42 or 51.437 or another person operating a mental health  
9 institute or another inpatient facility for treatment of mental illness may establish  
10 and operate, under standards promulgated as rules by the department, a  
11 nontreatment unit or facility. A nontreatment unit or facility may not be located in  
12 a prison, jail, lockup or house of correction. The nontreatment unit or facility shall  
13 serve only patients who are transferred to it under s. 51.61 (1) (g) 5. b. Chapter 50  
14 does not apply to a nontreatment unit or facility that is established and operated  
15 under this section.

16 **SECTION 2110.** 51.06 (2) of the statutes is amended to read:

17 **51.06 (2) SCHOOL ACTIVITIES.** If an individual over the age of 2 years and under  
18 the age of 22 years and eligible for schooling under ss. 115.76 (2) and 115.85 is  
19 admitted to, is placed in or is a resident of a center, the individual shall attend a  
20 school program operated by the center or a school outside the center which is  
21 approved by the department of education public instruction. A school program  
22 operated by the center shall be under the supervision of the department of education  
23 public instruction and shall meet standards prescribed by that agency.

24 **SECTION 2111.** 51.07 (3) of the statutes is amended to read:

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1           51.07 (3) The department may provide outpatient services only to patients  
2 contracted for with county departments under ss. 51.42 and 51.437 in accordance  
3 with s. 46.03 (18), except for those patients whom the department finds to be  
4 nonresidents of this state and those patients specified in sub. (4) (a). The full and  
5 actual cost less applicable collections of ~~such~~ services contracted for with county  
6 departments under s. 51.42 or 51.437 shall be charged to the respective county  
7 department under s. 51.42 or 51.437. The state shall provide the services required  
8 for patient care only if no ~~such~~ outpatient services are funded by the department in  
9 the county or group of counties served by the respective county department under s.  
10 51.42 or 51.437.

11           **SECTION 2112.** 51.07 (4) of the statutes is created to read:

12           51.07 (4) (a) The department may provide outpatient services at the  
13 Winnebago Mental Health Institute to a patient who is a pupil of a school district that  
14 contracts with the department for the provision of those services. The department  
15 shall charge the full and actual cost of those services contracted for to the school  
16 district in which the patient is enrolled.

17           (b) If the Winnebago Mental Health Institute has provided a pupil of a school  
18 district with the services contracted for under par. (a), the department shall  
19 regularly bill the school district for the services provided and, subject to the  
20 provisions of the contract, the school district shall pay the amount due within 60 days  
21 after the billing date.

22           (c) The department shall credit any revenues received under this subsection  
23 to the appropriation account under s. 20.435 (2) (gk).

24           **SECTION 2113.** 51.15 (1) (b) 2. of the statutes is amended to read:

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1           51.15 (1) (b) 2. A specific recent overt act or attempt or threat to act or omission  
2 by the individual which is reliably reported to the officer or person by any other  
3 person, including any probation, community supervision and parole agent  
4 authorized by the department of corrections to exercise control and supervision over  
5 a probationer ~~or~~, parolee or person on community supervision.

6           **SECTION 2114.** 51.20 (1) (ar) (intro.) of the statutes is amended to read:

7           51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition  
8 may allege that the inmate is mentally ill, is a proper subject for treatment and is  
9 in need of treatment. The petition shall allege that appropriate less restrictive forms  
10 of treatment have been attempted with the individual and have been unsuccessful  
11 and it shall include a description of the less restrictive forms of treatment that were  
12 attempted. The petition shall also allege that the individual has been fully informed  
13 about his or her treatment needs, the mental health services available to him or her  
14 and his or her rights under this chapter and that the individual has had an  
15 opportunity to discuss his or her needs, the services available to him or her and his  
16 or her rights with a licensed physician or a licensed psychologist. The petition shall  
17 include the inmate's sentence and his or her expected date of release as determined  
18 under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached  
19 to it a signed statement by a licensed physician or a licensed psychologist of a state  
20 prison and a signed statement by a licensed physician or a licensed psychologist of  
21 a state treatment facility attesting either of the following:

22           **SECTION 2115.** 51.20 (13) (g) 2m. of the statutes is amended to read:

23           51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2. and 2g., no  
24 commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's date

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1 of release on parole or community supervision, as determined under s. 302.11 or  
2 302.113, whichever is applicable.

3 **SECTION 2116.** 51.30 (4) (b) 10. (intro.) of the statutes is amended to read:

4 51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation, community  
5 supervision and parole agent who is responsible for the supervision of an individual  
6 who is receiving inpatient or outpatient evaluation or treatment under this chapter  
7 in a program that is operated by, or is under contract with, the department or a  
8 county department under s. 51.42 or 51.437, or in a treatment facility, as a condition  
9 of the probation, community supervision and parole supervision plan, or whenever  
10 such an individual is transferred from a state or local correctional facility to such a  
11 treatment program and is then transferred back to the correctional facility. Every  
12 probationer ~~or~~ parolee or person on community supervision who receives evaluation  
13 or treatment under this chapter shall be notified of the provisions of this subdivision  
14 by the individual's probation, community supervision and parole agent. Release of  
15 records under this subdivision is limited to:

16 **SECTION 2117.** 51.30 (4) (b) 10. a. of the statutes is amended to read:

17 51.30 (4) (b) 10. a. The report of an evaluation which is provided pursuant to  
18 the written probation, community supervision and parole supervision plan.

19 **SECTION 2118.** 51.30 (4) (b) 10. b. of the statutes is amended to read:

20 51.30 (4) (b) 10. b. The discharge summary, including a record or summary of  
21 all somatic treatments, at the termination of any treatment which is provided as part  
22 of the probation, community supervision and parole supervision plan.

23 **SECTION 2119.** 51.30 (4) (b) 10. d. of the statutes is amended to read:

24 51.30 (4) (b) 10. d. Any information necessary to establish, or to implement  
25 changes in, the individual's treatment plan or the level and kind of supervision on

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1     probation, community supervision or parole, as determined by the director of the  
2     facility or the treatment director. In cases involving a person transferred back to a  
3     correctional facility, disclosure shall be made to clinical staff only. In cases involving  
4     a person on probation, community supervision or parole, disclosure shall be made to  
5     a probation, community supervision and parole agent only. The department shall  
6     promulgate rules governing the release of records under this subdivision.

7             **SECTION 2120.** 51.30 (4) (b) 18. e. of the statutes is amended to read:

8             51.30 (4) (b) 18. e. The restrictions on information that is obtainable by staff  
9     members of the protection and advocacy agency or private, nonprofit corporation  
10    that are specified in subd. 18. c. and d. do not apply if the custodian of the record fails  
11    to promptly provide the name and address of the parent or guardian; if a complaint  
12    is received by the agency or nonprofit corporation about a patient, or if the agency  
13    or nonprofit corporation determines that there is probable cause to believe that the  
14    health or safety of the patient is in serious and immediate jeopardy, the agency or  
15    nonprofit corporation has made a good-faith effort to contact the parent or guardian  
16    upon receiving the name and address of the parent or guardian, the agency or  
17    nonprofit corporation has either been unable to contact the parent or guardian or has  
18    offered assistance to the parent or guardian to resolve the situation and the parent  
19    or guardian has failed or refused to act on behalf of the patient; or if a complaint is  
20    received by the agency or nonprofit corporation about a patient or there is otherwise  
21    probable cause to believe that the patient has been subject to abuse or neglect by a  
22    parent or guardian; ~~or if the patient is a minor whose custody has been transferred~~  
23    ~~to a legal custodian, as defined in s. 48.02 (11) or for whom, the patient is unable by~~  
24    reason of his or her mental or physical condition to authorize the agency or nonprofit  
25    corporation to have access and the patient, if an adult, does not have a guardian

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1 appointed under s. 880.33 or, if a minor, has had appointed a guardian that is an  
2 agency of the state or a county ~~has been appointed~~ or does not have a parent, a  
3 guardian appointed under s. 48.831, a legal custodian, as defined in s. 48.02 (11), or  
4 a guardian appointed under s. 880.33.

5 **SECTION 2121.** 51.35 (9) of the statutes is created to read:

6 51.35 (9) INAPPLICABILITY TO CERTAIN TRANSFERS. This section does not apply to  
7 transfers under s. 51.61 (1) (g) 5. a. or b.

8 **SECTION 2122.** 51.37 (8) (a) of the statutes is amended to read:

9 51.37 (8) (a) Rights to reexamination under s. 51.20 (16) apply to a prisoner or  
10 inmate who is found to be mentally ill or drug dependent except that the petition  
11 shall be made to the court that made the finding or, if the prisoner or inmate is  
12 detained by transfer, to the circuit court of the county in which he or she is detained.  
13 If upon rehearing it is found that the standards for recommitment under s. 51.20 (13)  
14 (g) no longer apply to the prisoner or inmate or that he or she is not in need of  
15 psychiatric or psychological treatment, the prisoner or inmate shall be returned to  
16 the prison or county jail or house of correction unless it is past his or her release date  
17 as determined under s. 302.11 or 302.113, whichever is applicable, in which case he  
18 or she shall be discharged.

19 **SECTION 2123.** 51.37 (8) (b) of the statutes is amended to read:

20 51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred  
21 under this section requires psychiatric or psychological treatment after his or her  
22 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the  
23 director of the state treatment facility shall, within a reasonable time before the  
24 release date of the prisoner or inmate, make a written application to the court which  
25 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall

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1 be upon application made under s. 51.20, but no physician or psychologist who is  
2 connected with a state prison, Winnebago or Mendota mental health institute or any  
3 county jail or house of correction may be appointed as an examiner. If the court does  
4 not commit the prisoner or inmate, it may dismiss the application and order the  
5 prisoner or inmate returned to the institution from which he or she was transferred  
6 until the release date of the prisoner or inmate. If the court commits the prisoner or  
7 inmate for the period commencing upon his or her release date, the commitment  
8 shall be to the care and custody of the county department under s. 51.42 or 51.437.

9 **SECTION 2124.** 51.37 (11) of the statutes is amended to read:

10 51.37 (11) When an individual who is in the custody of or under the supervision  
11 of a correctional officer of the department of corrections is transferred, discharged  
12 or is on unauthorized absence from a treatment facility, the probation, community  
13 supervision and parole agent or other individual within the department of  
14 corrections who is responsible for that individual's supervision shall be notified as  
15 soon as possible by the director of the treatment facility.

16 **SECTION 2125.** 51.42 (3) (ar) 5. of the statutes is amended to read:

17 51.42 (3) (ar) 5. Prepare a local plan which includes an inventory of all existing  
18 resources, identifies needed new resources and services and contains a plan for  
19 meeting the needs of the mentally ill, developmentally disabled, alcoholic, drug  
20 abusers and those with other psychiatric disabilities for citizens residing within the  
21 jurisdiction of the county department of community programs and for persons in  
22 need of emergency services found within the jurisdiction of the county department  
23 of community programs. The plan shall also include the establishment of long-range  
24 goals and intermediate-range plans, detailing priorities and estimated costs and  
25 providing for coordination of local services and continuity of care. The plan shall

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1 state how the needs of homeless persons and adults with serious and persistent  
2 mental illness, children with serious emotional disturbances and minorities will be  
3 met by the county department of community programs. ~~The county department of  
4 community programs shall submit the plan to the department for review under sub.  
5 (7) (a) 9. and s. 51.02 (1) (f) in accordance with the schedule and deadlines established  
6 under sub. (7) (a) 9.~~

7 **SECTION 2126.** 51.42 (3) (bm) of the statutes is amended to read:

8 51.42 (3) (bm) *Educational services.* A county department of community  
9 programs may not furnish services and programs provided by the department of  
10 education public instruction and local educational agencies.

11 **SECTION 2127.** 51.42 (7) (a) 5. of the statutes is amended to read:

12 51.42 (7) (a) 5. Ensure that county departments of community programs that  
13 elect to provide special education programs to children aged 3 years and under  
14 comply with requirements established by the department of education public  
15 instruction.

16 **SECTION 2128.** 51.42 (7) (a) 9. of the statutes is repealed.

17 **SECTION 2129.** 51.42 (7) (b) 11. (intro.) of the statutes is amended to read:

18 51.42 (7) (b) 11. (intro.) Prescribe requirements for certification of community  
19 mental health programs, except as provided in s. 51.032, including all of the  
20 following:

21 **SECTION 2130.** 51.421 (3) (a) of the statutes is amended to read:

22 51.421 (3) (a) Promulgate rules establishing standards for the certified  
23 provision of community support programs by county departments under s. 51.42,  
24 except as provided in s. 51.032. The department shall establish standards that  
25 ensure that providers of services meet federal standards for certification of providers



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1 of community support program services under the medical assistance program, 42  
2 USC 1396 to 1397e. The department shall develop the standards in consultation  
3 with representatives of county departments under s. 51.42, elected county officials  
4 and consumer advocates.

5 **SECTION 2131.** 51.423 (1) of the statutes is amended to read:

6 51.423 (1) The department shall fund, within the limits of the department's  
7 allocation for mental health services under s. 20.435 (3) (nL) and (7) (b), (kw) and (o)  
8 and subject to this section, services for mental illness, developmental disability,  
9 alcoholism and drug abuse to meet standards of service quality and accessibility. The  
10 department's primary responsibility is to guarantee that county departments  
11 established under either s. 51.42 or 51.437 receive a reasonably uniform minimum  
12 level of funding and its secondary responsibility is to fund programs which meet  
13 exceptional community needs or provide specialized or innovative services. Moneys  
14 appropriated under s. 20.435 (7) (b) and earmarked by the department for mental  
15 health services under s. 20.435 (7) (o) shall be allocated by the department to county  
16 departments under s. 51.42 or 51.437 in the manner set forth in this section.

17 **SECTION 2132.** 51.423 (2) of the statutes is amended to read:

18 51.423 (2) From the appropriations under s. 20.435 (3) (nL) and (7) (b), (kw) and  
19 (o), the department shall distribute the funding for services provided or purchased  
20 by county departments under s. 46.23, 51.42 or 51.437 to such county departments  
21 as provided under s. 46.40. County matching funds are required for the distributions  
22 under s. 46.40 (2). Each county's required match for a year equals 9.89% of the total  
23 of the county's distributions for that year for which matching funds are required plus  
24 the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for  
25 juvenile delinquency-related services from its distribution for 1987. Matching funds

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1 may be from county tax levies, federal and state revenue sharing funds or private  
2 donations to the counties that meet the requirements specified in sub. (5). Private  
3 donations may not exceed 25% of the total county match. If the county match is less  
4 than the amount required to generate the full amount of state and federal funds  
5 distributed for this period, the decrease in the amount of state and federal funds  
6 equals the difference between the required and the actual amount of county  
7 matching funds.

8 **SECTION 2133.** 51.437 (4r) (a) 1. of the statutes is amended to read:

9 51.437 (**4r**) (a) 1. May not furnish services and programs provided by the  
10 department of ~~education~~ public instruction and local educational agencies.

11 **SECTION 2134.** 51.437 (4rm) (a) of the statutes is amended to read:

12 51.437 (**4rm**) (a) A county department of developmental disabilities services  
13 shall authorize all care of any patient in a state, local or private facility under a  
14 contractual agreement between the county department of developmental disabilities  
15 services and the facility, unless the county department of developmental disabilities  
16 services governs the facility. The need for inpatient care shall be determined by the  
17 program director or designee in consultation with and upon the recommendation of  
18 a licensed physician trained in psychiatry and employed by the county department  
19 of developmental disabilities services or its contract agency prior to the admission  
20 of a patient to the facility except in the case of emergency services. In cases of  
21 emergency, a facility under contract with any county department of developmental  
22 disabilities services shall charge the county department of developmental  
23 disabilities services having jurisdiction in the county where the individual receiving  
24 care is found. The county department of developmental disabilities services shall  
25 reimburse the facility, except as provided under par. (c), for the actual cost of all

**SENATE BILL 77****SECTION 2134**

1 authorized care and services less applicable collections under s. 46.036, unless the  
2 department of health and family services determines that a charge is  
3 administratively infeasible, or unless the department of health and family services,  
4 after individual review, determines that the charge is not attributable to the cost of  
5 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to  
6 direct and indirect costs which are attributable to care and treatment of the client.  
7 County departments of developmental disabilities services may not reimburse any  
8 state institution or receive credit for collections for care received therein by  
9 nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a),  
10 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,  
11 971.17 or 975.06, admissions under s. 975.17, 1977 stats., or children placed in the  
12 guardianship of the department of health and family services under s. 48.427 or  
13 48.43 or under the supervision of the department of corrections under s. 938.183 (2)  
14 or 938.355.

15 **SECTION 2135.** 51.437 (4rm) (c) 1. of the statutes is amended to read:

16 51.437 (~~4rm~~) (c) 1. Regularly bill the county department of developmental  
17 disabilities services for services provided prior to January 1, 1982 as specified in par.  
18 (c) 2. a. and 2m. ~~If collections for care received by the department of health and family~~  
19 ~~services prior to January 1, 1982, exceed current billings, the difference shall be~~  
20 ~~remitted to the county department of developmental disabilities services through the~~  
21 ~~appropriation under s. 20.435 (2) (gk). If billings for the quarter ending December~~  
22 ~~31, 1981, exceed collections for care received by the department of health and family~~  
23 ~~services during the quarter ending December 31, 1981, collections for care provided~~  
24 ~~prior to January 1, 1982, shall be remitted to the county department of~~  
25 ~~developmental disabilities services through the appropriation under s. 20.435 (2)~~

**SENATE BILL 77****SECTION 2135**

1 (~~gk~~), up to the level of the net amount billed the county department of developmental  
2 disabilities services for the quarter ending December 31, 1981. Under this section,  
3 collections on or after January 1, 1976, from medical assistance shall be the approved  
4 amounts listed by the patient on remittance advices from the medical assistance  
5 carrier, not including adjustments due to retroactive rate approval and less any  
6 refunds to the medical assistance program. For care provided on and after January  
7 1, 1978, the department of health and family services shall adjust collections from  
8 medical assistance to compensate for differences between specific rate scales for care  
9 charged to the county department of developmental disabilities services and the  
10 average daily medical assistance reimbursement rate. Payment shall be due from  
11 the county department of developmental disabilities services within 60 days of the  
12 billing date subject to provisions of the contract. If any payment has not been  
13 received within 60 days, the department of health and family services shall deduct  
14 all or part of the amount due from any payment due from the department of health  
15 and family services to the county department of developmental disabilities services.

16 **SECTION 2136.** 51.437 (4rm) (c) 2. b. of the statutes is amended to read:

17 51.437 (**4rm**) (c) 2. b. Bill the county department of developmental disabilities  
18 services for services provided on or after January 1, 1982, at 10% of the rate paid by  
19 ~~medical assistance, excluding any retroactive rate adjustment~~ December 31, 1997,  
20 at \$184 per day, if an independent professional review established under 42 USC  
21 1396a (a) (31) designates the person served as appropriate for community care,  
22 including persons who have been admitted for more than 180 consecutive days and  
23 for whom the cost of care in the community would be less than \$184 per day. The  
24 department of health and family services shall use money it receives from the county  
25 department of developmental disabilities services to offset the state's share of

**SENATE BILL 77****SECTION 2136**

1 medical assistance. Payment is due from the county department of developmental  
2 disabilities services within 60 days of the billing date, subject to provisions of the  
3 contract. If the department of health and family services does not receive any  
4 payment within 60 days, it shall deduct all or part of the amount due from any  
5 payment the department of health and family services is required to make to the  
6 county department of developmental disabilities services. The department of health  
7 and family services shall first use collections received under s. 46.10 as a result of  
8 care at a center for the developmentally disabled to reduce the costs paid by medical  
9 assistance, and shall remit the remainder to the county department of  
10 developmental disabilities services up to the portion billed. The department of  
11 health and family services shall use the appropriation under s. 20.435 (2) (gk) to  
12 remit collection credits and other appropriate refunds to county departments of  
13 developmental disabilities services.

14 **SECTION 2137.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

15 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities  
16 services for services provided under s. 51.06 (1) (d) to individuals who are eligible for  
17 medical assistance that are not provided by the federal government, using the  
18 procedure established under subd. 1.

19 **SECTION 2138.** 51.437 (14) (g) of the statutes is amended to read:

20 51.437 (14) (g) Ensure that any county department of developmental  
21 disabilities services which elects to provide special education programs to children  
22 aged 3 years and under complies with requirements established by the department  
23 of education public instruction.

24 **SECTION 2139.** 51.44 (3) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2139**

1           51.44 (3) (a) From the appropriations under s. 20.435 (3) ~~(bt) and~~ (nL) and (7)  
2 (bt) the department shall allocate and distribute funds to counties to provide or  
3 contract for the provision of early intervention services to individuals eligible to  
4 receive the early intervention services.

5           **SECTION 2140.** 51.44 (5) (c) of the statutes is repealed.

6           **SECTION 2141.** 51.45 (4) (d) of the statutes is amended to read:

7           51.45 (4) (d) Cooperate with the department of ~~education~~ public instruction,  
8 local boards of education, schools, police departments, courts, and other public and  
9 private agencies, organizations and individuals in establishing programs for the  
10 prevention of alcoholism and treatment of alcoholics and intoxicated persons, and  
11 preparing curriculum materials thereon for use at all levels of school education.

12           **SECTION 2142.** 51.45 (5) (b) (intro.) of the statutes is amended to read:

13           51.45 (5) (b) (intro.) The department shall select, upon application by counties,  
14 county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 in up to 8 counties  
15 representing various geographical regions and populations and shall, from the  
16 appropriations under s. 20.435 ~~(7) (f) and (mb)~~ (3) (fm) and (nL), award a total of not  
17 more than \$500,000 in grants in each fiscal year to the selected county departments  
18 to participate in a program to implement and coordinate alcohol and other drug  
19 abuse programs and services relating to primary prevention. The county  
20 department in each county receiving funding under this paragraph shall appoint or  
21 contract with an alcohol and other drug abuse prevention specialist whose duties  
22 shall include all of the following:

23           **SECTION 2143.** 51.45 (8) (a) of the statutes is amended to read:

24           51.45 (8) (a) The department shall establish minimum standards for approved  
25 treatment facilities that must be met for a treatment facility to be approved as a

**SENATE BILL 77****SECTION 2143**

1 public or private treatment facility, except as provided in s. 51.032, and fix the fees  
2 to be charged by the department for the required inspections. The standards may  
3 concern only the health standards to be met and standards of treatment to be  
4 afforded patients and shall distinguish between facilities rendering different modes  
5 of treatment. In setting standards, the department shall consider the residents'  
6 needs and abilities, the services to be provided by the facility, and the relationship  
7 between the physical structure and the objectives of the program. Nothing in this  
8 subsection shall prevent county departments from establishing reasonable higher  
9 standards.

10 **SECTION 2144.** 51.45 (8) (e) of the statutes is amended to read:

11 51.45 (8) (e) The department, after notice and hearing, may under this  
12 subsection suspend, revoke, limit, or restrict an approval, or refuse to grant an  
13 approval, for failure to meet its standards.

14 **SECTION 2145.** 51.45 (8) (f) of the statutes is amended to read:

15 51.45 (8) (f) The circuit court may restrain any violation of this section, review  
16 any denial, restriction, or revocation of approval under this subsection, and grant  
17 other relief required to enforce its provisions.

18 **SECTION 2146.** 51.61 (1) (e) of the statutes is amended to read:

19 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under  
20 s. 51.35 (3) or 51.37 or under ch. 971 or 975 or who is transferred under par. (g) 5. b.,  
21 have the right to the least restrictive conditions necessary to achieve the purposes  
22 of admission, commitment or protective placement, under programs, services and  
23 resources that the county board of supervisors is reasonably able to provide within  
24 the limits of available state and federal funds and of county funds required to be  
25 appropriated to match state funds.

**SENATE BILL 77****SECTION 2147**

1           **SECTION 2147.** 51.61 (1) (g) (intro.) of the statutes is amended to read:

2           51.61 (1) (g) (intro.) Have the following rights, under the following procedures  
3 and subject to the following limitations, to refuse medication and treatment:

4           **SECTION 2148.** 51.61 (1) (g) 1. of the statutes is amended to read:

5           51.61 (1) (g) 1. Have the right to refuse all medication and treatment except  
6 as ordered by the court under subd. 2., 3., 3m. or 5. c., or in a situation in which the  
7 medication or treatment is necessary to prevent serious physical harm to the patient  
8 or to others. Medication and treatment during this period may be refused on  
9 religious grounds only as provided in par. (h).

10          **SECTION 2149.** 51.61 (1) (g) 2. of the statutes is amended to read:

11          51.61 (1) (g) 2. At or after the hearing to determine probable cause for  
12 commitment but prior to the final commitment order, other than for a subject  
13 individual who is alleged to meet the commitment standard under s. 51.20 (1) (a) 2.  
14 e., the court shall, upon the motion of any interested person, and may, upon its own  
15 motion, hold a hearing to determine whether there is probable cause to believe that  
16 the individual is not competent to refuse medication or treatment and whether the  
17 medication or treatment ~~will have therapeutic value and will not unreasonably~~  
18 impair the ability of the individual to prepare for or participate in subsequent legal  
19 proceedings. If the court determines that there is probable cause to believe the  
20 allegations under this subdivision, the court shall issue an order permitting  
21 medication or treatment to be administered to the individual regardless of his or her  
22 consent, under the conditions specified in subd. 3r. The order shall apply to the  
23 period between the date of the issuance of the order and the date of the final order  
24 under s. 51.20 (13), unless the court dismisses the petition for commitment or



**SENATE BILL 77****SECTION 2149**

1 specifies a shorter period. The hearing under this subdivision shall meet the  
2 requirements of s. 51.20 (5), except for the right to a jury trial.

3 **SECTION 2150.** 51.61 (1) (g) 3. of the statutes is amended to read:

4 51.61 (1) (g) 3. Following a final commitment order, other than for a subject  
5 individual who is determined to meet the commitment standard under s. 51.20 (1)  
6 (a) 2. e., have the right to exercise informed consent with regard to all medication and  
7 treatment unless the committing court or the court in the county in which the  
8 individual is located, within 10 days after the filing of the motion of any interested  
9 person and with notice of the motion to the individual's counsel, if any, the individual  
10 and the applicable counsel under s. 51.20 (4), makes a determination, following a  
11 hearing, that the individual is not competent to refuse medication or treatment ~~or~~  
12 ~~unless a situation exists in which the medication or treatment is necessary to prevent~~  
13 ~~serious physical harm to the individual or others.~~ A report, if any, on which the  
14 motion is based shall accompany the motion and notice of motion and shall include  
15 a statement signed by a licensed physician that asserts that the subject individual  
16 ~~needs medication or treatment and that~~ the individual is not competent to refuse  
17 medication or treatment, based on an examination of the individual by a licensed  
18 physician. The hearing under this subdivision shall meet the requirements of s.  
19 51.20 (5), except for the right to a jury trial. At the request of the subject individual,  
20 the individual's counsel or applicable counsel under s. 51.20 (4), the hearing may be  
21 postponed, but in no case may the postponed hearing be held more than 20 days after  
22 a motion is filed. If the court determines that the patient is not competent to refuse  
23 medication or treatment, the court shall issue an order permitting medication or  
24 treatment to be administered to the patient regardless of his or her consent, under  
25 the conditions specified in subd. 3r.

**SENATE BILL 77****SECTION 2151**

1           **SECTION 2151.** 51.61 (1) (g) 3r. of the statutes is created to read:

2           51.61 (1) (g) 3r. If the court enters an order under subd. 2. or 3. or s. 971.14 (4)  
3 (b) or (5) (am) or 971.17 (3) (b) or (c), medication or treatment may be administered  
4 to the patient regardless of consent if the facility staff who are primarily responsible  
5 for developing the patient's treatment plan determine, under standards and  
6 procedures established by the department and subject to review by treatment  
7 professionals who are not involved in the patient's care, that the medication or  
8 treatment is appropriate for the purpose of ameliorating the patient's condition and  
9 represents exercise of treatment techniques and procedures that are reasonable and  
10 appropriate to the patient and that there would be a current risk of harm to the  
11 patient or others if the medication or treatment were not administered. The  
12 standards and procedures adopted by the department under this subdivision need  
13 not be promulgated as rules under ch. 227.

14           **SECTION 2152.** 51.61 (1) (g) 5. of the statutes is created to read:

15           51.61 (1) (g) 5. A patient who has not been found incompetent under s. 880.33  
16 and who is not subject to a court order under subd. 2. or 3. or s. 971.14 (4) (b) or (5)  
17 (am) or 971.17 (3) (b) or (c) and who refuses medication or treatment that is offered  
18 to him or her under his or her treatment plan has the right, within 10 days after the  
19 date on which the medication or treatment is offered, to request review of the  
20 medication or treatment. If requested, the review shall be conducted by a panel of  
21 at least 3 treatment professionals, at least one of whom is a physician, at least one  
22 of whom is a psychologist and none of whom is at the time involved in treatment  
23 decisions for the patient. A patient who requests review has the right to meet with  
24 the review panel, to receive at least 24 hours' advance written notice of the meeting,  
25 to present information to the review panel, including statements of others in person

**SENATE BILL 77****SECTION 2152**

1 or by telephone, to require any facility staff who are primarily responsible for  
2 developing the patient's treatment plan to attend the meeting and to answer  
3 questions regarding the offered medication or treatment, to receive assistance at the  
4 meeting from a staff adviser who did not participate in the decision to offer the  
5 medication or treatment and who understands the treatment issues involved and to  
6 receive a copy of written minutes of the meeting. The review panel shall determine  
7 whether the offered medication or treatment is appropriate for the purpose of  
8 ameliorating the patient's condition and represents exercise of treatment techniques  
9 and procedures that are reasonable and appropriate to the patient. The review panel  
10 shall issue its determination in writing within 5 days after the meeting. A  
11 determination by the review panel that the offered medication or treatment is  
12 reasonable and appropriate, under the standard under this subdivision, need not be  
13 unanimous, but if the offered medication or treatment includes psychotropic  
14 medication, the physician must be a member of the majority for the determination.  
15 If the patient does not request review of offered medication or treatment within the  
16 time specified under this subdivision or if the review panel determines that the  
17 offered medication or treatment is reasonable and appropriate, under the standard  
18 under this subdivision, and if the patient is thereafter given not less than 5 days to  
19 consent to the offered medication or treatment, any of the following may apply:

20 a. For a patient under this subdivision who is detained, committed or admitted  
21 under this chapter or ch. 55, the treatment facility or treatment program may  
22 terminate the contractual agreement with the county department under s. 51.42 (3)  
23 (as) 1. or 51.437 (4rm) (a) and return the patient to the care and custody of the county  
24 department, request reexamination of the patient under s. 51.20 (16) or discharge  
25 the patient under s. 51.35 (4).

**SENATE BILL 77****SECTION 2152**

1           b. For any patient under this subdivision in a mental health institute or other  
2 inpatient facility for treatment of mental illness, the institute or other facility may  
3 transfer the patient to a nontreatment unit or facility established under s. 51.055  
4 until the patient is released from the institute or other facility under s. 51.15 (6),  
5 51.20 (8) (a), (13) (dm) or (16), 971.14 (4) (d) or (5) or 971.17 (4) or (5), discharged from  
6 commitment under s. 51.10, 51.13 (7), 51.15 (5), 51.20 (13) (g), 51.35 (4) or (4m), 51.37  
7 (8) (a) or (9), 51.83 (2), 51.87 (10), 971.14 (6) (a) or 971.17 (6) or consents to the  
8 medication or treatment that is offered under a treatment plan.

9           c. For any patient under this subdivision, the treatment facility or treatment  
10 program may file a motion requesting the committing court or the court in the county  
11 in which the individual is located to enter an order requiring the patient to  
12 participate in the treatment that is offered, regardless of his or her consent, except  
13 that the court may not order involuntary administration of psychotropic medication.  
14 Within 10 days after the filing of the motion and with notice of the motion to the  
15 patient's counsel, if any, the patient and the applicable counsel under s. 51.20 (4), the  
16 court may enter the order if the court determines that the patient's interest in not  
17 consenting to the treatment in question is outweighed by the interest of the public  
18 and the patient in effective treatment of the conditions for which the patient was  
19 admitted to the system. The hearing under this subd. 1. c. shall meet the  
20 requirements of s. 51.20 (5), except for the right to a jury trial. At the request of the  
21 patient, the patient's counsel or applicable counsel under s. 51.20 (4), the hearing  
22 may be postponed, but in no case may the postponed hearing be held more than 20  
23 days after a motion is filed. If the court determines that the patient's interest in not  
24 consenting to the treatment in question is outweighed by the interest of the public  
25 and the patient in effective treatment of the conditions for which the patient was

**SENATE BILL 77****SECTION 2152**

1 admitted to the system, the court shall enter an order requiring the patient to  
2 participate in the offered treatment regardless of his or her consent.

3 **SECTION 2153.** 51.61 (1) (i) 2. of the statutes is amended to read:

4 51.61 (1) (i) 2. Patients in the maximum security facility at the Mendota mental  
5 health institute and patients who are transferred under par. (g) 5. b. may be locked  
6 in their rooms during the night shift and for a period of no longer than one hour and  
7 30 minutes during each change of shift by staff to permit staff review of patient  
8 needs. Patients in the maximum security facility at the Mendota mental health  
9 institute and patients who are transferred under par. (g) 5. b. may also be locked in  
10 their rooms on a unit-wide or facility-wide basis as an emergency measure as needed  
11 for security purposes to deal with an escape or attempted escape, the discovery of a  
12 dangerous weapon in the unit or facility or the receipt of reliable information that  
13 a dangerous weapon is in the unit or facility or to prevent or control a riot or the  
14 taking of a hostage. A unit-wide or facility-wide emergency isolation order may only  
15 be authorized by the director of the unit or maximum security facility or his or her  
16 designee and shall be approved within one hour after it is authorized by the director  
17 of the Mendota mental health facility or the director's designee. An emergency order  
18 for unit-wide or facility-wide isolation may only be in effect for the period of time  
19 needed to preserve order while dealing with the situation and may not be used as a  
20 substitute for adequate staffing. During a period of unit-wide or facility-wide  
21 isolation, the status of each patient shall be reviewed every 30 minutes to ensure the  
22 safety and comfort of the patient and each patient who is locked in a room without  
23 a toilet shall be given an opportunity to use a toilet at least once every hour, or more  
24 frequently if medically indicated. Each unit in the maximum security facility at the  
25 Mendota mental health institute and each nontreatment unit or facility established

**SENATE BILL 77****SECTION 2153**

1 under s. 51.055 shall have a written policy covering the use of isolation which ensures  
2 that the dignity of the individual is protected, that the safety of the individual is  
3 secured and that there is regular, frequent monitoring by trained staff to care for  
4 bodily needs as may be required. Each policy shall be reviewed and approved by the  
5 director of the ~~Mendota mental health institute~~ facility or the director's designee.

6 **SECTION 2154.** 51.61 (1) (m) of the statutes is amended to read:

7 51.61 (1) (m) Have a right to a humane psychological and physical environment  
8 within the hospital facilities. These facilities shall be designed to afford patients  
9 with comfort and safety, to promote dignity and ensure privacy. Facilities shall also  
10 be designed to make a positive contribution to the effective attainment of the  
11 treatment goals of the hospital. Nothing under this paragraph entitles a patient who  
12 is transferred under par. (g) 5. b. to conditions or facilities that are identical or  
13 substantially similar to those in which patients who consent to treatment are  
14 housed.

15 **SECTION 2155.** 51.61 (1) (x) of the statutes is amended to read:

16 51.61 (1) (x) Have the right to be treated with respect and recognition of the  
17 patient's dignity and individuality by all employees of the treatment facility or  
18 community mental health program and by licensed, certified, registered or  
19 permitted providers of health care with whom the patient comes in contact. Nothing  
20 under this paragraph entitles a patient who is transferred under par. (g) 5. b. to  
21 conditions or facilities that are identical or substantially similar to those in which  
22 patients who consent to treatment are housed.

23 **SECTION 2156.** 51.61 (6) of the statutes is amended to read:

24 51.61 (6) Subject to the rights of patients provided under this chapter, the  
25 department, county departments under s. 51.42 or 51.437 and any agency providing

**SENATE BILL 77****SECTION 2156**

1 services under an agreement with the department or those county departments have  
2 the right to use customary and usual treatment techniques and procedures in a  
3 reasonable and appropriate manner in the treatment of patients who are receiving  
4 services under the mental health system, for the purpose of ameliorating the  
5 conditions for which the patients were admitted to the system. The written,  
6 informed consent of any patient shall first be obtained, unless the person has been  
7 found not competent to refuse medication and treatment as specified under sub. (1)  
8 (g) 2., 3., 3m. or 3r. or if sub. (1) (g) 5. c. applies. In the case of a minor, the written,  
9 informed consent of the parent or guardian is required. Except as provided under  
10 an order issued under s. 51.14 (3) (h) or (4) (g), if the minor is 14 years of age or older,  
11 the written, informed consent of the minor and the minor's parent or guardian is  
12 required. A refusal of either a minor 14 years of age or older or the minor's parent  
13 or guardian to provide written, informed consent for outpatient mental health  
14 treatment is reviewable under s. 51.14.

15 **SECTION 2157.** 51.62 (3m) of the statutes is amended to read:

16 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the  
17 department ~~shall~~ may not distribute more than \$75,000 in each fiscal year to the  
18 protection and advocacy agency for performance of community mental health  
19 protection and advocacy services.

20 **SECTION 2158.** 59.07 (1) of the statutes is amended to read:

21 59.07 (1) No action may be brought or maintained against a county upon a  
22 claim or upon a cause of action unless the claimant complies with s. 893.80. This  
23 subsection does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

24 **SECTION 2159.** 59.23 (2) (j) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2159**

1           59.23 (2) (j) (title) *School taxes, records to department of education public*  
2 *instruction.* Transmit to the department of education public instruction on the last  
3 Monday in December in each year certified copies of all resolutions adopted and  
4 proceedings of the board passed or had during the preceding year relating to the  
5 raising of any money for school purposes, and report the amount to be raised in each  
6 town in the county.

7           **SECTION 2160.** 59.25 (3) (f) 2. of the statutes is amended to read:

8           59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
9 deposited in the state treasury, the amounts required by s. 165.87 for the penalty  
10 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories  
11 assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the  
12 amounts required by s. 973.045 for the crime victim and witness assistance  
13 surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and  
14 witness assistance surcharge, the amounts required by s. 973.046 for the  
15 deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for  
16 the drug abuse program improvement surcharge, the amounts authorized by s.  
17 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the  
18 amounts required by s. 253.06 (4) (c) for the enforcement assessment under the  
19 supplemental food program for women, infants and children, the amounts required  
20 by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts  
21 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
22 required by s. 299.93 for the environmental assessment, the amounts required by s.  
23 29.9965 for the wild animal protection assessment, the amounts required by s.  
24 29.997 for the natural resources assessment surcharge, the amounts required by s.  
25 29.9967 for the fishing shelter removal assessment, the amounts required by s.



**SENATE BILL 77****SECTION 2160**

1 350.115 for the snowmobile registration restitution payment and the amounts  
2 required by s. 29.998 for natural resources restitution payments, transmit to the  
3 state treasurer a statement of all moneys required by law to be paid on the actions  
4 entered during the preceding month on or before the first day of the next succeeding  
5 month, certified by the county treasurer's personal signature affixed or attached  
6 thereto, and at the same time pay to the state treasurer the amount thereof.

7 **SECTION 2161.** 59.40 (2) (h) of the statutes is amended to read:

8 59.40 (2) (h) Except in counties that have designated a county support  
9 collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), keep a record of all payments and  
10 arrearages in payments ordered by the court under s. 948.22 (7) or ch. 767 or 769 and  
11 directed under s. 767.29 (1) to be paid to the clerk or county support collection  
12 designee or ordered by a court in another county or jurisdiction but enforced or  
13 received by the court of the clerk's county. If the department of ~~health and family~~  
14 ~~services~~ industry, labor and job development operates a data system relating to those  
15 payments and arrearages, the clerk shall use that system to keep this record.

16 **SECTION 2162.** 59.40 (2) (h) of the statutes, as affected by 1997 Wisconsin Act  
17 .... (this act), is repealed.

18 **SECTION 2163.** 59.40 (2) (m) of the statutes is amended to read:

19 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's  
20 percentage of the fees required to be paid on each civil action, criminal action and  
21 special proceeding filed during the preceding month and pay monthly to the  
22 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
23 required by law to be deposited in the state treasury, the amounts required by s.  
24 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.  
25 165.755 for the crime laboratories assessment, the amounts required by s. 167.31 (5)

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1 for the weapons assessment, the amounts required by s. 973.045 for the crime victim  
2 and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the  
3 delinquency victim and witness assistance surcharge, the amounts required by s.  
4 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by  
5 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts  
6 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse  
7 assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement  
8 assessment under the supplemental food program for women, infants and children,  
9 the amounts required by s. 346.655 for the driver improvement surcharge, the  
10 amounts required by s. 102.85 (4) for the uninsured employer assessment, the  
11 amounts required by s. 299.93 for the environmental assessment, the amounts  
12 required under s. 29.9965 for the wild animal protection assessment, the amounts  
13 required under s. 29.997 (1) (d) for the natural resources assessment surcharge, the  
14 amounts required by s. 29.9967 for the fishing shelter removal assessment, the  
15 amounts required by s. 350.115 for the snowmobile registration restitution payment  
16 and the amounts required under s. 29.998 (1) (d) for the natural resources restitution  
17 payments. The payments shall be made by the 15th day of the month following  
18 receipt thereof.

19 **SECTION 2164.** 59.43 (1) (u) of the statutes is amended to read:

20 59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag)  
21 1. and (e) and not retained by the county to the land information board department  
22 of administration under s. 59.72 (5).

23 **SECTION 2165.** 59.53 (5) of the statutes is amended to read:

24 59.53 (5) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT  
25 LIABILITY PROGRAM. The board shall contract with the department of industry, labor

**SENATE BILL 77****SECTION 2165**

1 and job development to implement and administer the child and spousal support and  
2 establishment of paternity and the medical support liability programs provided for  
3 by Title IV of the federal social security act. The board may designate by board  
4 resolution any office, officer, board, department or agency, except the clerk of circuit  
5 court, as the county ~~designee~~ child support agency. The board or ~~its designee~~ county  
6 child support agency shall implement and administer the programs in accordance  
7 with the contract with the department of industry, labor and job development. The  
8 attorneys responsible for support enforcement under sub. (6) (a), family court  
9 commissioner, ~~clerk of court~~ and all other county officials shall cooperate with the  
10 county and the department of industry, labor and job development as necessary to  
11 provide the services required under the programs. The county shall charge the fee  
12 established by the department of industry, labor and job development under s. 49.22  
13 for services provided under this subsection to persons not receiving benefits under  
14 s. 49.148, 49.153 or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

15 **SECTION 2166.** 59.53 (5) of the statutes, as affected by 1997 Wisconsin Act ...  
16 (this act), is renumbered 59.53 (5) (a) and amended to read:

17 59.53 (5) (a) The board shall contract with the department of industry, labor  
18 and job development to implement and administer the child and spousal support and  
19 establishment of paternity and the medical support liability programs provided for  
20 by Title IV of the federal social security act. The board may designate by board  
21 resolution any office, officer, board, department or agency except the clerk of circuit  
22 court, as the county child support agency. The board or county child support agency  
23 shall implement and administer the programs in accordance with the contract with  
24 the department of industry, labor and job development. The attorneys responsible  
25 for support enforcement under sub. (6) (a), family court commissioner and all other

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1 county officials shall cooperate with the county and the department of industry, labor  
2 and job development as necessary to provide the services required under the  
3 programs. The county shall charge the fee established by the department of industry,  
4 labor and job development under s. 49.22 for services provided under this subsection  
5 paragraph to persons not receiving benefits under s. 49.148, 49.153 or 49.155 or  
6 assistance under s. 46.261, 49.19 or 49.47.

7 **SECTION 2167.** 59.53 (5) (b) of the statutes is created to read:

8 59.53 (5) (b) The county child support agency under par. (a) shall electronically  
9 enter into the statewide data system related to child and spousal support payments  
10 that is operated by the department of industry, labor and job development the terms  
11 of any order made or judgment granted in the circuit court of the county requiring  
12 payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s. 767.29 (1)  
13 to be paid to the department of industry, labor and job development or its designee.  
14 The county child support agency shall enter the terms of any such order or judgment  
15 within the time required by federal law and shall enter revisions ordered by the court  
16 to any order or judgment the terms of which are maintained on the data system.

17 **SECTION 2168.** 59.53 (5m) of the statutes, as affected by 1997 Wisconsin Act ....  
18 (this act), is repealed.

19 **SECTION 2169.** 59.53 (5m) (a) of the statutes is amended to read:

20 59.53 (5m) (a) Subject to approval of the department of ~~health and family~~  
21 ~~services~~ industry, labor and job development under par. (am), designate by resolution  
22 any office, officer, board, department or agency as the county support collection  
23 designee to receive and disburse child and spousal support payments ordered by the  
24 court under s. 948.22 (7) and child and family support payments and maintenance  
25 payments ordered by the court or the family court commissioner under ch. 767 or

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1 ordered by a court in another county or jurisdiction but enforced or received by the  
2 court of the support collection designee's county.

3 **SECTION 2170.** 59.53 (5m) (am) of the statutes is amended to read:

4 59.53 **(5m)** (am) A county board that makes a designation under par. (a) shall  
5 send a copy of the resolution to the department of ~~health and family services~~  
6 industry, labor and job development. Within 60 days after receiving the copy of the  
7 resolution, the department of ~~health and family services~~ industry, labor and job  
8 development shall notify the county board in writing of whether the department  
9 approves or disapproves the designation. If the department disapproves the  
10 designation, it shall specify the reasons for disapproval in the notice. If the  
11 department does not notify the county board of the department's approval or  
12 disapproval within 60 days after receipt of the copy of the resolution, the designation  
13 is approved.

14 **SECTION 2171.** 59.53 (5m) (b) 1. of the statutes is amended to read:

15 59.53 **(5m)** (b) 1. Keep a record of all payments received and disbursed and of  
16 arrearages in payments. If the department of ~~health and family services~~ industry,  
17 labor and job development operates a data system relating to those payments and  
18 arrearages, the county support collection designee shall use that system to keep this  
19 record.

20 **SECTION 2172.** 59.53 (5m) (b) 2. of the statutes is amended to read:

21 59.53 **(5m)** (b) 2. Cooperate with the department of ~~health and family services~~  
22 industry, labor and job development with respect to the child and spousal support  
23 and establishment of paternity and medical liability support program under sub.  
24 (97) (5) and s. ~~46.25~~ 49.22, and provide that department with any information from  
25 the record under subd. 1. that it requires to administer that program.

**SENATE BILL 77****SECTION 2173**

1           **SECTION 2173.** 59.58 (3) (d) 2. of the statutes is amended to read:

2           59.58 **(3)** (d) 2. School bus transportation businesses or systems that are  
3 engaged primarily in the transportation of children to or from school, and which are  
4 subject to the regulatory jurisdiction of the department of transportation and the  
5 department of ~~education~~ public instruction.

6           **SECTION 2174.** 59.64 (1) (a) of the statutes is amended to read:

7           59.64 **(1)** (a) *In general.* Every person, except jurors, witnesses and  
8 interpreters, and except physicians or other persons who are entitled to receive from  
9 the county fees for reporting to the register of deeds births or deaths, which have  
10 occurred under their care, having any claim against any county shall comply with  
11 s. 893.80. This ~~subsection~~ paragraph does not apply to actions commenced under s.  
12 19.37 ~~or~~, 19.97 or 281.99.

13           **SECTION 2175.** 59.72 (3) (b) of the statutes is amended to read:

14           59.72 **(3)** (b) Within 2 years after the land information office is established,  
15 develop and receive approval for a countywide plan for land records modernization.  
16 The plan shall be submitted ~~for approval to the land information board~~ department  
17 of administration for approval under s. 16.967 (3) (e).

18           **SECTION 2176.** 59.72 (3) (c) of the statutes is amended to read:

19           59.72 **(3)** (c) Review and recommend projects from local governmental units for  
20 grants from the ~~land information board~~ department of administration under s.  
21 16.967 (7).

22           **SECTION 2177.** 59.72 (4) of the statutes is amended to read:

23           59.72 **(4)** AID TO COUNTIES. A board that has established a land information  
24 office under sub. (3) may apply to the ~~land information board~~ department of  
25 administration for a grant for a land information project under s. 16.967 (7).

**SENATE BILL 77****SECTION 2178**

1           **SECTION 2178.** 59.72 (5) (a) of the statutes is amended to read:

2           59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit  
3 to the ~~land information board~~ department of administration \$6 from the fee for  
4 recording the first page of each instrument that is recorded under s. 59.43 (2) (ag) 1.  
5 and (e), less any amount retained by the county under par. (b).

6           **SECTION 2179.** 60.33 (9) (a) of the statutes is amended to read:

7           60.33 (9) (a) Perform the clerk's duties under chs. 115 to 121, relating to  
8 ~~education~~ public instruction.

9           **SECTION 2180.** 60.44 (1) (a) of the statutes is amended to read:

10          60.44 (1) (a) Claims for money against a town or against officers, officials,  
11 agents or employes of the town arising out of acts done in their official capacity shall  
12 be filed with the town clerk as provided under s. 893.80 (1) (b). This paragraph does  
13 not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

14          **SECTION 2181.** 60.44 (3) of the statutes is amended to read:

15          60.44 (3) COURT ACTIONS TO RECOVER CLAIMS. Subsection (2), or an ordinance  
16 adopted under that subsection, does not affect the applicability of s. 893.80. No  
17 action may be brought or maintained against a town upon a claim unless the  
18 claimant complies with s. 893.80. This subsection does not apply to actions  
19 commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

20          **SECTION 2182.** 61.34 (4) of the statutes is amended to read:

21          61.34 (4) VILLAGE FINANCES. The village board may levy and provide for the  
22 collection of taxes and special assessments; may refund any tax or special  
23 assessment paid, or any part thereof, when satisfied that the same was unjust or  
24 illegal; and generally may manage the village finances. The village board may loan  
25 money to any school district located within the village or within which the village is

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1 wholly or partially located in such sums as are needed by such district to meet the  
2 immediate expenses of operating the schools thereof, and the board of the district  
3 may borrow money from such village accordingly and give its note therefor. No such  
4 loan shall be made to extend beyond August 30 next following the making thereof or  
5 in an amount exceeding one-half of the estimated receipts for such district as  
6 certified by the ~~department of education~~ state superintendent of public instruction  
7 and the local school clerk. The rate of interest on any such loan shall be determined  
8 by the village board.

9 **SECTION 2183.** 62.12 (9) of the statutes is amended to read:

10 62.12 (9) LOANS. The council may loan money to any school district located  
11 within the city, or within which the city is wholly or partially located, in such sums  
12 as are needed by such district to meet the immediate expenses of operating the  
13 schools thereof, and the board of the district may borrow money from such city  
14 accordingly and give its note therefor. No such loan shall be made to extend beyond  
15 August 30 next following the making thereof or in an amount exceeding one-half of  
16 the estimated receipts for such district as certified by the ~~department of education~~  
17 state superintendent of public instruction and the local school clerk. The rate of  
18 interest on any such loan shall be determined by the city council.

19 **SECTION 2184.** 62.25 (1) of the statutes is amended to read:

20 62.25 (1) CLAIMS. No action may be brought or maintained against a city upon  
21 a claim or cause of action unless the claimant complies with s. 893.80. This  
22 subsection does not apply to actions commenced under s. 19.37 or, 19.97 or 281.99.

23 **SECTION 2185.** 65.90 (3) (c) of the statutes is amended to read:

24 65.90 (3) (c) The department of ~~education~~ public instruction under s. 115.28,  
25 the department of revenue under s. 73.10 and the technical college system board



**SENATE BILL 77****SECTION 2185**

1 under s. 38.04 shall encourage and consult with interested public and private  
2 organizations regarding the budget summary information required under pars. (a)  
3 and (b). The department of ~~education~~ public instruction and the technical college  
4 system board shall specify the revenue and expenditure detail that is required under  
5 par. (b) 1. and 2. for school districts and for technical college districts.

6 **SECTION 2186.** 66.013 (2) (a) of the statutes is amended to read:

7 66.013 (2) (a) "Department" means the department of ~~eommeree~~  
8 administration.

9 **SECTION 2187.** 66.02 of the statutes is amended to read:

10 **66.02 Consolidation.** Subject to s. 66.023 (7), any town, village or city may  
11 be consolidated with a contiguous town, village or city, by ordinance, passed by a  
12 two-thirds vote of all the members of each board or council, fixing the terms of the  
13 consolidation and ratified by the electors at a referendum held in each municipality.  
14 The ballots shall bear the words, "for consolidation", and "against consolidation", and  
15 if a majority of the votes cast thereon in each municipality are for consolidation, the  
16 ordinances shall then be in effect and have the force of a contract. The ordinance and  
17 the result of the referendum shall be certified as provided in s. 66.018 (5); if a town  
18 the certification shall be preserved as provided in ss. 60.03 and 66.018 (5),  
19 respectively. Consolidation shall not affect the preexisting rights or liabilities of any  
20 municipality and actions thereon may be commenced or completed as though no  
21 consolidation had been effected. Any consolidation ordinance proposing the  
22 consolidation of a town and another municipality shall, within 10 days after its  
23 adoption and prior to its submission to the voters for ratification at a referendum, be  
24 submitted to the circuit court and the department of ~~eommeree~~ administration for  
25 a determination whether such proposed consolidation is in the public interest. The

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1 circuit court shall determine whether the proposed ordinance meets the formal  
2 requirements of this section and shall then refer the matter to the department of  
3 ~~commerce~~ administration, which shall find as prescribed in s. 66.014 whether the  
4 proposed consolidation is in the public interest in accordance with the standards in  
5 s. 66.016. The department's findings shall have the same status as incorporation  
6 findings under ss. 66.014 to 66.019.

7 **SECTION 2188.** 66.021 (7) (a) of the statutes is amended to read:

8 66.021 (7) (a) An ordinance for the annexation of the territory described in the  
9 annexation petition may be enacted by a two-thirds vote of the elected members of  
10 the governing body not less than 20 days after the publication of the notice of  
11 intention to circulate the petition and not later than 120 days after the date of filing  
12 with the city or village clerk of the petition for annexation or of the referendum  
13 election if favorable to the annexation. If the annexation is subject to sub. (11) the  
14 governing body shall first review the reasons given by the department of ~~commerce~~  
15 administration that the proposed annexation is against the public interest. Subject  
16 to s. 59.692 (7), such an ordinance may temporarily designate the classification of the  
17 annexed area for zoning purposes until the zoning ordinance is amended as  
18 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing such  
19 temporary classification, the proposed classification shall be referred to and  
20 recommended by the plan commission. The authority to make such temporary  
21 classification shall not be effective when the county ordinance prevails during  
22 litigation as provided in s. 59.69 (7).

23 **SECTION 2189.** 66.021 (8) (b) of the statutes is amended to read:

24 66.021 (8) (b) Within 10 days of receipt of the ordinance, certificate and plat,  
25 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to

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1 the department of transportation, one copy to the department of administration, one  
2 copy to the department of revenue, one copy to the department of education public  
3 instruction, one copy to the department of commerce, one copy to the department of  
4 natural resources, one copy to the department of agriculture, trade and consumer  
5 protection and 2 copies to the clerk of the municipality from which the territory was  
6 annexed.

7 **SECTION 2190.** 66.021 (11) (a) of the statutes is amended to read:

8 66.021 (11) (a) *Annexations within populous counties.* No annexation  
9 proceeding within a county having a population of 50,000 or more shall be valid  
10 unless the person causing a notice of annexation to be published under sub. (3) shall  
11 within 5 days of the publication mail a copy of the notice, legal description and a scale  
12 map of the proposed annexation to the clerk of each municipality affected and the  
13 department of ~~commerce~~ administration. The department may within 20 days after  
14 receipt of the notice mail to the clerk of the town within which the territory lies and  
15 to the clerk of the proposed annexing village or city a notice that in its opinion the  
16 annexation is against the public interest. No later than 10 days after mailing the  
17 notice, the department shall advise the clerk of the town in which the territory is  
18 located and the clerk of the village or city to which the annexation is proposed of the  
19 reasons the annexation is against the public interest as defined in par. (c). The  
20 annexing municipality shall review the advice before final action is taken.

21 **SECTION 2191.** 66.021 (11) (c) (intro.) of the statutes is amended to read:

22 66.021 (11) (c) *Definition of public interest.* (intro.) For purposes of this  
23 subsection public interest is determined by the department of ~~commerce~~  
24 administration after consideration of the following:

25 **SECTION 2192.** 66.021 (12) of the statutes is amended to read:

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1           66.021 (12) UNANIMOUS APPROVAL. If a petition for direct annexation signed by  
2 all of the electors residing in the territory and the owners of all of the real property  
3 in the territory is filed with the city or village clerk, and with the town clerk of the  
4 town or towns in which the territory is located, together with a scale map and a legal  
5 description of the property to be annexed, an annexation ordinance for the  
6 annexation of the territory may be enacted by a two-thirds vote of the elected  
7 members of the governing body of the city or village without compliance with the  
8 notice requirements of sub. (3). In such annexations, subject to sub. (11), the person  
9 filing the petition with the city or village clerk and the town clerk shall, within 5 days  
10 of the filing, mail a copy of the scale map and a legal description of the territory to  
11 be annexed to the department of ~~eommeree~~ administration and the governing body  
12 shall review the advice of the department, if any, before enacting the annexation  
13 ordinance.

14           **SECTION 2193.** 66.021 (15) of the statutes is amended to read:

15           66.021 (15) ANNEXATION OF TOWN ISLANDS. Upon its own motion, a city or village  
16 by a two-thirds vote of the entire membership of its governing body may enact an  
17 ordinance annexing territory which comprises a portion of a town or towns and which  
18 was completely surrounded by territory of the city or village on December 2, 1973.  
19 The ordinance shall include all surrounded town areas except those exempt by  
20 mutual agreement of all of the governing bodies involved. The annexation ordinance  
21 shall contain a legal description of the territory and the name of the town or towns  
22 from which the territory is detached. Upon enactment of the ordinance, the city or  
23 village clerk immediately shall file 6 certified copies of the ordinance in the office of  
24 the secretary of state, together with 6 copies of a scale map. The secretary of state  
25 shall forward 2 copies of the ordinance and scale map to the department of

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1 transportation, one copy to the department of natural resources, one copy to the  
2 department of revenue and one copy to the department of ~~commerce~~ administration.  
3 This subsection does not apply if the town island was created only by the annexation  
4 of a railroad right-of-way or drainage ditch. This subsection does not apply to land  
5 owned by a town government which has existing town government buildings located  
6 thereon. No town island may be annexed under this subsection if the island consists  
7 of over 65 acres or contains over 100 residents. After December 2, 1973, no city or  
8 village may, by annexation, create a town area which is completely surrounded by  
9 the city or village.

10 **SECTION 2194.** 66.023 (1) (a) of the statutes is amended to read:

11 66.023 (1) (a) "Department" means the department of ~~commerce~~  
12 administration.

13 **SECTION 2195.** 66.025 of the statutes is amended to read:

14 **66.025 Annexation of owned territory.** In addition to other methods  
15 provided by law and subject to ss. 59.692 (7) and 66.023 (7), territory owned by and  
16 lying near but not necessarily contiguous to a village or city may be annexed to a  
17 village or city by ordinance enacted by the board of trustees of the village or the  
18 common council of the city, provided that in the case of noncontiguous territory the  
19 use of the territory by the city or village is not contrary to any town or county zoning  
20 regulation. The ordinance shall contain the exact description of the territory  
21 annexed and the names of the towns from which detached, and shall operate to  
22 attach the territory to the village or city upon the filing of 6 certified copies thereof  
23 in the office of the secretary of state, together with 6 copies of a plat showing the  
24 boundaries of the territory attached. Two copies of the ordinance and plat shall be  
25 forwarded by the secretary of state to the department of transportation, one copy to

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1 the department of natural resources, one copy to the department of revenue and one  
2 copy to the department of ~~education~~ public instruction.

3 **SECTION 2196.** 66.03 (2c) (a) 2. of the statutes is amended to read:

4 66.03 **(2c)** (a) 2. The clerk of any school district to which territory is transferred,  
5 within 30 days of the effective date of the transfer, shall certify to the clerk of the  
6 municipality from which the territory was transferred a metes and bounds  
7 description of the land area involved. Upon receipt of the description the clerk of the  
8 municipality from which the territory was transferred shall certify to the  
9 department of revenue the latest assessed value of the real and personal property  
10 located within the transferred territory, file one copy of the certification with the  
11 school district clerk and one copy with the department of ~~education~~ public instruction  
12 and make such further reports as are needed by the department of revenue in the  
13 performance of duties required by law.

14 **SECTION 2197.** 66.03 (3) (c) of the statutes is amended to read:

15 66.03 **(3)** (c) When as a result of any annexation whereby a school district is left  
16 without a school building, any moneys are received by such school district as a result  
17 of the division of assets and liabilities required by s. 66.03, which are derived from  
18 values that were capital assets, such moneys and interest thereon shall be held in  
19 trust by such school district and dispensed only for procuring new capital assets or  
20 remitted to an operating district as the remainder of the suspended district becomes  
21 a part of such operating district, and shall in no case be used to meet current  
22 operating expenditures. This shall include any funds in the hands of any district  
23 officers on July 1, 1953, resulting from such action previously taken under s. 66.03.  
24 The boards involved shall, as part of their duties in division of assets and liabilities  
25 in school districts, make a written report of the allocation of assets and liabilities to

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1 the ~~department of education~~ state superintendent of public instruction and any local  
2 superintendent of schools whose territory is involved in the division of assets.

3 **SECTION 2198.** 66.03 (5) of the statutes is amended to read:

4 66.03 (5) APPORTIONMENT BOARD. The boards or councils of the municipalities,  
5 or committees, thereof selected for that purpose, acting together, shall constitute an  
6 apportionment board. When any municipality is dissolved by reason of all of its  
7 territory being so transferred the board or council thereof existing at the time of such  
8 dissolution shall, for the purpose of this section, continue to exist as the governing  
9 body of such municipality until there has been an apportionment of assets by  
10 agreement of the interested municipalities or by an order of the circuit court. After  
11 an agreement for apportionment of assets has been entered into between the  
12 interested municipalities, or an order of the circuit court becomes final, a copy of such  
13 apportionment agreement, or of such order, certified to by the clerks of the interested  
14 municipalities, shall be filed with the department of revenue, the department of  
15 natural resources, the department of transportation, the ~~department of education~~  
16 state superintendent of public instruction, the department of administration, and  
17 with any other department or agency of the state from which the town may be  
18 entitled by law to receive funds or certifications or orders relating to the distribution  
19 or disbursement of funds, with the county treasurer, with the treasurer of any  
20 municipality, or with any other entity from which payment would have become due  
21 if such dissolved municipality from which such territory was transferred had  
22 continued in existence. Subject to ss. 79.006 and 86.303 (4), thereafter payments  
23 from the shared revenue account made pursuant to ch. 79, payments of forest crop  
24 taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school  
25 purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77

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1 and all payments due from a department or agency of the state, from a county, from  
2 a municipality, or from any other entity from which payments would have become  
3 due if such dissolved municipality from which such territory was transferred had  
4 continued in existence, shall be paid to the interested municipality as provided by  
5 such agreement for apportionment of assets or by any order of apportionment by the  
6 circuit court and such payments shall have the same force and effect as if made to  
7 the dissolved municipality from which such territory was transferred.

8 **SECTION 2199.** 66.058 (3) (c) 1. c. of the statutes is amended to read:

9 66.058 (3) (c) 1. c. The value of each mobile home, determined under subd. 1.  
10 b., shall be multiplied by the general property gross tax rate, less any credit rate for  
11 the ~~property tax relief credit~~ credits under subch. II of ch. 79, established on the  
12 preceding year's assessment of general property.

13 **SECTION 2200.** 66.058 (3) (c) 8. of the statutes is repealed.

14 **SECTION 2201.** 66.119 (1) (b) 7. c. of the statutes is amended to read:

15 66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does  
16 not appear in court, he or she either will be deemed to have tendered a plea of no  
17 contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87, a  
18 jail assessment imposed by s. 302.46 (1), a crime laboratories assessment imposed  
19 by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055  
20 (1) not to exceed the amount of the deposit or will be summoned into court to answer  
21 the complaint if the court does not accept the plea of no contest.

22 **SECTION 2202.** 66.119 (1) (b) 7. d. of the statutes is amended to read:

23 66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and  
24 does not appear in court at the time specified, the court may issue a summons or a  
25 warrant for the defendant's arrest or consider the nonappearance to be a plea of no



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1 contest and enter judgment under sub. (3) (d), or the municipality may commence an  
2 action against the alleged violator to collect the forfeiture, the penalty assessment  
3 imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime  
4 laboratories assessment imposed by s. 165.755 and any applicable domestic abuse  
5 assessment imposed by s. 973.055 (1).

6 **SECTION 2203.** 66.119 (1) (c) of the statutes is amended to read:

7 66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of  
8 cash deposits that are to be required for the various ordinance violations, and for the  
9 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
10 (1), the crime laboratories assessment imposed by s. 165.755 and any applicable  
11 domestic abuse assessment imposed by s. 973.055 (1), for which a citation may be  
12 issued. The ordinance shall also specify the court, clerk of court or other official to  
13 whom cash deposits are to be made and shall require that receipts be given for cash  
14 deposits.

15 **SECTION 2204.** 66.119 (3) (a) of the statutes is amended to read:

16 66.119 (3) (a) The person named as the alleged violator in a citation may appear  
17 in court at the time specified in the citation or may mail or deliver personally a cash  
18 deposit in the amount, within the time and to the court, clerk of court or other official  
19 specified in the citation. If a person makes a cash deposit, the person may  
20 nevertheless appear in court at the time specified in the citation, provided that the  
21 cash deposit may be retained for application against any forfeiture, restitution,  
22 penalty assessment, jail assessment, crime laboratories assessment or domestic  
23 abuse assessment that may be imposed.

24 **SECTION 2205.** 66.119 (3) (b) of the statutes is amended to read:

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1           66.119 (3) (b) If a person appears in court in response to a citation, the citation  
2 may be used as the initial pleading, unless the court directs that a formal complaint  
3 be made, and the appearance confers personal jurisdiction over the person. The  
4 person may plead guilty, no contest or not guilty. If the person pleads guilty or no  
5 contest, the court shall accept the plea, enter a judgment of guilty and impose a  
6 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed  
7 by s. 302.46 (1), the crime laboratories assessment imposed by s. 165.755 and any  
8 applicable domestic abuse assessment imposed by s. 973.055 (1). If the court finds  
9 that the violation meets the conditions in s. 800.093 (1), the court may order  
10 restitution under s. 800.093. A plea of not guilty shall put all matters in the case at  
11 issue, and the matter shall be set for trial.

12           **SECTION 2206.** 66.119 (3) (c) of the statutes is amended to read:

13           66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
14 in court, the citation may serve as the initial pleading and the violator shall be  
15 considered to have tendered a plea of no contest and submitted to a forfeiture, the  
16 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
17 (1), the crime laboratories assessment imposed by s. 165.755 and any applicable  
18 domestic abuse assessment imposed by s. 973.055 (1) not exceeding the amount of  
19 the deposit. The court may either accept the plea of no contest and enter judgment  
20 accordingly or reject the plea. If the court finds the violation meets the conditions  
21 in s. 800.093 (1), the court may summon the alleged violator into court to determine  
22 if restitution shall be ordered under s. 800.093. If the court accepts the plea of no  
23 contest, the defendant may move within 10 days after the date set for the appearance  
24 to withdraw the plea of no contest, open the judgment and enter a plea of not guilty  
25 if the defendant shows to the satisfaction of the court that the failure to appear was

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1 due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest  
2 is accepted and not subsequently changed to a plea of not guilty, no costs or fees may  
3 be taxed against the violator, but a penalty assessment, a jail assessment, a crime  
4 laboratories assessment and, if applicable, a domestic abuse assessment shall be  
5 assessed. If the court rejects the plea of no contest, an action for collection of the  
6 forfeiture, penalty assessment, jail assessment, crime laboratories assessment and  
7 any applicable domestic abuse assessment may be commenced. A city, village, town  
8 sanitary district or public inland lake protection and rehabilitation district may  
9 commence action under s. 66.12 (1) and a county or town may commence action under  
10 s. 778.10. The citation may be used as the complaint in the action for the collection  
11 of the forfeiture, penalty assessment, jail assessment, crime laboratories assessment  
12 and any applicable domestic abuse assessment.

13 **SECTION 2207.** 66.119 (3) (d) of the statutes is amended to read:

14 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to  
15 appear in court at the time specified in the citation, the court may issue a summons  
16 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
17 no contest and enter judgment accordingly if service was completed as provided  
18 under par. (e) or the county, town, city, village, town sanitary district or public inland  
19 lake protection and rehabilitation district may commence an action for collection of  
20 the forfeiture, penalty assessment ~~and,~~ jail assessment and crime laboratories  
21 assessment and any applicable domestic abuse assessment. A city, village, town  
22 sanitary district or public inland lake protection and rehabilitation district may  
23 commence action under s. 66.12 (1) and a county or town may commence action under  
24 s. 778.10. The citation may be used as the complaint in the action for the collection  
25 of the forfeiture, penalty assessment ~~and,~~ jail assessment and crime laboratories

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1 assessment and any applicable domestic abuse assessment. If the court considers  
2 the nonappearance to be a plea of no contest and enters judgment accordingly, the  
3 court shall promptly mail a copy or notice of the judgment to the defendant. The  
4 judgment shall allow the defendant not less than 20 days from the date of the  
5 judgment to pay any forfeiture, penalty assessment ~~and~~, jail assessment and crime  
6 laboratories assessment and any applicable domestic abuse assessment imposed. If  
7 the defendant moves to open the judgment within 6 months after the court  
8 appearance date fixed in the citation, and shows to the satisfaction of the court that  
9 the failure to appear was due to mistake, inadvertence, surprise or excusable neglect,  
10 the court shall reopen the judgment, accept a not guilty plea and set a trial date.

11 **SECTION 2208.** 66.12 (1) (b) of the statutes is amended to read:

12 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
13 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
14 or all violations under those ordinances, and may designate the manner in which the  
15 stipulation is to be made and fix the penalty to be paid. When a person charged with  
16 a violation for which stipulation of guilt or no contest is authorized makes a timely  
17 stipulation and pays the required penalty and pays the penalty assessment imposed  
18 by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories  
19 assessment imposed by s. 165.755 and any applicable domestic abuse assessment  
20 imposed by s. 973.055 (1) to the designated official, the person need not appear in  
21 court and no witness fees or other additional costs may be taxed unless the local  
22 ordinance so provides. A court appearance is required for a violation of a local  
23 ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall  
24 remit all moneys collected to the treasurer of the city, village, town sanitary district  
25 or public inland lake protection and rehabilitation district in whose behalf the sum

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1 was paid, except that all jail assessments shall be remitted to the county treasurer,  
2 within 20 days after its receipt by him or her; and in case of any failure in the  
3 payment, the treasurer may collect the payment of the officer by action, in the name  
4 of the office, and upon the official bond of the officer, with interest at the rate of 12%  
5 per year from the time when it should have been paid. In the case of the penalty  
6 assessment imposed by s. 165.87, the crime laboratories assessment imposed by s.  
7 165.755, the driver improvement surcharge imposed by s. 346.655 (1) and any  
8 applicable domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the  
9 city, village, town sanitary district or public inland lake protection and rehabilitation  
10 district shall remit to the state treasurer the sum required by law to be paid on the  
11 actions so entered during the preceding month on or before the first day of the next  
12 succeeding month. The governing body of the city, village, town sanitary district or  
13 public inland lake protection and rehabilitation district shall by ordinance designate  
14 the official to receive the penalties and the terms under which the official shall  
15 qualify.

16 **SECTION 2209.** 66.18 of the statutes is amended to read:

17 **66.18 Liability and worker's compensation insurance.** The state, or any  
18 municipality local governmental unit, as defined in s. 345.05 (1) (e) (bg), is  
19 empowered to procure risk management services and liability insurance covering  
20 the state or municipality local governmental unit and its officers, agents and  
21 employes and worker's compensation insurance covering officers and employes of the  
22 state or municipality local governmental unit. A municipality local governmental  
23 unit may participate in and pay the cost of risk management services and liability  
24 and worker's compensation insurance through a municipal insurance mutual  
25 organized under s. 611.23.

**SENATE BILL 77****SECTION 2210**

1           **SECTION 2210.** 66.184 of the statutes, as affected by 1995 Wisconsin Act 289,  
2 is amended to read:

3           **66.184 Self-insured health plans.** If a city, including a 1st class city, or a  
4 village provides health care benefits under its home rule power, or if a town provides  
5 health care benefits, to its officers and employes on a self-insured basis, the  
6 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
7 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and  
8 (10), 632.896, 767.25 (4m) (d) ~~and~~, 767.51 (3m) (d) and 767.62 (4) (b) 4.

9           **SECTION 2211.** 66.30 (1) (c) of the statutes is created to read:

10           **66.30 (1) (c)** If the purpose of the intergovernmental cooperation is the  
11 establishment of a commission to create a premier resort center under sub. (3q),  
12 “municipality” means any city, village, town or county in the Wisconsin Dells area.

13           **SECTION 2212.** 66.30 (3q) of the statutes is created to read:

14           **66.30 (3q) (a)** In this subsection, “premier resort center” means one or more  
15 related structures; including fixtures, equipment, offices and parking facilities; that  
16 are owned, operated or leased by a municipality and used primarily for conventions,  
17 expositions, trade shows, musical or dramatic events or other events involving  
18 educational, cultural or commercial activities, and facilities that are used to support  
19 such structures and activities, except that “premier resort center” does not include  
20 structures or facilities that are used primarily for recreational or sporting activities.

21           (b) In addition to the authority that it has under this section, subject to par. (c),  
22 a commission created by a municipality under sub. (1) (c), by contract under this  
23 section, may do all of the following:

24           1. Acquire, construct, equip, maintain, improve, lease, operate and manage a  
25 premier resort center.

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1           2. Impose a tax on food and beverage sales under s. 77.98, except that the taxes  
2 shall be imposed separately by each municipality that is part of the commission.

3           3. Issue licenses for the sale of alcohol beverages under the exception in s.  
4 125.51 (4) (wd), except that the licenses shall be issued separately by each  
5 municipality that is part of the commission.

6           (c) Notwithstanding sub. (3m), participating municipalities under sub. (1) (c)  
7 that create a commission by contract under this section, acting jointly or separately,  
8 may finance a premier resort center, or an agreed share of the cost of such a center,  
9 by issuing bonds under s. 66.066 but not by issuing bonds under ch. 67.

10           **SECTION 2213.** 66.30 (6) (g) of the statutes is amended to read:

11           66.30 (6) (g) At least 30 days prior to entering into a contract under this  
12 subsection or a modification or extension of the contract, the school boards of the  
13 districts involved or their designated agent shall file the proposed agreement with  
14 the ~~department of education~~ state superintendent of public instruction to enable the  
15 ~~department~~ state superintendent or state superintendent's designee to assist and  
16 advise the school boards involved in regard to the applicable recognized accounting  
17 procedure for the administration of the school aid programs. The ~~department of~~  
18 ~~education~~ state superintendent shall review the terms of the proposed contract to  
19 ensure that each participating district's interests are protected.

20           **SECTION 2214.** 66.36 (intro.) of the statutes is amended to read:

21           **66.36** (title) **Municipal financing; clean water fund ~~project~~ program**  
22 **costs.** (intro.) Subject to the terms and conditions of its financial assistance  
23 agreement, a municipality may repay financial assistance costs received ~~from~~ under  
24 the clean water fund program under ss. 281.58 and 281.59 by any lawful method,  
25 including any one of the following methods or any combination thereof:

**SENATE BILL 77****SECTION 2215**

1           **SECTION 2215.** 66.46 (13) of the statutes is amended to read:

2           66.46 (13) (title) REPORT ON EFFECTS AND IMPACT OF TAX INCREMENTAL FINANCING.

3           The department of ~~commerce~~ revenue, in cooperation with other state agencies and  
4           local governments, shall make a comprehensive report to the ~~governor and the chief~~  
5           ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
6           13.172 (2) and to the governor, at the beginning of each biennium, beginning with the  
7           ~~1977~~ 1999 biennium, as to the effects and impact of tax incremental financing  
8           projects socially, economically and financially.

9           **SECTION 2216.** 66.462 of the statutes is created to read:

10           **66.462 Environmental remediation tax incremental financing. (1)**

11           DEFINITIONS. In this section:

12           (a) “Chief executive officer” means the mayor or city manager of a city, the  
13           village president of a village, the town board chairperson of a town or the county  
14           executive of a county or, if the county does not have a county executive, the  
15           chairperson of the county board of supervisors.

16           (b) “Department” means the department of revenue.

17           (c) “Eligible costs” means capital costs, financing costs and administrative and  
18           professional service costs for the removal, containment or monitoring of, or the  
19           restoration of soil or groundwater affected by, environmental pollution, except that  
20           for any parcel of land “eligible costs” shall be reduced by any amounts received from  
21           persons responsible for the discharge, as defined in s. 292.01 (3), of a hazardous  
22           substance on the property to pay for the costs of remediating environmental pollution  
23           on the property and the amount of net gain from the sale of the property by the  
24           political subdivision.



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1 (d) "Environmental pollution" has the meaning given in s. 292.01 (4), except  
2 that "environmental pollution" does not include any damage caused by runoff from  
3 land under agricultural use.

4 (e) "Environmental remediation tax increment" means that amount obtained  
5 by multiplying the total city, county, school and other local general property taxes  
6 levied on a parcel of real property that is certified under this section in a year by a  
7 fraction having as a numerator the environmental remediation value increment for  
8 that year for that parcel and as a denominator that year's equalized value of that  
9 parcel. In any year, an environmental remediation tax increment is "positive" if the  
10 environmental remediation value increment is positive; it is "negative" if the  
11 environmental remediation value increment is negative.

12 (f) "Environmental remediation tax incremental base" means the aggregate  
13 value, as equalized by the department, of a parcel of real property that is certified  
14 under this section as of the January 1 preceding the date on which the department  
15 of natural resources issues a certificate certifying that environmental pollution on  
16 the property has been remediated in accordance with rules promulgated by the  
17 department of natural resources.

18 (g) "Environmental remediation value increment" means the equalized value  
19 of a parcel of real property that is certified under this section minus the  
20 environmental remediation tax incremental base. In any year, the environmental  
21 remediation value increment is "positive" if the environmental remediation tax  
22 incremental base of the parcel of property is less than the aggregate value of the  
23 parcel of property as equalized by the department; it is "negative" if that base exceeds  
24 that aggregate value.

25 (h) "Hazardous substance" has the meaning given in s. 292.01 (5).

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1 (i) "Period of certification" means a period of not more than 17 years beginning  
2 after the department certifies the environmental remediation tax incremental base  
3 of a parcel of property under sub. (4) or a period before all eligible costs have been  
4 paid, whichever occurs first.

5 (j) "Political subdivision" means a city, village, town or county.

6 (k) "Taxable property" means all real and personal taxable property.

7 **(2) USE OF ENVIRONMENTAL REMEDIATION TAX INCREMENTS.** A political subdivision  
8 that develops, and whose governing body approves, a written proposal to remediate  
9 environmental pollution on property owned by the political subdivision may use an  
10 environmental remediation tax increment to pay the eligible costs of remediating  
11 environmental pollution on property that is not part of a tax incremental district  
12 created under s. 66.46 and that is owned by the political subdivision at the time of  
13 the remediation and then transferred to another person after the property is  
14 remediated, as provided in this section. No political subdivision may submit an  
15 application to the department under sub. (4) until the joint review board approves  
16 the political subdivision's written proposal under sub. (3).

17 **(3) JOINT REVIEW BOARD.** (a) Any political subdivision that seeks to use an  
18 environmental remediation tax increment under sub. (2) shall convene a joint review  
19 board to review the proposal. The board shall consist of one representative chosen  
20 by the school district that has power to levy taxes on the property that is remediated,  
21 one representative chosen by the technical college district that has power to levy  
22 taxes on the property, one representative chosen by the county that has power to levy  
23 taxes on the property that is remediated, one representative chosen by the political  
24 subdivision and one public member. If more than one school district, more than one  
25 technical college district or more than one county has the power to levy taxes on the

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1 property that is remediated, the unit in which is located property that has the  
2 greatest value shall choose that representative to the board. The public member and  
3 the board's chairperson shall be selected by a majority of the other board members  
4 at the board's first meeting. All board members shall be appointed and the first board  
5 meeting held within 14 days after the political subdivision's governing body approves  
6 the written proposal under sub. (2). Additional meetings of the board shall be held  
7 upon the call of any member. The political subdivision that seeks to act under sub.  
8 (2) shall provide administrative support for the board. By majority vote, the board  
9 may disband following approval or rejection of the proposal.

10 (b) 1. The board shall review the written proposal and the statement described  
11 under sub. (4) (a). As part of its deliberations the board may hold additional hearings  
12 on the proposal.

13 2. No written application may be submitted under sub. (4) unless the board  
14 approves the written proposal under sub. (2) by a majority vote not less than 10 days  
15 nor more than 30 days after receiving the proposal.

16 3. The board shall submit its decision to the political subdivision no later than  
17 7 days after the board acts on and reviews the written proposal.

18 (c) 1. The board shall base its decision to approve or deny a proposal on the  
19 following criteria:

20 a. Whether the development expected in the remediated property would occur  
21 without the use of environmental remediation tax incremental financing.

22 b. Whether the economic benefits of the remediated property, as measured by  
23 increased employment, business and personal income and property value, are  
24 insufficient to compensate for the cost of the improvements.

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1           c. Whether the benefits of the proposal outweigh the anticipated  
2 environmental remediation tax increments to be paid by the owners of property in  
3 the overlying taxing districts.

4           2. The board shall issue a written explanation describing why any proposal it  
5 rejects fails to meet one or more of the criteria specified in subd. 1.

6           (d) If a joint review board convened by a city or village under s. 66.46 (4m) is  
7 in existence when a city or village seeks to act under this section, the city or village  
8 may require the joint review board convened under s. 66.46 (4m) to exercise the  
9 functions of a joint review board that could be convened under this subsection.

10           **(4) CERTIFICATION.** Upon written application to the department by the clerk of  
11 a political subdivision, the department shall certify to the clerk of the political  
12 subdivision the environmental remediation tax incremental base of a parcel of real  
13 property if all of the following apply:

14           (a) The political subdivision submits a statement that it has incurred eligible  
15 costs with respect to the parcel of property and the statement details the purpose and  
16 amount of the expenditures and includes a dated certificate issued by the  
17 department of natural resources that certifies that environmental pollution on the  
18 parcel of property has been remediated in accordance with rules promulgated by the  
19 department of natural resources.

20           (b) The political subdivision submits a statement that all taxing jurisdictions  
21 with the authority to levy general property taxes on the parcel of property have been  
22 notified that the political subdivision intends to recover the costs of remediating  
23 environmental pollution on the property and have been provided a statement of the  
24 estimated costs to be recovered.

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1 (c) The political subdivision submits a statement, signed by its chief executive  
2 officer, that the political subdivision has attempted to recover the cost of remediating  
3 environmental pollution on the property from responsible parties.

4 **(5) DESIGNATION ON ASSESSMENT AND TAX ROLLS.** The assessor of a taxation  
5 district shall identify on the assessment roll returned and examined under s. 70.45  
6 those parcels of property that have been certified under sub. (4) during the period of  
7 certification. The clerk of a taxation district shall make a similar notation on the tax  
8 roll under s. 70.65.

9 **(6) NOTICE TO TAXING JURISDICTIONS.** During the period of certification, the  
10 department shall annually give notice to the designated finance officer of all taxing  
11 jurisdictions having the power to levy general taxes on property that is certified  
12 under sub. (4) of the equalized value of that property and the environmental  
13 remediation tax incremental base of that property. The notice shall explain that the  
14 environmental remediation tax increment shall be paid to the political subdivision  
15 as provided under sub. (8) from the taxes collected.

16 **(7) ENVIRONMENTAL REMEDIATION TAX INCREMENTS AUTHORIZED.** The department  
17 shall annually authorize the positive environmental remediation tax increment with  
18 respect to a parcel of property during the period of certification to the political  
19 subdivision that incurred the costs to remediate environmental pollution on the  
20 property, except that an authorization granted under this subsection does not apply  
21 after the department receives the notice described under sub. (10) (b).

22 **(8) SETTLEMENT FOR ENVIRONMENTAL REMEDIATION TAX INCREMENTS.** Every officer  
23 charged by law to collect and settle general property taxes shall, on the settlement  
24 dates provided by law, pay to the treasurer of a political subdivision from all general  
25 property taxes collected by the officer the proportion of the environmental

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1 remediation tax increment due the political subdivision that the general property  
2 taxes collected bears to the total general property taxes levied, exclusive of levies for  
3 state trust fund loans, state taxes and state special charges.

4       **(9) SEPARATE ACCOUNTING REQUIRED.** An environmental remediation tax  
5 increment received with respect to a parcel of land that is subject to this section shall  
6 be deposited in a separate fund by the treasurer of the political subdivision. No  
7 money may be paid out of the fund except to pay eligible costs for a parcel of land, to  
8 reimburse the political subdivision for such costs or to satisfy claims of holders of  
9 bonds or notes issued to pay eligible costs. If an environmental remediation tax  
10 increment that has been collected with respect to a parcel of land remains in the fund  
11 after the period of certification has expired, it shall be paid to the treasurers of the  
12 taxing jurisdictions in which the parcel is located in proportion to the relative share  
13 of those taxing jurisdictions in the most recent levy of general property taxes on the  
14 parcel.

15       **(10) REPORTING REQUIREMENTS.** A political subdivision that uses an  
16 environmental remediation tax increment to pay eligible costs of remediating  
17 environmental pollution under this section shall do all of the following:

18       (a) Prepare and make available to the public updated annual reports describing  
19 the status of all projects to remediate environmental pollution funded under this  
20 section, including revenues and expenditures. A copy of the report shall be sent to  
21 all taxing jurisdictions with authority to levy general property taxes on the parcel  
22 of property by May 1 annually.

23       (b) Notify the department within 10 days after the period of certification for a  
24 parcel of property has expired.

25       **SECTION 2217.** 66.521 (9) of the statutes is amended to read:

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1           66.521 (9) PAYMENT OF TAXES. When any industrial project acquired by a  
2           municipality under this section is used by a private person as a lessee, sublessee or  
3           in any capacity other than owner, that person shall be subject to taxation in the same  
4           amount and to the same extent as though that person were the owner of the property.  
5           Taxes shall be assessed to such private person using the real property and collected  
6           in the same manner as taxes assessed to owners of real property. When due, the taxes  
7           shall constitute a debt due from such private person to the taxing unit and shall be  
8           recoverable as provided by law, and such unpaid taxes shall become a lien against  
9           the property with respect to which they were assessed, superior to all other liens,  
10          except a lien under s. 292.31 (8) (i), ~~292.41 (6) (d)~~ or 292.81, and shall be placed on  
11          their tax roll when there has been a conveyance of the property in the same manner  
12          as are other taxes assessed against real property.

13           **SECTION 2218.** 66.73 of the statutes is amended to read:

14           **66.73 Citizenship day.** To redirect the attention of the citizens of Wisconsin  
15          (particularly those who are about to exercise the franchise for the first time) to the  
16          fundamentals of American government and to American traditions, any county,  
17          municipal or school board may annually provide for and appropriate funds for a  
18          program of citizenship education which stresses, through free and frank discussion  
19          of a nonpolitical, nonsectarian and nonpartisan nature, the doctrine of democracy,  
20          the duties and responsibilities of elective and appointive officers, the responsibilities  
21          of voters in a republic and the organization, functions and operation of government.  
22          This program should culminate in a ceremony of induction to citizenship for those  
23          who have been enfranchised within the past year. Any county may determine to  
24          conduct such ceremony either on or within the octave of the day designated by  
25          congress or proclaimed by the president of the United States as Citizenship Day. The

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1 board may carry out this function in such manner as it determines. The secretary  
2 of state, department of education public instruction and other state officers and  
3 departments shall cooperate with the participating units of government by the  
4 dissemination of available information which will stimulate interest in the  
5 government of Wisconsin and its subdivisions.

6 **SECTION 2219.** 66.81 of the statutes is amended to read:

7 **66.81 Exemption of funds and benefits from taxation, execution and**  
8 **assignment.** All Except as provided in s. 49.852 and subject to s. 767.265, all  
9 moneys and assets of any retirement system of any city of the first class and all  
10 benefits and allowances and every portion thereof, both before and after payment to  
11 any beneficiary, granted under any such retirement system shall be exempt from any  
12 state, county or municipal tax or from attachment or garnishment process, and shall  
13 not be seized, taken, detained or levied upon by virtue of any executions, or any  
14 process or proceeding whatsoever issued out of or by any court of this state, for the  
15 payment and ratification in whole or in part of any debt, claim, damage, demand or  
16 judgment against any member of or beneficiary under any such retirement system,  
17 and no member of or beneficiary under any such retirement system shall have any  
18 right to assign any benefit or allowance, or any part thereof, either by way of  
19 mortgage or otherwise; however, this prohibition shall not apply to assignments  
20 made for the payment of insurance premiums. The exemption from taxation  
21 contained herein shall not apply with respect to any tax on income.

22 **SECTION 2220.** 67.03 (1) (b) of the statutes is repealed and recreated to read:

23 67.03 (1) (b) For any school district which offers no less than grades 1 to 12 and  
24 which at the time of incurring such debt is eligible to receive state aid under s. 121.08,  
25 10% of such equalized value shall be permitted. Any school district about to incur



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1 indebtedness may apply to the state superintendent of public instruction for, and the  
2 state superintendent may issue, a certificate as to the eligibility of the school district  
3 to receive state aid under s. 121.08, which certificate shall be conclusive as to such  
4 eligibility for 30 days, but not beyond the next June 30.

5 **SECTION 2221.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

6 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~  
7 referendum for the purpose of submitting the resolution to the electors for approval  
8 or rejection, ~~or direct that the resolution be submitted at the next regularly~~  
9 ~~scheduled primary or spring election or general election~~ to be held not earlier than  
10 45 days after the adoption of the resolution or at a special election held on the  
11 Tuesday after the first Monday in November in an odd-numbered year if that date  
12 occurs not earlier than 45 days after the adoption of the resolution. The resolution  
13 shall not be effective unless adopted by a majority of the school district electors voting  
14 at the referendum.

15 **SECTION 2222.** 69.03 (5) of the statutes is amended to read:

16 69.03 **(5)** Under this subchapter, accept for registration, assign a date of  
17 acceptance and index and preserve original certificates of birth and death, original  
18 marriage documents and original divorce reports. Notwithstanding s. 69.24 (1) (e),  
19 the state registrar may transfer the paper original of a vital record to optical disc or  
20 electronic format in accordance with s. 16.61 (5) or to microfilm reproduction in  
21 accordance with s. 16.61 (6) and destroy the paper original of any vital record that  
22 is so converted. For the purposes of this subchapter, the electronic format version  
23 or microfilm reproduction version of the paper original of a vital record that has been  
24 transferred under this subsection shall serve as the original vital record.

25 **SECTION 2223.** 69.03 (15) of the statutes is amended to read:

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1           69.03 (15) Periodically provide to each county designee child support agency  
2 under s. 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of  
3 registrants who reside in that county for whom no father's name has been inserted  
4 on the registrant's birth certificate within 6 months of birth.

5           **SECTION 2224.** 69.14 (1) (cm) of the statutes is amended to read:

6           69.14 (1) (cm) For a birth which occurs en route to or at a hospital, the filing  
7 party shall give the mother a copy of the pamphlet under s. 69.03 (14). If the child's  
8 parents are not married at the time of the child's birth, the filing party shall give the  
9 mother a copy of the form prescribed by the state registrar under s. 69.15 (3) (b) 3.  
10 The filing party shall ensure that trained, designated hospital staff provide to the  
11 child's available parents written and oral information about the form and the  
12 significance and benefits of establishing paternity, before the parents sign the form,  
13 and provide an opportunity to complete the form and have the form notarized in the  
14 hospital. If the mother provides a completed form to the filing party while she is a  
15 patient in the hospital and within 5 days after the birth, the filing party shall send  
16 the form directly to the state registrar. From the appropriation under s. 20.445 (3)  
17 (mc), the department of industry, labor and job development shall pay the filing party  
18 a financial incentive for correctly filing a form within 60 days after the child's birth.

19           **SECTION 2225.** 69.15 (3) (b) 3. of the statutes is amended to read:

20           69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives  
21 a statement acknowledging paternity on a form prescribed by the state registrar and  
22 signed by both parents, along with the fee under s. 69.22, the state registrar shall  
23 insert the name of the father under subd. 1. The state registrar shall mark the  
24 certificate to show that the form is on file. The form shall be available to the  
25 department of industry, labor and job development or ~~its designee~~ a county child

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1 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.  
2 49.22 or to any other person with a direct and tangible interest in the record. The  
3 state registrar shall include on the form for the acknowledgment a notice of the  
4 information in ss. 767.458 (1) (a) to (e) and 767.62.

5 **SECTION 2226.** 69.15 (3) (d) of the statutes is created to read:

6 69.15 (3) (d) The form prescribed by the state registrar for acknowledging  
7 paternity shall require that the social security number of each parent signing the  
8 form be provided.

9 **SECTION 2227.** 69.15 (3m) of the statutes is created to read:

10 69.15 (3m) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY. (a) A  
11 statement acknowledging paternity that is filed with the state registrar under sub.  
12 (3) (b) 3. may be rescinded by either person who signed the statement if all of the  
13 following apply:

14 1. The statement was signed and filed on or after January 1, 1998.

15 2. The person rescinding the statement files with the state registrar a  
16 document prescribed by the state registrar for rescinding a statement  
17 acknowledging paternity under sub. (3) (b) 3.

18 3. Except as provided in subd. 4, the person rescinding the statement files the  
19 document under subd. 2. before the day on which a court or family court  
20 commissioner makes an order in an action affecting the family involving the man  
21 who signed the statement and the child who is the subject of the statement or before  
22 60 days elapse after the statement was filed, whichever occurs first.

23 4. If one of the persons who signed the statement acknowledging paternity  
24 under sub. (3) (b) 3. was under age 18 when the statement was filed, the person  
25 rescinding the statement files the document under subd. 2. before the day on which

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1 a court or family court commissioner makes an order in an action affecting the family  
2 involving the man who signed the statement and the child who is the subject of the  
3 statement or before 60 days elapse after the person who was a minor when the  
4 statement was filed attains age 18, whichever occurs first.

5 (b) If the state registrar, within the time required under par. (a) 3. or 4.,  
6 whichever is appropriate, receives a document prescribed by the state registrar for  
7 rescinding a statement acknowledging paternity under sub. (3) (b) 3., along with the  
8 proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new  
9 certificate omitting the father's name if it was inserted under sub. (3) (b).

10 **SECTION 2228.** 69.16 (2) of the statutes is amended to read:

11 69.16 (2) If a person has married in this state, at least 365 days have elapsed  
12 since the marriage and no marriage document is on file, a person with a direct and  
13 tangible interest in having a marriage document registered may petition the circuit  
14 court of the county in which the marriage is alleged to have occurred. If the court  
15 finds that the petitioner has established the fact of the marriage required on the  
16 marriage document, except for the information under s. 69.20 (2), the clerk of the  
17 court shall report the court's determination to the state registrar on a form  
18 prescribed by the state registrar, along with the fee required under s. 69.22. The form  
19 prescribed by the state registrar shall require that the social security numbers of the  
20 married persons be provided. Upon receipt of the report, the state registrar shall  
21 register the marriage document and send a copy of the document to the local registrar  
22 under s. 69.03 (11). The local registrar shall file the document.

23 **SECTION 2229.** 69.17 of the statutes is amended to read:

24 **69.17 Divorce report.** At the end of every biweekly period, the clerk of any  
25 court which conducts divorce proceedings under ch. 767 shall forward to the state

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1 registrar, on a form supplied by the state registrar, a report of every divorce or  
2 annulment of marriage granted during the biweekly period. The form supplied by  
3 the state registrar shall require that the social security numbers of the parties to the  
4 divorce or annulment and the social security number of any child of the parties be  
5 provided.

6 **SECTION 2230.** 69.20 (3) (b) 4. of the statutes is amended to read:

7 69.20 (3) (b) 4. The information is from a birth certificate which indicates that  
8 the registrant has a congenital disability and is submitted to the department of  
9 education public instruction.

10 **SECTION 2231.** 69.22 (5) (a) 3. of the statutes is amended to read:

11 69.22 (5) (a) 3. Making alterations in a birth certificate under s. 69.15 (3). The  
12 department of industry, labor and job development shall pay the fee under this  
13 subdivision from the appropriation under s. 20.445 (3) (mc).

14 **SECTION 2232.** 69.22 (5) (a) 3. of the statutes, as affected by 1997 Wisconsin Act  
15 .... (this act), is amended to read:

16 69.22 (5) (a) 3. Making alterations in a birth certificate under s. 69.15 (3) or  
17 (3m). The department of industry, labor and job development shall pay the fee under  
18 this subdivision from the appropriation under s. 20.445 (3) (mc).

19 **SECTION 2233.** 70.01 of the statutes is amended to read:

20 **70.01 General property taxes; upon whom levied.** Taxes shall be levied,  
21 under this chapter, upon all general property in this state except property that is  
22 exempt from taxation. Real estate taxes and personal property taxes are deemed to  
23 be levied when the tax roll in which they are included has been delivered to the local  
24 treasurer under s. 74.03. When so levied such taxes are a lien upon the property  
25 against which they are charged. That lien is superior to all other liens, except a lien

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1 under s. 292.31 (8) (i), ~~292.41 (6) (d)~~ or 292.81, and is effective as of January 1 in the  
2 year when the taxes are levied. Liens of special assessments of benefits for local  
3 improvements shall be in force as provided by the charter or general laws applicable  
4 to the cities that make the special assessments. In this chapter, unless the context  
5 requires otherwise, references to “this chapter” do not include ss. 70.37 to 70.395.

6 **SECTION 2234.** 70.11 (35) of the statutes is repealed and recreated to read:

7 70.11 **(35)** CULTURAL AND ARCHITECTURAL LANDMARKS. Real property and  
8 improvements designated in an executive order as a valued historical landmark and  
9 an architectural masterpiece, or an educational tourist center located adjacent to the  
10 real property and improvements designated in an executive order as a valued  
11 historical landmark and an architectural masterpiece.

12 **SECTION 2235.** 70.27 (5) of the statutes is amended to read:

13 70.27 **(5)** SURVEYS, RECONCILIATIONS. The surveyor making the plat shall survey  
14 and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication  
15 to public or private use, according to the records of the register of deeds, and  
16 whatever evidence that may be available to show the intent of the buyer and seller,  
17 in the chronological order of their conveyance or dedication, and set temporary  
18 monuments to show the results of such survey which shall be made permanent upon  
19 recording of the plat as provided for in this section. The map shall be at a scale of  
20 not more than 100 feet per inch, unless waived in writing by the department of  
21 commerce administration under s. 236.20 (2) (L). The owners of record of lands in  
22 the plat shall be notified by certified letter mailed to their last-known address, in  
23 order that they shall have opportunity to examine the map, view the temporary  
24 monuments, and make known any disagreement with the boundaries as shown by  
25 the temporary monuments. It is the duty of the surveyor making the plat to reconcile

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1 any discrepancies that may be revealed, so that the plat as certified to the governing  
2 body is in conformity with the records of the register of deeds as nearly as is  
3 practicable. When boundary lines between adjacent parcels, as evidenced on the  
4 ground, are mutually agreed to in writing by the owners of record, such lines shall  
5 be the true boundaries for all purposes thereafter, even though they may vary from  
6 the metes and bounds descriptions previously of record. Such written agreements  
7 shall be recorded in the office of the register of deeds. On every assessor's plat, as  
8 certified to the governing body, shall appear the volume, page and document number  
9 of the metes and bounds description of each parcel, as recorded in the office of the  
10 register of deeds, which shall be identified with the number by which such parcel is  
11 designated on the plat, except that lots which have been conveyed or otherwise  
12 acquired but upon which no deed is recorded in the office of register of deeds may be  
13 shown on an assessor's plat and when so shown shall contain a full metes and bounds  
14 description.

15 **SECTION 2236.** 70.27 (8) of the statutes is amended to read:

16 70.27 (8) PLAT FILED WITH GOVERNING BODY. Within 2 days after the assessor's  
17 plat is filed with the governing body, it shall be transmitted to the department of  
18 commerce administration by the clerk of the governing body which ordered the plat.  
19 The department of commerce administration shall review the plat within 30 days of  
20 its receipt. No such plat may be given final approval by the local governing body until  
21 the department of commerce administration has certified on the face of the original  
22 plat that it complies with the applicable provisions of ss. 236.15 and 236.20. After  
23 the plat has been so certified the clerk shall promptly publish a class 3 notice thereof,  
24 under ch. 985. The plat shall remain on file in the clerk's office for 30 days after the  
25 first publication. At any time within the 30-day period any person or public body

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1 having an interest in any lands affected by the plat may bring a suit to have the plat  
2 corrected. If no suit is brought within the 30-day period, the plat may be approved  
3 by the governing body, and filed for record. If a suit is brought, approval shall be  
4 withheld until the suit is decided. The plat shall then be revised in accordance with  
5 the decision if necessary, and, without rereferral to the department of ~~commerce~~  
6 administration unless rereferral is ordered by the court. The plat may then be  
7 approved by the governing body and filed for record. When so filed the plat shall  
8 carry on its face the certificate of the clerk that all provisions of this section have been  
9 complied with. When recorded after approval by the governing body, the plat shall  
10 have the same effect for all purposes as if it were a land division plat made by the  
11 owners in full compliance with ch. 236. Before January 1 of each year, the register  
12 of deeds shall notify the town clerks of the recording of any assessors' plats made or  
13 amended during the preceding year, affecting lands in their towns.

14 **SECTION 2237.** 70.375 (2) (b) of the statutes is amended to read:

15 70.375 (2) (b) The secretary may promulgate any rules necessary to implement  
16 the tax under ss. 70.37 to 70.39 and 70.395 ~~(1)~~ (1e). In respect to mines not in  
17 operation on November 28, 1981, ss. 71.10 (1), 71.30 (1), 71.74 (2), (3), (9), (11) and  
18 (15), 71.77, 71.78, 71.80 (6), 71.83 (1) (a) 1. and 2. and (b) 2. and (2) (a) 3. and (b) 1.  
19 and 71.85 (2) apply to the administration of this section.

20 **SECTION 2238.** 70.375 (6) of the statutes is amended to read:

21 70.375 (6) INDEXING. ~~For calendar year 1983 and corresponding fiscal years and~~  
22 ~~thereafter, the~~ The dollar amounts in sub. (5) and s. 70.395 (1), ~~(1m)~~ and (2) (d) 1m.  
23 and 5. a. and ~~(2)~~ (dg) shall be changed to reflect the percentage change between the  
24 gross national product deflator for June of the current year and the gross national  
25 product deflator for June of the previous year, as determined by the U.S. department



**SENATE BILL 77****SECTION 2238**

1 of commerce as of December 30 of the year for which the taxes are due, except that  
2 no annual increase may be more than 10%. The revised amounts shall be rounded  
3 to the nearest whole number divisible by 100 and shall not be reduced below the  
4 amounts under sub. (5) on November 28, 1981. Annually, the department shall adopt  
5 any changes in dollar amounts required under this subsection and incorporate them  
6 into the appropriate tax forms.

7 **SECTION 2239.** 70.395 (1) (intro.) of the statutes is renumbered 70.395 (1e) and  
8 amended to read:

9 70.395 (1e) DISTRIBUTION. Fifteen days after the collection of the tax under ss.  
10 70.38 to 70.39, the department of administration, upon certification of the  
11 department of revenue, shall transfer the amount collected as follows: in respect to  
12 mines not in operation on November 28, 1981, to the investment and local impact  
13 fund.

14 **SECTION 2240.** 70.395 (1) (a) 1. of the statutes is repealed.

15 **SECTION 2241.** 70.395 (1) (a) 2. of the statutes is renumbered 70.395 (1) and  
16 amended to read:

17 70.395 (1) (title) DEFINITION. In this ~~paragraph, except as provided in subd. 3.~~  
18 section, “first-dollar payment” means an amount equal to \$100,000 for each county,  
19 ~~Native American community or municipality eligible to receive a payment under~~  
20 ~~sub. (2) (d) 1., 2. or 2m~~ adjusted as provided in s. 70.375 (6).

21 **SECTION 2242.** 70.395 (1) (a) 3. of the statutes is repealed.

22 **SECTION 2243.** 70.395 (1) (b) of the statutes is repealed.

23 **SECTION 2244.** 70.395 (1) (c) of the statutes is repealed.

24 **SECTION 2245.** 70.395 (1g) of the statutes is repealed.

25 **SECTION 2246.** 70.395 (1m) of the statutes is repealed.

**SENATE BILL 77****SECTION 2247**

1           **SECTION 2247.** 70.395 (2) (d) 1. of the statutes is amended to read:

2           70.395 (2) (d) 1. To each county in which metalliferous minerals are extracted,  
3 the first-dollar payment ~~under sub. (1) (a).~~

4           **SECTION 2248.** 70.395 (2) (d) 2. of the statutes is amended to read:

5           70.395 (2) (d) 2. To each city, town or village in which metalliferous minerals  
6 are extracted, the first-dollar payment ~~under sub. (1) (a)~~ minus any payment during  
7 that year under par. (d) (intro.) or subd. 5. If the minable ore body is located in 2  
8 contiguous municipalities and if at least 15% of the minable ore body is in each  
9 municipality, each qualifying municipality shall receive a full payment specified in  
10 this subdivision as if the ore body were located solely within that municipality. The  
11 department of revenue shall annually change the dollar amount specified in this  
12 subdivision as specified in s. 70.375 (6) except that the dollar amount may not be  
13 reduced below the dollar amount under this subdivision on November 28, 1981.

14           **SECTION 2249.** 70.395 (2) (d) 4. a. of the statutes is amended to read:

15           70.395 (2) (d) 4. a. To ensure an annual payment to each municipality under  
16 ~~sub. (1) (a) subds. 1. and 2.~~ in an amount equal to the average payment for the 3  
17 previous years to that municipality.

18           **SECTION 2250.** 70.395 (2) (dg) of the statutes is amended to read:

19           70.395 (2) (dg) Each person constructing a metalliferous mining site shall pay  
20 to the department of revenue for deposit in the investment and local impact fund, as  
21 a construction fee, an amount sufficient to make the construction period payments  
22 under par. (d) 5. in respect to that site. Any person paying a construction fee under  
23 this paragraph may credit against taxes due under s. 70.375 an amount equal to the  
24 payments that the taxpayer has made under this paragraph, provided that the credit  
25 does not reduce the taxpayer's liability under s. 70.375 below the amount needed to

**SENATE BILL 77****SECTION 2250**

1 make the first-dollar payments as ~~defined under sub. (1) (a) 2.~~ under subs. 1., 2. and  
2 2m. for that year in respect to the taxpayer's mine. Any amount not creditable  
3 because of that limitation in any year may be carried forward.

4 **SECTION 2251.** 70.395 (2) (g) (intro.) of the statutes is amended to read:

5 70.395 (2) (g) (intro.) The board may distribute the revenues received under  
6 ~~subs. (1) (a) and (1g) (b)~~ sub. (1e) or proceeds thereof in accordance with par. (h) for  
7 the following purposes, as the board determines necessary:

8 **SECTION 2252.** 70.995 (2) (wm) of the statutes is created to read:

9 70.995 (2) (wm) 781 - motion picture production and allied services and  
10 videotape production.

11 **SECTION 2253.** 71.01 (1m) of the statutes is created to read:

12 71.01 (1m) "Department" means the department of revenue.

13 **SECTION 2254.** 71.01 (5g) of the statutes is created to read:

14 71.01 (5g) "File" means mail or deliver a document that the department  
15 prescribes to the department or, if the department prescribes another method of  
16 submitting or another destination, use that other method or submit to that other  
17 destination.

18 **SECTION 2255.** 71.01 (8r) of the statutes is created to read:

19 71.01 (8r) "Pay", in regard to submissions to or for the department, means mail  
20 or deliver funds to the department or, if the department prescribes another method  
21 of submitting or another destination, use that other method or submit to that other  
22 destination.

23 **SECTION 2256.** 71.01 (9c) of the statutes is created to read:

24 71.01 (9c) "Sign" means write one's signature or, if the department prescribes  
25 another method of authenticating, use that other method.

**SENATE BILL 77****SECTION 2257**

1           **SECTION 2257.** 71.02 (1) of the statutes is amended to read:

2           71.02 (1) For the purpose of raising revenue for the state and the counties,  
3 cities, villages and towns, there shall be assessed, levied, collected and paid a tax on  
4 all net incomes of individuals and fiduciaries, except fiduciaries of nuclear  
5 decommissioning trust or reserve funds subject to the tax under s. 71.23 (2), by every  
6 natural person residing within the state or by his or her personal representative in  
7 case of death, and trusts administered within the state; by every nonresident natural  
8 person and trust of this state, upon such income as is derived from property located  
9 or business transacted within the state including, but not limited by enumeration,  
10 income derived from a limited partner's distributive share of partnership income,  
11 income derived from a limited liability company member's distributive share of  
12 limited liability company income, the state lottery under ch. 565, any multistate  
13 multijurisdictional lottery under ch. 565 if the winning lottery ticket or lottery share  
14 was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from  
15 the department and pari-mutuel wager winnings or purses under ch. 562, and also  
16 by every nonresident natural person upon such income as is derived from the  
17 performance of personal services within the state, except as exempted under s. 71.05  
18 (1) to (3). Every natural person domiciled in the state shall be deemed to be residing  
19 within the state for the purposes of determining liability for income taxes and  
20 surtaxes.

21           **SECTION 2258.** 71.04 (1) (a) of the statutes is amended to read:

22           71.04 (1) (a) All income or loss of resident individuals and resident estates and  
23 trusts shall follow the residence of the individual, estate or trust. Income or loss of  
24 nonresident individuals and nonresident estates and trusts from business, not  
25 requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the

**SENATE BILL 77****SECTION 2258**

1 business from which derived. All items of income, loss and deductions of nonresident  
2 individuals and nonresident estates and trusts derived from a tax-option  
3 corporation not requiring apportionment under sub. (9) shall follow the situs of the  
4 business of the corporation from which derived. Income or loss of nonresident  
5 individuals and nonresident estates and trusts derived from rentals and royalties  
6 from real estate or tangible personal property, or from the operation of any farm,  
7 mine or quarry, or from the sale of real property or tangible personal property shall  
8 follow the situs of the property from which derived. Income from personal services  
9 of nonresident individuals, including income from professions, shall follow the situs  
10 of the services. A nonresident limited partner's distributive share of partnership  
11 income shall follow the situs of the business. A nonresident limited liability company  
12 member's distributive share of limited liability company income shall follow the situs  
13 of the business. Income of nonresident individuals, estates and trusts from the state  
14 lottery under ch. 565 is taxable by this state. Income of nonresident individuals,  
15 estates and trusts from any ~~multistate~~ multijurisdictional lottery under ch. 565 is  
16 taxable by this state, but only if the winning lottery ticket or lottery share was  
17 purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the  
18 department. Income of nonresident individuals, nonresident trusts and nonresident  
19 estates from pari-mutuel winnings or purses under ch. 562 is taxable by this state.  
20 All other income or loss of nonresident individuals and nonresident estates and  
21 trusts, including income or loss derived from land contracts, mortgages, stocks,  
22 bonds and securities or from the sale of similar intangible personal property, shall  
23 follow the residence of such persons, except as provided in par. (b) and sub. (9).

24 **SECTION 2259.** 71.05 (1) (c) 2. of the statutes is amended to read:

**SENATE BILL 77****SECTION 2259**

1           71.05 (1) (c) 2. The Wisconsin housing ~~Housing~~ and economic development  
2 authority Economic Development Authority, if the bonds are to fund a loan under s.  
3 234.935, 1995 stats.

4           **SECTION 2260.** 71.05 (1) (c) 5. of the statutes is created to read:

5           71.05 (1) (c) 5. A municipality under s. 66.30 (3q) (c).

6           **SECTION 2261.** 71.05 (6) (a) 15. of the statutes is amended to read:

7           71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),  
8 (2di), (2dj), (2dL), (2dr) ~~and~~, (2ds) and (2dx) and not passed through by a partnership,  
9 limited liability company or tax-option corporation that has added that amount to  
10 the partnership's, company's or tax-option corporation's income under s. 71.21 (4) or  
11 71.34 (1) (g).

12           **SECTION 2262.** 71.07 (2dx) of the statutes is created to read:

13           71.07 (2dx) DEVELOPMENT ZONES CREDIT. (a) *Definitions.* In this subsection:

14           1. "Brownfield" means an industrial or commercial facility the expansion or  
15 redevelopment of which is complicated by environmental contamination.

16           2. "Development zone" means a development zone under s. 560.70, a  
17 development opportunity zone under s. 560.795 or an enterprise development zone  
18 under s. 560.797.

19           3. "Environmental remediation" means removal or containment of  
20 environmental pollution, as defined in s. 299.01 (4), and restoration of soil or  
21 groundwater that is affected by environmental pollution, as defined in s. 299.01 (4),  
22 in a brownfield if that removal, containment or restoration fulfills the requirement  
23 under sub. (2de) (a) 1.

24           4. "Full-time job" means a regular, nonseasonal full-time position in which an  
25 individual, as a condition of employment, is required to work at least 2,080 hours per

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1 year, including paid leave and holidays, and for which the individual receives pay  
2 that is equal to at least 150% of the federal minimum wage and receives benefits that  
3 are not required by federal or state law. "Full-time job" does not include initial  
4 training before an employment position begins.

5 5. "Member of a targeted group" means a person under sub. (2dj) (am) 1., a  
6 person who resides in an empowerment zone, or an enterprise community, that the  
7 U.S. government designates and a Wisconsin works participant if the person or  
8 participant has been certified in the manner under sub. (2dj) (am) 3. by a designated  
9 local agency, as defined in sub. (2dj) (am) 2.

10 (b) *Credit*. Except as provided in s. 73.03 (35) and subject to s. 560.785, for any  
11 taxable year for which the person is certified under s. 560.765 (3), any person may  
12 claim as a credit against taxes the following amounts:

13 1. The amount expended for environmental remediation in a development  
14 zone.

15 2. The amount determined by multiplying the amount determined under s.  
16 560.785 (1) (b) by the number of full-time jobs created in a development zone and  
17 filled by a member of a targeted group.

18 3. The amount determined by multiplying the amount determined under s.  
19 560.785 (1) (c) by the number of full-time jobs created in a development zone and not  
20 filled by a member of a targeted group.

21 4. The amount determined by multiplying the amount determined under s.  
22 560.785 (1) (b) by the number of full-time jobs retained, as provided in the rules  
23 under s. 560.785, in a development zone and filled by a member of a targeted group.

24 5. The amount determined by multiplying the amount determined under s.  
25 560.785 (1) (c) by the number of full-time jobs retained, as provided in the rules

**SENATE BILL 77****SECTION 2262**

1 under s. 560.785, in a development zone and not filled by a member of a targeted  
2 group.

3 (c) *Credit precluded.* If the certification of a person for tax benefits under s.  
4 560.765 (3) is revoked, that person may not claim credits under this subsection for  
5 the taxable year that includes the day on which the certification is revoked or  
6 succeeding taxable years and that person may not carry over unused credits from  
7 previous years to offset tax under this chapter for the taxable year that includes the  
8 day on which certification is revoked or succeeding taxable years.

9 (d) *Carry-over precluded.* If a person who is certified under s. 560.765 (3) for  
10 tax benefits ceases business operations in the development zone during any of the  
11 taxable years that that zone exists, that person may not carry over to any taxable  
12 year following the year during which operations cease any unused credits from the  
13 taxable year during which operations cease or from previous taxable years.

14 (e) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under  
15 s. 71.28 (4), applies to the credit under this subsection. Subsection (2dj) (c), as it  
16 applies to the credit under sub. (2dj), applies to the credit under this subsection.

17 **SECTION 2263.** 71.08 (1) (intro.) of the statutes is amended to read:

18 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
19 couple filing jointly, trust or estate under s. 71.02, not considering the credits under  
20 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (6) and (9e),  
21 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) and (2m) and 71.47 (1dd),  
22 (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) and (2m) and subchs. VIII and IX and  
23 payments to other states under s. 71.07 (7), is less than the tax under this section,  
24 there is imposed on that natural person, married couple filing jointly, trust or estate,  
25 instead of the tax under s. 71.02, an alternative minimum tax computed as follows:



**SENATE BILL 77****SECTION 2264**

1           **SECTION 2264.** 71.09 (6) of the statutes is repealed.

2           **SECTION 2265.** 71.10 (4) (gu) of the statutes is created to read:

3           71.10 (4) (gu) Development zones credit under s. 71.07 (2dx).

4           **SECTION 2266.** 71.10 (5) (a) 2. of the statutes is amended to read:

5           71.10 (5) (a) 2. “Endangered resources program” means purchasing or  
6 improving land or habitats for any native Wisconsin endangered or threatened  
7 species as defined in s. 29.415 (2) (a) or (b) or for any nongame species as defined in  
8 s. 29.01 (10), conducting the natural heritage inventory program under s. 23.27 (3),  
9 conducting wildlife and resource research and surveys and providing wildlife  
10 management services, providing for wildlife damage control or the payment of claims  
11 for damage associated with endangered or threatened species, repaying the general  
12 fund for amounts expended under s. 20.370 (1) (fb) in fiscal year 1983-84 and the  
13 payment of administrative expenses related to the administration of this subsection.

14           **SECTION 2267.** 71.21 (4) of the statutes is amended to read:

15           71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),  
16 (2dj), (2dL) ~~and~~, (2ds) and (2dx) and passed through to partners or members shall be  
17 added to the partnership’s or limited liability company’s income.

18           **SECTION 2268.** 71.22 (1m) of the statutes is created to read:

19           71.22 (1m) “Department” means the department of revenue.

20           **SECTION 2269.** 71.22 (2m) of the statutes is created to read:

21           71.22 (2m) “File” means mail or deliver a document that the department  
22 prescribes to the department or, if the department prescribes another method of  
23 submitting or another destination, use that other method or submit to that other  
24 destination.

25           **SECTION 2270.** 71.22 (8) of the statutes is repealed and recreated to read:

**SENATE BILL 77****SECTION 2270**

1           71.22 (8) "Pay", in regard to submissions to persons other than the department,  
2 has the meaning appropriate to the taxpayer's method of accounting.

3           **SECTION 2271.** 71.22 (9m) of the statutes is created to read:

4           71.22 (9m) "Subscribe" means write one's signature or, if the department  
5 prescribes another method of authenticating, use that other method.

6           **SECTION 2272.** 71.24 (8) of the statutes is repealed.

7           **SECTION 2273.** 71.26 (1m) (h) of the statutes is created to read:

8           71.26 (1m) (h) Those issued under s. 66.066 by a municipality under s. 66.30  
9 (3q) (c).

10          **SECTION 2274.** 71.26 (2) (a) of the statutes is amended to read:

11          71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means  
12 the gross income as computed under the internal revenue code as modified under  
13 sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit  
14 computed under s. 71.28 (1) and (3) to (5) plus the amount of the credit computed  
15 under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL) and, (1ds) and (1dx) and not passed  
16 through by a partnership, limited liability company or tax-option corporation that  
17 has added that amount to the partnership's, limited liability company's or tax-option  
18 corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from  
19 the sale or other disposition of assets the gain from which would be wholly exempt  
20 income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at  
21 a gain and minus deductions, as computed under the internal revenue code as  
22 modified under sub. (3), plus or minus, as appropriate, an amount equal to the  
23 difference between the federal basis and Wisconsin basis of any asset sold,  
24 exchanged, abandoned or otherwise disposed of in a taxable transaction during the  
25 taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

**SENATE BILL 77****SECTION 2275**

1           **SECTION 2275.** 71.26 (3) (n) of the statutes is amended to read:

2           71.26 (3) (n) Sections 381, 382 and 383 (relating to carry-overs in certain  
3 corporate acquisitions) are modified so that they apply to losses under sub. (4) and  
4 credits under s. 71.28 (1di), (1dL), (1dx) and (3) to (5) instead of to federal credits and  
5 federal net operating losses.

6           **SECTION 2276.** 71.28 (1dx) of the statutes is created to read:

7           71.28 (1dx) DEVELOPMENT ZONES CREDIT. (a) *Definitions.* In this subsection:

- 8           1. “Brownfield” means an industrial or commercial facility the expansion or  
9 redevelopment of which is complicated by environmental contamination.
- 10           2. “Development zone” means a development zone under s. 560.70, a  
11 development opportunity zone under s. 560.795 or an enterprise development zone  
12 under s. 560.797.
- 13           3. “Environmental remediation” means removal or containment of  
14 environmental pollution, as defined in s. 299.01 (4), and restoration of soil or  
15 groundwater that is affected by environmental pollution, as defined in s. 299.01 (4),  
16 in a brownfield if that removal, containment or restoration fulfills the requirement  
17 under sub. (1de) (a) 1.
- 18           4. “Full-time job” means a regular, nonseasonal full-time position in which an  
19 individual, as a condition of employment, is required to work at least 2,080 hours per  
20 year, including paid leave and holidays, and for which the individual receives pay  
21 that is equal to at least 150% of the federal minimum wage and receives benefits that  
22 are not required by federal or state law. “Full-time job” does not include initial  
23 training before an employment position begins.
- 24           5. “Member of a targeted group” means a person under sub. (1dj) (am) 1., a  
25 person who resides in an empowerment zone, or an enterprise community, that the

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1 U.S. government designates and a Wisconsin works participant if the person or  
2 participant has been certified in the manner under sub. (1dj) (am) 3. by a designated  
3 local agency, as defined in sub. (1dj) (am) 2.

4 (b) *Credit*. Except as provided in s. 73.03 (35) and subject to s. 560.785, for any  
5 taxable year for which the person is certified under s. 560.765 (3), any person may  
6 claim as a credit against taxes under this subchapter the following amounts:

7 1. The amount expended for environmental remediation in a development  
8 zone.

9 2. The amount determined by multiplying the amount determined under s.  
10 560.785 (1) (b) by the number of full-time jobs created in a development zone and  
11 filled by a member of a targeted group.

12 3. The amount determined by multiplying the amount determined under s.  
13 560.785 (1) (c) by the number of full-time jobs created in a development zone and not  
14 filled by a member of a targeted group.

15 4. The amount determined by multiplying the amount determined under s.  
16 560.785 (1) (b) by the number of full-time jobs retained, as provided in the rules  
17 under s. 560.785, in a development zone and filled by a member of a targeted group.

18 5. The amount determined by multiplying the amount determined under s.  
19 560.785 (1) (c) by the number of full-time jobs retained, as provided in the rules  
20 under s. 560.785, in a development zone and not filled by a member of a targeted  
21 group.

22 (c) *Credit precluded*. If the certification of a person for tax benefits under s.  
23 560.765 (3) is revoked, that person may not claim credits under this subsection for  
24 the taxable year that includes the day on which the certification is revoked or  
25 succeeding taxable years and that person may not carry over unused credits from

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1 previous years to offset tax under this chapter for the taxable year that includes the  
2 day on which certification is revoked or succeeding taxable years.

3 (d) *Carry-over precluded.* If a person who is certified under s. 560.765 (3) for  
4 tax benefits ceases business operations in the development zone during any of the  
5 taxable years that that zone exists, that person may not carry over to any taxable  
6 year following the year during which operations cease any unused credits from the  
7 taxable year during which operations cease or from previous taxable years.

8 (e) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under  
9 sub. (4), applies to the credit under this subsection. Subsection (1dj) (c), as it applies  
10 to the credit under sub. (1dj), applies to the credit under this subsection.

11 **SECTION 2277.** 71.28 (4) (a) of the statutes is amended to read:

12 71.28 (4) (a) *Credit.* Any corporation may credit against taxes otherwise due  
13 under this chapter an amount equal to 5% of the amount obtained by subtracting  
14 from the corporation's qualified research expenses, as defined in section 41 of the  
15 internal revenue code, except that "qualified research expenses" includes only  
16 expenses incurred by the claimant, incurred for research conducted in this state for  
17 the taxable year and except that "qualified research expenses" does not include  
18 compensation used in computing the credit under sub. ~~subs.~~ (1dj) and (1dx), the  
19 corporation's base amount, as defined in section 41 (c) of the internal revenue code,  
20 except that gross receipts used in calculating the base amount means gross receipts  
21 from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d). Section  
22 41 (h) of the internal revenue code does not apply to the credit under this paragraph.

23 **SECTION 2278.** 71.29 (2) of the statutes is amended to read:

24 71.29 (2) **WHO SHALL PAY.** Every corporation subject to tax under s. 71.23 (1) or  
25 (2) and every virtually exempt entity subject to tax under s. 71.125 or 71.23 (1) or (2)

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1 shall pay an estimated tax to the department of revenue at its offices in Madison  
2 unless the department, by rule, prescribes another place of payment. If the amount  
3 of any payment is \$20,000 or more, the department may require the corporation to  
4 make the payment electronically.

5 **SECTION 2279.** 71.30 (3) (eom) of the statutes is created to read:

6 71.30 (3) (eom) Development zones credit under s. 71.28 (1dx).

7 **SECTION 2280.** 71.34 (1) (g) of the statutes is amended to read:

8 71.34 (1) (g) An addition shall be made for credits computed by a tax-option  
9 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL) ~~and~~, (1ds) and (1dx) and  
10 passed through to shareholders.

11 **SECTION 2281.** 71.42 (1m) of the statutes is created to read:

12 71.42 (1m) "Department" means the department of revenue.

13 **SECTION 2282.** 71.42 (3m) of the statutes is created to read:

14 71.42 (3m) "Pay" means mail or deliver funds to the department or, if the  
15 department prescribes another method of payment or another destination, use that  
16 other method or submit to that other destination.

17 **SECTION 2283.** 71.44 (4) (a) of the statutes is repealed.

18 **SECTION 2284.** 71.45 (1t) (h) of the statutes is created to read:

19 71.45 (1t) (h) Those issued under s. 66.066 by a municipality under s. 66.30 (3q)  
20 (c).

21 **SECTION 2285.** 71.45 (2) (a) 10. of the statutes is amended to read:

22 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit  
23 computed under s. 71.47 (1dd) to ~~(1ds)~~ (1dx) and not passed through by a partnership,  
24 limited liability company or tax-option corporation that has added that amount to  
25 the partnership's, limited liability company's or tax-option corporation's income

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1 under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under s. 71.47  
2 (1), (3), (4) and (5).

3 **SECTION 2286.** 71.47 (1dx) of the statutes is created to read:

4 71.47 (1dx) DEVELOPMENT ZONES CREDIT. (a) *Definitions.* In this subsection:

- 5 1. "Brownfield" means an industrial or commercial facility the expansion or  
6 redevelopment of which is complicated by environmental contamination.
- 7 2. "Development zone" means a development zone under s. 560.70, a  
8 development opportunity zone under s. 560.795 or an enterprise development zone  
9 under s. 560.797.
- 10 3. "Environmental remediation" means removal or containment of  
11 environmental pollution, as defined in s. 299.01 (4), and restoration of soil or  
12 groundwater that is affected by environmental pollution, as defined in s. 299.01 (4),  
13 in a brownfield if that removal, containment or restoration fulfills the requirement  
14 under sub. (1de) (a) 1.
- 15 4. "Full-time job" means a regular, nonseasonal full-time position in which an  
16 individual, as a condition of employment, is required to work at least 2,080 hours per  
17 year, including paid leave and holidays, and for which the individual receives pay  
18 that is equal to at least 150% of the federal minimum wage and receives benefits that  
19 are not required by federal or state law. "Full-time job" does not include initial  
20 training before an employment position begins.
- 21 5. "Member of a targeted group" means a person under sub. (1dj) (am) 1., a  
22 person who resides in an empowerment zone, or an enterprise community, that the  
23 U.S. government designates and a Wisconsin works participant if the person or  
24 participant has been certified in the manner under sub. (1dj) (am) 3. by a designated  
25 local agency, as defined in sub. (1dj) (am) 2.

**SENATE BILL 77****SECTION 2286**

1           (b) *Credit*. Except or provided in s. 73.03 (35) and subject to s. 560.785, for any  
2 taxable year for which the person is certified under s. 560.765 (3), any person may  
3 claim as a credit against taxes under this subchapter the following amounts:

4           1. The amount expended for environmental remediation in a development  
5 zone.

6           2. The amount determined by multiplying the amount determined under s.  
7 560.785 (1) (b) by the number of full-time jobs created in a development zone and  
8 filled by a member of a targeted group.

9           3. The amount determined by multiplying the amount determined under s.  
10 560.785 (1) (c) by the number of full-time jobs created in a development zone and not  
11 filled by a member of a targeted group.

12           4. The amount determined by multiplying the amount determined under s.  
13 560.785 (1) (b) by the number of full-time jobs retained, as provided in the rules  
14 under s. 560.785, in a development zone and filled by a member of a targeted group.

15           5. The amount determined by multiplying the amount determined under s.  
16 560.785 (1) (c) by the number of full-time jobs retained, as provided in the rules  
17 under s. 560.785, in a development zone and not filled by a member of a targeted  
18 group.

19           (c) *Credit precluded*. If the certification of a person for tax benefits under s.  
20 560.765 (3) is revoked, that person may not claim credits under this subsection for  
21 the taxable year that includes the day on which the certification is revoked or  
22 succeeding taxable years and that person may not carry over unused credits from  
23 previous years to offset tax under this chapter for the taxable year that includes the  
24 day on which certification is revoked or succeeding taxable years.



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1 (d) *Carry-over precluded.* If a person who is certified under s. 560.765 (3) for  
2 tax benefits ceases business operations in the development zone during any of the  
3 taxable years that that zone exists, that person may not carry over to any taxable  
4 year following the year during which operations cease any unused credits from the  
5 taxable year during which operations cease or from previous taxable years.

6 (e) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under  
7 s. 71.28 (4), applies to the credit under this subsection. Subsection (1dj) (c), as it  
8 applies to the credit under sub. (1dj), applies to the credit under this subsection.

9 **SECTION 2287.** 71.47 (4) (a) of the statutes is amended to read:

10 71.47 (4) (a) *Credit.* Any corporation may credit against taxes otherwise due  
11 under this chapter an amount equal to 5% of the amount obtained by subtracting  
12 from the corporation's qualified research expenses, as defined in section 41 of the  
13 internal revenue code, except that "qualified research expenses" includes only  
14 expenses incurred by the claimant, incurred for research conducted in this state for  
15 the taxable year and except that "qualified research expenses" does not include  
16 compensation used in computing the credit under ~~sub.~~ subs. (1dj) and (1dx), the  
17 corporation's base amount, as defined in section 41 (c) of the internal revenue code,  
18 except that gross receipts used in calculating the base amount means gross receipts  
19 from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d). Section  
20 41 (h) of the internal revenue code does not apply to the credit under this paragraph.

21 **SECTION 2288.** 71.49 (1) (eom) of the statutes is created to read:

22 71.49 (1) (eom) Development zones credit under s. 71.47 (1dx).

23 **SECTION 2289.** 71.52 (6) of the statutes is amended to read:

24 71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the  
25 following amounts, to the extent not included in Wisconsin adjusted gross income:

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1 maintenance payments (except foster care maintenance and supplementary  
2 payments excludable under section 131 of the internal revenue code), support money,  
3 cash public assistance (not including credit granted under this subchapter and  
4 amounts under s. 46.27), cash benefits paid by counties under s. 59.53 (21), the gross  
5 amount of any pension or annuity (including railroad retirement benefits, all  
6 payments received under the federal social security act and veterans disability  
7 pensions), nontaxable interest received from the federal government or any of its  
8 instrumentalities, nontaxable interest received on state or municipal bonds,  
9 worker's compensation, unemployment compensation, the gross amount of "loss of  
10 time" insurance, compensation and other cash benefits received from the United  
11 States for past or present service in the armed forces, scholarship and fellowship gifts  
12 or income other than a qualified scholarship or qualified tuition reduction that is  
13 includable in the calculation of federal adjusted gross income under section 117 of the  
14 internal revenue code, capital gains, gain on the sale of a personal residence excluded  
15 under section 121 of the internal revenue code, dividends, income of a nonresident  
16 or part-year resident who is married to a full-year resident, housing allowances  
17 provided to members of the clergy, the amount by which a resident manager's rent  
18 is reduced, nontaxable income of an American Indian, nontaxable income from  
19 sources outside this state and nontaxable deferred compensation. Intangible drilling  
20 costs, depletion allowances and depreciation, including first-year depreciation  
21 allowances under section 179 of the internal revenue code, amortization,  
22 contributions to individual retirement accounts under section 219 of the internal  
23 revenue code, contributions to Keogh plans, net operating loss carry-forwards and  
24 capital loss carry-forwards deducted in determining Wisconsin adjusted gross  
25 income shall be added to "income". "Income" does not include gifts from natural

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1 persons, cash reimbursement payments made under title XX of the federal social  
2 security act, surplus food or other relief in kind supplied by a governmental agency,  
3 the gain on the sale of a personal residence deferred under section 1034 of the  
4 internal revenue code or nonrecognized gain from involuntary conversions under  
5 section 1033 of the internal revenue code. Amounts not included in adjusted gross  
6 income but added to "income" under this subsection in a previous year and repaid  
7 may be subtracted from income for the year during which they are repaid. A marital  
8 property agreement or unilateral statement under ch. 766 has no effect in computing  
9 "income" for a person whose homestead is not the same as the homestead of that  
10 person's spouse.

11 **SECTION 2290.** 71.63 (1m) of the statutes is created to read:

12 71.63 (1m) "Deposit" means mail or deliver funds to the department or, if the  
13 department prescribes another method of submitting or if the department of  
14 administration designates under s. 34.05 another destination, use that other method  
15 or submit to that other destination.

16 **SECTION 2291.** 71.63 (2) of the statutes is amended to read:

17 71.63 (2) "Employee" means a resident individual who performs or performed  
18 services for an employer anywhere or a nonresident individual who performs or  
19 performed such services within this state, and includes an officer, employe or elected  
20 official of the United States, a state, territory, or any political subdivision thereof, or  
21 the District of Columbia, or any agency or instrumentality of any one or more of these  
22 entities. The term includes an officer of a corporation, an entertainer and an  
23 entertainment corporation, but does not include a qualified real estate agent or a  
24 direct seller who is not treated as an employe under section 3508 of the Internal  
25 Revenue Code.

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1           **SECTION 2292.** 71.63 (3m) of the statutes is created to read:

2           71.63 **(3m)** “File” means mail or deliver a document that the department  
3 prescribes to the department or, if the department prescribes another method of  
4 submitting or the department of administration designates under s. 34.05 another  
5 destination, use that other method or submit to that other destination.

6           **SECTION 2293.** 71.63 (3r) of the statutes is created to read:

7           71.63 **(3r)** “Furnish” means mail or deliver a document that the department  
8 prescribes to the department or, if the department prescribes another method of  
9 submitting or another destination, use that other method or submit to that other  
10 destination.

11           **SECTION 2294.** 71.63 (5m) of the statutes is created to read:

12           71.63 **(5m)** “Remit” means mail or deliver funds to the department or, if the  
13 department prescribes another method of submitting or if the department of  
14 administration designates under s. 34.05 another destination, use that other method  
15 or submit to that other destination.

16           **SECTION 2295.** 71.65 (2) (title) and (a) of the statutes are amended to read:

17           71.65 **(2)** (title) ~~EMPLOYERS MUST FURNISH STATEMENT TO THE DEPARTMENT~~  
18 EMPLOYERS' STATEMENTS. (a) Every person required to deduct and withhold from an  
19 employe under this subchapter shall furnish ~~to the department of revenue at its~~  
20 ~~offices in Madison,~~ in respect to remuneration paid by such person to such employe  
21 during the calendar year, on or before January 31 of the succeeding year, one copy  
22 of the statement under sub. (1).

23           **SECTION 2296.** 71.65 (2) (b) of the statutes is amended to read:

24           71.65 **(2)** (b) Every resident of this state and every nonresident carrying on  
25 activities within this state, whether taxable or not under this chapter, who pays in

**SENATE BILL 77****SECTION 2296**

1 any calendar year for services performed within this state by an individual  
2 remuneration which is excluded from the definition of wages, in the amount of \$600  
3 or more, shall, on or before January 31 of the succeeding year, furnish ~~the~~  
4 ~~department of revenue at its offices in Madison~~ a statement in such form as required  
5 by the department, disclosing the name of the payor, the name and address of the  
6 recipient and the total amount paid in such year to such recipient. In any case in  
7 which an individual receives wages and also remuneration for services which  
8 remuneration is excluded from such definition, both from the same payor, the wages  
9 and the excluded remuneration shall both be reported in the report required under  
10 this subsection in a manner satisfactory to the department, regardless of the amount  
11 of the excluded remuneration.

12 **SECTION 2297.** 71.65 (3) (a) of the statutes is amended to read:

13 71.65 (3) (a) Every employer who deducts and withholds any amount under  
14 this subchapter shall deposit such amount on a quarterly basis, except that if the  
15 amount deducted and withheld in any quarter exceeds \$300, the department may  
16 require by written notice to the employer, that amounts deducted and withheld on  
17 and after the date indicated on such notice be deposited on a monthly basis.  
18 Employers who are required to file reports and deposit withheld taxes on a monthly,  
19 quarterly or annual basis, as the case may be, shall file such reports and deposit such  
20 taxes on or before the last day of the month next succeeding the withholding period.  
21 If the amount deducted and withheld in any quarter exceeds \$5,000, the department  
22 may require by written notice to the employer, that for amounts deducted and  
23 withheld from the first day of the month through the 15th day of the month, the  
24 employer shall file reports and deposit such taxes on or before the last day of such  
25 month and that for amounts deducted and withheld from the 16th day of the month

**SENATE BILL 77****SECTION 2297**

1 through the last day of the month the employer shall file reports and deposit such  
2 taxes on or before the 15th day of the next succeeding month. The department may  
3 require any employer who files and pays on a monthly basis or more frequently to  
4 do so electronically. Employers shall file reports and deposit taxes with such public  
5 depository in Wisconsin as the department of administration designates a public  
6 depository therefor under s. 34.05 to the credit of the general fund. With each deposit  
7 the employer shall include a deposit report on a form to be provided by the  
8 department. The department may, when satisfied that the revenues will be  
9 adequately safeguarded, permit an employer whose withheld taxes do not exceed \$50  
10 per month to deposit withheld taxes and reports for other than quarterly periods.  
11 The department may revoke such permission at any time. The department, if it  
12 deems it necessary in order to ensure payment to or facilitate the collection by the  
13 state of the amount of taxes, may require reports or payments of the amount of  
14 withheld taxes for other than quarterly periods. The public depository shall record  
15 on such deposit report the amount deposited and shall then forward such report to  
16 the department in such manner and at such time as the department by rule  
17 prescribes. On or before January 31 of each year every employer shall file ~~with the~~  
18 ~~department at its offices in Madison, or at such other place as the department by rule~~  
19 ~~prescribes,~~ a withholding report on a form to be provided by the department showing  
20 the amount withheld from the wages paid each employe in the previous calendar  
21 year, the amount deposited in respect to each employe on wages paid in the previous  
22 calendar year and a reconciliation of the aggregate of the amounts deposited in  
23 respect to each employe on wages paid in the previous calendar year with the  
24 aggregate of the amounts shown on the semimonthly, monthly and quarterly deposit  
25 reports filed in respect to such withholding. Every employer who discontinues

**SENATE BILL 77****SECTION 2297**

1 business prior to the end of a calendar year shall, within 30 days of such  
2 discontinuance, deposit withheld taxes not previously deposited and submit a  
3 deposit report concerning such deposit with the public depository and file a  
4 withholding report with the department covering the period from the beginning of  
5 the calendar year to the date of discontinuance. No employe shall have any right of  
6 action against an employer in regard to money deducted from wages and deposited  
7 with the public depository in compliance or intended compliance with this  
8 subchapter.

9 **SECTION 2298.** 71.65 (3) (d) of the statutes is amended to read:

10 71.65 (3) (d) On or before January 31 of each year every employer shall file ~~with~~  
11 ~~the department~~ an annual withholding report on forms provided by the department  
12 showing the amount withheld from the wages paid each employe in the previous  
13 calendar year, the amount deposited or paid over in respect to each employe on wages  
14 paid in the previous calendar year and a reconciliation of the aggregate deposited or  
15 paid over in respect to each employe on wages paid in the previous calendar year with  
16 the aggregate of the amounts shown on deposit and withholding reports filed in  
17 respect of such withholding.

18 **SECTION 2299.** 71.65 (3) (e) of the statutes is amended to read:

19 71.65 (3) (e) Every employer who discontinues his or her business prior to the  
20 end of a calendar year shall, within 30 days of such discontinuance, pay over  
21 withheld taxes not previously deposited or paid over, and shall file a withholding  
22 report ~~with the department~~ covering the period from the beginning of the calendar  
23 year to the date of discontinuance.

24 **SECTION 2300.** 71.65 (4) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2300**

1           71.65 (4) SELF-INSURERS. A person who is required to file an annual  
2 withholding report under sub. (3) (a) and who is a self-insurer for the purposes of  
3 subch. II of ch. 619 149 shall indicate on the return that the person is such a  
4 self-insurer.

5           **SECTION 2301.** 71.66 (1) (a), (b), (c) and (d) of the statutes are amended to read:

6           71.66 (1) (a) On or before the date on which an employe commences  
7 employment with an employer each employe shall ~~furnish~~ provide his or her  
8 employer with a signed withholding exemption certificate relating to the number of  
9 withholding exemptions he or she claims, which shall not exceed the number to  
10 which he or she is entitled. If the employe fails to ~~furnish~~ provide such certificate,  
11 such employe, for withholding purposes, shall be considered as claiming no  
12 withholding exemptions.

13           (b) If the number of withholding exemptions to which the employe is entitled  
14 is less than the number of withholding exemptions claimed by him or her on the  
15 withholding exemption certificate then in effect, the employe shall within 10 days  
16 after the change occurs ~~furnish~~ provide the employer with a new withholding  
17 exemption certificate, which shall not exceed the number to which he or she is  
18 entitled.

19           (c) If the number of withholding exemptions to which the employe is entitled  
20 is more than the number of withholding exemptions claimed by him or her on the  
21 withholding exemption certificate then in effect, the employe may ~~furnish~~ provide  
22 the employer with a new withholding exemption certificate on which the employe  
23 must not claim more than the number of withholding exemptions to which he or she  
24 is entitled on such day.



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1 (d) A withholding exemption certificate ~~furnished~~ provided to the employer  
2 shall take effect as of the beginning of the first payroll period ending after the date  
3 on which such certificate is ~~furnished~~ provided.

4 **SECTION 2302.** 71.66 (1) (f) of the statutes is amended to read:

5 71.66 (1) (f) Whenever the internal revenue code or regulations or rulings of  
6 the internal revenue service require an employer to submit copies of, or information  
7 taken from, an employe's withholding allowance certificate to the internal revenue  
8 service, the employer shall also ~~furnish~~ provide copies of, or information taken from,  
9 the certificate to the department within 15 days after the employer is required to file  
10 the certificate or information with the internal revenue service.

11 **SECTION 2303.** 71.68 of the statutes is created to read:

12 **71.68 Definitions.** In this subchapter:

13 (1) "Department" means the department of revenue.

14 (2) "File" means mail or deliver a document that the department prescribes to  
15 the department or, if the department prescribes another method of submitting or  
16 another destination, use that other method or submit to that other destination.

17 **SECTION 2304.** 71.69 of the statutes is amended to read:

18 **71.69 Capital stock transfers.** All corporations doing business in this state  
19 shall ~~file with the department, on or before March 15 of each year on forms prescribed~~  
20 ~~by the department,~~ a statement of such transfers of its capital stock as have been  
21 made by or to residents of this state during the preceding calendar year. Such  
22 statement shall contain the name and address of the seller, date of transfer, and the  
23 number of shares of stock transferred.

24 **SECTION 2305.** 71.70 of the statutes is amended to read:

**SENATE BILL 77****SECTION 2305**

1           **71.70 Rents or royalties. (1)** PERSONS OTHER THAN CORPORATIONS. Persons  
2 other than corporations deducting rent or royalties in determining taxable income  
3 shall ~~inform the department of~~ file a report that shows the amounts and ~~of the name~~  
4 and address of all natural persons who are residents of this state and to whom  
5 royalties of \$600 or more were paid during the taxable year; and ~~of the amounts and~~  
6 ~~of the name and address of all natural persons to whom rent of \$600 or more is paid~~  
7 during the taxable year for property having a situs in this state. Such information  
8 shall be filed at the time of filing the income tax return on which such payments are  
9 deducted or at such other time as the department prescribes.

10           **(2)** CORPORATIONS. All corporations doing business in this state shall file ~~with~~  
11 ~~the department~~, on or before March 15 ~~of each year~~, any information relative to  
12 payments made within the preceding calendar year of rents and royalties to all  
13 natural persons taxable thereon under this chapter ~~in amounts and in the manner~~  
14 ~~and form prescribed by the department.~~

15           **SECTION 2306.** 71.71 (2) of the statutes is amended to read:

16           71.71 **(2)** (title) STATEMENT EMPLOYER MUST FURNISH TO DEPARTMENT FILE. Every  
17 person required to deduct and withhold from an employe under subch. X shall  
18 ~~furnish to the department of revenue at its offices in Madison~~ file, in respect to  
19 remuneration paid by such person to such employe during the calendar year, on or  
20 before January 31 of the succeeding year, one copy of the statement referred to in sub.  
21 (1).

22           **SECTION 2307.** 71.72 of the statutes is amended to read:

23           **71.72 Statement of nonwage payments.** Every resident of this state and  
24 every nonresident carrying on activities within this state, whether taxable or not  
25 under this chapter, who pays in any calendar year for services performed within this

**SENATE BILL 77****SECTION 2307**

1 state by an individual remuneration which is excluded from the definition of wages  
2 in s. 71.63 (6), in the amount of \$600 or more, shall, on or before January 31 of the  
3 succeeding year ~~furnish the department of revenue at its offices in Madison, file a~~  
4 ~~statement in such form as required by the department,~~ disclosing the name of the  
5 payor, the name and address of the recipient and the total amount paid in such year  
6 to such recipient. In any case in which an individual receives wages, as defined in  
7 s. 71.63 (6), and also remuneration for services which remuneration is excluded from  
8 such definition, both from the same payor, the wages and the excluded remuneration  
9 shall both be reported in the statement required by s. 71.71 (2) in a manner  
10 satisfactory to the department, regardless of the amount of the excluded  
11 remuneration.

12 **SECTION 2308.** 71.738 of the statutes is repealed and recreated to read:

13 **71.738 Definitions.** In this subchapter:

14 (1) "Department" means the department of revenue.

15 (2) "File" means mail or deliver a document that the department prescribes to  
16 the department or, if the department prescribes another method of submitting or  
17 another destination, use that other method or submit to that other destination.

18 (3) "Last day prescribed by law" means the unextended due date of the return  
19 or of the claim made under subch. VIII.

20 (4) "Sign" means write one's signature or, if the department prescribes another  
21 method of authenticating, use that other method.

22 **SECTION 2309.** 71.74 (1) of the statutes is amended to read:

23 71.74 (1) OFFICE AUDIT. The department of revenue shall, as soon as practicable,  
24 office audit such returns as it deems advisable and if it is found from such office audit  
25 that a person has been over or under assessed, or found that no assessment has been

**SENATE BILL 77****SECTION 2309**

1 made when one should have been made, the department of revenue shall correct or  
2 assess the income of such person. Any assessment, correction or adjustment made  
3 as a result of such office audit shall be presumed to be the result of an audit of the  
4 return only, and such office audit shall not be deemed a verification of any item in  
5 said return unless the amount of such item and the propriety thereof shall have been  
6 determined after hearing and review as provided in s. 71.88 (1) (a) and (2) (a). Such  
7 office audit shall not preclude the department of revenue from making field audits  
8 of the books and records of the taxpayer and from making further adjustment,  
9 correction and assessment of income.

10 **SECTION 2310.** 71.74 (3) of the statutes is amended to read:

11 71.74 (3) **DEFAULT ASSESSMENT.** Any person required to make file an income or  
12 franchise tax return, who fails, neglects or refuses to do so ~~in the manner and form~~  
13 ~~and within the time prescribed by this chapter, or makes files~~ a return that does not  
14 disclose the person's entire net income, shall be assessed by the department  
15 according to its best judgment.

16 **SECTION 2311.** 71.74 (6) of the statutes is amended to read:

17 71.74 (6) **CONSOLIDATED STATEMENTS.** For the purpose of this chapter, whenever  
18 a corporation which is required to file an income or franchise tax return is affiliated  
19 with or related to any other corporation through stock ownership by the same  
20 interests or as parent or subsidiary corporations, or whose income is regulated  
21 through contract or other arrangement, the department of revenue may require such  
22 consolidated statements as in its opinion are necessary in order to determine the  
23 taxable income received by any one of the affiliated or related corporations.

24 **SECTION 2312.** 71.74 (8) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2312**

1           71.74 (8) (a) If an audit of a claim for a credit under s. 71.07, 71.28 or 71.47 or  
2           subch. VIII or IX indicates that an incorrect claim was filed, the department of  
3           revenue shall make a determination of the correct amount and notify the claimant  
4           of the determination and the reasons therefor under sub. (11) within 4 years of the  
5           last day prescribed by law for filing the claim. If the claim has been paid, or credited  
6           against income or franchise taxes otherwise payable, the credit shall be reduced or  
7           canceled, and the proper portion of any amount paid shall be similarly recovered by  
8           assessment as income or franchise taxes are assessed.

9           **SECTION 2313.** 71.74 (8) (d) of the statutes is amended to read:

10          71.74 (8) (d) If a claim for a state historic rehabilitation credit under s. 71.07  
11          (9r) is false or excessive, the department of revenue shall disallow the claim in full.  
12          If a credit has been allowed against income taxes otherwise payable, the credit shall  
13          be canceled and the amount may be recovered by assessment as income taxes are  
14          assessed. Notwithstanding par. (a) and s. 71.77, the department shall notify the  
15          claimant of the determination and shall give reasons for the disallowance under sub.  
16          (11) within 4 years after the date that the state historical society notifies the  
17          department that the preservation or rehabilitation is not in compliance with s. 71.07  
18          (9r) (b) 3. b. or 4., but that notification must be made within 6 years after the date  
19          that the physical work of construction, or destruction in preparation for construction,  
20          begins.

21          **SECTION 2314.** 71.74 (9) of the statutes is amended to read:

22          71.74 (9) LIABILITY MAY BE ASSESSED TO MORE THAN ONE PERSON. If the department  
23          of revenue determines that a liability exists under this chapter and that the liability  
24          may be owed by more than one person, the department may assess the entire amount  
25          to each person, specifying that it is assessing in the alternative.

**SENATE BILL 77****SECTION 2315**

1           **SECTION 2315.** 71.74 (14) of the statutes is amended to read:

2           71.74 (14) **ADDITIONAL REMEDY TO COLLECT TAX.** The department of revenue may  
3 also proceed under s. 71.91 (5) for the collection of any additional assessment of  
4 income or franchise taxes or surtaxes, after notice thereof has been given under sub.  
5 (11) and before the same shall have become delinquent, when it has reasonable  
6 grounds to believe that the collection of such additional assessment will be  
7 jeopardized by delay. In such cases notice of the intention to so proceed shall be given  
8 by registered mail to the taxpayer, and the warrant of the department of revenue  
9 shall not issue if the taxpayer within 10 days after such notice furnishes a bond in  
10 such amount, not exceeding double the amount of the tax, and with such sureties as  
11 the department of revenue shall approve, conditioned upon the payment of so much  
12 of the additional taxes as shall finally be determined to be due, together with interest  
13 thereon as provided by s. 71.82 (1) (a). Nothing in this subsection shall affect the  
14 review of additional assessments provided by ss. 71.88 (1) (a) and (2) (a), 71.89 (2),  
15 73.01 and 73.015, and any amounts collected under this subsection shall be deposited  
16 with the state treasurer and disbursed after final determination of the taxes as are  
17 amounts deposited under s. 71.90 (2).

18           **SECTION 2316.** 71.75 (6) and (7) of the statutes are amended to read:

19           71.75 (6) Every claim for refund or credit of income taxes, franchise taxes or  
20 surtaxes, if any, shall be filed with the department of revenue in the manner, and on  
21 a form, prescribed or approved by the department and signed by the person or, in the  
22 case of joint returns, by both persons who filed the return on which the claim is based  
23 and shall set forth specifically and explain in detail the reasons for and the basis of  
24 the claim. After the claim has been filed it shall be considered and acted upon in the  
25 same manner as are additional assessments made under s. 71.74 (1) and (2). No

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1 marital property agreement or unilateral statement under ch. 766 affects claims for  
2 refund or credit under this section.

3 (7) The department of revenue is directed to shall act on any claim for refund  
4 or credit within one year after receipt and failure to act shall have the effect of  
5 allowing the claim and the department shall certify the refund or credit unless the  
6 taxpayer has consented in writing to an extension of the one-year time period prior  
7 to its expiration.

8 **SECTION 2317.** 71.76 of the statutes is amended to read:

9 **71.76 Internal revenue service and other state adjustments.** If for any  
10 year the amount of federal net income tax payable, of a credit claimed or carried  
11 forward, of a net operating loss carried forward or of a capital loss carried forward  
12 of any taxpayer as reported to the internal revenue service is changed or corrected  
13 by the internal revenue service or other officer of the United States, such taxpayer  
14 shall report such changes or corrections to the department within 90 days after its  
15 final determination and shall concede the accuracy of such determination or state  
16 how the determination is erroneous. Such changes or corrections need not be  
17 reported unless they affect the amount of net tax payable under this chapter, of a  
18 credit calculated under this chapter, of a Wisconsin net operating loss carried  
19 forward, of a Wisconsin net business loss carried forward or of a capital loss carried  
20 forward under this chapter. Any taxpayer filing submitting an amended return with  
21 to the internal revenue service, or with to another state if there has been allowed a  
22 credit against Wisconsin taxes for taxes paid to that state, shall also file, within 90  
23 days of such filing date, an amended return with the department if any information  
24 contained on the amended return affects the amount of net tax payable under this  
25 chapter of a credit calculated under this chapter, of a Wisconsin net operating loss

**SENATE BILL 77****SECTION 2317**

1 carried forward, of a Wisconsin net business loss carried forward or of a capital loss  
2 carried forward under this chapter.

3 **SECTION 2318.** 71.77 (3) of the statutes is amended to read:

4 71.77 (3) Irrespective of sub. (2), if any person has ~~made~~ filed an incorrect  
5 income tax or franchise tax return for any ~~of the years since January 1, 1911,~~ year  
6 with intent to defeat or evade the income tax or franchise tax assessment provided  
7 by law, or has failed to file any income tax or franchise tax return for any of such  
8 years, income of any such year may be assessed when discovered ~~by the proper~~  
9 ~~assessing authority.~~

10 **SECTION 2319.** 71.77 (5) of the statutes is amended to read:

11 71.77 (5) The limitation periods provided in this section may be extended by  
12 written agreement between the taxpayer and the department ~~of revenue entered~~  
13 ~~into~~ prior to the expiration of such limitation periods or any extension of such  
14 limitation periods. During any such extension period, the department may issue an  
15 assessment or a refund, and the taxpayer may file a claim for a refund, relating to  
16 the year which the extension covers. Subsection (4) shall not apply to any  
17 assessment made in any such extended period.

18 **SECTION 2320.** 71.78 (1) of the statutes is amended to read:

19 71.78 (1) DIVULGING INFORMATION. Except as provided in subs. (4), (4m) and (10),  
20 no person may divulge or circulate or offer to obtain, divulge or circulate any  
21 information derived from an income, franchise, withholding, fiduciary, partnership,  
22 limited liability company or gift tax return or tax credit claim, including information  
23 which may be furnished by the department ~~of revenue~~ as provided in this section.  
24 This subsection does not prohibit publication by any newspaper of information  
25 lawfully derived from such returns or claims for purposes of argument or prohibit



**SENATE BILL 77****SECTION 2320**

1 any public speaker from referring to such information in any address. This  
2 subsection does not prohibit the department of revenue from publishing statistics  
3 classified so as not to disclose the identity of particular returns, or claims or reports  
4 and the items thereof. This subsection does not prohibit employes or agents of the  
5 department of revenue from offering or submitting any return, including joint  
6 returns of a spouse or former spouse, separate returns of a spouse, individual returns  
7 of a spouse or former spouse and combined individual income tax returns, or from  
8 offering or submitting any claim, schedule, exhibit, writing or audit report or a copy  
9 of, and any information derived from, any of those documents as evidence into the  
10 record of any contested matter involving the department in proceedings or litigation  
11 on state tax matters if, in the department's judgment, that evidence has reasonable  
12 probative value.

13 **SECTION 2321.** 71.78 (4) (g) of the statutes is amended to read:

14 71.78 (4) (g) Employes of this state and child support employes of county child  
15 support agencies under s. 59.53 (5), to the extent that the department of revenue  
16 deems the examination necessary for the employes to perform their duties under  
17 contracts or agreements between the department and any other department,  
18 division, bureau, board or commission of this state relating to the administration of  
19 tax laws or child and spousal support enforcement under s. 49.22.

20 **SECTION 2322.** 71.78 (4) (o) of the statutes is repealed and recreated to read:

21 71.78 (4) (o) A licensing department or the supreme court, if the supreme court  
22 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a  
23 license based on tax delinquency under s. 73.0301.

24 **SECTION 2323.** 71.78 (4) (p) of the statutes is created to read:

25 71.78 (4) (p) Any person who makes the request under s. 49.22 (2m).

**SENATE BILL 77****SECTION 2324**

1           **SECTION 2324.** 71.78 (8) (d) (intro.) of the statutes is amended to read:

2           71.78 (8) (d) (intro.) The department of revenue may allow an examination of  
3 information under par. (c) only if a district attorney petitions a court of record in this  
4 state for an order allowing the examination and the court issues an order after  
5 finding:

6           **SECTION 2325.** 71.78 (9) and (10) of the statutes are amended to read:

7           71.78 (9) DISCLOSURE OF DEBTOR ADDRESS. The department of revenue may  
8 supply the address of a debtor to an agency certifying a debt of that debtor under s.  
9 71.93 or to a municipality or county certifying a debt of a debtor under s. 71.935.

10           (10) DIVULGING INFORMATION TO REQUESTER. The department of revenue shall  
11 inform each requester of the total amount of taxes withheld under subch. X during  
12 any reporting period and reported on a return filed by any city, village, town, county,  
13 school district, special purpose district or technical college district; whether that  
14 amount was paid by the statutory due date; the amount of any tax, fees, penalties  
15 or interest assessed by the department; and the total amount due or assessed under  
16 subch. X but unpaid by the filer, except that the department may not divulge tax  
17 return information that in the department's opinion violates the confidentiality of  
18 that information with respect to any person other than the units of government and  
19 districts specified in this subsection. The department shall provide to the requester  
20 a written explanation if it fails to divulge information on grounds of confidentiality.  
21 The department shall collect from the person requesting the information a fee of \$4  
22 for each return.

23           **SECTION 2326.** 71.80 (1) (a) of the statutes is amended to read:

24           71.80 (1) (a) The department of revenue shall assess incomes as provided in  
25 this chapter and in performance of such duty the department shall possess all powers

**SENATE BILL 77****SECTION 2326**

1 now or hereafter granted by law to the department in the assessment of personal  
2 property and also the power to estimate incomes.

3 **SECTION 2327.** 71.80 (1) (c) to (e), (2) and (3) of the statutes are amended to read:

4 71.80 (1) (c) The department of revenue may make such regulations as it shall  
5 deem necessary in order to carry out this chapter.

6 (d) The department of revenue may employ such clerks and specialists as are  
7 necessary to carry into effective operation this chapter. Salaries and compensations  
8 of such clerks and specialists shall be charged to the proper appropriation for the  
9 department of revenue.

10 (e) Representatives of the department of revenue directed by it to accept  
11 payment of income or franchise taxes shall file bonds with the state treasurer in such  
12 amount and with such sureties as the state treasurer shall direct and approve. In  
13 collecting income or franchise taxes as provided in this chapter, the department of  
14 revenue shall be deemed to act as agents of the state, counties and towns, cities or  
15 villages entitled to receive the taxes collected.

16 (2) NOTICE TO TAXPAYER BY DEPARTMENT. The department of revenue shall notify  
17 each taxpayer by mail of the amount of income or franchise taxes assessed against  
18 the taxpayer and of the date when the taxes become delinquent.

19 (3) CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In the case  
20 of any overpayment, refundable credit or refund on an individual or separate return,  
21 the department of revenue, within the applicable period of limitations, may credit  
22 the amount of overpayment, refundable credit or refund including any interest  
23 allowed, against any liability in respect to any tax collected by the department, a debt  
24 under s. 71.93 or 71.935 or a certification under s. 49.855 on the part of the person  
25 who made the overpayment or received the refundable credit or the refund and shall

**SENATE BILL 77****SECTION 2327**

1 refund any balance to the person. The department shall presume that the  
2 overpayment, refundable credit or refund is nonmarital property of the filer. Within  
3 2 years after the crediting, the spouse or former spouse of the person filing the return  
4 may file a claim for a refund of amounts credited by the department if the spouse or  
5 former spouse shows by clear and convincing evidence that all or part of the state tax  
6 overpayment, refundable credit or refund was nonmarital property of the  
7 nonobligated spouse.

8 **SECTION 2328.** 71.80 (3m) (intro.) of the statutes is amended to read:

9 71.80 (3m) CREDITING OF OVERPAYMENTS ON JOINT RETURNS. (intro.) For married  
10 persons, unless within 20 days after the date of the notice under par. (c) the  
11 nonobligated spouse shows by clear and convincing evidence that the overpayment,  
12 refundable credit or refund is the nonmarital property of the nonobligated spouse,  
13 notwithstanding s. 766.55 (2) (d), the department of ~~revenue~~ may credit  
14 overpayments, refundable credits and refunds, including any interest allowed,  
15 resulting from joint returns under this chapter as follows:

16 **SECTION 2329.** 71.80 (3m) (c) and (d) of the statutes are amended to read:

17 71.80 (3m) (c) If the department of ~~revenue~~ determines that a spouse is  
18 otherwise entitled to a state tax refund or homestead or farmland credit, it shall  
19 notify the spouses under s. 71.74 (11) that the state intends to reduce any state tax  
20 refund or a refundable credit due the spouses by the amount credited against any  
21 liability under par. (a) or (b) or both.

22 (d) If a spouse does not receive notice under par. (c) and if the department of  
23 ~~revenue~~ incorrectly credits the state tax overpayment, refund or a refundable credit  
24 of a spouse or spouses against a liability under par. (a) or (b) or both, a claim for

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1 refund of the incorrectly credited amount may be filed under s. 71.75 (5) within 2  
2 years after the date of the offset that was the subject of the notice under par. (c)

3 **SECTION 2330.** 71.80 (7) and (8) of the statutes are amended to read:

4 71.80 (7) PUBLICATION OF NOTICES IN ADMINISTRATIVE REGISTER. The department  
5 of revenue shall annually publish notice of the standard deduction amounts and the  
6 brackets for the individual income tax in the administrative register.

7 (8) RECEIPT FOR PAYMENT OF TAXES. The department of revenue shall accept  
8 payments of income or franchise taxes in accordance with this chapter, and upon  
9 request shall give a printed or written receipt therefor.

10 **SECTION 2331.** 71.80 (16) (a) of the statutes is amended to read:

11 71.80 (16) (a) All nonresident persons, whether incorporated or not, engaging  
12 in construction contracting in this state as contractor or subcontractor and not  
13 otherwise regularly engaged in business in this state, shall file a surety bond with  
14 the department, payable to the department of revenue, to guarantee the payment of  
15 income or franchise taxes, required unemployment compensation contributions,  
16 sales and use taxes and income taxes withheld from wages of employees, together with  
17 any penalties and interest thereon. The department shall approve the form and  
18 contents of such bond. The amount of the bond shall be 3% of the contract or  
19 subcontract price on all contracts of \$50,000 or more or 3% of contractor's or  
20 subcontractor's estimated cost-and-profit under a cost-plus contract of \$50,000 or  
21 more. When the aggregate of 2 or more contracts in one calendar year is \$50,000 or  
22 more the amount of the bond or bonds shall be 3% of the aggregate amount of such  
23 contracts. Such surety bond must be filed within 60 days after construction is begun  
24 in this state by any such contractor or subcontractor on any contract the price of  
25 which is \$50,000 or more (or the estimated cost-and-profit of which is \$50,000 or

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1 more), or within 60 days after construction is begun in this state on any contract for  
2 less than \$50,000, when the amount of such contract, when aggregated with any  
3 other contracts, construction on which was begun in this state in the same calendar  
4 year, equals or exceeds \$50,000. If the department concludes that no bond is  
5 necessary to protect the tax revenues of the state, including contributions under ch.  
6 108, the requirements under this subsection may be waived by the secretary of  
7 revenue or the secretary's designated departmental representative. The bond shall  
8 remain in force until the liability thereunder is released by the secretary or the  
9 secretary's designated departmental representative.

10 **SECTION 2332.** 71.80 (17) and (18) of the statutes are amended to read:

11 71.80 (17) TAX RECEIPTS TRANSMITTED TO STATE TREASURER. Within 15 days after  
12 receipt of any income or franchise tax payments the department of revenue shall  
13 transmit the same to the state treasurer.

14 (18) TIMELY FILING DEFINED. Documents and payments required or permitted  
15 by this chapter that are mailed shall be considered furnished, reported, filed or made  
16 on time, if mailed in a properly addressed envelope, with postage duly prepaid, which  
17 envelope is postmarked before midnight of the date prescribed for such furnishing,  
18 reporting, filing or making, provided such document or payment is actually received  
19 by the department or at the destination that the department or the department of  
20 administration prescribes within 5 days of such prescribed date. Documents and  
21 payments that are not mailed are timely if they are received on or before the due date  
22 by the department or at the destination that the department or the department of  
23 administration prescribes.

24 **SECTION 2333.** 71.83 (1) (d) of the statutes is created to read:

**SENATE BILL 77****SECTION 2333**

1           71.83 (1) (d) *Filing a frivolous income tax return.* 1. In this paragraph,  
2 “frivolous income tax return” means a tax return filed by a person required to file  
3 under s. 71.03 (2) that does one or more of the following:

4           a. Contains insufficient information on which the substantial correctness of the  
5 self-assessment may be judged, due to a position that is frivolous or an apparent  
6 desire by the taxpayer to delay or impede the administration of the tax laws of this  
7 state.

8           b. Contains information that on its face indicates that the self-assessment is  
9 substantially incorrect, due to a position that is frivolous or an apparent desire by  
10 the taxpayer to delay or impede the administration of the tax laws of this state.

11           2. A person who files a frivolous income tax return shall be subject to a penalty  
12 of \$500, in addition to any other penalty for which the taxpayer may be liable. The  
13 penalty provided under this subdivision shall be assessed, levied and collected in the  
14 same manner as income or franchise taxes.

15           **SECTION 2334.** 71.83 (2) (b) of the statutes is amended to read:

16           71.83 (2) (b) *Felony.* 1. ‘False income tax return; fraud.’ Any person, other than  
17 a corporation or limited liability company, who renders a false or fraudulent income  
18 tax return with intent to defeat or evade any assessment required by this chapter  
19 shall be guilty of a felony and may be fined not to exceed more than \$10,000 or  
20 imprisoned for not to exceed 5 more than 7 years and 6 months or both, together with  
21 the cost of prosecution. In this subdivision, “return” includes a separate return filed  
22 by a spouse with respect to a taxable year for which a joint return is filed under s.  
23 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by  
24 the spouses with respect to a taxable year for which a separate return is filed under  
25 s. 71.03 (2) (m) after the filing of that joint return.

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1           2. 'Officer of a corporation; false franchise or income tax return.' Any officer  
2 of a corporation or manager of a limited liability company required by law to make,  
3 render, sign or verify any franchise or income tax return, who makes any false or  
4 fraudulent franchise or income tax return, with intent to defeat or evade any  
5 assessment required by this chapter shall be guilty of a felony and may be fined not  
6 ~~to exceed~~ more than \$10,000 or imprisoned for not ~~to exceed~~ 5 more than 7 years and  
7 6 months or both, together with the cost of prosecution.

8           3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,  
9 depositing or concealing any property upon which a levy is authorized with intent  
10 to evade or defeat the assessment or collection of any tax administered by the  
11 department may be fined not more than \$5,000 or imprisoned for not more than ~~3~~ 4  
12 years and 6 months or both, together with the costs of prosecution.

13           4. 'Fraudulent claim for credit.' The claimant who filed a claim for credit under  
14 s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was filed  
15 with fraudulent intent and any person who assisted in the preparation or filing of the  
16 false or excessive claim or supplied information upon which the false or excessive  
17 claim was prepared, with fraudulent intent, may be fined not ~~to exceed~~ more than  
18 \$10,000 or imprisoned for not ~~to exceed~~ 5 more than 7 years and 6 months or both,  
19 together with the cost of prosecution.

20           **SECTION 2335.** 71.90 (1) of the statutes is amended to read:

21           71.90 (1) (title) ~~DEPOSIT WITH THE DEPARTMENT.~~ The department shall notify any  
22 person who files a petition for redetermination that the person may deposit the  
23 amount of an additional assessment, including any interest or penalty, with the  
24 department, or with a person that the department prescribes, at any time before the  
25 department makes its redetermination. The department shall notify spouses jointly



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1 except that, if the spouses have different addresses and if either spouse notifies the  
2 department in writing of those addresses, the department shall serve a duplicate of  
3 the original notice on the spouse who has the address other than the address to which  
4 the original notice was sent. Amounts deposited under this subsection shall be  
5 subject to the interest provided by s. 71.82 only to the extent of the interest accrued  
6 prior to the first day of the month succeeding the date of deposit. Any deposited  
7 amount which is refunded shall bear interest at the rate of 9% per year during the  
8 time the funds were on deposit. A person may also pay any portion of an assessment  
9 which is admitted to be correct and the payment shall be considered an admission  
10 of the validity of that portion of the assessment and may not be recovered in an appeal  
11 or in any other action or proceeding.

12 **SECTION 2336.** 71.91 (1) (b) of the statutes is amended to read:

13 71.91 (1) (b) *Withholding.* Any amount not deposited or paid over to the  
14 department, or to the person that the department prescribes, within the time  
15 required shall be deemed delinquent and deposit reports or withholding reports filed  
16 after the due date shall be deemed late. In the case of a timely filed deposit or  
17 withholding report, withheld taxes shall become delinquent if not deposited or paid  
18 over on or before the due date of the report. In the case of no report filed or a report  
19 filed late, withheld taxes shall become delinquent if not deposited or paid over by the  
20 due date of the report. In the case of an assessment under s. 71.83 (1) (b) 2., the  
21 amount assessed shall become delinquent if not paid on or before the due date  
22 specified in the notice of deficiency, but if the assessment is contested before the tax  
23 appeals commission or in the courts, it shall become delinquent on the 30th day  
24 following the date on which the order or judgment representing final determination  
25 becomes final.

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1           **SECTION 2337.** 71.91 (6) (c) 3. of the statutes is amended to read:

2           71.91 (6) (c) 3. The levy under subd. 2. is satisfied if the person who issued the  
3 contract pays to the department, or to the person that the department prescribes, the  
4 amount that the person against whom the tax is assessed could have had advanced  
5 by the person who issued the contract on the date under subd. 2. for the satisfaction  
6 of the levy, increased by the amount of any advance, including contractual interest,  
7 made to the person against whom the tax is assessed on or after the date the person  
8 who issued the contract had actual notice or knowledge of the existence of the lien  
9 with respect to which that levy is made, other than an advance, including contractual  
10 interest on it, made automatically to maintain the contract in force under an  
11 agreement entered into before the person who issued the contract had notice or  
12 knowledge of that lien. Any person who issued a contract and who satisfies a levy  
13 under this paragraph is discharged from all liability to any beneficiary because of  
14 that satisfaction.

15           **SECTION 2338.** 71.91 (6) (g) 1. of the statutes is amended to read:

16           71.91 (6) (g) 1. Any person whose property has been levied upon may pay the  
17 amount due and the expenses of the proceeding to the department, or to the person  
18 that the department prescribes, at any time before the sale. Upon that payment, the  
19 department shall restore the property to ~~that~~ the person whose property has been  
20 levied and stop all proceedings related to the levy.

21           **SECTION 2339.** 71.91 (7) (d) of the statutes is amended to read:

22           71.91 (7) (d) The employer shall, on or before the last day of the month after  
23 the month during which an amount was withheld, remit to the department or to the  
24 person that the department prescribes that amount. Any amount withheld from an  
25 employe by an employer shall immediately be a trust fund for this state. Should any

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1 employer, after notice, wilfully fail to withhold in accordance with the notice and this  
2 subsection, or wilfully fail to remit any amount withheld, as required by this  
3 subsection, such employer shall be liable for the total amount set forth in the notice  
4 together with delinquent interest as though the amount shown by the notice was due  
5 by such employer as a direct obligation to the state for delinquent taxes, and may be  
6 collected by any means provided by law including the means provided for the  
7 collection of delinquent income or franchise taxes. However, no amount required to  
8 be paid by an employer by reason of his or her failure to remit under this paragraph  
9 may be deducted from the gross income of such employer. Any amount collected from  
10 the employer for failure to withhold or for failure to remit under this subsection shall  
11 be credited as tax, costs, penalties and interest paid by the employe.

12 **SECTION 2340.** 71.91 (8) (title) of the statutes is repealed.

13 **SECTION 2341.** 71.91 (8) of the statutes is renumbered 73.0301 (5) (a) and  
14 amended to read:

15 73.0301 (5) (a) The department of revenue shall conduct a hearing requested  
16 by a ~~credential holder under s. 440.08 (4) (b) 2.~~ license holder or applicant for a license  
17 or license renewal or continuation under sub. (2) (b) 1. b. or by an applicant for  
18 certification or recertification or a certificate holder under s. 73.09 (7m) (b) to review  
19 a certification or determination of tax delinquency that is the basis of a denial by the  
20 department of regulation and licensing under s. 440.08 (4) (b) 1. of an application for  
21 the renewal of a credential or revocation of a license in accordance with this section  
22 or of a certificate, certification or recertification under s. 73.09 (7m). A hearing under  
23 this subsection paragraph is limited to questions of mistaken identity of the  
24 credential license or certificate holder or applicant and of prior payment of the  
25 delinquent taxes for which the department of revenue certified or determined the

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1 ~~credential license or certificate holder or applicant~~ is liable. At a hearing under this  
2 ~~subsection paragraph~~, any statement filed by the department of revenue or, the  
3 ~~licensing department of regulation and licensing or the supreme court, if the~~  
4 ~~supreme court agrees~~, may be admitted into evidence and is prima facie evidence of  
5 the facts that it contains.

6 **SECTION 2342.** 71.93 (1) (a) 5. of the statutes is created to read:

7 71.93 (1) (a) 5. An amount owed to the department of corrections under s.  
8 304.073 (2) or 304.074 (2).

9 **SECTION 2343.** 71.935 (1) (a) of the statutes is amended to read:

10 71.935 (1) (a) "Debt" means delinquent personal property taxes or an unpaid  
11 fine, fee, restitution or forfeiture of if the amount owed is at least \$20.

12 **SECTION 2344.** 72.01 (12m) of the statutes is created to read:

13 72.01 (12m) "File" means mail or deliver a document that the department  
14 prescribes to the department or, if the department prescribes another method of  
15 submitting or another destination, use that other method or submit to that other  
16 destination.

17 **SECTION 2345.** 72.01 (14m) of the statutes is created to read:

18 72.01 (14m) "Pay" means mail or deliver funds to the department or, if the  
19 department prescribes another method of submitting or another destination, use  
20 that other method or submit to that other destination.

21 **SECTION 2346.** 72.045 of the statutes is amended to read:

22 **72.045 Timely filing.** Documents and payments required or permitted by this  
23 chapter ~~are furnished, reported, that are~~ filed ~~or made~~ by mail are on time if they are  
24 mailed in a properly addressed envelope, if the postage is paid, if the envelope is  
25 postmarked before midnight of the due date and if the department or the person that

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1 the department designates receives them no later than 5 days after the due date.  
2 Documents and payments that are not mailed are timely if they are received on or  
3 before the due date by the department or at the destination that the department  
4 prescribes.

5 **SECTION 2347.** 72.22 (1) of the statutes is amended to read:

6 72.22 (1) WHEN PAYABLE. Except as provided in s. 72.225, the tax imposed by  
7 this chapter is ~~due and payable~~ shall be paid on the date 9 months after the  
8 decedent's death.

9 **SECTION 2348.** 72.22 (3) of the statutes is amended to read:

10 72.22 (3) PAYMENT. ~~Payments must be made to the department.~~ Except as  
11 provided in s. 72.225, full payment shall accompany the estate tax return at the time  
12 that the return is filed, the full tax shall be paid. If a prepayment was made, any  
13 additional tax shown owing on the return, as filed, shall accompany the return.

14 **SECTION 2349.** 72.30 (1) of the statutes is amended to read:

15 72.30 (1) FILING REQUIREMENTS. If a federal estate tax return is required, the  
16 personal representative, special administrator, trustee, distributee or other person  
17 interested shall prepare the return for the tax under this chapter, compute the tax  
18 due under this chapter and on or before the due date, as extended, of the federal  
19 estate tax return file ~~with the department~~ the return for tax under this chapter, a  
20 copy of the federal estate tax return and a copy of all documents submitted with the  
21 federal estate tax return.

22 **SECTION 2350.** 72.30 (4) of the statutes is amended to read:

23 72.30 (4) HEARING IN CIRCUIT COURT. The attorney general, department, district  
24 attorney or any person dissatisfied with the appraisal, assessment or determination  
25 of the tax due under this chapter may apply for a hearing before the circuit court

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1 within 6 months from the date the certificate in sub. (3) is issued. The applicant must  
2 file give a written notice with to the court stating the grounds of the application. No  
3 statute of limitations shall run against the department in cases of fraud or collusion  
4 or where property is not disclosed in the return.

5 **SECTION 2351.** 72.33 (2) (intro.) of the statutes is repealed and recreated to  
6 read:

7 72.33 (2) (intro.) A person who is entitled to a refund of the federal estate tax  
8 or liable for additional payments of that tax shall, within 30 days after receiving  
9 notice of that fact, do the following:

10 **SECTION 2352.** 72.34 of the statutes is amended to read:

11 **72.34 Notice of obligations.** Every person liable for ~~paying benefits~~  
12 transmitting to the estate or a beneficiary of a deceased employe or former employe  
13 ~~in the form of~~ an annuity, bonus, pension or other benefit under a retirement,  
14 deferred compensation or profit-sharing plan taxable under this chapter, directly or  
15 through a trust or fund created by the employer for such purpose, shall give notice  
16 of such obligation to the department within 30 days following the date of payment,  
17 or the date of the initial payment if more than one payment is forthcoming, to the  
18 estate or any beneficiary of such employe or former employe.

19 **SECTION 2353.** 73.01 (1) (b) of the statutes is amended to read:

20 73.01 (1) (b) "Small claims" is a matter in which the amount in controversy,  
21 including any penalty, after the department of revenue takes its final action on the  
22 petition for redetermination is less than ~~\$2,500~~ \$4,000 unless the commission on its  
23 own motion determines that the case not be heard as a small claims case or unless  
24 the department of revenue determines that the case has statewide significance.

25 **SECTION 2354.** 73.01 (5) (a) of the statutes is amended to read:

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1           73.01 (5) (a) Any person who is aggrieved by a determination of the state board  
2 of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21)  
3 or who has filed a petition for redetermination with the department of revenue and  
4 who is aggrieved by the redetermination of the department may, within 60 days of  
5 the determination of the state board of assessors or of the department or, in all other  
6 cases, within 60 days after the redetermination but not thereafter, file with the clerk  
7 of the commission a petition for review of the action of the department and the  
8 number of copies of the petition required by rule adopted by the commission. If a  
9 municipality appeals, its appeal shall set forth that the appeal has been authorized  
10 by an order or resolution of its governing body and the appeal shall be verified by a  
11 member of that governing body as pleadings in courts of record are verified. The clerk  
12 of the commission shall transmit one copy to the department of revenue and to each  
13 party. In the case of appeals from manufacturing property assessments, the person  
14 assessed shall be a party to a proceeding initiated by a municipality. At the time of  
15 filing the petition, the petitioner shall pay to the commission a \$5 filing fee, which  
16 the for appeals under subch. VIII of ch. 71 and a \$25 filing fee for all other appeals.  
17 The commission shall deposit the fee in the general fund. Within 30 days after such  
18 transmission the department, except for petitions objecting to manufacturing  
19 property assessments, shall file with the clerk of the commission an original and the  
20 number of copies of an answer to the petition required by rule adopted by the  
21 commission and shall serve one copy on the petitioner or the petitioner's attorney or  
22 agent. Within 30 days after service of the answer, the petitioner may file and serve  
23 a reply in the same manner as the petition is filed. Any person entitled to be heard  
24 by the commission under s. 76.38 (12) (a), 76.39 (4) (c), 76.48 or 76.91 may file a  
25 petition with the commission within the time and in the manner provided for the

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1 filing of petitions in income or franchise tax cases. Such papers may be served as a  
2 circuit court summons is served or by certified mail. For the purposes of this  
3 subsection, a petition for review is considered timely filed if mailed by certified mail  
4 in a properly addressed envelope, with postage duly prepaid, which envelope is  
5 postmarked before midnight of the last day for filing.

6 **SECTION 2355.** 73.01 (5) (a) of the statutes, as affected by 1995 Wisconsin Act  
7 351, section 12, and 1997 Wisconsin Act ... (this act), is repealed and recreated to  
8 read:

9 73.01 (5) (a) Any person who is aggrieved by a determination of the state board  
10 of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21)  
11 or who has filed a petition for redetermination with the department of revenue and  
12 who is aggrieved by the redetermination of the department may, within 60 days of  
13 the determination of the state board of assessors or of the department or, in all other  
14 cases, within 60 days after the redetermination but not thereafter, file with the clerk  
15 of the commission a petition for review of the action of the department and the  
16 number of copies of the petition required by rule adopted by the commission. If a  
17 municipality appeals, its appeal shall set forth that the appeal has been authorized  
18 by an order or resolution of its governing body and the appeal shall be verified by a  
19 member of that governing body as pleadings in courts of record are verified. The clerk  
20 of the commission shall transmit one copy to the department of revenue and to each  
21 party. In the case of appeals from manufacturing property assessments, the person  
22 assessed shall be a party to a proceeding initiated by a municipality. At the time of  
23 filing the petition, the petitioner shall pay to the commission a \$5 filing fee for  
24 appeals under subch. VIII of chapter 71 and a \$25 filing fee for all other appeals. The  
25 commission shall deposit the fee in the general fund. Within 30 days after such



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1 transmission the department, except for petitions objecting to manufacturing  
2 property assessments, shall file with the clerk of the commission an original and the  
3 number of copies of an answer to the petition required by rule adopted by the  
4 commission and shall serve one copy on the petitioner or the petitioner's attorney or  
5 agent. Within 30 days after service of the answer, the petitioner may file and serve  
6 a reply in the same manner as the petition is filed. Any person entitled to be heard  
7 by the commission under s. 76.38 (12) (a), 1993 stats., or s. 76.39 (4) (c), 76.48 or 76.91  
8 may file a petition with the commission within the time and in the manner provided  
9 for the filing of petitions in income or franchise tax cases. Such papers may be served  
10 as a circuit court summons is served or by certified mail. For the purposes of this  
11 subsection, a petition for review is considered timely filed if mailed by certified mail  
12 in a properly addressed envelope, with postage duly prepaid, which envelope is  
13 postmarked before midnight of the last day for filing.

14 **SECTION 2356.** 73.03 (28g) of the statutes is repealed.

15 **SECTION 2357.** 73.03 (30) of the statutes is amended to read:

16 73.03 (30) To analyze the data provided under sub. (29), after consultation with  
17 the department of education public instruction and the legislative fiscal bureau, and  
18 to notify the presiding officers of the houses of the legislature and the cochairpersons  
19 of the joint committee on finance of the results of the analysis.

20 **SECTION 2358.** 73.03 (35) of the statutes is amended to read:

21 73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),  
22 (2dj), (2dL), (2dr) ~~or~~, (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx)  
23 or (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting  
24 the full amount claimed would violate the requirement under s. ~~560.75 (9) or~~ 560.797  
25 (4) (e) or would bring the total of the credits granted to that claimant under s. ~~560.75~~

**SENATE BILL 77****SECTION 2358**

1 ~~(9) or~~ 560.797 (4) (e), or the total of the credits granted to that claimant under all of  
2 those subsections, over the limit for that claimant under s. 560.768, 560.795 (2) (b)  
3 or 560.797 (5) (b).

4 **SECTION 2359.** 73.03 (46) of the statutes is amended to read:

5 73.03 **(46)** In each school year, to determine and certify to the ~~secretary of~~  
6 ~~education~~ state superintendent of public instruction the rate for determining the  
7 secondary ceiling cost per member under s. 121.07 (6) (d). The rate for any school year  
8 is the average percentage change in the consumer price index for all urban  
9 consumers, U.S. city average, for the calendar year ending on the 2nd preceding  
10 December 31, as computed by the federal department of labor.

11 **SECTION 2360.** 73.03 (50) of the statutes is amended to read:

12 73.03 **(50)** With the approval of the joint committee on finance, to establish fees  
13 for obtaining a business tax registration certificate, which is valid for 2 years, and  
14 for renewing that certificate and shall issue and renew those certificates if the person  
15 who wishes to obtain or renew a certificate applies on a form that the department  
16 prescribes; sets forth the name under which the applicant intends to operate, the  
17 location of the applicant's place of operations, the social security number of the  
18 applicant if the applicant is a natural person and the other information that the  
19 department requires; and, in the case of a sole proprietor, signs the form or, in the  
20 case of other persons, has an individual who is authorized to act on behalf of the  
21 person sign the form.

22 **SECTION 2361.** 73.03 (50m) of the statutes is created to read:

23 73.03 **(50m)** To enter into a memorandum of understanding with the  
24 department of industry, labor and job development under s. 49.857. The department  
25 of revenue shall suspend, refuse to issue or refuse to renew any certificate issued

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1 under sub. (50) as provided in the memorandum of understanding entered into under  
2 s. 49.857. Notwithstanding ss. 71.78 and 77.61 (5), the department of revenue shall  
3 disclose to the department of industry, labor and job development the social security  
4 number of any applicant for a certificate issued under sub. (50) as provided in the  
5 memorandum of understanding.

6 **SECTION 2362.** 73.03 (51) of the statutes is created to read:

7 73.03 (51) To prepare and submit the report required under s. 66.46 (13).

8 **SECTION 2363.** 73.03 (53) of the statutes is created to read:

9 73.03 (53) To enter into agreements with direct marketers about the collection  
10 of state and local sales taxes and use taxes and about making quarterly payments  
11 of those taxes to this state.

12 **SECTION 2364.** 73.0301 of the statutes is created to read:

13 **73.0301 License denial, nonrenewal, discontinuation and revocation**  
14 **based on tax delinquency. (1) DEFINITIONS.** In this section:

15 (a) "Credential" means a license, permit, certificate or registration that is  
16 granted under chs. 440 to 480, but does not include a registration as an inactive  
17 licensee under s. 452.12 (6) (b).

18 (b) "Credentialing board" means a board, examining board or affiliated  
19 credentialing board in the department of regulation and licensing that grants a  
20 credential.

21 (d) "License" means any of the following:

22 1. An approval specified in s. 29.091 (1) (a).

23 2. A license issued by the department of health and family services under s.  
24 48.66 (1) to a child welfare agency, as required by s. 48.60, a group home, as required

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1 by s. 48.625, a shelter care facility, as required by s. 938.22, or a day care center, as  
2 required by s. 48.65.

3 3. A license, certificate of approval, provisional license, conditional license,  
4 certification, registration or approval specified in s. 50.03 (4) (a) 1. a. or b. or (4m) (a)  
5 or (b), 50.034 (1) (a) or (b), 50.04 (6) (a), 50.05 (13), 50.35, 50.49 (6) (a) or (10), 50.52  
6 (2), 50.92 (2), 50.93 (3), 51.038, 51.04, 51.45 (8), 146.60 (3) or (3m) or 343.305 (6); a  
7 certification issued by the department of health and family services under s. 50.032  
8 (1m) (b); a license or permit issued by the department of health and family services  
9 under s. 50.033 (1m) (b) or 343.305 (6); or a certification required by rule under s.  
10 51.42 (7) (b) 11. or 51.421 (3) (a).

11 4. A license, registration or registration certificate specified in s. 93.13 (1).

12 5. A license, as defined in s. 101.02 (20) (a).

13 6. A license or certificate of registration issued by the department of financial  
14 institutions, or a division thereof, under s. 138.09, 138.12, 217.06, 218.01, 218.02,  
15 218.04, 218.05 or 224.72 or under subch. III of ch. 551.

16 7. A license issued by the department of transportation under s. 218.11, 218.12,  
17 218.22, 218.32, 343.61 or 343.62, or a license described in s. 218.01 (2) (d) 1., 2., 3.  
18 or 5.

19 8. A license, registration or certification specified in s. 299.07 (1) (a).

20 9. A credential.

21 10. A license or permit granted by the department of public instruction.

22 11. A license to practice law.

23 (e) "Licensing department" means the department of agriculture, trade and  
24 consumer protection; the department of commerce; the department of financial  
25 institutions; the department of health and family services; the department of natural

**SENATE BILL 77****SECTION 2364**

1 resources; the department of public instruction; the department of regulation and  
2 licensing; or the department of transportation.

3 (f) "Nondelinquency certificate" means a certificate, issued by the department  
4 of revenue to a person, stating that the person is not delinquent in the payment of  
5 taxes, including penalties, interest, fees and costs, under ch. 71, 72, 76, 77, 78, 125  
6 or 139.

7 **(2) DUTIES OF LICENSING DEPARTMENTS AND CREDENTIALING BOARDS.** (a) Each  
8 licensing department and the supreme court, if the supreme court agrees, shall enter  
9 into a memorandum of understanding with the department of revenue under sub. (4)  
10 (a) that requires the licensing department or supreme court to do all of the following  
11 after March 31, 1998:

12 1. Request the department of revenue to certify whether an applicant for a  
13 license or license renewal or continuation is liable for delinquent taxes. With respect  
14 to an applicant for a license granted by a credentialing board, the department of  
15 regulation and licensing shall make a request under this subdivision on behalf of a  
16 credentialing board.

17 2. Request the department of revenue to certify whether a license holder is  
18 liable for delinquent taxes. With respect to a holder of a license granted by a  
19 credentialing board, the department of regulation and licensing shall make a request  
20 under this subdivision on behalf of a credentialing board.

21 (b) Each licensing department, credentialing board and the supreme court, if  
22 the supreme court agrees, shall do all of the following:

23 1. a. If, after a request is made under par. (a) 1. or 2., the department of revenue  
24 certifies that the license holder or applicant for a license or license renewal or  
25 continuation is liable for delinquent taxes, revoke the license or deny the application

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1 for the license or license renewal or continuation. A revocation or denial under this  
2 subd. 1. a. is not subject to administrative or, except as provided in subd. 2., judicial  
3 review under ch. 227.

4 b. Mail a notice of revocation or denial under subd. 1. a. to the license holder  
5 or applicant. The notice shall include a statement of the facts that warrant the  
6 revocation or denial and a statement that the license holder or applicant may, within  
7 30 days after the date on which the notice of denial or revocation is mailed, file a  
8 written request with the department of revenue to have the certification of tax  
9 delinquency on which the revocation or denial is based reviewed at a hearing under  
10 sub. (5) (a).

11 2. If notified by the department of revenue that the department of revenue has  
12 affirmed a certification of tax delinquency after a hearing under sub. (5) (a), affirm  
13 a revocation or denial under subd. 1. a. A license holder or applicant may seek  
14 judicial review under ch. 227, in the circuit court for Dane County, of an affirmation  
15 of a revocation or denial under this subdivision.

16 3. If a person submits a nondelinquency certificate issued under sub. (5) (b) 1.,  
17 reinstate the license or grant the application for the license or license renewal or  
18 continuation, unless there are other grounds for revoking the license or for denying  
19 the application for the license or license renewal or continuation. Notwithstanding  
20 any other fee required or permitted by law, no fee may be charged for reinstatement  
21 of a license by law, no fee may be charged for reinstatement of a license under this  
22 subdivision.

23 4. If a person whose license has been revoked or application for a license or  
24 license renewal or continuation has been denied under subd. 1. a. submits a  
25 nondelinquency certificate issued under sub. (3) (a) 2., reinstate the license or grant

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1 the person's application for the license or license renewal or continuation, unless  
2 there are other grounds for not reinstating the license or for denying the application  
3 for the license or license renewal or continuation.

4 **(3) DUTIES AND POWERS OF DEPARTMENT OF REVENUE.** (a) The department of  
5 revenue shall do all of the following:

6 1. Enter into a memorandum of understanding with each licensing department  
7 and the supreme court, if the supreme court agrees, under sub. (4) (a).

8 2. Upon the request of any applicant for issuance, renewal, continuation or  
9 reinstatement of a license whose license has been previously revoked or whose  
10 application for a license or license renewal or continuation has been previously  
11 denied under sub. (2) (b) 1. a., issue a nondelinquency certificate to the applicant if  
12 the applicant is not liable for delinquent taxes.

13 (b) If a request for certification is made under sub. (2) (a) 1. or 2., the  
14 department of revenue may, in accordance with a memorandum of understanding  
15 entered into under par. (a) 1., certify to the licensing department or the supreme  
16 court that the applicant or license holder is liable for delinquent taxes.

17 **(4) MEMORANDUM OF UNDERSTANDING.** (a) Each memorandum of understanding  
18 shall include procedures that do all of the following:

19 1. Establish requirements for making requests under sub. (2) (a) 1. and 2.,  
20 including when a licensing department or the supreme court shall make requests  
21 under sub. (2) (a) 1. and 2., and for making certifications under sub. (3) (b). If the  
22 memorandum of understanding is with the department of regulation and licensing,  
23 the memorandum of understanding shall include requirements for the department  
24 of regulation and licensing to make requests on behalf of credentialing boards under

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1 sub. (2) (a) 1. and 2., including when the department of regulation and licensing shall  
2 make requests on behalf of credentialing boards under sub. (2) (a) 1. and 2.

3 2. Implement the requirements specified in sub. (2) (b) 3. and 4.

4 (b) Factors such as the need to issue licenses in a timely manner, the  
5 convenience of applicants, the impact on collecting delinquent taxes and whether a  
6 revocation or denial under sub. (2) (b) 1. a. will have an impact on public health,  
7 safety or welfare shall be considered in establishing requirements under par. (a) 1.

8 **(5) HEARING.**

9 (b) After a hearing conducted under par. (a), the department of revenue shall  
10 do one of the following:

11 1. Issue a nondelinquency certificate to a license holder or an applicant for a  
12 license or license renewal or continuation if the department determines that the  
13 license holder or applicant is not liable for delinquent taxes. For a hearing requested  
14 by an applicant for certification or recertification or a certificate holder under s. 73.09  
15 (7m) (b), the department shall grant a certification or recertification or reinstate a  
16 certification if the department determines that the applicant or certificate holder is  
17 not liable for delinquent taxes, unless there are other grounds for denying the  
18 application or revoking the certification.

19 2. Provide notice to a license holder, to an applicant for a license or license  
20 renewal or continuation and to the licensing department or the supreme court, if the  
21 supreme court agrees, that the department of revenue has affirmed its certification  
22 of tax delinquency. For a hearing requested by an applicant for certification or  
23 recertification or a certificate holder under s. 73.09 (7m) (b), the department of  
24 revenue shall provide notice to the applicant or certificate holder that the  
25 department of revenue has affirmed its determination of tax delinquency.



**SENATE BILL 77****SECTION 2365**

1           **SECTION 2365.** 73.0305 of the statutes is repealed and recreated to read:

2           **73.0305 Revenue limits calculations.** The department of revenue shall  
3 annually determine and certify to the state superintendent of public instruction, no  
4 later than the 4th Monday in June, the allowable rate of increase for the limit  
5 imposed under subch. VII of ch. 121. For that limit, the allowable rate of increase  
6 is the percentage change in the consumer price index for all urban consumers, U.S.  
7 city average, between the preceding March 31 and the 2nd preceding March 31, as  
8 computed by the federal department of labor.

9           **SECTION 2366.** 73.09 (6m) of the statutes is created to read:

10           **73.09 (6m) SOCIAL SECURITY NUMBERS.** Each applicant for certification or  
11 recertification under this section shall provide the applicant's social security number  
12 on the application. The department of revenue may not disclose a social security  
13 number that it obtains under this subsection. The department of revenue may not  
14 certify or recertify any person who fails to provide his or her social security number  
15 on his or her application.

16           **SECTION 2367.** 73.09 (7) (e) of the statutes is amended to read:

17           **73.09 (7) (e)** The secretary of revenue, for reasons sufficient, may reinstate a  
18 certificate of registration that has been revoked under this subsection, after one year  
19 upon formal application for reinstatement.

20           **SECTION 2368.** 73.09 (7m) of the statutes is created to read:

21           **73.09 (7m) LIABILITY FOR DELINQUENT TAXES.** (a) If the department of revenue  
22 determines that an applicant for certification or recertification under this section or  
23 a person who holds a certificate issued under this section is liable for delinquent  
24 taxes, as defined in s. 73.0301 (1) (c), the department of revenue may deny the

**SENATE BILL 77****SECTION 2368**

1 application or revoke the certificate. Except as provided in par. (c), a denial or  
2 revocation under this paragraph is not subject to judicial review.

3 (b) If the department of revenue denies an application or revokes a certificate  
4 under par. (a), the department shall mail a notice of denial or revocation to the  
5 applicant or certificate holder. The notice shall include a statement of the facts that  
6 warrant the denial or revocation and a statement that the applicant or certificate  
7 holder may, within 30 days after the date on which the notice of denial or revocation  
8 is mailed, file a written request with the department to have the determination that  
9 he or she is liable for delinquent taxes reviewed at a hearing under s. 73.0301 (5) (a).

10 (c) If, after a hearing under s. 73.0301 (5) (a), the department of revenue affirms  
11 a determination under par. (a) that an applicant or certificate holder is liable for  
12 delinquent taxes, the department shall affirm its denial or revocation. An applicant  
13 or certificate holder may seek judicial review under ch. 227 in the circuit court for  
14 Dane County of an affirmation by the department of a denial or revocation under this  
15 paragraph.

16 (d) If, after a hearing under s. 73.0301 (5) (a), the department of revenue  
17 determines that a person whose certificate is revoked under par. (a) is not liable for  
18 delinquent taxes, as defined in s. 73.0301 (1) (c), the department shall reinstate the  
19 certificate. The department may not charge a fee for reinstatement of a certificate  
20 under this paragraph.

21 **SECTION 2369.** 74.09 (2m) of the statutes is repealed.

22 **SECTION 2370.** 74.11 (13) of the statutes is created to read:

23 74.11 (13) **PAYMENT BY CREDIT CARD.** A municipality or county may accept  
24 payment by credit card of the amounts due under this section. A municipality or

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1 county that allows such payment may impose a surcharge to recover the costs that  
2 it owes to credit card companies.

3 **SECTION 2371.** 74.12 (13) of the statutes is created to read:

4 74.12 (13) PAYMENT BY CREDIT CARD. A municipality or county may accept  
5 payment by credit card of the amounts due under this section. A municipality or  
6 county that allows such payment may impose a surcharge to recover the amounts  
7 that it owes to credit card companies.

8 **SECTION 2372.** 74.87 (9) of the statutes is created to read:

9 74.87 (9) PAYMENT BY CREDIT CARD. A city may accept payment by credit card  
10 of the amounts due under this section. A city that allows such payment may impose  
11 a surcharge to recover the amounts that it owes to credit card companies.

12 **SECTION 2373.** 75.105 of the statutes is created to read:

13 **75.105 Cancellation of delinquent real property taxes on property**  
14 **contaminated by hazardous substances. (1) DEFINITIONS.** In this section:

15 (a) "Department" means the department of natural resources.

16 (b) "Discharge" has the meaning given in s. 292.01 (3).

17 (c) "Hazardous substance" has the meaning given in s. 292.01 (5).

18 **(2) CANCELLATION AUTHORIZED.** At any time before the recording of a tax deed  
19 based on a tax certificate issued on property for nonpayment of taxes, the governing  
20 body of a county may cancel all or a portion of the unpaid real property taxes for  
21 which a tax certificate has been issued plus interest and penalties on those taxes on  
22 the property if all of the following apply:

23 (a) The property is contaminated by a hazardous substance.

24 (b) An environmental investigation of the property has been conducted that is  
25 approved by the department.

**SENATE BILL 77****SECTION 2373**

1 (c) The owner of the property or another person agrees to clean up the property  
2 by restoring the environment to the extent practicable and minimizing the harmful  
3 effects from a discharge of a hazardous substance in accordance with rules that the  
4 department promulgates.

5 (d) The owner of the property or another person agrees to obtain a certificate  
6 of completion from the department indicating that the requirements of par. (c) have  
7 been satisfied.

8 (e) The owner of the property agrees to maintain and monitor the property as  
9 required under rules that the department promulgates and under any contract  
10 entered into under those rules.

11 **(3) ADMINISTRATION.** Upon the cancellation of all or a portion of real property  
12 taxes under sub. (2), the county treasurer shall execute and provide to the owner of  
13 the property a statement identifying the property for which taxes have been  
14 cancelled and shall enter on the tax certificate the date upon which the taxes were  
15 cancelled and the amount of taxes cancelled.

16 **(4) CERTAIN CITIES AUTHORIZED.** A city authorized to proceed under s. 74.87 may  
17 act under this section with respect to unpaid real property taxes for which it has  
18 settled with other taxing jurisdictions.

19 **SECTION 2374.** 76.13 (2) of the statutes is amended to read:

20 76.13 **(2)** Every tax roll upon completion shall be delivered to the state  
21 treasurer and a copy of the tax roll filed with the secretary of administration. The  
22 department shall notify, by certified mail, all companies listed on the tax roll of the  
23 amount of tax due, which shall be paid to the department. The payment dates  
24 provided for in sub. (2a) shall apply. The payment of one-fourth of the tax of any  
25 company may, if the company has brought an action in the Dane county circuit court

**SENATE BILL 77****SECTION 2374**

1 under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time  
2 prior to the date upon which the appeal becomes final, but any part of the tax  
3 ultimately required to be paid shall bear interest from the original due date to the  
4 date the appeal became final at the rate of 12% per year and at 1.5% per month  
5 thereafter until paid. The taxes extended against any company after the same  
6 become due, with interest, shall be a lien upon all the property of the company prior  
7 to all other liens, claims and demands whatsoever, except as provided in ss. 292.31  
8 (8) (i), ~~292.41 (6) (d)~~ and 292.81, which lien may be enforced in an action in the name  
9 of the state in any court of competent jurisdiction against the property of the  
10 company within the state as an entirety.

11 **SECTION 2375.** 76.22 (1) of the statutes is amended to read:

12 76.22 (1) The taxes levied upon and extended against the property of any  
13 company defined in s. 76.02, after the same become due, with interest thereon, shall  
14 become a lien upon the property of such company within the state prior to all other  
15 liens, debts, claims or demands whatsoever, except as provided in ss. 292.31 (8) (i),  
16 ~~292.41 (6) (d)~~ and 292.81, which lien may be enforced in an action in the name of the  
17 state in any state court of competent jurisdiction against such company and against  
18 the property of such company within the state. The place of the trial shall not be  
19 changed from the county in which any such action is commenced, except upon  
20 consent of parties.

21 **SECTION 2376.** 76.39 (5) of the statutes is amended to read:

22 76.39 (5) Delinquent taxes, penalties, interest and late filing fees shall be a lien  
23 upon the property of any railroad company or car line company prior to all other liens,  
24 claims and demands, except as provided in ss. 292.31 (8) (i), ~~292.41 (6) (d)~~ and 292.81,  
25 which lien may be enforced in any action in the name of the state in any court of

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1 competent jurisdiction. All provisions of law for enforcing payment of delinquent  
2 income or franchise taxes under ch. 71 or enforcing payment of delinquent taxes  
3 based on the value of property under this chapter shall be available to collection of  
4 taxes on gross receipts in this state levied under this section.

5 **SECTION 2377.** 76.84 (3) of the statutes is amended to read:

6 76.84 (3) From the revenues collected under this subchapter, the department  
7 shall transfer credit to the appropriation account under s. 20.566 (2) (ht) ~~in 1997-98~~  
8 ~~\$307,300, in 1998-99 \$283,300 and in 1999-2000 and thereafter~~ the amounts  
9 necessary to administer the tax under this subchapter.

10 **SECTION 2378.** 76.90 (2) of the statutes is repealed and recreated to read:

11 76.90 (2) "Commercial mobile service" has the meaning given in 47 USC 332  
12 (d).

13 **SECTION 2379.** 76.91 (intro.) of the statutes is amended to read:

14 **76.91 Imposition.** (intro.) For 1999 and 2000, there is imposed on each  
15 ~~cellular mobile radio telecommunications utility~~ person that provides commercial  
16 mobile service and on each person that, on June 6, 1996, provides basic local  
17 exchange service a transitional adjustment fee. Taxpayers shall pay the tax during  
18 May 1998, November 1998, May 1999, November 1999 and May 2000. For each  
19 month that a fee is due under this subchapter, the taxpayer shall pay to the  
20 department an amount calculated as follows:

21 **SECTION 2380.** 77.51 (2) of the statutes is amended to read:

22 77.51 (2) "Contractors" and "subcontractors" are the consumers of tangible  
23 personal property used by them in real property construction activities and the sales  
24 and use tax applies to the sale of tangible personal property to them. ~~In this~~  
25 ~~subsection, "real property construction activities" include the fabrication of modular~~

**SENATE BILL 77****SECTION 2380**

1 units designed and fabricated for a specific prefabricated building to be affixed to  
2 land at a particular location designated by the purchaser before the fabrication of the  
3 modules if the modular units will have a realty function and will become a permanent  
4 accession to the realty. A contractor engaged primarily in real property construction  
5 activities may use resale certificates only with respect to purchases of property which  
6 the contractor has sound reason to believe the contractor will sell to customers for  
7 whom the contractor will not perform real property construction activities involving  
8 the use of such property. In this subsection, "real property construction activities"  
9 means activities that occur at a site where tangible personal property that is applied  
10 or adapted to the use or purpose to which real property is devoted is affixed to that  
11 real property, if the intent of the person who affixes that property is to make a  
12 permanent accession to the real property. In this subsection, "real property  
13 construction activities" do not include affixing to real property tangible personal  
14 property that remains tangible personal property after it is affixed.

15 **SECTION 2381.** 77.51 (3r) of the statutes is created to read:

16 77.51 (3r) "File" means mail or deliver a document that the department  
17 prescribes to the department or, if the department prescribes another method of  
18 submitting or another destination, use that other method or submit to that other  
19 destination.

20 **SECTION 2382.** 77.51 (4) (b) 3. of the statutes is amended to read:

21 77.51 (4) (b) 3. In all transactions, except those to which subd. 7. applies, in  
22 which an article of tangible personal property is traded toward the purchase of an  
23 article of greater value, the gross receipts shall be only that portion of the purchase  
24 price represented by the difference between the full purchase price of the article of  
25 greater value and the amount allowed for the article traded.

**SENATE BILL 77****SECTION 2383**

1           **SECTION 2383.** 77.51 (4) (b) 7. of the statutes is created to read:

2           77.51 (4) (b) 7. For the sale of a manufactured building, as defined in s. 101.71  
3 (6); at the retailer's option, except that after a retailer chooses an option, the retailer  
4 may not use the other option for other sales without the department's written  
5 approval; either 35% of the gross receipts or an amount equal to the gross receipts  
6 minus the cost of the materials that become an ingredient or component part of the  
7 building.

8           **SECTION 2384.** 77.51 (15) (b) 4. of the statutes is amended to read:

9           77.51 (15) (b) 4. In all transactions, except those to which subd. 6. applies, in  
10 which an article of tangible personal property is traded toward the purchase of an  
11 article of greater value, the sales price shall be only that portion of the purchase price  
12 represented by the difference between the full purchase price of the article of greater  
13 value and the amount allowed for the article traded.

14           **SECTION 2385.** 77.51 (15) (b) 6. of the statutes is created to read:

15           77.51 (15) (b) 6. For the sale of a manufactured building, as defined in s. 101.71  
16 (6); at the retailer's option, except that after a retailer chooses an option, the retailer  
17 may not use the other option for other sales without the department's written  
18 approval; either 35% of the sales price or an amount equal to the sales price minus  
19 the cost of the materials that become an ingredient or component part of the building.

20           **SECTION 2386.** 77.51 (17r) of the statutes is created to read:

21           77.51 (17r) "Sign" means write one's signature or, if the department prescribes  
22 another method of authenticating, use that other method.

23           **SECTION 2387.** 77.52 (2) (a) 5. of the statutes is amended to read:



**SENATE BILL 77****SECTION 2387**

1           77.52 (2) (a) 5. The sale of telecommunications services that either originate  
2           or terminate in this state and are charged to a service address in this state,  
3           regardless of the location where that charge is billed or paid.

4           **SECTION 2388.** 77.52 (2) (a) 5m. of the statutes is created to read:

5           77.52 (2) (a) 5m. The sale of services that consist of taking messages by  
6           telephone and transmitting them to the purchaser of the service or at that  
7           purchaser's direction, but not including those services if they are merely an  
8           incidental element of another service that is sold to that purchaser.

9           **SECTION 2389.** 77.52 (2) (a) 5r. of the statutes is created to read:

10          77.52 (2) (a) 5r. The sale of services that consist of recording messages for a  
11          particular person into a central computer database and activating those messages  
12          for that person when the computer is accessed for the messages.

13          **SECTION 2390.** 77.52 (2) (a) 6. of the statutes is amended to read:

14          77.52 (2) (a) 6. Laundry, dry cleaning, pressing and dyeing services, except  
15          when performed on raw materials or goods in process destined for sale, and except  
16          when performed on cloth diapers by a diaper service ~~and except when the service is~~  
17          ~~performed by the customer through the use of coin-operated, self-service machines.~~

18          **SECTION 2391.** 77.52 (17m) (a) of the statutes is amended to read:

19          77.52 (17m) (a) A person who holds a valid certificate issued under s. 73.03 (50)  
20          may apply for a direct pay permit by ~~submitting to the department~~ filing a completed  
21          form that the department prescribes.

22          **SECTION 2392.** 77.53 (1m) (a) of the statutes is amended to read:

23          77.53 (1m) (a) If the motor vehicle is assigned to and used by an employe of the  
24          dealer for whom the dealer is required to withhold amounts for federal income tax  
25          purposes or by a person who both has an ownership interest in the dealership and

**SENATE BILL 77****SECTION 2392**

1 actively participates in the daily operation of the dealership, \$96 per month for each  
2 motor vehicle registration plate held by the dealer, except that beginning in 1997 the  
3 department shall annually, as of January 1, adjust the dollar amount under this  
4 paragraph, rounded to the nearest whole dollar, to reflect the annual percentage  
5 change in the U.S. consumer price index for all urban consumers, U.S. city average,  
6 as determined by the U.S. department of labor, for the 12 months ending on June 30  
7 of the year before the change.

8 **SECTION 2393.** 77.54 (3m) of the statutes is repealed and recreated to read:

9 77.54 (3m) The gross receipts from the sale of and the storage, use or other  
10 consumption of the following items if they are used exclusively by the purchaser or  
11 user in the business of farming; including dairy farming, agriculture, horticulture,  
12 floriculture and custom farming services:

13 (a) Seeds for planting.

14 (b) Plants.

15 (c) Feed.

16 (d) Fertilizer.

17 (e) Soil conditioners.

18 (f) Animal bedding.

19 (g) Sprays, pesticides and fungicides.

20 (h) Breeding and other livestock.

21 (i) Poultry.

22 (j) Farm work stock.

23 (k) Baling twine and baling wire.

24 (L) Containers for fruits, vegetables, grain, hay, silage and animal wastes.

**SENATE BILL 77****SECTION 2393**

1 (m) Plastic bags, plastic sleeves and plastic sheeting used to store or cover hay  
2 or silage.

3 **SECTION 2394.** 77.58 (1m) of the statutes is created to read:

4 77.58 (1m) Persons who owe amounts under this subchapter shall pay them  
5 by mailing or delivering them to the department or, if the department prescribes  
6 another method of submitting or another destination, those persons shall pay those  
7 amounts in that other method or to that other destination, except that the  
8 department may require any person who pays under sub. (1) (b) to do so  
9 electronically.

10 **SECTION 2395.** 77.61 (5) (b) 10. of the statutes is repealed and recreated to read:

11 77.61 (5) (b) 10. A licensing department or the supreme court, if the supreme  
12 court agrees, for the purpose of denial, nonrenewal, discontinuation and revocation  
13 of a license based on tax delinquency under s. 73.0301.

14 **SECTION 2396.** 77.61 (5) (b) 11. of the statutes is created to read:

15 77.61 (5) (b) 11. Any person who makes the request under s. 49.22 (2m).

16 **SECTION 2397.** 77.61 (14) of the statutes is amended to read:

17 77.61 (14) Documents and payments required or permitted under this  
18 subchapter that are mailed are timely furnished, filed or made if they are mailed in  
19 a properly addressed envelope with the postage duly prepaid, if the envelope is  
20 postmarked before midnight of the due date and if the document or payment is  
21 received by the department, or at the destination that the department prescribes,  
22 within 5 days after the prescribed date. Documents and payments that are not  
23 mailed are timely if they are received on or before the due date by the department  
24 or at the destination that the department designates.

25 **SECTION 2398.** 77.62 (1) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2398**

1           77.62 (1) (intro.) The department of revenue may exercise the powers vested  
2 in it by ss. 71.80 (12), 71.82 (2), 71.91 (1) (a) and (c), (2) to (5m), and (7) ~~and (8) and~~,  
3 71.92 and 73.0301 in connection with collection of delinquent sales and use taxes  
4 including, without limitation because of enumeration, the power incorporated by  
5 reference in s. 71.91 (5) (j), and the power to:

6           **SECTION 2399.** 77.75 of the statutes is amended to read:

7           **77.75 Reports.** Every person subject to county or special district sales and use  
8 taxes shall, for each reporting period, record that person's sales made in the county  
9 or special district that has imposed those taxes separately from sales made  
10 elsewhere in this state and file a report of the measure of the county or special district  
11 sales and use taxes and the tax due thereon separately ~~to the department of revenue~~  
12 ~~on forms to be provided by the department.~~

13           **SECTION 2400.** 77.92 (1m) of the statutes is created to read:

14           77.92 (1m) "File" means mail or deliver a document that the department  
15 prescribes to the department or, if the department prescribes another method of  
16 submitting or another destination, use that other method or submit to that other  
17 destination.

18           **SECTION 2401.** 77.92 (4) of the statutes is amended to read:

19           77.92 (4) "Net business income", with respect to a partnership or limited  
20 liability company, means taxable income as calculated under section 703 of the  
21 internal revenue code; plus the items of income and gain under section 702 of the  
22 internal revenue code; minus the items of loss and deduction under section 702 of the  
23 internal revenue code; plus payments treated as not made to partners under section  
24 707 (a) of the internal revenue code; plus the credits claimed under s. 71.07 (2dd),  
25 (2de), (2di), (2dj), (2dL), (2dr) ~~and~~, (2ds) and (2dx); but excluding income, gain, loss

**SENATE BILL 77****SECTION 2401**

1 and deductions from farming. "Net business income", with respect to a natural  
2 person, estate or trust, means profit from a trade or business for federal income tax  
3 purposes and includes net income derived as an employe as defined in section 3121  
4 (d) (3) of the internal revenue code.

5 **SECTION 2402.** 77.96 (5) of the statutes is amended to read:

6 77.96 (5) Each person subject to a surcharge under s. 77.93 shall, on or before  
7 the due date, including extensions, for filing under ch. 71, file ~~with the department~~  
8 ~~of revenue, on a form prescribed by the department,~~ an accurate statement of its  
9 gross tax liability or net business income. Payments made after the due date under  
10 sub. (2) and on or before the due date under this subsection are not delinquent but  
11 are subject to interest at the rate of 12% per year.

12 **SECTION 2403.** 77.96 (5m) of the statutes is created to read:

13 77.96 (5m) Persons who owe amounts under this subchapter shall mail or  
14 deliver those amounts to the department of revenue or, if that department prescribes  
15 another method of submitting or another destination, those persons shall use that  
16 other method or submit those amounts to that other destination.

17 **SECTION 2404.** 77.98 of the statutes is amended to read:

18 **77.98 Imposition.** A local exposition district under subch. II of ch. 229 or a unit  
19 of government that establishes a commission to create a premier resort center under  
20 s. 66.30 (3q) may impose a tax on the retail sale, except sales for resale, within the  
21 district's jurisdiction under s. 229.43, or within the unit of government's jurisdiction,  
22 of products that are subject to a tax under s. 77.54 (20) (c) 1. to 3. and not exempt from  
23 the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) or (20) (c) 5.

24 **SECTION 2405.** 77.981 of the statutes is renumbered 77.981 (1) and amended  
25 to read:

**SENATE BILL 77****SECTION 2405**

1           77.981 (1) The tax imposed by a district under s. 77.98 is imposed on the sale  
2 of taxable products at the rate of 0.25% of the gross receipts, except that the district,  
3 by a vote of a majority of the authorized members of its board of directors, may impose  
4 the tax at the rate of 0.5% of the gross receipts. A majority of the authorized members  
5 of the district's board may vote that, if the balance in a special debt service reserve  
6 fund of the district is less than the requirement under s. 229.50 (5), the tax rate under  
7 this subchapter for taxes that a district imposes is 0.5%. The 0.5% rate shall be  
8 effective on the next January 1, April 1, July 1 or October 1, and ~~this~~ the tax that a  
9 district imposes is irrevocable if any bonds issued by the district and secured by the  
10 special debt service reserve fund are outstanding.

11           **SECTION 2406.** 77.981 (2) of the statutes is created to read:

12           77.981 (2) The tax imposed by a unit of government under s. 77.98 is imposed  
13 on the sale, in the unit of government, of taxable products at a rate of 0.1%, 0.2%,  
14 0.3%, 0.4% or 0.5%, as determined by a majority of the authorized members of the  
15 governing body of the unit of government. This tax is irrevocable if any bonds that  
16 are issued by the unit of government and that are funded by the tax under this  
17 subchapter are outstanding.

18           **SECTION 2407.** 77.9815 of the statutes is created to read:

19           **77.9815 Exemption.** Any retailer whose liability for the tax under this  
20 subchapter would be less than \$5 for a year is exempt from that tax for that year.

21           **SECTION 2408.** 77.982 (3) of the statutes is amended to read:

22           77.982 (3) From the appropriation under s. 20.835 (4) (gg), the department of  
23 revenue shall distribute 97% of the taxes collected under this subchapter for each  
24 district to that district, and 97% of the taxes collected under this subchapter for each  
25 unit of government to that unit of government, no later than the end of the month

**SENATE BILL 77****SECTION 2408**

1 following the end of the calendar quarter in which the amounts were collected. The  
2 taxes distributed shall be increased or decreased to reflect subsequent refunds, audit  
3 adjustments and all other adjustments. Interest paid on refunds of the tax under  
4 this subchapter shall be paid from the appropriation under s. 20.835 (4) (gg) at the  
5 rate under s. 77.60 (1) (a). Those taxes may be used only for the district's or unit of  
6 government's debt service on its bond obligations. Any district or unit of government  
7 that receives a report along with a payment under this subsection is subject to the  
8 duties of confidentiality to which the department of revenue is subject under s. 77.61  
9 (5).

10 **SECTION 2409.** 77.983 of the statutes is renumbered 77.983 (1).

11 **SECTION 2410.** 77.983 (2) of the statutes is created to read:

12 77.983 (2) Retailers and the department of revenue may not collect taxes under  
13 this subchapter for any unit of government after the calendar quarter during which  
14 all bonds that are issued by the unit of government and that are funded by the tax  
15 under this subchapter are retired, except that the department may collect from  
16 retailers taxes that accrued before that calendar quarter and interest and penalties  
17 that relate to those taxes.

18 **SECTION 2411.** 78.005 (6m) of the statutes is created to read:

19 78.005 (6m) "File" means mail or deliver a document that the department  
20 prescribes to the department or, if the department prescribes another method of  
21 submitting or another destination, use that other method or submit to that other  
22 destination.

23 **SECTION 2412.** 78.005 (13r) of the statutes is created to read:

24 78.005 (13r) "Sign" means write one's signature or, if the department  
25 prescribes another method of authenticating, use that other method.

**SENATE BILL 77****SECTION 2413**

1           **SECTION 2413.** 78.01 (2) (e) of the statutes is amended to read:

2           78.01 **(2)** (e) Gasoline sold for nonhighway use in mobile machinery and  
3 equipment; other than use in a snowmobile, an all-terrain vehicle that is not  
4 registered for private use under s. 23.33 (2) (d) or (2g) or a recreational motorboat;  
5 and delivered directly into the consumer's storage tank in an amount of not less than  
6 100 gallons.

7           **SECTION 2414.** 78.01 (2m) (f) of the statutes is amended to read:

8           78.01 **(2m)** (f) It is sold for off-highway use other than use in a snowmobile, in  
9 an all-terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or  
10 (2g) or in a recreational motorboat or if no claim for a refund for the tax on the diesel  
11 fuel may be made under s. 78.75 (1m) (a) 3.

12           **SECTION 2415.** 78.09 (2) of the statutes is amended to read:

13           78.09 **(2)** To procure a license, a supplier who holds a valid certificate issued  
14 under s. 73.03 (50) shall file with the department an application ~~prescribed and~~  
15 ~~furnished by the department and verified~~ signed by the owner of the business if the  
16 owner is an individual, partnership or unincorporated association or by the  
17 president and secretary if the owner is a corporation.

18           **SECTION 2416.** 78.09 (5) of the statutes is amended to read:

19           78.09 **(5)** To procure an export license, an exporter who holds a valid certificate  
20 issued under s. 73.03 (50) shall file with the department an application ~~prescribed~~  
21 ~~and furnished by the department and verified~~ signed by the owner of the business  
22 if the owner is an individual, partnership or unincorporated association or by the  
23 president and secretary if the owner is a corporation.

24           **SECTION 2417.** 78.12 (2) (intro.) of the statutes is renumbered 78.12 (2) and  
25 amended to read:



**SENATE BILL 77****SECTION 2417**

1           78.12 (2) REPORTS OF LICENSEES. Each licensee shall, not later than the last day  
2 of each month, file ~~with the department, or, if the department so requires, file~~  
3 ~~electronically with any state agency that the department specifies, on forms~~  
4 ~~prescribed and furnished by the department,~~ a report that indicates for the month  
5 before the month during which the report is due ~~the following:~~

6           **SECTION 2418.** 78.12 (2) (a) to (c) of the statutes are repealed.

7           **SECTION 2419.** 78.12 (5) (a) of the statutes is amended to read:

8           78.12 (5) (a) Licensed suppliers shall pay taxes on motor vehicle fuel no later  
9 than the 15th day of the month for motor vehicle fuel sold during the previous month.  
10 At the option of a wholesaler distributor, a licensed supplier shall allow the  
11 wholesaler distributor to delay paying the tax to the licensed supplier until the date  
12 that the tax is due to this state. A wholesaler distributor who makes delayed  
13 payments shall make the payments by electronic funds transfer. If a wholesaler  
14 distributor fails to make timely payments, the licensed supplier may terminate the  
15 right of the wholesaler distributor to make delayed payments. Each licensed  
16 supplier shall notify the department of each wholesaler distributor who makes  
17 delayed payments of the tax. The department may require any wholesaler  
18 distributor who makes delayed payments of the tax to ~~file with~~ furnish the  
19 department a surety bond payable to this state in an amount not to exceed 3 times  
20 the highest estimated monthly tax owed by the wholesaler distributor. Whenever the  
21 wholesaler distributor pays the licensed supplier, the licensed supplier shall credit  
22 the wholesaler distributor's account for the amount of tax reduction that results from  
23 the calculation under s. 78.12 (4) (a) 2.

24           **SECTION 2420.** 78.12 (5) (b) of the statutes is repealed and recreated to read:

**SENATE BILL 77****SECTION 2420**

1           78.12 (5) (b) Licensees shall mail or deliver tax revenue to the department or,  
2 if the department prescribes another method of submitting or another destination,  
3 use that other method or submit to that other destination.

4           **SECTION 2421.** 78.20 (1m) of the statutes is amended to read:

5           78.20 (1m) Any person who operates a service station, store, garage or other  
6 place of business within this state for the retail sale of gasoline therefrom who has  
7 paid the tax required by this subchapter on the gasoline received into that person's  
8 storage at such place of business shall be reimbursed and repaid 0.5% of such tax to  
9 cover shrinkage and evaporation losses upon making and filing a claim ~~with the~~  
10 ~~department on forms prescribed and furnished by it.~~

11           **SECTION 2422.** 78.20 (4) of the statutes is amended to read:

12           78.20 (4) On the filing of a claim under sub. (3), accompanied by the invoice or  
13 a list of purchases, the department shall determine the amount of refund due. The  
14 department may make such investigation of the correctness of the facts stated in  
15 such claim as it deems necessary. When the department has approved such claim  
16 it shall ~~pay~~ reimburse the claimant ~~the reimbursement herein provided~~ under this  
17 section out of the moneys collected under this chapter to be used for carrying out this  
18 section. No claim for refund shall be denied or the payment thereof withheld for  
19 failure of the invoice or list of purchases to show the amount of the Wisconsin motor  
20 vehicle fuel tax on the gasoline as a separate item if the amount of such tax is  
21 determinable from the information stated on the invoice or list of purchases.

22           **SECTION 2423.** 78.22 (1) of the statutes is amended to read:

23           78.22 (1) FLOOR TAX IMPOSED. On the date any motor vehicle fuel tax rate change  
24 becomes effective under s. 78.01, a floor tax is hereby imposed upon every person who  
25 is in possession of any motor vehicle fuel held for sale or resale and on which the

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1 motor vehicle fuel tax already has been imposed. The person shall determine the  
2 volume of motor vehicle fuel and shall file ~~with the department~~ by the 15th day of  
3 the month in which the new tax rate becomes effective a return, together with any  
4 tax due on it, determined in accordance with sub. (2).

5 **SECTION 2424.** 78.22 (3) (a) of the statutes is renumbered 78.22 (3).

6 **SECTION 2425.** 78.22 (3) (b) of the statutes is repealed.

7 **SECTION 2426.** 78.22 (4) of the statutes is amended to read:

8 78.22 (4) LATE FILING FEE. Any person who fails to file a motor vehicle fuel floor  
9 tax return when due shall pay a late filing fee of \$10. A return ~~shall be considered~~  
10 that is mailed is filed in time if it is mailed in a properly addressed envelope with 1st  
11 class postage duly prepaid and the envelope is officially postmarked on the date due  
12 and the return is actually received by the department or at the destination that the  
13 department prescribes within 5 days of the due date. A return that is not mailed is  
14 timely if it is received on or before the due date by the department or at the  
15 destination that the department prescribes.

16 **SECTION 2427.** 78.39 (4m) of the statutes is created to read:

17 78.39 (4m) "File" means mail or deliver a document that the department  
18 prescribes to the department or, if the department prescribes another method of  
19 submitting or another destination, use that other method or submit to that other  
20 destination.

21 **SECTION 2428.** 78.40 (1) of the statutes is amended to read:

22 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate  
23 determined under s. 78.405 is imposed on the use of alternate fuels. The tax, with  
24 respect to all alternate fuel delivered by an alternate fuel dealer into supply tanks  
25 of motor vehicles in this state, attaches at the time of delivery and shall be collected

**SENATE BILL 77****SECTION 2428**

1 by the dealer from the alternate fuels user and shall be paid to the department. The  
2 tax, with respect to alternate fuels acquired by any alternate fuels user other than  
3 by delivery by an alternate fuel dealer into a fuel supply tank of a motor vehicle, or  
4 of a snowmobile, an all-terrain vehicle that is not registered for private use under  
5 s. 23.33 (2) (d) or (2g) or a recreational motorboat, attaches at the time of the use of  
6 the fuel and shall be paid to the department by the user. The department may permit  
7 any supplier of alternate fuels to report and pay to the department the tax on  
8 alternate fuels delivered into the storage facility of an alternate fuels user or retailer  
9 which will be consumed for alternate fuels tax purposes or sold at retail.

10 **SECTION 2429.** 78.49 (1) (a) of the statutes is amended to read:

11 78.49 (1) (a) For the purpose of determining the amount of liability to the state  
12 for the tax under this subchapter, except as provided in par. (b), each alternate fuels  
13 licensee shall, not later than the last day of each month, file a monthly report for the  
14 next preceding month ~~with the department on forms furnished and prescribed by it.~~  
15 Such report shall contain a declaration by the licensee that the statements contained  
16 therein are accurate and are a true return of the amount of the alternate fuels tax  
17 due and shall be ~~subscribed~~ signed by the licensee or the licensee's duly authorized  
18 agent. ~~The report shall show, with reference to each location at which an alternate~~  
19 ~~fuel is delivered or placed by such licensee into a fuel supply tank of any motor~~  
20 ~~vehicle, the information that the department reasonably requires for the proper~~  
21 ~~administration and enforcement of the tax under this subchapter. The department~~  
22 ~~shall give due consideration to the varying types of operations and transactions in~~  
23 ~~specifying the information required.~~

24 **SECTION 2430.** 78.55 (2g) of the statutes is created to read:

25 78.55 (2g) "Department" means the department of revenue.

**SENATE BILL 77****SECTION 2431**

1           **SECTION 2431.** 78.55 (2r) of the statutes is created to read:

2           78.55 (2r) "File" means mail or deliver a document that the department  
3 prescribes to the department or, if the department prescribes another method of  
4 submitting or another destination, use that other method or submit to that other  
5 destination.

6           **SECTION 2432.** 78.55 (6) of the statutes is created to read:

7           78.55 (6) "Sign" means write one's signature or, if the department prescribes  
8 another method of authenticating, use that other method.

9           **SECTION 2433.** 78.58 (1) (a) of the statutes is amended to read:

10          78.58 (1) (a) For the purpose of determining the amount of the licensee's  
11 liability to the state for the tax imposed by this subchapter, except as provided in par.  
12 (b), each general aviation fuel licensee shall, not later than the 20th day of each  
13 month, file a monthly report for the next preceding month with the department on  
14 forms furnished and prescribed by it. The report shall contain a declaration by the  
15 licensee that the statements contained therein are accurate and are a true return of  
16 the amount of general aviation fuel tax due and shall be subscribed by the. The  
17 licensee or the licensee's duly authorized agent. The report shall show, with  
18 reference to each location at which general aviation fuel is delivered or placed by the  
19 licensee into a fuel supply tank of any aircraft, such information as the department  
20 may reasonably require for the proper administration and enforcement of the  
21 general aviation fuel tax. The department shall give due consideration to the varying  
22 types of operations and transactions in specifying the information required shall sign  
23 the report.

24          **SECTION 2434.** 78.58 (3) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2434**

1           78.58 (3) COMPUTATION OF TAX. Each general aviation fuel licensee at the time  
2 of making the monthly or quarterly report shall compute and pay to the public  
3 depository if one has been designated under s. 78.585, but otherwise directly to the  
4 department, the full amount of the general aviation fuel tax for the next preceding  
5 month or quarter, which shall be computed as follows: the number of gallons of  
6 general aviation fuel placed into the fuel supply tanks of an aircraft or into bulk  
7 storage facilities by the general aviation fuel licensee, multiplied by 0.06 and the  
8 resulting figure expressed in dollars.

9           **SECTION 2435.** 78.585 of the statutes is repealed.

10          **SECTION 2436.** 78.59 (2) of the statutes is amended to read:

11          78.59 (2) FINAL REPORT. Every general aviation fuel licensee shall, upon such  
12 cessation, sale or transfer of the business or upon the cancellation or revocation of  
13 a license, make a report as required in s. 78.58 and pay all general aviation fuel taxes  
14 and penalties due the state. ~~Such payment shall be to the public depository if one~~  
15 ~~has been designated under s. 78.585, but otherwise to the department.~~

16          **SECTION 2437.** 78.66 (4) of the statutes is created to read:

17          78.66 (4) The department may require any person who keeps records in  
18 machine-readable form for federal fuel tax purposes to keep those records in the  
19 same form for purposes of the taxes under this chapter.

20          **SECTION 2438.** 78.70 (1) (intro.) of the statutes is amended to read:

21          78.70 (1) DEPARTMENT AUTHORITY. (intro.) The department may collect  
22 delinquent motor vehicle fuel, alternate fuel and general aviation fuel taxes in the  
23 manner provided for the collection of delinquent income and franchise taxes under  
24 ss. 71.80 (12), 71.82 (2), 71.91 (1) (a) and (c) and (2) to (8) and (7), 71.92 and 73.0301,

**SENATE BILL 77****SECTION 2438**

1 including proceeding under the authority incorporated by reference in s. 71.91 (5) (j)  
2 and the authority to:

3 **SECTION 2439.** 78.75 (1m) (a) 1. of the statutes is amended to read:

4 78.75 (1m) (a) 1. Except as provided under subds. 2. and 2m., a person who uses  
5 motor vehicle fuel or an alternate fuel upon which has been paid the tax required  
6 under this chapter, for the purpose of operating a taxicab for the transportation of  
7 passengers, for the purpose of operating a motorboat exempt from registration as a  
8 motor vehicle under s. 341.05 (20) on privately owned land or for any purpose other  
9 than operating a motor vehicle upon the public highways, shall be reimbursed and  
10 repaid the amount of the tax paid upon making and filing a claim ~~with the~~  
11 ~~department~~ if the claim is for the tax on 100 gallons or more.

12 **SECTION 2440.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

13 78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel  
14 upon which has been paid the tax required under this chapter for the purpose of  
15 operating an all-terrain vehicle, as defined under s. 340.01 (2g), may not be  
16 reimbursed or repaid the amount of tax paid unless the all-terrain vehicle is  
17 registered for private use under s. 23.33 (2) (d) or (2g).

18 **SECTION 2441.** 78.75 (1m) (a) 3. of the statutes is amended to read:

19 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed upon forms  
20 prescribed and furnished by the department. The forms shall indicate that refunds  
21 are not available for motor vehicle fuel or alternate fuels used for motorboats, except  
22 motorboats exempt from registration as motor vehicles under s. 341.05 (20) and  
23 recreational motorboats, or motor vehicle fuel or alternate fuels used for  
24 snowmobiles and that the estimated snowmobile motor vehicle fuel or alternate fuels  
25 tax payments are used for snowmobile trails and areas. The forms shall indicate that

**SENATE BILL 77****SECTION 2441**

1 refunds are not available for motor vehicle fuel or alternate fuels used for all-terrain  
2 vehicles unless the all-terrain vehicle is registered for private use under s. 23.33 (2)  
3 (d) or (2g) and shall indicate that estimated all-terrain vehicle motor vehicle fuel or  
4 alternate fuels tax payments are used for all-terrain vehicle trails and areas. The  
5 forms shall also indicate that refunds are not available for the tax on less than 100  
6 gallons. The department shall distribute forms in sufficient quantities to each  
7 county clerk.

8 **SECTION 2442.** 78.75 (1m) (a) 3. of the statutes, as affected by 1997 Wisconsin  
9 Act .... (this act), is repealed and recreated to read:

10 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
11 indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
12 for motorboats, except motorboats exempt from registration as motor vehicles under  
13 s. 341.05 (20) and recreational motorboats, or motor vehicle fuel or alternate fuels  
14 used for snowmobiles and that the estimated snowmobile motor vehicle fuel or  
15 alternate fuels tax payments are used for snowmobile trails and areas. The forms  
16 shall indicate that refunds are not available for motor vehicle fuel or alternate fuels  
17 used for all-terrain vehicles unless the all-terrain vehicle is registered for private  
18 use under s. 23.33 (2) (d) or (2g) and shall indicate that estimated all-terrain vehicle  
19 motor vehicle fuel or alternate fuels tax payments are used for all-terrain vehicle  
20 trails and areas. The forms shall also indicate that refunds are not available for the  
21 tax on less than 100 gallons. The department shall distribute forms in sufficient  
22 quantities to each county clerk.

23 **SECTION 2443.** 78.75 (1m) (c) of the statutes is amended to read:

24 78.75 **(1m)** (c) The seller, upon request, shall furnish each purchaser with an  
25 invoice prepared at the time of delivery, and the purchaser shall send that invoice or



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1 a list of purchases to the department when making a claim for refund. The invoice  
2 shall contain the following information: date of sale; name and address of seller;  
3 name of purchaser, which name must be the name of the claimant; number of gallons  
4 purchased; the type of fuel; the purchase price; and the amount of Wisconsin motor  
5 vehicle fuel or alternate fuels tax paid as a separate item. If the purchaser sends  
6 invoices to the department, the purchaser shall send a separate invoice for each sale  
7 and delivery, and the invoice shall be legibly written and shall comply with the  
8 foregoing requirements. If the purchaser sends a list of purchases to the department,  
9 the purchaser shall retain for 4 years the invoices that are evidence of those  
10 purchases and allow the department to inspect them. The claim shall state whether  
11 or not the applicant owns an automobile or truck or any other motor-driven  
12 machinery or appliance which consumes motor vehicle fuel or an alternate fuel; the  
13 total number of gallons of motor vehicle fuel or alternate fuel purchased; the number  
14 of gallons of such motor vehicle fuel or alternate fuel purchased on which refund is  
15 claimed; a detailed statement of the consumption of such motor vehicle fuel or  
16 alternate fuel on which a refund is claimed, describing the machinery, equipment or  
17 appliance in which consumed, giving the serial or manufacturer's number of the  
18 motor and the approximate number of gallons consumed in each; or if such fuel were  
19 not consumed in any such machinery, equipment or appliance, then a description of  
20 the purposes for which the fuel was consumed with the approximate number of  
21 gallons consumed for each purpose; a statement whether or not deduction has been  
22 made for motor vehicle fuel or alternate fuels consumed in applicant's automobile or  
23 truck; and such other information as the department deems necessary.

24 **SECTION 2444.** 78.75 (1m) (e) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2444**

1           78.75 **(1m)** (e) On the filing of a claim under par. (a), accompanied by the invoice  
2 or list of purchases, the department shall determine the amount of refund due. The  
3 department may make such investigation of the correctness of the facts stated in  
4 such claim as it deems necessary and may require a claimant to submit records to  
5 substantiate the claim. When the department has approved such claim, it shall pay  
6 reimburse the claimant ~~the reimbursement herein provided~~ out of the moneys  
7 collected under this chapter to be used for carrying out this section. No refund shall  
8 be claimed by or allowed to any person on account of any motor vehicle fuel or  
9 alternate fuel carried from this state in the ordinary fuel tank of a motor vehicle.

10           **SECTION 2445.** 78.78 (3) of the statutes is amended to read:

11           78.78 **(3)** Any transporter who fails to file timely a report required under this  
12 section shall pay to the department a late filing fee of \$10. A report that is mailed  
13 is timely if it is mailed in a properly addressed envelope with 1st class postage, if the  
14 envelope is postmarked on or before the due date and if the report is received by the  
15 department or at the destination that the department prescribes within 5 days after  
16 the due date. A report that is not mailed is timely if it is received on or before the  
17 due date by the department or at the destination that the department prescribes.

18           **SECTION 2446.** 79.03 (3) (b) 3. of the statutes is amended to read:

19           79.03 **(3)** (b) 3. "Full valuation" means the full value of all taxable property for  
20 the preceding year as equalized for state tax purposes, except that for municipalities  
21 the value of real estate assessed under s. 70.995 is excluded. Value increments under  
22 s. 66.46 are included for municipalities but excluded for counties. Environmental  
23 remediation value increments under s. 66.462 are included for municipalities and  
24 counties that create the environmental remediation tax incremental district and are  
25 excluded for units of government that do not create the district. If property that had

**SENATE BILL 77****SECTION 2446**

1 been assessed under s. 70.995 and that has a value exceeding 10% of a municipality's  
2 value is assessed under s. 70.10, 30% of that property's full value is included in "full  
3 valuation" for purposes of the shared revenue payments in the year after the  
4 assessment under s. 70.10, 65% of that property's full value is included in "full  
5 valuation" for purposes of the shared revenue payments in the year 2 years after the  
6 assessment under s. 70.10 and 100% of that property's full value is included in "full  
7 valuation" for purposes of subsequent shared revenue payments.

8 **SECTION 2447.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

9 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax  
10 increments collected for payment to a municipality under s. 66.46 which is  
11 attributable to that municipality's own levy, the portion of environmental  
12 remediation tax increments collected for payment to a municipality or county under  
13 s. 66.462 that is attributable to that municipality's or county's own levy, general  
14 property taxes, excluding taxes for a county handicapped children's education board,  
15 collected to finance the general purpose government unit, property taxes collected  
16 for sewage and sanitary districts, mobile home fees, the proceeds of county sales and  
17 use taxes and municipal and county vehicle registration fees under s. 341.35 (1).

18 **SECTION 2448.** 79.10 (1) (c) of the statutes is created to read:

19 79.10 (1) (c) "Average total levies" means the average of the total levies for the  
20 3 years preceding the assessment year to which the tax credit is to apply.

21 **SECTION 2449.** 79.10 (1) (f) of the statutes is repealed.

22 **SECTION 2450.** 79.10 (1) (g) of the statutes is repealed.

23 **SECTION 2451.** 79.10 (1) (h) of the statutes is created to read:

24 79.10 (1) (h) "Total levies" means the property taxes levied by all taxing  
25 jurisdictions.

**SENATE BILL 77****SECTION 2452**

1           **SECTION 2452.** 79.10 (1m) of the statutes is repealed.

2           **SECTION 2453.** 79.10 (2) of the statutes is amended to read:

3           79.10 **(2)** NOTICE TO MUNICIPALITIES. On or before December 1 of the year  
4 preceding the distribution under sub. (7m) (a), the department of revenue shall  
5 notify the clerk of each town, village and city of the ~~estimated fair market value, as~~  
6 ~~determined under sub. (11), to be used to calculate the lottery credit under sub. (5)~~  
7 ~~and of the amount to be distributed to it under sub. (7m) (a) on the following 4th~~  
8 ~~Monday in July and of the amount to be distributed to it under sub. (7m) (b) on the~~  
9 following 4th Monday in March. The anticipated receipt of such distribution shall  
10 not be taken into consideration in determining the tax rate of the municipality but  
11 shall be applied as tax credits.

12           **SECTION 2454.** 79.10 (5) of the statutes is repealed and recreated to read:

13           79.10 **(5)** LOTTERY CREDIT. The amount determined under sub. (11) (b) shall be  
14 distributed to municipalities in proportion to their share of the sum of average total  
15 levies for all municipalities.

16           **SECTION 2455.** 79.10 (7m) (b) 1. a. of the statutes is amended to read:

17           79.10 **(7m)** (b) 1. a. The amount determined under sub. (5) ~~with respect to~~  
18 ~~claims filed for which the town, village or city has furnished notice under sub. (1m)~~  
19 ~~by March 1~~ shall be distributed from the appropriation under s. 20.835 (3) (q) by the  
20 department of administration on the 4th Monday in March.

21           **SECTION 2456.** 79.10 (7r) of the statutes is repealed.

22           **SECTION 2457.** 79.10 (9) (bm) of the statutes is repealed and recreated to read:

23           79.10 **(9)** (bm) *Lottery credit.* Except as provided in ss. 79.175 and 79.18, every  
24 property taxpayer of the municipality having assessed property shall receive a tax  
25 credit in an amount determined by applying the percentage of the amount of the

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1 value of property assessed to the taxpayer to the amount of the distribution to be  
2 made to the municipality under sub. (7m) (b), as stated in the December 1 notification  
3 from the department of revenue, except that no taxpayer may receive a credit larger  
4 than the total amount of property taxes to be paid on each parcel for which tax is  
5 levied for that year by that taxpayer.

6 **SECTION 2458.** 79.10 (9) (c) of the statutes is amended to read:

7 79.10 (9) (c) *Credits shown on tax bill.* The lottery credit under par. (bm) shall  
8 reduce the property taxes otherwise payable ~~for those taxpayers who are eligible to~~  
9 ~~receive that credit and who furnish the information required under sub. (10) (a), and~~  
10 the credit under par. (b) shall reduce the property taxes otherwise payable.

11 **SECTION 2459.** 79.10 (10) of the statutes is repealed.

12 **SECTION 2460.** 79.10 (11) (title) of the statutes is amended to read:

13 79.10 (11) (title) ~~LOTTERY CREDIT ESTIMATED FAIR MARKET VALUE FUNDS AVAILABLE.~~

14 **SECTION 2461.** 79.10 (11) (a) of the statutes is repealed.

15 **SECTION 2462.** 79.10 (11) (b) of the statutes is amended to read:

16 79.10 (11) (b) Before October 16, the department of administration shall  
17 determine the total funds available for distribution under the lottery credit in the  
18 following year and shall inform the joint committee on finance of that total. Total  
19 funds available for distribution shall be all existing and projected lottery proceeds  
20 and interest for the fiscal year of the distribution, less the amount estimated to be  
21 expended under ss. 20.455 (2) (r), 20.566 (2) (r) and 20.835 (2) (q) ~~and (3) (r)~~ and less  
22 the required reserve under s. 20.003 (5). The joint committee on finance may revise  
23 the total amount to be distributed if it does so at a meeting that takes place before  
24 November 1. If the joint committee on finance does not schedule a meeting to take  
25 place before November 1, the total determined by the department of administration

**SENATE BILL 77****SECTION 2462**

1 shall be the total amount estimated to be distributed under the lottery credit in the  
2 following year.

3 **SECTION 2463.** 79.10 (11) (c) of the statutes is amended to read:

4 79.10 (11) (c) Before November 1, the department of administration shall  
5 inform the department of revenue of the total amount available for distribution  
6 under the lottery credit in the following year. ~~Before December 1, the department~~  
7 ~~of revenue shall calculate, to the nearest \$100, the estimated fair market value~~  
8 ~~necessary to distribute the total amount available for distribution under the lottery~~  
9 ~~credit in the following year.~~

10 **SECTION 2464.** 79.11 (2) of the statutes is amended to read:

11 79.11 (2) ~~Except as provided in s. 79.10 (10) (d), the~~ The payment of the  
12 difference between the total tax which is due on any property less the amount of the  
13 tax credits applicable to such property authorized by this subchapter shall be  
14 considered payment in full of the property taxes due thereon in that year.

15 **SECTION 2465.** 79.14 of the statutes is amended to read:

16 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b) is  
17 \$319,305,000 in 1994, 1995 and 1996 ~~and~~, is \$469,305,000 in 1997 and 1998 and is  
18 \$569,305,000 in 1999 and thereafter.

19 **SECTION 2466.** 84.013 (3) (ab) of the statutes is created to read:

20 84.013 (3) (ab) STH 11 extending approximately 7.6 miles from west of  
21 Burlington to STH 36/83 east of Burlington, designated as the Burlington bypass, in  
22 Walworth and Racine counties.

23 **SECTION 2467.** 84.013 (3) (ac) of the statutes is created to read:

**SENATE BILL 77****SECTION 2467**

1           84.013 (3) (ac) USH 12 extending approximately 11.6 miles from the junction  
2 of USH 12 and I 90/94 to approximately 0.75 miles south of Ski Hi Road in Sauk  
3 County.

4           **SECTION 2468.** 84.013 (3) (ae) of the statutes is created to read:

5           84.013 (3) (ae) USH 53 extending approximately 6.2 miles between I 90 and  
6 USH 14/61 near 7th Street in La Crosse, La Crosse County.

7           **SECTION 2469.** 84.013 (3) (ag) of the statutes is created to read:

8           84.013 (3) (ag) STH 57 extending approximately 17.3 miles from the junction  
9 of STH 57 with CTH "A" to STH 42 in Kewaunee and Door counties.

10          **SECTION 2470.** 84.013 (3) (ai) of the statutes is created to read:

11          84.013 (3) (ai) USH 141 extending approximately 15.4 miles between Lemere  
12 Road and 6th Road in Oconto and Marinette counties.

13          **SECTION 2471.** 84.013 (3) (ak) of the statutes is created to read:

14          84.013 (3) (ak) USH 151 extending approximately 18 miles between the  
15 junction of USH 151 and CTH "HH" south of Dickeyville to west of Belmont in Grant  
16 and Lafayette counties.

17          **SECTION 2472.** 84.09 (5) of the statutes is amended to read:

18          84.09 (5) Subject to the approval of the governor, the department may sell at  
19 public or private sale property of whatever nature owned by the state and under the  
20 jurisdiction of the department when the department determines that the property  
21 is no longer necessary for the state's use for highway purposes and, if real property,  
22 the real property is not the subject of a petition under s. 16.375 (2). The department  
23 shall present to the governor a full and complete report of the property to be sold, the  
24 reason for the sale, and the minimum price for which the same should be sold,  
25 together with an application for the governor's approval of the sale. The governor

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1 shall thereupon make such investigation as he or she may deem necessary and  
2 approve or disapprove the application. Upon such approval and receipt of the full  
3 purchase price, the department shall by appropriate deed or other instrument  
4 transfer the property to the purchaser. The approval of the governor is not required  
5 for public or private sale of property having a fair market value at the time of sale  
6 of not more than \$3,000 ~~or~~, for the transfer of surplus state real property to the  
7 department of administration under s. 16.375 or for the transfer of surplus state  
8 personal property to the department of tourism under sub. (5s). The funds derived  
9 from sales under this subsection shall be deposited in the transportation fund, and  
10 the expense incurred by the department in connection with the sale shall be paid  
11 from such fund.

12 **SECTION 2473.** 84.09 (5s) of the statutes is created to read:

13 84.09 **(5s)** In lieu of the sale or conveyance of personal property under sub. (5),  
14 the department of transportation shall, upon the request of the department of  
15 tourism, transfer to the department of tourism, at no cost, personal property that is  
16 owned by the state and under the jurisdiction of the department of transportation  
17 and that the department of transportation has determined is no longer necessary for  
18 the state's use for highway purposes.

19 **SECTION 2474.** 84.28 (1) of the statutes is amended to read:

20 84.28 **(1)** Moneys from the appropriation under s. 20.370 ~~(1) (mr)~~ (7) (fq) may  
21 be expended for the renovation, marking and maintenance of a town or county  
22 highway located within the boundaries of any state park, state forest or other  
23 property under the jurisdiction of the department of natural resources. Moneys from  
24 the appropriation under s. 20.370 ~~(1) (mr)~~ (7) (fq) may be expended for the  
25 renovation, marking and maintenance of a town or county highway located in the



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1 lower Wisconsin state riverway as defined in s. 30.40 (15). Outside the lower  
2 Wisconsin state riverway as defined in s. 30.40 (15), or outside the boundaries of  
3 these parks, forests or property, moneys from the appropriation under s. 20.370 (1)  
4 ~~(mr)~~ (7) ~~(fq)~~ may be expended for the renovation, marking and maintenance of roads  
5 which the department of natural resources certifies are utilized by a substantial  
6 number of visitors to state parks, state forests or other property under the  
7 jurisdiction of the department of natural resources. The department of natural  
8 resources shall authorize expenditures under this subsection. The department of  
9 natural resources shall rank projects eligible for assistance under a priority system  
10 and funding may be restricted to those projects with highest priority.

11 **SECTION 2475.** 84.59 (6) of the statutes is amended to read:

12 84.59 (6) Revenue obligations may be contracted by the building commission  
13 when it reasonably appears to the building commission that all obligations incurred  
14 under this section can be fully paid from moneys received or anticipated and pledged  
15 to be received on a timely basis. Revenue obligations issued under this section shall  
16 not exceed ~~\$1,123,638,100~~ \$1,263,424,800 in principal amount, excluding  
17 obligations issued to refund outstanding revenue obligations. Not more than  
18 ~~\$1,041,341,000~~ \$1,220,499,900 of the ~~\$1,083,638,100~~ \$1,263,424,800 may be used  
19 for transportation facilities under s. 84.01 (28) and major highway projects under ss.  
20 84.06 and 84.09.

21 **SECTION 2476.** 85.026 of the statutes is created to read:

22 **85.026 Transportation enhancement activities program. (1)**

23 DEFINITIONS. In this section:

24 (a) "Political subdivision" means any city, village, town or county.

**SENATE BILL 77****SECTION 2476**

1 (b) "Transportation enhancement activities" has the meaning given in 23 USC  
2 101 (a).

3 **(2) PROGRAM.** The department may administer a program to award grants of  
4 assistance to any political subdivision or state agency, as defined in s. 20.001 (1), for  
5 transportation enhancement activities consistent with federal regulations  
6 promulgated under 23 USC 133 (b) (8). The grants shall be awarded from the  
7 appropriations under s. 20.395 (2) (nv) and (nx).

8 **SECTION 2477.** 85.06 (2) (b) of the statutes is amended to read:

9 85.06 **(2)** (b) Contract with Amtrak or an applicable railroad, railroads or other  
10 persons to provide rail passenger service or support services for rail passenger  
11 service. The contract may provide for the sale or lease of any equipment acquired by  
12 the department under par. (g). Notwithstanding s. 16.75 (1) and (2m), the  
13 department may contract under this paragraph without competitive bidding or  
14 competitive sealed proposals.

15 **SECTION 2478.** 85.06 (2) (e) of the statutes is amended to read:

16 85.06 **(2)** (e) ~~Subject to sub. (3),~~ Conduct or contract for marketing studies and  
17 promotional activities to increase rail passenger service ridership in this state, to  
18 identify potential riders and to educate the public about the availability and  
19 advantages of rail passenger service.

20 **SECTION 2479.** 85.06 (2) (g) of the statutes is created to read:

21 85.06 **(2)** (g) Acquire equipment for the purpose of providing rail passenger  
22 service or support services for rail passenger service.

23 **SECTION 2480.** 85.06 (2) (h) of the statutes is created to read:

24 85.06 **(2)** (h) Enter into agreements with other states to assist or promote rail  
25 passenger service.

**SENATE BILL 77****SECTION 2481**

1           **SECTION 2481.** 85.06 (3) of the statutes is repealed.

2           **SECTION 2482.** 85.24 (4) (b) of the statutes is amended to read:

3           85.24 (4) (b) Paragraph (a) does not prohibit the disclosure of the information  
4 to the extent necessary to administer the ride-sharing program or, if requested  
5 under s. 49.22 (2m), to the department of industry, labor and job development.

6           **SECTION 2483.** 85.24 (4) (c) of the statutes is amended to read:

7           85.24 (4) (c) Any person who wilfully discloses or who, under false pretenses,  
8 wilfully requests or obtains information in violation of par. (a) may be required to  
9 forfeit not more than \$500 for each violation. This paragraph does not apply to  
10 information disclosed, requested or obtained to the extent necessary to administer  
11 the ride-sharing program or, if requested under s. 49.22 (2m), to the department of  
12 industry, labor and job development.

13           **SECTION 2484.** 85.51 of the statutes is created to read:

14           **85.51 State traffic patrol services; special events fee.** The department  
15 may impose a fee for security and traffic enforcement services provided by the state  
16 traffic patrol at any public event for which an admission fee is charged for spectators  
17 if the event is organized by a private organization. All moneys received under this  
18 section shall be deposited in the general fund and credited to the appropriation  
19 account under s. 20.395 (5) (dg).

20           **SECTION 2485.** 85.52 of the statutes is created to read:

21           **85.52 Transportation infrastructure loan program. (1) DEFINITIONS.** In  
22 this section:

23           (ac) “Capital project” has the meaning given in 49 USC 5302.

24           (ag) “Eligible applicant” means a county, city, village, town or combination  
25 thereof.

**SENATE BILL 77****SECTION 2485**

1 (am) "Fund" means the transportation infrastructure loan fund established  
2 under s. 25.405.

3 (bm) "Other assistance" has the meaning given in P.L. 104-59, section 350 (L)  
4 (3).

5 (c) "Revenue obligation" has the meaning given in s. 18.52 (5).

6 **(2) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS.** The department may enter  
7 into an agreement with the U.S. department of transportation to receive a  
8 capitalization grant under P.L. 104-59, section 350. The agreement may contain any  
9 provision required by P.L. 104-59, section 350, and any regulation, guideline or  
10 policy adopted under that section.

11 **(3) ADMINISTRATION.** (a) The department shall administer a transportation  
12 infrastructure loan program to make loans, and to provide other assistance, to  
13 eligible applicants for highway projects or transit capital projects. The department  
14 of transportation may not make a loan or provide other assistance under the program  
15 unless the secretary of administration approves of the loan or other assistance and  
16 determines that the amounts in the fund, together with anticipated receipts, will be  
17 sufficient to fully pay principal and interest costs incurred on the revenue obligations  
18 issued under sub. (5). Loans or other assistance under the program for highway  
19 projects shall be credited to the highway account. Loans or other assistance under  
20 the program for transit capital projects shall be credited to the transit account.

21 (bm) Any loan made under the program shall comply with P.L. 104-59, section  
22 350, and any regulation, guideline or policy adopted under that section. The  
23 department may not provide other assistance under the program to an eligible  
24 applicant unless such assistance complies with P.L. 104-59, section 350, and any  
25 regulation, guideline or policy adopted under that section.

**SENATE BILL 77****SECTION 2485**

1 (c) From the appropriation accounts under s. 20.395 (2) (bu) and sub. (3) (bq)  
2 and (cq), the department may, in each fiscal year, transfer moneys to the  
3 appropriation account under s. 20.395 (2) (pu) in amounts not to exceed the amounts  
4 necessary to meet the requirements under P.L. 104-59, section 350, for state deposits  
5 to the fund.

6 **(4) RULES.** (a) The department of transportation and the department of  
7 administration shall promulgate rules necessary to implement the transportation  
8 infrastructure loan program. The rules shall specify the terms and conditions of  
9 loans or other assistance provided under the program and shall establish criteria for  
10 determining which eligible applicants and which projects are eligible to receive loans  
11 or other assistance under the program. The criteria shall include all of the following:

12 1. The impact of funding a project under the program on accelerating the  
13 completion of a major highway project under s. 84.013.

14 2. The statewide and local economic impact of the projects.

15 3. The level of commitment by the eligible applicant to the project.

16 4. The type and quality of intermodal transportation facilities affected by the  
17 project.

18 (b) The department of transportation and the department of administration  
19 may charge and collect fees, established jointly by rules, from eligible applicants to  
20 recover the costs of administering the program.

21 **(4m) INVESTMENT MANAGEMENT.** The department of administration may:

22 1. Subject to par. (b), direct the investment board under s. 25.17 (2) (e) to make  
23 any investment of the fund, or in the collection of the principal and interest of all  
24 moneys loaned or invested from such fund.

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1           2. Subject to par. (b), purchase or acquire, commit on a standby basis to  
2 purchase or acquire, sell, discount, assign, negotiate, or otherwise dispose of, or  
3 pledge, hypothecate or otherwise create a security interest in, loans as the  
4 department of administration may determine, or portions or portfolios of  
5 participations in loans, made or purchased under this section. The disposition may  
6 be at the price and under the terms that the department of administration  
7 determines to be reasonable and may be at public or private sale.

8           (b) The department of administration shall take an action under par. (a) only  
9 if all of the following conditions occur:

10           1. The action provides a financial benefit to the transportation infrastructure  
11 fund.

12           2. The action does not contradict or weaken the purposes of the transportation  
13 infrastructure loan fund.

14           3. The building commission approves the action before the department of  
15 administration acts.

16           **(5) REVENUE OBLIGATIONS.** (a) The transportation infrastructure loan program  
17 is a revenue-producing enterprise or program as defined in s. 18.52 (6).

18           (b) Deposits, appropriations or transfers to the fund for the purposes specified  
19 in s. 20.395 (2) (pq) may be funded with the proceeds of revenue obligations issued  
20 subject to and in accordance with subch. II of ch. 18. Revenue obligations issued  
21 under this section shall not exceed \$100 in principal amount, excluding obligations  
22 issued to refund outstanding revenue obligations.

23           (c) The department of administration may, under s. 18.56 (5) and (9) (j), deposit  
24 in a separate and distinct fund in the state treasury or in an account maintained by  
25 a trustee outside the state treasury, any portion of the revenues derived under s.

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1 25.405 (2). The revenues deposited with a trustee outside the state treasury are the  
2 trustee's revenues in accordance with the agreement between this state and the  
3 trustee or in accordance with the resolution pledging the revenues to the repayment  
4 of revenue obligations issued under this subsection.

5 (d) The building commission may pledge any portion of revenues received or  
6 to be received in the fund established in par. (c) or the transportation infrastructure  
7 loan fund to secure revenue obligations issued under this subsection.

8 (e) The department of administration has all other powers necessary and  
9 convenient to distribute the pledged revenues and to distribute the proceeds of the  
10 revenue obligations in accordance with subch. II of ch. 18.

11 (f) The department of administration may enter into agreements with the  
12 federal government, political subdivisions of this state, individuals or private  
13 entities to insure or in any other manner provide additional security for the revenue  
14 obligations issued under this subsection.

15 (g) Revenue obligations may be contracted by the building commission when  
16 it reasonably appears to the building commission that all obligations incurred under  
17 this subsection can be fully paid on a timely basis from moneys received or  
18 anticipated to be received by the fund.

19 (h) Unless otherwise expressly provided in resolutions authorizing the  
20 issuance of revenue obligations or in other agreements with the holders of revenue  
21 obligations, each issue of revenue obligations under this subsection shall be on a  
22 parity with every other revenue obligation issued under this subsection and in  
23 accordance with subch. II of ch. 18.

24 **SECTION 2486.** 85.60 of the statutes is created to read:

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1           **85.60 Aid to professional baseball park districts.** The department may  
2 make aid payments from the appropriation under s. 20.395 (1) (gr) to a local  
3 professional baseball park district created under subch. III of ch. 229 for this state's  
4 share of costs for the development, construction, reconstruction or improvement of  
5 bridges, highways, parking lots, garages, transportation facilities or other  
6 functionally related or auxiliary facilities or structures associated with the  
7 construction of a new stadium to be used as a home field by a major league  
8 professional baseball team in the district.

9           **SECTION 2487.** 88.145 of the statutes is amended to read:

10           **88.145 Limitation of damages and suits.** In any action against a drainage  
11 district, drainage board, drainage board member, drainage board employe or an  
12 owner of land within the district who undertakes work approved by the drainage  
13 board, s. 893.80 is applicable and the limit on the amount recoverable by any person  
14 under s. 893.80 (3) applies to the drainage board, the members and employes of the  
15 drainage board, the drainage district and any owner of land within the district who  
16 undertakes work approved by the drainage board. This section does not apply to  
17 actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

18           **SECTION 2488.** 88.40 (2) of the statutes is amended to read:

19           88.40 (2) From the time of ~~recording~~ recording the order confirming such  
20 assessments for costs until they are paid, such assessments and the interest thereon  
21 are a first lien upon the lands assessed and take priority over all other liens or  
22 mortgages except liens for general taxes and liens under ss. 292.31 (8) (i), ~~292.41 (6)~~  
23 ~~(d)~~ and 292.81, regardless of the priority in time of such other liens or mortgages.

24           **SECTION 2489.** 92.10 (4) (a) of the statutes is amended to read:



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1           92.10 (4) (a) *Data*. The department shall develop a systematic method of  
2 collecting and organizing data related to soil erosion. The department shall  
3 cooperate with the ~~land information board~~ department of administration under s.  
4 16.967 in developing this methodology or any related activities related to land  
5 information collection.

6           **SECTION 2490.** 92.103 of the statutes is repealed.

7           **SECTION 2491.** 92.14 (5) (title) and (a) of the statutes are amended to read:

8           92.14 (5) (title) ~~ANIMAL WASTE MANAGEMENT GRANTS IN A PRIORITY WATERSHED OR~~  
9 ~~PRIORITY LAKE AREA.~~ (a) From the appropriation under s. 20.115 (7) (km), the  
10 department may make a grant for the purpose specified in sub. (4) (c) if the facility  
11 or system will be located in a priority watershed, as defined in s. 281.65 (2) (c), or a  
12 priority lake area, as defined in s. 281.65 (2) (bs), and the conditions specified in sub.  
13 (4) (c) are satisfied.

14           **SECTION 2492.** 93.06 (8) of the statutes is amended to read:

15           93.06 (8) ~~PRESCRIBE CONDITIONS OF LICENSES.~~ Issue Except as provided in ss.  
16 93.13 and 93.135, issue any permit, certificate, registration or license on a temporary  
17 or conditional basis, contingent upon pertinent circumstances or acts. If the  
18 temporary or conditional permit, certificate, registration or license is conditioned  
19 upon compliance with chs. 93 to 100, ch. 127, a rule promulgated by the department  
20 or a regulation adopted under s. 97.41 (7) within a specified period of time and the  
21 condition is not met within the specified period, the permit, certificate, registration  
22 or license shall be void.

23           **SECTION 2493.** 93.06 (12) of the statutes is created to read:

24           93.06 (12) **FEDERAL DAIRY POLICY REFORM.** Seek the reform of federal milk  
25 marketing orders and other federally authorized dairy pricing policies for the benefit

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1 of milk producers in this state and provide assistance to organizations for the same  
2 purpose.

3 **SECTION 2494.** 93.07 (5) of the statutes is amended to read:

4 93.07 (5) ADVICE TO UNIVERSITY OF WISCONSIN SYSTEM. To give advice to the  
5 ~~secretary of education~~ state superintendent of public instruction as to the courses in  
6 agricultural economics to be given in the university of Wisconsin system.

7 **SECTION 2495.** 93.11 (1) of the statutes is amended to read:

8 93.11 (1) The Except as provided in s. 93.135, the department, upon  
9 presentation of satisfactory evidence that the applicant is competent, may issue a  
10 license to any person to certify the grade of food products or farm products or of  
11 receptacles therefor, for which standards have become effective under s. 93.09. The  
12 purpose of such certification may be either to enforce the standard or merely to  
13 furnish to an interested party an official statement of the grade. A certificate issued  
14 under this section, unless superseded by a finding as provided in sub. (4), shall be  
15 accepted in any court of this state as prima facie evidence of the facts to which the  
16 certificate relates.

17 **SECTION 2496.** 93.13 of the statutes is created to read:

18 **93.13 License denial, nonrenewal and revocation based on tax**  
19 **delinquency.** (1) The department shall require each applicant to provide the  
20 department with the applicant's social security number, if the applicant is an  
21 individual, or the applicant's federal employer identification number, if the applicant  
22 is not an individual, as a condition of issuing or renewing any of the following:

23 (a) A license under s. 94.10 (3) or (4).

24 (b) A license under s. 94.43.

25 (c) A registration under s. 94.50 (2).

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- 1 (cm) A license under s. 94.64 (3).
- 2 (d) A license under s. 94.68 (1).
- 3 (e) A license under s. 94.685.
- 4 (f) A license under s. 94.703.
- 5 (fm) A license under s. 94.704.
- 6 (g) A license under s. 94.72 (5).
- 7 (h) A license under s. 95.69 (2).
- 8 (i) A license under s. 95.71 (2).
- 9 (im) A license under s. 95.72 (2).
- 10 (j) A license under s. 97.17 (2).
- 11 (jm) A license under s. 97.175 (2).
- 12 (k) A license under s. 97.20 (2).
- 13 (km) A license under s. 97.21 (2) or (3).
- 14 (L) A license under s. 97.22 (2).
- 15 (m) A license under s. 97.27 (2).
- 16 (mm) A license under s. 97.29 (2).
- 17 (n) A license under s. 97.30 (2).
- 18 (nm) A license or registration certificate under s. 97.42 (2).
- 19 (p) A license under s. 98.145.
- 20 (pm) A license under s. 98.146.
- 21 (q) A license under s. 98.16 (2).
- 22 (r) A license under s. 99.02 (1).
- 23 (rm) A registration certificate under s. 100.03 (2).
- 24 (s) A license under s. 127.02 (1).
- 25 (sm) A license under s. 127.03 (1).

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1           **(2)** The department may not disclose any information received under sub. (1)  
2 to any person except as follows:

3           (a) To the department of revenue for the purpose of requesting certifications  
4 under s. 73.0301.

5           (b) If the department is required to obtain the information under s. 93.135 (1),  
6 to the department of industry, labor and job development in accordance with a  
7 memorandum of understanding under s. 49.857.

8           **(3)** The department shall deny an application for the issuance or renewal of a  
9 license, registration or registration certificate specified in sub. (1) or shall revoke a  
10 license, registration or registration certificate specified in sub. (1), if the department  
11 of revenue certifies under s. 73.0301 that the applicant or holder of the license,  
12 registration or registration certificate is liable for delinquent taxes.

13           **SECTION 2497.** 93.135 of the statutes is created to read:

14           **93.135 License denial, nonrenewal, suspension or restriction based on**  
15 **failure to pay support.** (1) The department shall require each applicant who is  
16 an individual to provide the department with the applicant's social security number  
17 as a condition of issuing or renewing any of the following:

18           (a) A license under s. 93.11.

19           (am) A license under s. 93.35 (4).

20           (b) A license under s. 94.10 (3) or (4).

21           (bm) A license under s. 94.43.

22           (c) A registration under s. 94.50 (2).

23           (cm) A license under s. 94.64 (3).

24           (d) A license under s. 94.65 (2).

25           (dm) A license under s. 94.66 (2).

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- 1 (e) A license under s. 94.68 (1).
- 2 (em) A license under s. 94.685.
- 3 (f) A license under s. 94.703.
- 4 (fm) A license under s. 94.704.
- 5 (g) A certification under s. 94.705.
- 6 (gm) A license under s. 94.72 (5).
- 7 (h) A license under s. 95.68 (2).
- 8 (hm) A license under s. 95.69 (2).
- 9 (i) A license under s. 95.71 (2).
- 10 (im) A license under s. 95.72 (2).
- 11 (j) A license under s. 97.17 (2).
- 12 (jm) A license under s. 97.175 (2).
- 13 (k) A license under s. 97.20 (2).
- 14 (km) A license under s. 97.21 (2) or (3).
- 15 (L) A license under s. 97.22 (2).
- 16 (m) A license under s. 97.27 (2).
- 17 (mm) A license under s. 97.29 (2).
- 18 (n) A license under s. 97.30 (2).
- 19 (nm) A license or registration certificate under s. 97.42 (2).
- 20 (p) A license under s. 98.145.
- 21 (pm) A license under s. 98.146.
- 22 (q) A license under s. 98.16 (2).
- 23 (qm) A license under s. 98.18 (1) (a).
- 24 (r) A license under s. 99.02 (1).
- 25 (rm) A registration certificate under s. 100.03 (2).

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1 (s) A license under s. 127.02 (1).

2 (sm) A license under s. 127.03 (1).

3 **(2)** The department may not disclose any information received under sub. (1)  
4 to any person except as follows:

5 (a) To the department of industry, labor and job development in accordance  
6 with a memorandum of understanding under s. 49.857.

7 (b) If the department is required to obtain the information under s. 93.13 (1),  
8 to the department of revenue for the purpose of requesting certifications under s.  
9 73.0301.

10 **(3)** The department shall deny an application for the issuance or renewal of a  
11 license, registration, registration certificate or certification specified in sub. (1) or  
12 shall suspend or restrict a license, registration, registration certificate or  
13 certification specified in sub. (1) for failure to make court-ordered payments of child  
14 or family support, maintenance, birth expenses, medical expenses or other expenses  
15 related to the support of a child or a former spouse, as required in a memorandum  
16 of understanding under s. 49.857.

17 **SECTION 2498.** 93.35 (10) of the statutes is amended to read:

18 93.35 **(10)** RESTORATION OF LICENSE OR PERMIT. (a) At any time after the  
19 suspension or revocation of a license or permit under sub. (9) (a) the department may  
20 restore it to the licensee or permittee upon a finding that the requirements for  
21 issuance of an original license or permit have been met by the licensee or permittee.

22 (b) At any time after the refusal to renew a license or permit under sub. (9) (b)  
23 the department may renew it upon a finding that the requirements for issuance of  
24 an original license or permit have been met by the licensee or permittee.

25 **SECTION 2499.** 93.41 (3) of the statutes is created to read:

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1           93.41 (3) The department shall impose annual fees upon rural electric  
2 cooperatives organized under ch. 185. The amount of the fees shall total the amount  
3 appropriated under s. 20.115 (3) (jm). The fees received under this subsection shall  
4 be credited to the appropriation account under s. 20.115 (3) (jm).

5           **SECTION 2500.** 93.47 (2) of the statutes is amended to read:

6           93.47 (2) The department may award grants from the appropriation account  
7 under s. 20.115 (4) (c) to individuals or organizations to fund demonstration projects  
8 designed to encourage the use of sustainable agriculture. The department shall  
9 promulgate rules to govern the sustainable agriculture grant program under this  
10 section.

11           **SECTION 2501.** 93.47 (3) of the statutes is repealed.

12           **SECTION 2502.** 93.60 of the statutes is amended to read:

13           **93.60 Computer system equipment, staff and services transfers.** The  
14 department may transfer to the appropriation account under s. 20.115 (8) (k) in each  
15 fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb),  
16 (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i),  
17 (j), (ja), (L) and (m), (7) (g), (ga), (gm), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (j),  
18 (kp), (ks), (m) and (pz) and ~~(9) (m)~~. The total amount that the department transfers  
19 in each fiscal year from these appropriation accounts to the appropriation account  
20 under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s.  
21 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation  
22 account shall be based on the actual costs incurred by the department for computer  
23 system equipment, staff and services provided for the purpose of that appropriation  
24 account.

25           **SECTION 2503.** 94.64 (3) (b) of the statutes is amended to read:

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1           94.64 (3) (b) An applicant for a license under par. (a) shall submit an  
2 application on a form provided by the department. The application shall include  
3 information reasonably required by the department for licensing purposes. As part  
4 of the application, the applicant shall identify ~~the~~ each business location or mobile  
5 unit that the applicant uses to manufacture fertilizer in this state. The application  
6 shall be accompanied by all applicable fees under ~~par. (e)~~ sub. (3r).

7           **SECTION 2504.** 94.64 (3) (c) of the statutes is repealed.

8           **SECTION 2505.** 94.64 (3r) of the statutes is created to read:

9           94.64 (3r) LICENSE FEES AND SURCHARGES. (a) A person applying for a license  
10 under sub. (3) shall pay the following annual license fees:

11           1. For each business location and each mobile unit that the applicant uses to  
12 manufacture fertilizer in this state, \$30.

13           2. If the applicant distributes, but does not manufacture, fertilizer in this state,  
14 \$30.

15           (b) Beginning with the license year that begins on August 15, 2000, a person  
16 applying for a license under sub. (3) shall pay the following agricultural chemical  
17 cleanup surcharges, unless the department establishes lower surcharges under s.  
18 94.73 (15):

19           1. For each business location and each mobile unit that the applicant uses to  
20 manufacture fertilizer in this state, other than a business location or mobile unit that  
21 is also licensed under s. 94.685 or 94.703, \$20.

22           2. If the applicant distributes, but does not manufacture, fertilizer in this state,  
23 \$20.



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1 (c) The department shall deposit the license fees collected under par. (a) in the  
2 agrichemical management fund. The department shall credit the surcharges  
3 collected under par. (b) to the appropriation account under s. 20.115 (7) (i).

4 **SECTION 2506.** 94.64 (4) to (6) of the statutes are repealed and recreated to read:

5 **94.64 (4) TONNAGE FEES AND SURCHARGES.** (a) *Requirement.* Except as provided  
6 in par. (b), a person who is required to be licensed under sub. (3) and who sells or  
7 distributes fertilizer in this state shall pay to the department the following fees and  
8 surcharges on all fertilizer that the person sells or distributes in this state:

9 1. A basic fee of 25 cents per ton for fertilizer sold or distributed from July 1,  
10 1997, to June 30, 1999, and 32 cents per ton for fertilizer sold or distributed after  
11 June 30, 1999, with a minimum fee of \$25.

12 2. A research fee of 10 cents per ton, with a minimum fee of \$1.

13 3. An additional research fee of 10 cents per ton, with a minimum fee of \$1.

14 4. A groundwater fee of 10 cents per ton, with a minimum fee of \$1.

15 5. An agricultural chemical cleanup surcharge of 38 cents per ton on all  
16 fertilizer that the person sells or distributes in this state after June 30, 1999, unless  
17 the department establishes a lower surcharge under s. 94.73 (15).

18 (b) *Exemptions.* Paragraph (a) does not apply to any of the following:

19 1. Fertilizer sold or distributed to a manufacturer for use in the further  
20 manufacture or processing of fertilizer.

21 2. Fertilizer sold or distributed to a person licensed under sub. (3) (a), for resale  
22 by that person.

23 (c) *Use of fees and surcharges.* 1. The department shall deposit the fee under  
24 par. (a) 1. in the agrichemical management fund.

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1           2. The department shall credit the fee under par. (a) 2. to the appropriation  
2 account under s. 20.115 (7) (h).

3           3. The department shall credit the fee under par. (a) 3. to the appropriation  
4 account under s. 20.285 (1) (hm).

5           4. The department shall deposit the fee under par. (a) 4. in the environmental  
6 fund for environmental management.

7           5. The department shall credit the surcharge under par. (a) 5. to the  
8 appropriation account under s. 20.115 (7) (i).

9           **(5) TONNAGE REPORT AND FEE PAYMENT.** (a) *Requirement.* A person who is  
10 required to pay fees or surcharges under sub. (4) shall do all of the following by  
11 August 14 annually:

12           1. File with the department a report that states the number of tons of each  
13 grade of fertilizer sold or distributed in this state during the 12 months ending on  
14 June 30 of that year on which the person is required to pay those fees or surcharges.

15           2. Pay the fees and surcharges under sub. (4) on the tonnage reported under  
16 subd. 1.

17           (b) *Extended deadline.* The department may extend the filing deadline under  
18 par. (a) for up to 30 days for cause, in response to a request filed before August 14.

19           (c) *Late payment.* If a person fails to pay a fee or surcharge when due under  
20 this section, the amount of the fee or surcharge is increased by \$10 or 10% of the  
21 amount that the fee or surcharge would have been if paid when due, whichever is  
22 greater.

23           (d) *Tonnage equivalents.* A tonnage report under par. (a) 1. shall report liquid  
24 fertilizer tonnage in terms of dry fertilizer tonnage equivalents, as prescribed by the  
25 department.

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1           (e) *Audit*. The department may audit a tonnage report under par. (a) 1.,  
2 including the records on which the tonnage report is based.

3           **(6) RECORDS**. A person who manufactures, sells or distributes fertilizer in this  
4 state shall keep records showing the grades and quantities of fertilizer  
5 manufactured, sold or distributed in this state. The person shall keep the records  
6 relating to the 12 months covered by a report under par. (a) 1. for at least 24 months  
7 following the date of filing the report. The person shall make the records available  
8 to the department for inspection and copying upon request.

9           **SECTION 2507**. 94.64 (6m) and (6p) of the statutes are created to read:

10           94.64 **(6m)** RECORDS CONFIDENTIAL. The department may not disclose  
11 information obtained under sub. (5) or (6) that reveals the grades or amounts of  
12 fertilizer sold or distributed by any person. This subsection does not prohibit the  
13 department from preparing and distributing aggregate information that does not  
14 reveal the grades or amounts of fertilizer sold or distributed by individual sellers or  
15 distributors.

16           **(6p)** SUMMARY LICENSE SUSPENSION. (a) The department may by written notice,  
17 without prior hearing, summarily suspend the license of any person who fails to file  
18 a report or pay a fee or surcharge as required under sub. (5).

19           (b) A summary license suspension under par. (a) takes effect on the date  
20 specified in the notice, which may be no sooner than 10 days after the date on which  
21 the notice is received by the recipient.

22           (c) A person whose license is suspended under par. (a) may request a meeting  
23 concerning the suspension. The department shall hold an informal meeting with the  
24 requester as soon as reasonably possible and not more than 10 days after the  
25 requester makes the request in writing, unless the requester agrees to a later date.

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1 If the matter is not resolved at the informal meeting, the requester may request a  
2 formal contested case hearing under ch. 227. A request for a hearing does not stay  
3 a summary suspension under par. (a).

4 (d) A person who is required to pay a fee or surcharge under sub. (5) remains  
5 obligated to pay the fee or surcharge regardless of whether the person continues to  
6 be licensed under this section.

7 **SECTION 2508.** 94.64 (8m) (a) of the statutes is amended to read:

8 94.64 **(8m)** (a) *Use of funds.* At the end of each fiscal year, the moneys collected  
9 under sub. (4) ~~(am)~~ (a) 2. and s. 94.65 (6) (a) 3. shall be forwarded to the university  
10 of Wisconsin system to be used for research on soil management, soil fertility, plant  
11 nutrition problems and for research on surface water and groundwater problems  
12 which may be related to fertilizer usage; for dissemination of the results of the  
13 research; and for other designated activities tending to promote the correct usage of  
14 fertilizer materials.

15 **SECTION 2509.** 94.65 (3) (c) 1. of the statutes is amended to read:

16 94.65 **(3)** (c) 1. If Except as provided in s. 93.135, if the department finds that  
17 the applicant has fulfilled the requirements of par. (b), the department shall issue  
18 a permit.

19 **SECTION 2510.** 94.65 (6) (a) 1. of the statutes is amended to read:

20 94.65 **(6)** (a) 1. Annually by March 31, file with the department a tonnage report  
21 setting forth the number of tons of each soil or plant additive distributed during the  
22 preceding year by that person or by any other person authorized under sub. (3) (a)  
23 2. to distribute under the name of that person and pay to the department an  
24 ~~inspection~~ a fee of 70 25 cents per ton so distributed. The minimum total fee is \$25.

25 **SECTION 2511.** 94.65 (6) (a) 3. of the statutes is amended to read:

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1           94.65 (6) (a) 3. Annually by March 31, pay to the department a research fee of  
2           10 cents for each ton of soil or plant additive distributed as described in the tonnage  
3           report filed under subd. 1. The minimum research fee is \$1 for 10 tons or less. The  
4           department shall credit this fee to the appropriation account under s. 20.115 (7) (h).

5           **SECTION 2512.** 94.65 (6) (a) 4. of the statutes is amended to read:

6           94.65 (6) (a) 4. Annually by March 31, pay to the department a groundwater  
7           fee of 10 cents for each ton of soil or plant additive distributed, as described in the  
8           tonnage report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons  
9           or less. All groundwater fees shall be credited to the environmental fund for  
10          groundwater environmental management.

11          **SECTION 2513.** 94.65 (6) (c) of the statutes is created to read:

12          94.65 (6) (c) The department shall deposit fees collected under pars. (a) 1. and  
13          (b) and subs. (2) (a) and (3) (b) in the agrichemical management fund.

14          **SECTION 2514.** 94.66 (8) of the statutes is amended to read:

15          94.66 (8) The Except as provided in s. 93.135, the department may revoke a  
16          license, after reasonable notice, only for wilful failure to comply with any of the  
17          provisions of this section and in the event the license is revoked the licensee may  
18          have the order of revocation reviewed by the circuit court of the county wherein the  
19          producing plant is located and the review by the court shall be of all questions therein  
20          whether of fact or law; any such appeal must be taken within 20 days of the date of  
21          the service of the order of revocation upon the licensee.

22          **SECTION 2515.** 94.68 (1) (intro.) of the statutes is amended to read:

23          94.68 (1) (intro.) No person may manufacture, formulate, package, label or  
24          otherwise produce pesticides for sale or distribution in this state, or sell or offer to  
25          sell pesticides to purchasers in this state, whether or not the sales are made wholly

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1 or partially in this state or another state, without a license from the department. A  
2 license expires on December 31 annually and is not transferable. No license may be  
3 is required of persons engaged only in the following:

4 **SECTION 2516.** 94.68 (2) of the statutes is repealed and recreated to read:

5 94.68 (2) (a) An application for a license under sub. (1) shall be made on a form  
6 prescribed by the department. An applicant shall submit all of the following with the  
7 application:

8 1. All fees and surcharges required under s. 94.681.

9 2. A report identifying each pesticide that the applicant sells or distributes for  
10 use in this state and the gross revenue that the applicant derived from the sale or  
11 distribution of each pesticide during the preceding year, as defined in s. 94.681 (1)  
12 (d).

13 (b) The department may not disclose sales revenue information obtained under  
14 par. (a) 2.

15 **SECTION 2517.** 94.68 (3) of the statutes is repealed and recreated to read:

16 94.68 (3) At least 15 days before a person holding a license under this section  
17 begins to sell or distribute for use in this state a pesticide product that was not  
18 identified in the person's most recent annual license application, the person shall file  
19 a supplementary report with the information required under sub. (2) (a) 1. and any  
20 fees and surcharges required under s. 94.681. The department may not disclose sales  
21 revenue information obtained under this subsection.

22 **SECTION 2518.** 94.68 (4) of the statutes is repealed.

23 **SECTION 2519.** 94.681 of the statutes is repealed and recreated to read:

24 **94.681 Pesticide manufacturers and labelers: fees and surcharges. (1)**

25 **DEFINITIONS.** In this section:

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1 (a) "Household pesticide" means a pesticide that is any of the following:

2 1. A sanitizer.

3 2. A disinfectant.

4 3. A germicide.

5 4. An insect repellent that is applied to the human body or to clothing.

6 5. A pesticide that is used exclusively for the treatment of household pets.

7 6. A pesticide product that is labeled exclusively for household, lawn or garden  
8 use if the product either is sold in ready-to-use form or is sold exclusively in  
9 container sizes of less than one gallon.

10 7. A solid or liquid pesticide product that is used exclusively for the treatment  
11 of swimming pools, spas or hot tubs.

12 (b) "Industrial pesticide" means a pesticide that is not a household pesticide  
13 and that is one of the following:

14 1. Solely labeled for use on wood and contains pentachlorophenol, coal tar  
15 creosote or inorganic arsenical wood preservatives.

16 2. Labeled for use in controlling algae, fungi, bacteria, other microscopic  
17 organisms or mollusks in or on one or more of the following and for no other use  
18 except for a use described in par. (a) 6. or 7.:

19 a. Textiles, paper, leather, plastic, vinyl or other synthetic materials, metal or  
20 rubber.

21 b. Paints, varnishes, lubricants or fuels.

22 c. Commercial, manufacturing or industrial fluids, including adhesives,  
23 additives and pigments.

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1           d. Commercial, manufacturing or industrial processes, equipment, devices or  
2 containers, other than those used in the production or storage of human food or  
3 animal feed.

4           e. Air washing, cooling or heat transfer systems.

5           f. Medical equipment.

6           g. Drinking water or wastewater systems.

7           (c) "Nonhousehold pesticide" means a pesticide that is not a household  
8 pesticide or an industrial pesticide.

9           (d) "Preceding year" means the 12 months ending on September 30 of the year  
10 immediately preceding the year for which a license is sought under s. 94.68.

11           (e) "Primary producer" means a person who manufactures an active ingredient  
12 that is used to manufacture or produce a pesticide.

13           **(2) ANNUAL LICENSE FEE.** An applicant for a license under s. 94.68 shall pay an  
14 annual license fee for each pesticide product that the applicant sells or distributes  
15 for use in this state. Except as provided in sub. (5) or (6), the fee for each pesticide  
16 product is as follows:

17           (a) For each household pesticide product:

18           1. If the applicant sold less than \$25,000 of the product during the preceding  
19 year for use in this state, \$265, except that the fee is \$215 for the license years that  
20 begin on January 1, 1998, and January 1, 1999.

21           2. If the applicant sold at least \$25,000 but less than \$75,000 of the product  
22 during the preceding year for use in this state, \$750, except that the fee is \$650 for  
23 the license years that begin on January 1, 1998, and on January 1, 1999.



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1           3. If the applicant sold at least \$75,000 of the product during the preceding year  
2 for use in this state, \$1,500, except that the fee is \$1,200 for the license years that  
3 begin on January 1, 1998, and on January 1, 1999.

4           (b) For each industrial pesticide product:

5           1. If the applicant sold less than \$25,000 of the product during the preceding  
6 year for use in this state, \$315, except that the fee is \$265 for the license years that  
7 begin on January 1, 1998, and on January 1, 1999.

8           2. If the applicant sold at least \$25,000 but less than \$75,000 of the product  
9 during the preceding year for use in this state, \$860, except that the fee is \$760 for  
10 the license years that begin on January 1, 1998, and January 1, 1999.

11           3. If the applicant sold at least \$75,000 of that product during the preceding  
12 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years  
13 that begin on January 1, 1998, and on January 1, 1999.

14           (c) For each nonhousehold pesticide product:

15           1. If the applicant sold less than \$25,000 of that product during the preceding  
16 year for use in this state, \$320, except that the fee is \$270 for the license years that  
17 begin on January 1, 1998, and on January 1, 1999.

18           2. If the applicant sold at least \$25,000 but less than \$75,000 of the product  
19 during the preceding year for use in this state, \$890, except that the fee is \$790 for  
20 the license years that begin on January 1, 1998, and on January 1, 1999.

21           3. If the applicant sold at least \$75,000 of the product during the preceding year  
22 for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the product  
23 during the preceding year for use in this state, except that for the license years that  
24 begin on January 1, 1998, and January 1, 1999, the fee shall be \$2,760 plus 0.2% of

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1 the gross revenues from sales of the product during the preceding year for use in this  
2 state.

3 **(3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE.** Beginning with the licence  
4 year that begins on January 1, 2000, an applicant for a license under s. 94.68 shall  
5 pay an agricultural chemical cleanup surcharge for each nonhousehold pesticide  
6 product that the applicant sells or distributes for use in this state. Except as provided  
7 in sub. (6) or under s. 94.73 (15), the amount of the surcharge is as follows:

8 (a) If the applicant sold less than \$25,000 of the product during the preceding  
9 year for use in this state, \$5.

10 (b) If the applicant sold at least \$25,000 but less than \$75,000 of that product  
11 during the preceding year for use in this state, \$170.

12 (c) If the applicant sold at least \$75,000 of that product during the preceding  
13 year for use in this state, an amount equal to 1.1% of gross revenues from sales of the  
14 product during the preceding year for use in this state.

15 **(4) PRIMARY PRODUCERS; WELL COMPENSATION FEE.** A primary producer applying  
16 for a license under s. 94.68 shall pay a well compensation fee of \$150.

17 **(5) UNREPORTED PESTICIDE; INCREASED LICENSE FEE.** If a person applying for or  
18 holding a license under s. 94.68 sells or distributes a pesticide product for use in this  
19 state without having filed a report for the product under s. 94.68 (2) (a) 2. or (3), the  
20 license fee for that product is twice the amount determined under sub. (2).

21 **(6) DISCONTINUED PESTICIDE; FINAL LICENSE FEE AND CLEANUP SURCHARGE.** (a) A  
22 person holding a license under s. 94.68 who stops selling or distributing a pesticide  
23 product for use in this state shall do all of the following:

24 1. Notify the department by December 31 of the year in which the person stops  
25 selling or distributing the pesticide product for use in this state.

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1           2. By March 31 of the year following the year in which the person stopped  
2 selling or distributing the pesticide product for use in this state, file a report with the  
3 department showing the gross revenue that the person derived from the sale of the  
4 pesticide product for use in this state from October 1 of the year in which the person  
5 stopped selling or distributing the pesticide product to December 31 of that year.

6           3. By March 31 of the year following the year in which the person stopped  
7 selling or distributing the pesticide product for use in this state, pay a final license  
8 fee for the pesticide product, calculated under sub. (2) based on the sales of the  
9 pesticide product during the period specified in subd. 2.

10          4. If the product is a nonhousehold pesticide, pay a final agricultural chemical  
11 cleanup surcharge calculated under sub. (3) based on sales of the product during the  
12 period specified in subd. 2.

13           (b) The department may not disclose information obtained under par. (a) 2.

14          **(7) USE OF FEES AND SURCHARGES.** (a) *License fees.* The department shall deposit  
15 all license fees collected under subs. (2), (5) and (6) (a) 3. in the agrichemical  
16 management fund except as follows:

17           1. The department shall deposit an amount equal to \$80 for each pesticide  
18 product for which an applicant pays a license fee in the environmental fund for  
19 environmental management.

20           2. The department shall deposit a hazardous household waste collection and  
21 disposal fee of \$30 for each household pesticide product for which an applicant pays  
22 a license fee in the environmental fund for environmental management.

23           (b) *Nonhousehold pesticides; cleanup surcharge.* The department shall credit  
24 the surcharges collected under subs. (3) and (6) (a) 4. to the appropriation account  
25 under s. 20.115 (7) (i).

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1           (c) *Well compensation fee.* The department shall deposit the well compensation  
2 fees collected under sub. (4) in the environmental fund for environmental  
3 management.

4           **(8) FEES AND SURCHARGES NONREFUNDABLE.** The department may not refund a  
5 fee or surcharge under this section after the department issues a license under s.  
6 94.68 to the person who paid the fee or surcharge, unless the fee or surcharge was  
7 not properly charged or collected.

8           **SECTION 2520.** 94.685 (2) of the statutes is repealed and recreated to read:

9           94.685 **(2)** (a) A dealer or distributor applying for an annual license under sub.  
10 (1) shall apply on a form provided by the department. The application shall include  
11 the applicant's full name and the mailing address and street address of each business  
12 location from which the applicant sells, or intends to sell, restricted-use pesticides.  
13 The applicant shall submit the license fee and surcharge required under sub. (3) with  
14 the application.

15           (b) No dealer or distributor may sell any restricted-use pesticide from a sales  
16 location opened during a license year until that dealer or distributor pays the license  
17 fee and surcharge required under sub. (3) for the new location.

18           **SECTION 2521.** 94.685 (3) of the statutes is repealed and recreated to read:

19           94.685 **(3)** (a) A dealer or distributor shall pay the following annual license fee  
20 and surcharge for each location from which the dealer or distributor sells  
21 restricted-use pesticides:

22           1. A license fee of \$60.

23           2. Beginning with the license year that begins on January 1, 2000, an  
24 agricultural chemical cleanup surcharge of \$40, unless the department establishes  
25 a lower surcharge under s. 94.73 (15).

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1 (b) 1. The department shall deposit the fee under par. (a) 1. in the agrichemical  
2 management fund.

3 2. The department shall credit the surcharge under par. (a) 2. to the  
4 appropriation account under s. 20.115 (7) (i).

5 **SECTION 2522.** 94.702 (3m) of the statutes is created to read:

6 94.702 (3m) The department shall deposit the fees collected under sub. (3) in  
7 the agrichemical management fund.

8 **SECTION 2523.** 94.703 (3) (a) of the statutes is repealed and recreated to read:

9 94.703 (3) (a) A person applying for an annual license under this section shall  
10 pay the following annual license fee and surcharge for each business location that  
11 the person operates in this state, including each business location added during the  
12 license year:

13 1. A license fee of \$70.

14 2. Beginning with the license year that begins on January 1, 2000, an  
15 agricultural chemical cleanup surcharge of \$55, unless the department establishes  
16 a lower surcharge under s. 94.73 (15).

17 **SECTION 2524.** 94.703 (3) (c) of the statutes is renumbered 94.703 (3) (c) 1. and  
18 amended to read:

19 94.703 (3) (c) 1. The department shall deposit the fees collected under ~~this~~  
20 ~~subsection~~ par. (a) 1. in the agrichemical management fund.

21 **SECTION 2525.** 94.703 (3) (c) 2. of the statutes is created to read:

22 94.703 (3) (c) 2. The department shall credit surcharges collected under par.  
23 (a) 2. to the appropriation account under s. 20.115 (7) (i).

24 **SECTION 2526.** 94.704 (2) (intro.) of the statutes is amended to read:

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1           94.704 (2) (intro.) An application for a license under this section shall be  
2 submitted on a form provided by the department and shall be accompanied by the  
3 license fee and surcharge required under sub. (3). A license application shall include  
4 all of the following information, which shall be promptly updated by the licensee in  
5 the event of any change during the license period:

6           **SECTION 2527.** 94.704 (3) (a) of the statutes is repealed and recreated to read:

7           94.704 (3) (a) Except as provided in par. (b), a person applying for an annual  
8 license under this section shall pay the following license fee and surcharge:

9           1. A license fee of \$40, except that the license fee is \$30 for the license years that  
10 begin on January 1, 1998, and January 1, 1999.

11           2. Beginning with the license year that begins on January 1, 2000, an  
12 agricultural chemical cleanup surcharge of \$20, unless the department establishes  
13 a lower surcharge under s. 94.73 (15).

14           **SECTION 2528.** 94.704 (3) (c) of the statutes is created to read:

15           94.704 (3) (c) 1. The department shall deposit license fees collected under par.  
16 (a) 1. in the agrichemical management fund.

17           2. The department shall credit surcharges collected under par. (a) 2. to the  
18 appropriation account under s. 20.115 (7) (i).

19           **SECTION 2529.** 94.72 (6) (a) of the statutes is repealed and recreated to read:

20           94.72 (6) (a) *Fee amounts.* Except as otherwise provided in this subsection, a  
21 person required to be licensed under sub. (5) shall pay the following annual  
22 inspection fees on all commercial feeds distributed in this state:

23           1. For commercial feeds distributed in this state during the years that begin  
24 on January 1, 1997, and on January 1, 1998, 15 cents per ton.

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1           2. For commercial feeds distributed in this state on or after January 1, 1999,  
2           25 cents per ton.

3           **SECTION 2530.** 94.72 (6) (am) of the statutes is created to read:

4           94.72 (6) (am) *Tonnage reports and fee payments.* 1. By the last day of February  
5           annually, a person who is required to be licensed under sub. (5) shall file a tonnage  
6           report with the department showing the number of net tons of commercial feed that  
7           the person sold or distributed in this state during the preceding calendar year. By  
8           the last day of February annually, the person shall also pay the fees under par. (a)  
9           for commercial feed that the person sold or distributed in this state during the  
10          preceding calendar year, based on the tonnage report.

11          2. At the request of the department, a person filing a tonnage report under  
12          subd. 1. shall make the records upon which the tonnage report is based available to  
13          the department for inspection, copying and audit.

14          3. The department may not disclose information obtained from a tonnage  
15          report under subd. 1.

16          **SECTION 2531.** 94.73 (1) (g) of the statutes is amended to read:

17          94.73 (1) (g) "Nonhousehold pesticide" has the meaning given in s. ~~94.68 (3) (a)~~  
18          ~~2., except that it does not include pentachlorophenol, inorganic arsenical wood~~  
19          ~~preservatives and coal tar creosote~~ 94.681 (1) (c).

20          **SECTION 2532.** 94.73 (2) (c) of the statutes is amended to read:

21          94.73 (2) (c) The department may issue an order under par. (a) on a summary  
22          basis without prior notice or a prior hearing if the department determines that a  
23          summary order is necessary to prevent imminent harm to public health or safety or  
24          to the environment. If the recipient of a summary order requests a hearing on that  
25          order, the department shall hold a hearing within 10 days after it receives the

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1 request unless the recipient agrees to a later hearing date. The department is not  
2 required to stay enforcement of a summary order issued under this paragraph  
3 pending the outcome of the hearing. If the responsible person prevails after a  
4 hearing, the department shall reimburse the responsible person from the  
5 appropriation under s. 20.115 (7) (e) or ~~(w)~~ (i) for the corrective action costs incurred  
6 as the result of the department's order.

7 **SECTION 2533.** 94.73 (3m) (L) of the statutes is amended to read:

8 94.73 **(3m)** (L) The cost of a responsible person's time spent in planning and  
9 ~~implementing~~ the corrective action.

10 **SECTION 2534.** 94.73 (3m) (r) of the statutes is amended to read:

11 94.73 **(3m)** (r) The cost of providing alternative sources of drinking water,  
12 except that, subject to sub. (6) (b) to ~~(e)~~ (d), the department may reimburse a  
13 responsible person who applies for reimbursement a total of not more than \$20,000  
14 for the replacement of private wells if the department or the department of natural  
15 resources orders the well replacement in response to a discharge.

16 **SECTION 2535.** 94.73 (4) (a) of the statutes is amended to read:

17 94.73 **(4)** (a) Except as provided in par. (d), no responsible person may receive  
18 reimbursement for corrective action costs exceeding \$20,000 \$7,500 unless the  
19 responsible person submits to the department in writing, and the department  
20 approves, a work plan for the corrective action before the corrective action is taken.

21 **SECTION 2536.** 94.73 (5) (e) of the statutes is amended to read:

22 94.73 **(5)** (e) No person may make a false statement or misrepresentation on  
23 an application submitted under this section. A person who makes a false statement  
24 or misrepresentation on an application related to a corrective action is ineligible for  
25 reimbursement related to that corrective action and is ineligible for any



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1 reimbursement related to any other corrective action taken or ordered within 5 years  
2 after the date of the false statement or misrepresentation. If the responsible person  
3 has received any reimbursement for which the responsible person is ineligible under  
4 this paragraph, the responsible person shall refund the full amount of that  
5 reimbursement to the department. The amounts refunded to the department under  
6 this paragraph shall be deposited in the ~~agricultural management fund~~ credited to  
7 the appropriation account under s. 20.115 (7) (i).

8 **SECTION 2537.** 94.73 (6) (b) and (c) of the statutes are repealed and recreated  
9 to read:

10 94.73 (6) (b) Except as provided in par. (c) or (d), the department shall  
11 reimburse a responsible person an amount equal to 80% of the corrective action costs  
12 incurred for each discharge site that are greater than \$3,000 and less than \$400,000.

13 (c) Except as provided in par. (d), the department shall reimburse a responsible  
14 person an amount equal to 80% of the corrective action costs incurred for each  
15 discharge site that are greater than \$7,500 and less than \$400,000 if any of the  
16 following applies:

- 17 1. The responsible person is required to be licensed under ss. 94.67 to 94.71.
- 18 2. The responsible person employs more than 25 persons.
- 19 3. The responsible person has gross annual sales of more than \$2,500,000.

20 **SECTION 2538.** 94.73 (6) (d) of the statutes is amended to read:

21 94.73 (6) (d) If the corrective action is related to a discharge that occurred in  
22 the course of transporting an agricultural chemical, ~~the reimbursement under par.~~  
23 ~~(b) this subsection~~ is limited to ~~75%~~ 80% of the corrective action costs that exceed  
24 \$7,500 for a person required to be licensed under ss. 94.64 to 94.71 or that exceed  
25 \$3,000 for any other person \$3,000 but that do not exceed \$50,000.

**SENATE BILL 77****SECTION 2539**

1           **SECTION 2539.** 94.73 (6) (e) of the statutes is repealed.

2           **SECTION 2540.** 94.73 (7) of the statutes is repealed and recreated to read:

3           94.73 (7) PAYMENT. (a) The department may make payments to a responsible  
4 person who is eligible for reimbursement under sub. (3) if the department has  
5 authorized reimbursement to that person under sub. (6). The department shall  
6 make payment from the appropriation accounts under s. 20.115 (7) (e) and (i), subject  
7 to the availability of funds in those appropriation accounts. If there are insufficient  
8 funds to pay the full amounts authorized under sub. (6) to all eligible responsible  
9 persons, the department shall distribute payments in the order in which applications  
10 were received, unless the department specifies, by rule, a different order of payment.

11           (b) The department may promulgate rules specifying the procedure by which,  
12 and the order in which, it will distribute payments under par. (a). The department  
13 may establish distribution priorities or formulas based on the severity of  
14 contamination, the time elapsed since corrective action costs were incurred or other  
15 factors that the department considers appropriate.

16           **SECTION 2541.** 94.73 (8) of the statutes is amended to read:

17           94.73 (8) SUBROGATION. The department is entitled to the right of subrogation  
18 for the reimbursement of corrective action costs to the extent that a responsible  
19 person who receives reimbursement of corrective action costs may recover the costs  
20 from a 3rd party. The amounts collected by the department under this subsection  
21 shall be deposited in the ~~agrichemical management fund~~ credited to the  
22 appropriation account under s. 20.115 (7) (i).

23           **SECTION 2542.** 94.73 (13) of the statutes is amended to read:

24           94.73 (13) PENALTY. Any person who violates ~~an order issued by the department~~  
25 under this section or an order issued or rule promulgated under this section shall

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1       forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of  
2       continued violation is a separate offense.

3               **SECTION 2543.** 94.73 (15) of the statutes is created to read:

4               **94.73 (15) SURCHARGE ADJUSTMENTS.** The department may, by rule, reduce any  
5       of the surcharges in ss. 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703  
6       (3) (a) 2. and 94.704 (3) (a) 2. below the amounts specified in those provisions. The  
7       department shall adjust surcharge amounts as necessary to maintain a balance in  
8       the appropriation account under s. 20.115 (7) (i) at the end of each fiscal year of at  
9       least \$2,000,000 but not more than \$5,000,000, but may not increase a surcharge  
10      amount over the amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685  
11      (3) (a) 2., 94.703 (3) (a) 2. or 94.704 (3) (a) 2.

12              **SECTION 2544.** 95.72 (2) (c) 5. of the statutes is amended to read:

13              **95.72 (2) (c) 5.** ~~A Subject to ss. 93.13 and 93.135, a person may renew a license~~  
14      by submitting the required license fee and renewal form.

15              **SECTION 2545.** 97.29 (3) (cm) 1. of the statutes is amended to read:

16              **97.29 (3) (cm) 1.** For a food processing plant that has an annual production of  
17      \$25,000 or more but less than \$250,000 and that is engaged in processing potentially  
18      hazardous food or in canning, the reinspection fee is \$80.

19              **SECTION 2546.** 97.29 (3) (cm) 3. of the statutes is amended to read:

20              **97.29 (3) (cm) 3.** For a food processing plant that has an annual production of  
21      \$25,000 or more but less than \$250,000 and that is not engaged in processing  
22      potentially hazardous food or in canning, the reinspection fee is \$50.

23              **SECTION 2547.** 97.29 (3) (cm) 5. of the statutes is created to read:

24              **97.29 (3) (cm) 5.** For a food processing plant that has an annual production of  
25      less than \$25,000, the reinspection fee is \$40.

**SENATE BILL 77****SECTION 2548**

1           **SECTION 2548.** 97.30 (3m) (a) 3. of the statutes is amended to read:

2           97.30 **(3m)** (a) 3. ~~Beginning with the license year that ends on June 30, 1995,~~  
3           an An annual weights and measures inspection fee of \$45, except that this fee does  
4           not apply to a retail food establishment that is located in a municipality that has  
5           established a municipal department of weights and measures under s. 98.04 (1) for  
6           the purpose of enforcement of the provisions of ch. 98.

7           **SECTION 2549.** 97.30 (3m) (b) 3. of the statutes is amended to read:

8           97.30 **(3m)** (b) 3. ~~Beginning with the license year that ends on June 30, 1995,~~  
9           an An annual weights and measures inspection fee of \$100, except that this fee does  
10          not apply to a retail food establishment that is located in a municipality that has  
11          established a municipal department of weights and measures under s. 98.04 (1) for  
12          the purpose of enforcement of the provisions of ch. 98.

13          **SECTION 2550.** 97.30 (3m) (c) 3. of the statutes is amended to read:

14          97.30 **(3m)** (c) 3. ~~Beginning with the license year that ends on June 30, 1995,~~  
15          an An annual weights and measures inspection fee of \$25, except that this fee does  
16          not apply to a retail food establishment that is located in a municipality that has  
17          established a municipal department of weights and measures under s. 98.04 (1) for  
18          the purpose of enforcement of the provisions of ch. 98.

19          **SECTION 2551.** 98.16 (2) (a) 1. of the statutes is amended to read:

20          98.16 **(2)** (a) 1. Except as provided in subd. 2., a person may not operate a  
21          vehicle scale without a license from the department. A separate license is required  
22          for each scale. A license is not transferable between persons or scales. A license  
23          expires on ~~December~~ March 31 annually. The department shall provide a license  
24          application form for persons applying for a license. The form may require

**SENATE BILL 77****SECTION 2551**

1 information reasonably required by the department for licensing purposes. A license  
2 application shall be accompanied by applicable fees under pars. (b) and (c).

3 **SECTION 2552.** 98.16 (2) (b) of the statutes is amended to read:

4 98.16 (2) (b) The fee for a license under par. (a) is \$30 \$60, except that the  
5 department may establish a different fee by rule.

6 **SECTION 2553.** 98.16 (2) (c) of the statutes is amended to read:

7 98.16 (2) (c) An applicant for a license under par. (a) shall pay a license fee  
8 surcharge of \$30 \$200 in addition to the license fee if the department determines that  
9 within one year prior to submitting the license application the applicant operated a  
10 vehicle scale without a license as required by par. (a). Payment of the license fee  
11 surcharge does not relieve the applicant of any other civil or criminal liability for the  
12 operation of a vehicle scale without a license but shall not constitute evidence of  
13 violation of a law.

14 **SECTION 2554.** 98.18 (1) (title) of the statutes is amended to read:

15 98.18 (1) (title) LICENSE REQUIRED.

16 **SECTION 2555.** 98.18 (1) (a) 1. of the statutes is renumbered 98.18 (1) (a) and  
17 amended to read:

18 98.18 (1) (a) Except as provided in subd. 2., ~~a person may not par. (bm), no~~  
19 person may engage in the business of installing, servicing, testing or calibrating  
20 weights and measures without a license from the department. A license expires on  
21 December 31 annually. ~~The department shall provide a license application for~~  
22 ~~persons applying for a license.~~

23 **(1d)** (title) LICENSE APPLICATION. ~~The form may require information~~ An  
24 applicant for a license issued under sub. (1) (a) shall apply on a form provided by the  
25 department. The applicant shall provide on the form information that is reasonably

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1 required by the department for ~~licensing purposes.~~ ~~A~~ issuing licenses under this  
2 section. The license application shall be accompanied by the applicable fees under  
3 ~~par. (b) and (c)~~ subs. (1h) and (1p).

4 **SECTION 2556.** 98.18 (1) (a) 2. (intro.) of the statutes is renumbered 98.18 (1)  
5 (bm) (intro.) and amended to read:

6 98.18 (1) (bm) (intro.) ~~Subdivision 1.~~ Paragraph (a) does not apply to any of the  
7 following:

8 **SECTION 2557.** 98.18 (1) (a) 2. a. of the statutes is renumbered 98.18 (1) (bm)  
9 1. and amended to read:

10 98.18 (1) (bm) 1. A person who installs, services, tests or calibrates weights and  
11 measures only as an employe of a person who is required under ~~this paragraph~~ par.  
12 (a) to hold a license to perform those services.

13 **SECTION 2558.** 98.18 (1) (a) 2. b. of the statutes is renumbered 98.18 (1) (bm)  
14 2.

15 **SECTION 2559.** 98.18 (1) (b) of the statutes is repealed.

16 **SECTION 2560.** 98.18 (1) (c) of the statutes is renumbered 98.18 (1p) and  
17 amended to read:

18 98.18 (1p) (title) SURCHARGE FOR OPERATING WITHOUT A LICENSE. An applicant  
19 for a license under ~~par. sub. (1)~~ (a) shall pay a license fee surcharge of \$100 \$200 in  
20 addition to the license fee if the department determines that within one year ~~prior~~  
21 ~~to submitting the license~~ before making the application the applicant engaged in the  
22 ~~business of installing, servicing, testing or calibrating weights and measures~~  
23 ~~without a license as required by par. violated sub. (1) (a).~~ Payment of the license fee  
24 this surcharge does not relieve the applicant of any other civil or criminal liability  
25 that ~~may result from the unlicensed activity but shall~~ the applicant may incur

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1 because of the violation of sub. (1) (a), but does not constitute evidence of violation  
2 of a law.

3 **SECTION 2561.** 98.18 (1) (d) of the statutes is renumbered 98.18 (1t) and  
4 amended to read:

5 98.18 (1t) (title) LICENSE CONTINGENT ON FEE PAYMENT. The department shall  
6 may not issue or renew a license under par. sub. (1) (a) unless the applicant pays all  
7 fees required under pars. (b) and (c) subs. (1h) and (1p) as set forth in a statement  
8 issued by the department. The department shall refund a fee paid under protest if  
9 the department determines that the fee was not required to be paid under this  
10 section.

11 **SECTION 2562.** 98.18 (1h) of the statutes is created to read:

12 98.18 (1h) LICENSE FEES. Unless the department establishes different fees by  
13 rule, the following annual license fees shall apply:

14 (a) If the applicant solely engages in installing, servicing, testing or calibrating  
15 weights and measures that the applicant owns, the applicant for a license under sub.  
16 (1) (a) shall pay a license fee in the amount of \$100.

17 (b) If the applicant installs, services, tests or calibrates weights or measures  
18 for others, the applicant for a license under sub. (1) (a) shall pay all of the following:

19 1. A basic license fee of \$200.

20 2. A supplementary license fee of \$50 for each additional business location if  
21 the applicant operates from more than one business location.

22 **SECTION 2563.** 98.18 (2) of the statutes is amended to read:

23 98.18 (2) RULES. The department may promulgate rules to establish license  
24 fees under sub. (1) (b) (1h) and to regulate the installation, servicing, testing and

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1 certification of weights and measures. The rules may include record-keeping and  
2 reporting requirements.

3 **SECTION 2564.** 98.245 (4) (a) of the statutes is amended to read:

4 98.245 (4) (a) When liquefied petroleum gas is sold or delivered to a consumer  
5 as a liquid and by liquid measurement the volume of liquid so sold and delivered shall  
6 be corrected to a temperature of 60 degrees Fahrenheit through use of an approved  
7 volume correction factor table, or through use of ~~an approved~~ a meter with that is  
8 equipped with a sealed automatic compensating mechanism and that is in  
9 compliance with sub. (7). All sale tickets shall show the delivered gallons, the  
10 temperature at the time of delivery and the corrected gallonage, or shall state that  
11 temperature correction was automatically made.

12 **SECTION 2565.** 98.245 (4) (b) of the statutes is amended to read:

13 98.245 (4) (b) When liquefied petroleum gas is sold or delivered to a consumer  
14 in vapor form by vapor measurement, the volume of vapor so sold and delivered shall  
15 be corrected to a temperature of 60 degrees Fahrenheit through the use of an  
16 ~~approved~~ a meter that is equipped with a sealed automatic temperature  
17 compensating mechanism. This paragraph shall apply to all meters installed for use  
18 in the vapor measurement of liquefied petroleum gas in vapor form after May 24,  
19 1978. This paragraph does not prohibit the continued use of meters previously  
20 installed without a self-sealing automatic temperature compensating mechanism,  
21 but no such meter may be continued in use after January 1, 1986, unless brought into  
22 compliance with this paragraph. Subsection (7) does not apply to meters used to sell  
23 or deliver liquefied petroleum gas that are subject to this paragraph.

24 **SECTION 2566.** 98.245 (6) (title) of the statutes is repealed and recreated to  
25 read:



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1           98.245 (6) (title) PUMPS AND METERS.

2           **SECTION 2567.** 98.245 (6) (a) (intro.) of the statutes is amended to read:

3           98.245 (6) (a) (intro.) No person may sell liquefied petroleum gas and deliver  
4 it by a vehicle equipped with a pump and ~~metering device~~ meter unless the pump and  
5 ~~metering device~~ meter is equipped with a delivery ticket printer and is in compliance  
6 with sub. (7). Except as provided in par. (b), the seller shall, at the time of delivery,  
7 either provide a copy of the delivery ticket printed by the delivery ticket printer to  
8 the purchaser or leave a copy at the place of delivery. The delivery ticket shall contain  
9 all of the following information:

10           **SECTION 2568.** 98.245 (7) of the statutes is created to read:

11           98.245 (7) METERS; TESTING; FEES. (a) In this subsection:

12           1. "Applicable standards" means all of the following:

13           a. The standards, specifications, regulations and tolerances that are specified  
14 under s. 98.03 or that are promulgated as rules under s. 98.03 and that apply to  
15 liquefied petroleum gas.

16           b. The standards promulgated as rules under par. (k).

17           2. "Seller" means a person who sells liquefied petroleum gas and who operates  
18 a meter to measure the amount of liquefied petroleum gas that the person delivers  
19 or sells.

20           (b) A seller shall have the seller's meter inspected and tested at least once every  
21 365 days for accuracy, at the seller's expense, by an independent meter testing or  
22 service company. The meter testing or service company shall conduct the inspection  
23 and testing using the applicable standards and shall determine whether the meter  
24 meets the applicable standards.

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1 (c) A meter testing or service company that inspects and tests a meter under  
2 par. (b) in this state shall promptly prepare and furnish a written report to the seller  
3 for whom the company performed the inspection and testing. The report shall  
4 include all of the following:

5 1. The name and address of the seller for whom the meter testing or service  
6 company performed the inspection and testing.

7 2. The date of the inspection and testing.

8 3. Information identifying the meter, including its brand name and serial  
9 number.

10 4. If the meter is mounted on a vehicle, the vehicle identification number, as  
11 defined in s. 340.01 (23r), or the number used by the seller to identify the vehicle.

12 5. The condition of the meter as found by the meter testing or service company,  
13 including whether the meter complies with the applicable standards.

14 6. The condition of the meter as left by the meter testing or service company,  
15 including whether the meter complies with the applicable standards.

16 (d) The meter testing or service company shall file with the department a copy  
17 of the report under par. (c) within 30 days after the company completes the inspection  
18 and testing.

19 (e) A meter testing or service company that inspects and tests meters under par.  
20 (b) shall pay to the department, by April 1 annually, a fee of \$20 for each meter for  
21 which the company has filed one or more reports under par. (d) during the preceding  
22 year. By February 15 annually, the department shall bill each meter testing or  
23 service company the amount that the company is required to pay under this  
24 paragraph for the preceding year.

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1 (f) A person preparing a report or receiving a copy of a report under par. (c) shall  
2 keep it for at least 3 years after the report is prepared and shall make the report or  
3 the copy available to the department for inspection and copying upon the  
4 department's request. No person may falsify any report required under par. (c) or a  
5 copy of such a report.

6 (g) 1. The department may inspect and test any meter that is used to measure  
7 an amount of liquefied petroleum gas that is delivered or sold.

8 2. A seller shall pay to the department a fee of \$150 if the seller's meter fails  
9 the inspection and testing under subd. 1. because the amount of liquefied petroleum  
10 gas that is delivered is less than the meter indicates.

11 3. A seller shall pay to the department a fee of \$150 if the seller's meter has not  
12 been inspected and tested as required under par. (b) within 365 days before the date  
13 of the inspection and testing under subd. 1.

14 (h) 1. If a meter fails inspection and testing under par. (g) 2., the department  
15 may reinspect and retest the meter. Except as provided in subd. 2., the seller shall  
16 pay a reinspection fee of \$250 if, at the time of reinspection and retesting, the amount  
17 of liquefied petroleum gas that is delivered is less than the meter indicates.

18 2. Notwithstanding the fee under subd. 1., if the department reinspects and  
19 retests the meter more than 180 days after the inspection and testing conducted by  
20 the department under par. (g), the seller shall pay a fee of only \$150 and only if the  
21 amount of liquefied petroleum gas that is delivered is less than the meter indicates.

22 (i) A seller shall pay a fee required under par. (g) or (h) after the department  
23 completes the inspection and testing. The fee is due when the seller receives a  
24 written demand from the department. The department may issue the written

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1 demand no later than the February 1 following December 31 of the year in which the  
2 inspection and testing were conducted.

3 (j) The payment of a fee under par. (g) or (h) does not relieve a seller of any  
4 liability under s. 98.26 but does not constitute evidence of any violation of law.

5 (k) The department may promulgate rules to do any of the following:

6 1. Establish standards for the construction, installation and maintenance of  
7 liquefied petroleum gas meters.

8 2. Establish standards for the inspection and testing of liquefied petroleum gas  
9 meters.

10 **SECTION 2569.** 99.02 (1) of the statutes is amended to read:

11 99.02 (1) APPLICATION. Except as provided in sub. (2), no person may operate  
12 a warehouse, including a cold storage warehouse, for the storage of property as bailee  
13 for hire without a public warehouse keeper's license. A person desiring a public  
14 warehouse keeper's license shall apply on a form furnished by the department and  
15 shall set forth the location, size, character and equipment of the building or premises  
16 to be used by the applicant, the kinds of goods intended to be stored, the name of each  
17 partner if a partnership or of each member if a limited liability company, the names  
18 of the officers if a corporation, and such other facts as the department requires to  
19 show that the property proposed to be used is suitable for a warehouse and that the  
20 applicant is qualified as a public warehouse keeper. If Subject to ss. 93.13 and  
21 93.135, if the property proposed to be used is suitable for a public warehouse and the  
22 applicant is otherwise qualified, a license shall be issued upon payment of the license  
23 fee under sub. (3) and the filing of security or insurance as required under s. 99.03.

24 **SECTION 2570.** 100.06 (1g) (c) of the statutes is amended to read:

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1           100.06 (1g) (c) The department shall require the applicant to file a financial  
2 statement of his or her business operations and financial condition that meets the  
3 requirements of par. (d). The licensee, during the term of his or her license, may be  
4 required to file such statements periodically. All such statements shall be  
5 confidential and shall not be open for public inspection, except that the department  
6 shall open such statements for inspection if requested by the department of industry,  
7 labor and job development under s. 49.22 (2m). The department may require such  
8 statements to be certified by a public accountant. Such statements and audits, when  
9 made by the department, shall be paid for at cost.

10           **SECTION 2571.** 100.201 (1) (b) 1. of the statutes is amended to read:

11           100.201 (1) (b) 1. “Retailer” means every person making any sale of selected  
12 dairy products at retail within this state unless otherwise excepted; provided, that  
13 in the case of a person making both sales at retail and sales at wholesale such term  
14 shall apply only to the retail portion of such sales. “Retailer” does not include the  
15 United States, the state, any municipality local governmental unit, as defined in s.  
16 345.05 (1) (e) (bg), or any religious, charitable or educational organization or  
17 institution, but does include any other person engaged in the business of making  
18 retail sales wholly or in part for the person’s own profit at an institution operated by  
19 such an exempt party.

20           **SECTION 2572.** 100.201 (2) (b) (intro.) of the statutes is amended to read:

21           100.201 (2) (b) (intro.) Discriminate in price, directly or indirectly, between  
22 different purchasers of selected dairy products of like grade and quality where the  
23 effect of such discrimination may be substantially to lessen competition or tend to  
24 create a monopoly, or to injure, destroy or prevent competition with any person who  
25 either grants or knowingly receives the benefit of such discrimination, or with

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1 customers of either of them. Proof made at any proceeding under this paragraph that  
2 there has been discrimination in price shall be prima facie evidence of the truth of  
3 such charges. The burden of rebutting such prima facie evidence by a showing of  
4 justification shall be upon the person charged with the violation. Nothing in this  
5 paragraph shall prevent any person charged with a violation of this paragraph from  
6 rebutting such prima facie evidence by showing that the person's lower price was  
7 made in good faith to meet an equally low price of a competitor. Nothing in this  
8 paragraph shall be construed to apply to the submission of bids to or sales to the  
9 United States, the state, any ~~municipality~~ local governmental unit, as defined in s.  
10 345.05 (1) (e) (bg), or any religious, charitable or educational organization or  
11 institution. Nothing in this paragraph shall prevent:

12 **SECTION 2573.** 100.45 (1) (dm) of the statutes is created to read:

13 100.45 (1) (dm) "State agency" means any office, department, agency,  
14 institution of higher education, association, society or other body in state  
15 government created or authorized to be created by the constitution or any law which  
16 is entitled to expend moneys appropriated by law, including the legislature and the  
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
18 Center Sports and Entertainment Corporation, the University of Wisconsin  
19 Hospitals and Clinics Authority and the Wisconsin Health and Educational  
20 Facilities Authority.

21 **SECTION 2574.** 100.45 (4) (intro.) of the statutes is amended to read:

22 100.45 (4) SERVICING. (intro.) No person, including a state agency, as defined  
23 ~~in s. 234.75 (10)~~, may perform motor vehicle repair that releases or may release  
24 ozone-depleting refrigerant from a mobile air conditioner or trailer refrigeration  
25 equipment or may install or service a mobile air conditioner or trailer refrigeration

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1 equipment that contains ozone-depleting refrigerant unless all of the following  
2 apply:

3 **SECTION 2575.** 101.02 (6) (j) of the statutes is created to read:

4 101.02 (6) (j) This subsection does not apply to denying a license application  
5 or license renewal or revoking a license under s. 101.02 (20) (c) or (d).

6 **SECTION 2576.** 101.02 (20) of the statutes is created to read:

7 101.02 (20) (a) For purposes of this subsection, "license" means a license,  
8 permit or certificate of certification or registration issued by the department under  
9 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),  
10 101.178 (2) and (3) (a), 101.63 (2) and (2m), 101.653, 101.73 (5) and (6), 101.82 (2),  
11 101.87, 101.95, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
12 145.175, 145.18 and 167.10 (6m).

13 (b) The department of commerce may not issue or renew a license unless each  
14 applicant who is an individual provides the department of commerce with his or her  
15 social security number and each applicant that is not an individual provides the  
16 department of commerce with its federal employer identification number. The  
17 department of commerce may not disclose the social security number or the federal  
18 employer identification number of an applicant for a license or license renewal except  
19 that the department of commerce may disclose the social security number of an  
20 applicant for a license under par. (a) or a renewal of a license under par. (a) to the  
21 department of revenue for the sole purpose of requesting certifications under s.  
22 73.0301 and the department of commerce may disclose the social security number of  
23 an applicant for a license under sub. (21) or a renewal of a license under sub. (21) to  
24 the department of industry, labor and job development for the sole purpose of  
25 administering s. 49.22.

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1 (c) The department of commerce may not issue or renew a license if the  
2 department of revenue certifies under s. 73.0301 that the applicant or licensee is  
3 liable for delinquent taxes.

4 (d) The department of commerce shall revoke a license if the department of  
5 revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

6 **SECTION 2577.** 101.02 (21) of the statutes is created to read:

7 101.02 (21) (a) In this subsection, "license" means a license, permit or  
8 certificate of certification or registration issued by the department under ss. 101.09  
9 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178  
10 (2) and (3) (a), 101.63 (2), 101.653, 101.73 (5) and (6), 101.82 (2), 101.87, 101.95,  
11 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 and  
12 167.10 (6m).

13 (b) As provided in the memorandum of understanding under s. 49.857, the  
14 department of commerce may not issue or renew a license unless the applicant  
15 provides the department of commerce with his or her social security number. The  
16 department of commerce may not disclose the social security number except that the  
17 department of commerce may disclose the social security number of an applicant for  
18 a license under par. (a) or a renewal of a license under par. (a) to the department of  
19 industry, labor and job development for the sole purpose of administering s. 49.22  
20 and the department of commerce may disclose the social security number of an  
21 applicant for a license under sub. (20) or a renewal of a license under sub. (20) to the  
22 department of revenue for the sole purpose of requesting certifications under s.  
23 73.0301.

24 (c) As provided in the memorandum of understanding under s. 49.857, the  
25 department may not issue or renew a license if the applicant or licensee is delinquent



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1 in making court-ordered payments of child or family support, maintenance, birth  
2 expenses, medical expenses or other expenses related to the support of a child or  
3 former spouse.

4 (d) As provided in the memorandum of understanding under s. 49.857, the  
5 department shall restrict or suspend a license issued by the department if the  
6 licensee is delinquent in making court-ordered payments of child or family support,  
7 maintenance, birth expenses, medical expenses or other expenses related to the  
8 support of a child or former spouse.

9 **SECTION 2578.** 101.122 (3) (b) of the statutes is amended to read:

10 101.122 (3) (b) Hold hearings on any matter relating to this section and issue  
11 subpoenas to compel the attendance of witnesses and the production of evidence at  
12 the hearings. This paragraph does not apply to the denial of a license application or  
13 license renewal or the revocation of a license under s. 101.02 (20) (c) or (d).

14 **SECTION 2579.** 101.122 (6m) of the statutes is repealed.

15 **SECTION 2580.** 101.14 (1) (c) of the statutes is amended to read:

16 101.14 (1) (c) The department is hereby empowered and directed to provide the  
17 form of a course of study in fire prevention for use in the public schools, dealing with  
18 the protection of lives and property against loss or damage as a result of preventable  
19 fires, and transmit the same by the first day of August in each year to the ~~department~~  
20 of education state superintendent of public instruction.

21 **SECTION 2581.** 101.14 (5) (a) of the statutes is amended to read:

22 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the  
23 department by rule for plan review and approval for the construction of a new or  
24 additional installation or change in operation of a previously approved installation  
25 for the storage, handling or use of flammable or combustible liquids, the department

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1 shall collect a groundwater fee of \$100 for each plan review submittal. The moneys  
2 collected under this subsection shall be credited to the environmental fund for  
3 ~~groundwater~~ environmental management.

4 **SECTION 2582.** 101.143 (1) (gm) of the statutes is amended to read:

5 101.143 (1) (gm) "Property damage" does not include those liabilities ~~which~~  
6 that are excluded from coverage in liability insurance policies for property damage,  
7 other than liability for remedial action associated with petroleum product discharges  
8 from petroleum product storage systems. "Property damage" does not include the  
9 loss of fair market value resulting from contamination.

10 **SECTION 2583.** 101.143 (2) (e) of the statutes is amended to read:

11 101.143 (2) (e) The department shall promulgate rules, with an effective date  
12 of no later than January 1, 1996, specifying the methods the department will use  
13 under sub. (3) (ae), and (am) ~~and~~ (~~as~~) to identify the petroleum product storage  
14 system or home oil tank system which discharged the petroleum product that caused  
15 an area of contamination and to determine when a petroleum product discharge that  
16 caused an area of contamination occurred. The department shall write the rule in  
17 a way that permits a clear determination of what petroleum product contamination  
18 is eligible for an award under sub. (4) after December 31, 1995.

19 **SECTION 2584.** 101.143 (2) (e) of the statutes, as affected by 1997 Wisconsin Act  
20 .... (this act), is amended to read:

21 101.143 (2) (e) The department shall promulgate rules, with an effective date  
22 of no later than January 1, 1996, specifying the methods the department will use  
23 under sub. (3) (ae) ~~and~~, (ah), (am) and (ap) to identify the petroleum product storage  
24 system or home oil tank system which discharged the petroleum product that caused  
25 an area of contamination and to determine when a petroleum product discharge that

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1 caused an area of contamination occurred. The department shall write the rule in  
2 a way that permits a clear determination of what petroleum product contamination  
3 is eligible for an award under sub. (4) after December 31, 1995.

4 **SECTION 2585.** 101.143 (2) (h) of the statutes is created to read:

5 101.143 (2) (h) 1. In this paragraph, "brownfields" means abandoned, idle or  
6 under used industrial or commercial facilities or sites, the expansion or  
7 redevelopment of which is adversely affected by environmental contamination.

8 2. The department shall give priority in paying awards under sub. (4) to claims  
9 for eligible costs incurred at brownfields.

10 **SECTION 2586.** 101.143 (3) (a) (intro.) of the statutes is amended to read:

11 101.143 (3) (a) *Who may submit a claim.* (intro.) Subject to pars. (ae), and (am)  
12 ~~and (as)~~, an owner or operator or a person owning a home oil tank system may submit  
13 a claim to the department for an award under sub. (4) to reimburse the owner or  
14 operator or the person for the eligible costs under sub. (4) (b) that the owner or  
15 operator or the person incurs because of a petroleum products discharge from a  
16 petroleum product storage system or home oil tank system if all of the following  
17 apply:

18 **SECTION 2587.** 101.143 (3) (a) (intro.) of the statutes, as affected by 1997  
19 Wisconsin Act .... (this act), is amended to read:

20 101.143 (3) (a) *Who may submit a claim.* (intro.) Subject to pars. (ae) ~~and~~, (ah),  
21 (am) and (ap), an owner or operator or a person owning a home oil tank system may  
22 submit a claim to the department for an award under sub. (4) to reimburse the owner  
23 or operator or the person for the eligible costs under sub. (4) (b) that the owner or  
24 operator or the person incurs because of a petroleum products discharge from a

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1 petroleum product storage system or home oil tank system if all of the following  
2 apply:

3 **SECTION 2588.** 101.143 (3) (ae) of the statutes is amended to read:

4 101.143 (3) (ae) (title) *New underground systems.* 1. An owner or operator or  
5 a person owning a home oil tank system is not eligible for an award under this section  
6 for costs incurred because of a petroleum product discharge from a an underground  
7 petroleum product storage tank system or a home oil tank system that meets the  
8 performance standards in 40 CFR 280.20 or in rules promulgated by the department  
9 relating to underground petroleum product storage tank systems installed after  
10 December 22, 1988, except as provided in subd. 2.

11 2. If a an underground petroleum product storage tank system or home oil tank  
12 system that meets the performance standards in 40 CFR 280.20 or in rules  
13 promulgated by the department relating to underground petroleum product storage  
14 tank systems installed after December 22, 1988, is located on a site on which a  
15 petroleum product discharge is confirmed before the date on which the underground  
16 petroleum product storage tank system or home oil tank system is installed and the  
17 department of natural resources does not issue a case closure letter with respect to  
18 that discharge before the installation date, then the owner or operator or person  
19 owning the home oil tank system remains eligible for an award for costs incurred  
20 because of a petroleum product discharge, from that underground petroleum product  
21 storage tank system or home oil tank system, which is confirmed, and with respect  
22 to which activities under par. (c) or (g) are begun, before January 1, 1996, or before  
23 the 91st day after the day on which the department of natural resources issues a case  
24 closure letter with respect to the discharge that occurred before the installation of

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1 the underground petroleum product storage tank system or home oil tank system,  
2 whichever is earlier.

3 **SECTION 2589.** 101.143 (3) (ah) of the statutes is created to read:

4 101.143 (3) (ah) *New aboveground systems.* 1. An owner or operator is not  
5 eligible for an award under this section for costs incurred because of a petroleum  
6 product discharge from a petroleum product storage system that is not an  
7 underground petroleum product storage tank system and that meets the  
8 performance standards in rules promulgated by the department relating to  
9 petroleum product storage systems that are not underground petroleum product  
10 storage tank systems and that are installed after April 30, 1991, except as provided  
11 in subd. 2.

12 2. If a petroleum product storage system that is not an underground petroleum  
13 product storage tank system and that meets the performance standards in rules  
14 promulgated by the department relating to petroleum product storage systems that  
15 are not underground petroleum product storage tank systems and that are installed  
16 after April 30, 1991, is located on a site on which a petroleum product discharge is  
17 confirmed before the date on which the petroleum product storage system is installed  
18 and the department of natural resources does not issue a case closure letter with  
19 respect to that discharge before the installation date, then the owner or operator  
20 remains eligible for an award for costs incurred because of a petroleum product  
21 discharge, from that petroleum product storage system, which is confirmed, and with  
22 respect to which activities under par. (c) or (g) are begun, before May 1, 2001, or  
23 before the 91st day after the day on which the department of natural resources issues  
24 a case closure letter with respect to the discharge that occurred before the  
25 installation of the petroleum product storage system, whichever is earlier.

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1           **SECTION 2590.** 101.143 (3) (am) of the statutes is amended to read:

2           101.143 **(3)** (am) (title) *Upgraded underground systems.* 1. An owner or  
3 operator or a person owning a home oil tank system is not eligible for an award under  
4 this section for costs incurred because of a petroleum product discharge from an  
5 underground petroleum product storage tank system or a home oil tank system if the  
6 discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that  
7 discharge, after the day on which the underground petroleum product storage tank  
8 system or home oil tank system first meets the upgrading requirements in 40 CFR  
9 280.21 (b) to (d) or in rules promulgated by the department relating to the upgrading  
10 of existing underground petroleum product storage tank systems, except as provided  
11 in subds. 2. to 4.

12           2. If a an underground petroleum product storage tank system or home oil tank  
13 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
14 promulgated by the department relating to the upgrading of existing underground  
15 petroleum product storage tank systems, after December 31, 1993, and the owner or  
16 operator or person owning the home oil tank system applies for private pollution  
17 liability insurance covering the underground petroleum product storage tank  
18 system or home oil tank system within 30 days after the day on which the  
19 underground petroleum product storage tank system or home oil tank system first  
20 meets those upgrading requirements, then the owner or operator or person remains  
21 eligible for an award for costs incurred because of a petroleum product discharge,  
22 from that underground petroleum product storage tank system or home oil tank  
23 system, which is confirmed, and with respect to which activities under par. (c) or (g)  
24 are begun, before the 91st day after the day on which the underground petroleum

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1 product storage tank system or home oil tank system first meets those upgrading  
2 requirements.

3 3. If a an underground petroleum product storage tank system first met the  
4 upgrading requirements in 40 CFR 280.21 (b) to (d) before May 1, 1991, then the  
5 owner or operator remains eligible for an award for costs incurred because of a  
6 petroleum product discharge, from that underground petroleum product storage  
7 tank system, which is confirmed, and with respect to which activities under par. (c)  
8 or (g) are begun, before January 1, 1996.

9 4. If a an underground petroleum product storage tank system or home oil tank  
10 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
11 promulgated by the department relating to the upgrading of existing underground  
12 petroleum product storage tank systems, after April 30, 1991, and is located on a site  
13 on which a petroleum product discharge is confirmed before the date on which the  
14 underground petroleum product storage tank system or home oil tank system first  
15 meets those upgrading requirements and the department of natural resources does  
16 not issue a case closure letter with respect to that discharge before that date, then  
17 the owner or operator or person owning the home oil tank system remains eligible  
18 for an award for costs incurred because of a petroleum product discharge, from that  
19 underground petroleum product storage tank system or home oil tank system, which  
20 is confirmed, and with respect to which activities under par. (c) or (g) are begun,  
21 before January 1, 1996, or before the 91st day after the day on which the department  
22 of natural resources issues a case closure letter with respect to the discharge that  
23 occurred before the upgrading requirements were met, whichever is earlier.

24 **SECTION 2591.** 101.143 (3) (ap) of the statutes is created to read:

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1           101.143 (3) (ap) *Upgraded aboveground systems.* 1. An owner or operator is  
2 not eligible for an award under this section for costs incurred because of a petroleum  
3 product discharge from a petroleum product storage system that is not an  
4 underground petroleum product storage tank system if the discharge is confirmed,  
5 or activities under par. (c) or (g) are begun with respect to that discharge, after the  
6 day on which the petroleum product storage system first meets the upgrading  
7 requirements in rules promulgated by the department relating to the upgrading of  
8 existing petroleum product storage systems that are not underground petroleum  
9 product storage tank systems, except as provided in subd. 2.

10           2. If a petroleum product storage system that meets the upgrading  
11 requirements in rules promulgated by the department relating to the upgrading of  
12 existing petroleum product storage systems that are not underground petroleum  
13 product storage tank systems is located on a site on which a petroleum product  
14 discharge is confirmed before the date on which the petroleum product storage  
15 system first meets those upgrading requirements and the department of natural  
16 resources does not issue a case closure letter with respect to that discharge before  
17 that date, then the owner or operator remains eligible for an award for costs incurred  
18 because of a petroleum product discharge, from that petroleum product storage  
19 system, which is confirmed, and with respect to which activities under par. (c) or (g)  
20 are begun, before May 1, 2001, or before the 91st day after the day on which the  
21 department of natural resources issues a case closure letter with respect to the  
22 discharge that occurred before the upgrading requirements were met, whichever is  
23 earlier.

24           **SECTION 2592.** 101.143 (3) (as) of the statutes is repealed.

25           **SECTION 2593.** 101.143 (3) (c) 4. of the statutes is amended to read:



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1           101.143 (3) (c) 4. Receive written approval from the department of natural  
2 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department  
3 of commerce that the remedial action activities performed under subd. 3. meet the  
4 requirements of s. 292.11 unless rules promulgated by the department of natural  
5 resources provide for an alternate means of certifying that the remedial action  
6 activities performed under subd. 3. meet the requirements of s. 292.11.

7           **SECTION 2594.** 101.143 (3) (f) 5. of the statutes is amended to read:

8           101.143 (3) (f) 5. The written approval of the department of natural resources  
9 or the department of commerce, or alternate certification, under par. (c) 4.

10          **SECTION 2595.** 101.143 (4) (a) 5. of the statutes is repealed.

11          **SECTION 2596.** 101.143 (4) (a) 7. of the statutes is amended to read:

12          101.143 (4) (a) 7. In any fiscal year, the department may not award more than  
13 5% of the amount appropriated under s. 20.143 (3) (v) as awards for home oil tank  
14 systems and petroleum product storage systems that are owned by school districts  
15 and that are used for storing heating oil for consumptive use on the premises where  
16 stored.

17          **SECTION 2597.** 101.143 (4) (a) 8. of the statutes is created to read:

18          101.143 (4) (a) 8. If the department issues an award under this section for  
19 remedial action activities that were necessitated by a petroleum product discharge  
20 from a petroleum product storage system or home oil tank system and it is  
21 subsequently determined that the approved remedial action activities failed to  
22 remedy the discharge, then the department may approve additional financial  
23 assistance for costs incurred to enhance the approved remedial action activities or  
24 implement new remedial action activities. The total amount of an original award  
25 under this section plus additional financial assistance provided under this

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1 subdivision is subject to the limits in pars. (d) to (e), (ei) and (em) on amounts of  
2 awards.

3 **SECTION 2598.** 101.143 (4) (c) 8. of the statutes is created to read:

4 101.143 (4) (c) 8. Interest costs incurred by an applicant that exceed interest  
5 at the prime rate, as determined under rules promulgated by the department.

6 **SECTION 2599.** 101.143 (4) (ce) of the statutes is created to read:

7 101.143 (4) (ce) *Eligible cost; service providers.* 1. The department may  
8 promulgate rules under which the costs incurred for a specified service because of  
9 discharges from petroleum product storage systems are not eligible costs under par.  
10 (b) unless the owners or operators of those petroleum product storage systems obtain  
11 the service from the same service provider approved by the department.

12 2. The department may promulgate rules under which the department selects  
13 service providers to provide investigation or remedial action services in specified  
14 areas. The rules may provide that the costs of a service for which the department  
15 has selected a service provider in an area are not eligible costs under par. (b), or that  
16 eligible costs are limited to the amount that the selected service provider would have  
17 charged, if an owner or operator of a petroleum product storage system located in  
18 that area, or a person owning a home oil tank system located in that area, uses a  
19 service provider other than the service provider selected by the department to  
20 perform the services.

21 **SECTION 2600.** 101.143 (4) (dr) of the statutes is created to read:

22 101.143 (4) (dr) *Deductible in certain cases.* If a person is the owner or operator  
23 of an underground petroleum product storage tank system and a petroleum product  
24 storage system that is not an underground petroleum product storage tank system,  
25 both of which have discharged resulting in one occurrence, and if the person is

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1 eligible for an award under pars. (d) and (dm), the department shall calculate the  
2 award using the deductible determined under par. (d) 2. if the predominant method  
3 of petroleum product storage at the site, measured in gallons, is underground  
4 petroleum product storage tank systems or using the deductible determined under  
5 par. (dm) 2. if the predominant method of petroleum product storage at the site is not  
6 underground petroleum product storage tank systems.

7 **SECTION 2601.** 101.143 (4) (g) 7. of the statutes is created to read:

8 101.143 (4) (g) 7. The petroleum product discharge was caused by a person who  
9 provided services or products to the claimant or to a prior owner or operator of the  
10 petroleum product storage system or home oil tank system.

11 **SECTION 2602.** 101.143 (4) (h) of the statutes is created to read:

12 101.143 (4) (h) *Reductions of awards.* 1. Notwithstanding pars. (d) 2. (intro.),  
13 (dm) 2. (intro.), (e) 2. and (em) 2., if a claimant submits a claim that includes ineligible  
14 costs that are identified under subd. 2., the department shall calculate the award by  
15 determining the amount that the award would otherwise be under par. (d), (dm), (e)  
16 or (em) based only on the eligible costs and then by reducing that amount by the  
17 amount of the ineligible costs identified under subd. 2. that are included in the claim.

18 2. The department shall promulgate a rule identifying the ineligible costs to  
19 which subd. 1. applies.

20 **SECTION 2603.** 101.143 (5) (a) of the statutes is renumbered 101.143 (5) (am)  
21 (intro.) and amended to read:

22 101.143 (5) (am) *Right of action.* (intro.) A right of action under this section  
23 shall accrue to the state against an owner, operator or other person only if the one  
24 of the following applies:

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1           1. The owner, operator or other person submits a fraudulent claim or does not  
2 meet the requirements under this section and if an award is issued under this section  
3 to the owner, operator or other person for eligible costs under this section or if  
4 payment is made to a lender under sub. (4e).

5           **SECTION 2604.** 101.143 (5) (a) of the statutes is created to read:

6           101.143 (5) (a) *Sale of remedial equipment or supplies.* If a person who received  
7 an award under this section sells equipment or supplies that were eligible costs for  
8 which the award was issued, the person shall pay the proceeds of the sale to the  
9 department. The proceeds shall be paid into the petroleum inspection fund.

10           **SECTION 2605.** 101.143 (5) (am) 2. of the statutes is created to read:

11           101.143 (5) (am) 2. A person fails to make a payment required under par. (a).

12           **SECTION 2606.** 101.143 (5) (b) of the statutes is amended to read:

13           101.143 (5) (b) *Action to recover awards.* The attorney general shall take action  
14 as is appropriate to recover awards moneys to which the state is entitled under par.  
15 (a) (am). The department shall request that the attorney general take action if the  
16 department discovers a fraudulent claim after an award is issued.

17           **SECTION 2607.** 101.143 (5) (c) of the statutes is amended to read:

18           101.143 (5) (c) *Disposition of funds.* ~~If an award is made from the petroleum~~  
19 ~~inspection fund, the~~ The net proceeds of the a recovery under par. (b) shall be paid  
20 into the petroleum inspection fund.

21           **SECTION 2608.** 101.143 (6m) of the statutes is created to read:

22           101.143 (6m) **REQUEST FOR HEARING.** The department shall promulgate rules  
23 that specify the information that must be provided by a person who requests a  
24 hearing to contest a determination by the department under this section. The

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1 department may deny a request for a hearing by a person who fails to submit the  
2 information required by the rules promulgated under this subsection.

3 **SECTION 2609.** 101.177 (1) (d) of the statutes is created to read:

4 101.177 (1) (d) "State agency" means any office, department, agency,  
5 institution of higher education, association, society or other body in state  
6 government created or authorized to be created by the constitution or any law which  
7 is entitled to expend moneys appropriated by law, including the legislature and the  
8 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
9 Center Sports and Entertainment Corporation, the University of Wisconsin  
10 Hospitals and Clinics Authority and the Wisconsin Health and Educational  
11 Facilities Authority.

12 **SECTION 2610.** 101.177 (2) (intro.) of the statutes is amended to read:

13 101.177 (2) SERVICING. (intro.) No person, including a state agency, as defined  
14 ~~in s. 234.75 (10)~~, may install or service a piece of refrigeration equipment that  
15 contains ozone-depleting refrigerant unless the person certifies all of the following  
16 to the department:

17 **SECTION 2611.** 101.177 (3) (a) (intro.) of the statutes is amended to read:

18 101.177 (3) (a) (intro.) After December 31, 1991, no person, including a state  
19 agency ~~as defined in s. 234.75 (10)~~, may sell used ozone-depleting refrigerant  
20 removed from refrigeration equipment for reuse unless the person certifies all of the  
21 following to the department:

22 **SECTION 2612.** 101.64 (1) of the statutes is amended to read:

23 101.64 (1) Hold hearings on any matter relating to this subchapter and issue  
24 subpoenas to compel the attendance of witnesses and the production of evidence at

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1 such hearings. This subsection does not apply to the denial of a license application  
2 or a license renewal or the revocation of a license under s. 101.02 (20) (c) or (d).

3 **SECTION 2613.** 101.84 (1) of the statutes is amended to read:

4 101.84 (1) Hold hearings on any matter relating to this subchapter and issue  
5 subpoenas to compel the attendance of witnesses and the production of evidence at  
6 the hearings. This subsection does not apply to the denial of a license application or  
7 license renewal or the revocation of a license under s. 101.02 (20) (c) or (d).

8 **SECTION 2614.** 102.17 (1) (c) of the statutes is amended to read:

9 102.17 (1) (c) Either party shall have the right to be present at any hearing,  
10 in person or by attorney, or any other agent, and to present such testimony as may  
11 be pertinent to the controversy before the department. No person, firm or  
12 corporation other than an attorney at law, duly licensed to practice law in the state,  
13 may appear on behalf of any party in interest before the department or any member  
14 or employe of the department assigned to conduct any hearing, investigation or  
15 inquiry relative to a claim for compensation or benefits under this chapter, unless the  
16 person is 18 years of age or older, does not have an arrest or conviction record, subject  
17 to ss. 111.321, 111.322 and 111.335, is otherwise qualified and has obtained from the  
18 department a license with authorization to appear in matters or proceedings before  
19 the department. The Except as provided in a memorandum of understanding under  
20 par. (cm), the license shall be issued by the department under rules to be adopted by  
21 the department. There shall be maintained in the office of the department a current  
22 list of persons to whom licenses have been issued. Any license may be suspended or  
23 revoked by the department for fraud or serious misconduct and any license may be  
24 denied, suspended, nonrenewed or otherwise withheld by the department for failure  
25 to pay court-ordered payments as provided in par. (cm) on the part of an agent.

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1 Before suspending or revoking the license of the agent on the grounds of fraud or  
2 misconduct, the department shall give notice in writing to the agent of the charges  
3 of fraud or misconduct, and shall give the agent full opportunity to be heard in  
4 relation to the same. In denying, suspending, restricting, refusing to renew or  
5 otherwise withholding a license for failure to pay court-ordered payments as  
6 provided in par. (cm), the department shall follow the procedure provided in a  
7 memorandum of understanding entered into under s. 49.857. The license and  
8 certificate of authority shall, unless otherwise suspended or revoked, be in force from  
9 the date of issuance until the June 30 following the date of issuance and may be  
10 renewed by the department from time to time, but each renewed license shall expire  
11 on the June 30 following the issuance thereof.

12 **SECTION 2615.** 102.17 (1) (cg) of the statutes is created to read:

13 102.17 (1) (cg) 1. The department shall require each applicant for a license  
14 under par. (c) who is an individual to provide the department with his or her social  
15 security number when initially applying for or applying to renew the license.

16 2. The department may not issue or renew a license under par. (c) to or for an  
17 applicant who is an individual unless the applicant has provided his or her social  
18 security number to the department.

19 3. The subunit of the department that obtains a social security number under  
20 subd. 1. may disclose the social security number only on the request of the subunit  
21 of the department that administers the child and spousal support program under s.  
22 49.22 (2m).

23 **SECTION 2616.** 102.17 (1) (cm) of the statutes is created to read:

24 102.17 (1) (cm) The department shall deny, suspend, restrict, refuse to renew  
25 or otherwise withhold a license under par. (c) for failure of the applicant or agent to

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1 pay court-ordered payments of child or family support, maintenance, birth  
2 expenses, medical expenses or other expenses related to the support of a child or  
3 former spouse as provided in a memorandum of understanding entered into under  
4 s. 49.857. Notwithstanding par. (c), an action taken under this paragraph is subject  
5 to review only as provided in the memorandum of understanding entered into under  
6 s. 49.857 and not as provided in ch. 227.

7 **SECTION 2617.** 102.27 (2) (a) of the statutes is amended to read:

8 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),  
9 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or 767.51 (3m) (c).

10 **SECTION 2618.** 102.27 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
11 .... (this act), is amended to read:

12 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),  
13 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) ~~or~~, 767.51 (3m) (c) or 767.62  
14 (4) (b) 3.

15 **SECTION 2619.** 102.33 (2) (b) 5. of the statutes is created to read:

16 102.33 (2) (b) 5. The requester is the subunit of the department that  
17 administers child and spousal support and the request is made under s. 49.22 (2m).

18 **SECTION 2620.** 102.87 (2) (e) of the statutes is amended to read:

19 102.87 (2) (e) The maximum forfeiture, penalty assessment, jail assessment,  
20 crime laboratories assessment and any applicable uninsured employer assessment  
21 for which the defendant is liable.

22 **SECTION 2621.** 102.87 (2) (g) of the statutes is amended to read:

23 102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear  
24 in court at the time specified in the citation, the failure to appear will be considered  
25 tender of a plea of no contest and submission to a forfeiture, penalty assessment, jail



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1 assessment, crime laboratories assessment and any applicable uninsured employer  
2 assessment plus costs not to exceed the amount of the deposit. The notice shall also  
3 state that the court, instead of accepting the deposit and plea, may decide to summon  
4 the defendant or may issue an arrest warrant for the defendant upon failure to  
5 respond to a summons.

6 **SECTION 2622.** 102.87 (2) (h) of the statutes is amended to read:

7 102.87 (2) (h) Notice that if the defendant makes a deposit and signs the  
8 stipulation, the stipulation will be treated as a plea of no contest and submission to  
9 a forfeiture, penalty assessment, jail assessment, crime laboratories assessment and  
10 any applicable uninsured employer assessment plus costs not to exceed the amount  
11 of the deposit. The notice shall also state that the court, instead of accepting the  
12 deposit and stipulation, may decide to summon the defendant or issue an arrest  
13 warrant for the defendant upon failure to respond to a summons, and that the  
14 defendant may, at any time before or at the time of the court appearance date, move  
15 the court for relief from the effect of the stipulation.

16 **SECTION 2623.** 102.87 (3) of the statutes is amended to read:

17 102.87 (3) A defendant issued a citation under this section may deposit the  
18 amount of money that the issuing department deputy or officer directs by mailing or  
19 delivering the deposit and a copy of the citation before the court appearance date to  
20 the clerk of the circuit court in the county where the violation occurred, to the  
21 department or to the sheriff's office or police headquarters of the officer who issued  
22 the citation. The basic amount of the deposit shall be determined under a deposit  
23 schedule established by the judicial conference. The judicial conference shall  
24 annually review and revise the schedule. In addition to the basic amount determined  
25 by the schedule the deposit shall include the penalty assessment, jail assessment,

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1 crime laboratories assessment, any applicable uninsured employer assessment and  
2 costs.

3 **SECTION 2624.** 102.87 (4) of the statutes is amended to read:

4 102.87 (4) A defendant may make a stipulation of no contest by submitting a  
5 deposit and a stipulation in the manner provided by sub. (3) before the court  
6 appearance date. The signed stipulation is a plea of no contest and submission to a  
7 forfeiture plus the penalty assessment, jail assessment, crime laboratories  
8 assessment, any applicable uninsured employers assessment and costs not to exceed  
9 the amount of the deposit.

10 **SECTION 2625.** 102.87 (5) of the statutes is amended to read:

11 102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall  
12 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
13 stating that the defendant may inquire at the office of the clerk of the circuit court  
14 regarding the disposition of the deposit, and notifying the defendant that if he or she  
15 fails to appear in court at the time specified in the citation he or she shall be  
16 considered to have tendered a plea of no contest and submitted to a forfeiture,  
17 penalty assessment, jail assessment, crime laboratories assessment and any  
18 applicable uninsured employer assessment plus costs not to exceed the amount of the  
19 deposit and that the court may accept the plea. The original of the receipt shall be  
20 delivered to the defendant in person or by mail. If the defendant pays by check, the  
21 canceled check is the receipt.

22 **SECTION 2626.** 102.87 (6) of the statutes is amended to read:

23 102.87 (6) The person receiving a deposit and stipulation of no contest shall  
24 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
25 stating that the defendant may inquire at the office of the clerk of the circuit court

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1 regarding the disposition of the deposit, and notifying the defendant that if the  
2 stipulation of no contest is accepted by the court the defendant will be considered to  
3 have submitted to a forfeiture, penalty assessment, jail assessment, crime  
4 laboratories assessment and applicable uninsured employer assessment plus costs  
5 not to exceed the amount of the deposit. Delivery of the receipt shall be made in the  
6 same manner as provided in sub. (5).

7 **SECTION 2627.** 102.87 (7) (b) of the statutes is amended to read:

8 102.87 (7) (b) If the defendant has made a deposit, the citation may serve as  
9 the initial pleading and the defendant shall be considered to have tendered a plea  
10 of no contest and submitted to a forfeiture, penalty assessment, jail assessment,  
11 crime laboratories assessment and any applicable uninsured employer assessment  
12 plus costs not to exceed the amount of the deposit. The court may either accept the  
13 plea of no contest and enter judgment accordingly, or reject the plea and issue a  
14 summons. If the defendant fails to appear in response to the summons, the court  
15 shall issue an arrest warrant. If the court accepts the plea of no contest, the  
16 defendant may, within 90 days after the date set for appearance, move to withdraw  
17 the plea of no contest, open the judgment and enter a plea of not guilty if the  
18 defendant shows to the satisfaction of the court that failure to appear was due to  
19 mistake, inadvertence, surprise or excusable neglect. If a defendant is relieved from  
20 the plea of no contest, the court may order a written complaint or petition to be filed.  
21 If on reopening the defendant is found not guilty, the court shall delete the record of  
22 conviction and shall order the defendant's deposit returned.

23 **SECTION 2628.** 102.87 (7) (c) of the statutes is amended to read:

24 102.87 (7) (c) If the defendant has made a deposit and stipulation of no contest,  
25 the citation serves as the initial pleading and the defendant shall be considered to

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1 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,  
2 jail assessment, crime laboratories assessment and any applicable uninsured  
3 employer assessment plus costs not to exceed the amount of the deposit. The court  
4 may either accept the plea of no contest and enter judgment accordingly, or reject the  
5 plea and issue a summons or an arrest warrant. After signing a stipulation of no  
6 contest, the defendant may, at any time before or at the time of the court appearance  
7 date, move the court for relief from the effect of the stipulation. The court may act  
8 on the motion, with or without notice, for cause shown by affidavit and upon just  
9 terms, and relieve the defendant from the stipulation and the effects of the  
10 stipulation.

11 **SECTION 2629.** 102.87 (9) of the statutes is amended to read:

12 102.87 (9) A department deputy or an officer who collects a forfeiture, penalty  
13 assessment, jail assessment, crime laboratories assessment, applicable insured  
14 employer assessment and costs under this section shall pay the money to the county  
15 treasurer within 20 days after its receipt. If the department deputy or officer fails  
16 to make timely payment, the county treasurer may collect the payment from the  
17 department deputy or officer by an action in the treasurer's name of office and upon  
18 the official bond of the department deputy or officer, with interest at the rate of 12%  
19 per year from the time when it should have been paid.

20 **SECTION 2630.** 103.005 (10) of the statutes is amended to read:

21 103.005 (10) Orders Except as provided in ss. 103.26 (3), 103.275 (2) (bm),  
22 103.72 (3), 103.91 (4) (b), 103.92 (6), 104.07 (5) and 105.13 (2), orders of the  
23 department under chs. 103 to 106 shall be subject to review in the manner provided  
24 in ch. 227.

25 **SECTION 2631.** 103.05 of the statutes is created to read:

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1           **103.05 Hiring reporting system; state directory of new hires. (1)** The  
2 department shall establish and operate a hiring reporting system that includes a  
3 state directory of new hires. All requirements under the reporting system shall be  
4 consistent with federal laws and regulations that relate to the reporting of newly  
5 hired employees for support collection, or any other, purposes.

6           **(2)** (a) Except as provided in par. (b), every employer that employs individuals  
7 in the state shall provide to the department information about each newly hired  
8 employe.

9           (b) Paragraph (a) does not apply to an employer that employs individuals in this  
10 state and in at least one other state, if the employer has designated, to the secretary  
11 of the federal department of health and human services, a state other than this state  
12 for the purpose of providing the information required under par. (a). An employer  
13 under this paragraph shall notify the department of its designation of another state  
14 to the secretary of the federal department of health and human services.

15           **(3)** The department shall specify all of the following:

16           (a) The information that employers must provide under sub. (2) (a).

17           (b) A number of different ways in which employers may report the information  
18 required under sub. (2) (a), including paper and electronic means.

19           (c) A timetable for the actions and procedures required under the reporting  
20 system, including the reporting required under sub. (2) (a).

21           **SECTION 2632.** 103.25 (1m) of the statutes is created to read:

22           103.25 **(1m)** (a) The department or permit officer shall require each applicant  
23 for a street trade permit or identification card under sub. (1) who is an individual to  
24 provide the department or permit officer with the applicant's social security number

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1 when initially applying for or applying to renew the street trade permit or  
2 identification card.

3 (b) The department or permit officer may not issue or renew a street trade  
4 permit or identification card under sub. (1) to or for an applicant who is an individual  
5 unless the applicant has provided his or her social security number to the  
6 department or permit officer.

7 (c) The subunit of the department or a permit officer that obtains a social  
8 security number under subd. 1. may disclose the social security number only on the  
9 request of the subunit of the department that administers the child and spousal  
10 support program under s. 49.22 (2m).

11 **SECTION 2633.** 103.26 (3) of the statutes is created to read:

12 103.26 (3) The department or permit officer shall deny, suspend, restrict,  
13 refuse to renew or otherwise withhold a street trade permit authorizing the  
14 employment of a minor and identification card of a minor for failure of the minor to  
15 pay court-ordered payments of child or family support, maintenance, birth  
16 expenses, medical expenses or other expenses related to the support of a child or  
17 former spouse as provided in a memorandum of understanding entered into under  
18 s. 49.857. Notwithstanding s. 103.005 (10), an action taken under this subsection is  
19 subject to review only as provided in the memorandum of understanding entered into  
20 under s. 49.857 and not as provided in ch. 227.

21 **SECTION 2634.** 103.275 (2) (b) (intro.) of the statutes is amended to read:

22 103.275 (2) (b) (intro.) ~~Upon~~ Except as provided in a memorandum of  
23 understanding under par. (bm), upon receipt of a properly completed application, the  
24 department shall issue a house-to-house employer certificate if all of the following  
25 apply:

**SENATE BILL 77****SECTION 2635**

1           **SECTION 2635.** 103.275 (2) (bg) of the statutes is created to read:

2           103.275 (2) (bg) 1. The department shall require each applicant for a  
3 house-to-house employer certificate under this subsection who is an individual to  
4 provide the department with the applicant's social security number when initially  
5 applying for or applying to renew the house-to-house employer certificate.

6           2. The department may not issue or renew a house-to-house employer  
7 certificate under this subsection to or for an applicant who is an individual unless  
8 the applicant has provided his or her social security number to the department.

9           3. The subunit of the department that obtains a social security number under  
10 subd. 1. may disclose the social security number only on the request of the subunit  
11 of the department that administers the child and spousal support program under s.  
12 49.22 (2m).

13           **SECTION 2636.** 103.275 (2) (bm) of the statutes is created to read:

14           103.275 (2) (bm) The department shall deny, suspend, restrict, refuse to renew  
15 or otherwise withhold a house-to-house employer certificate for failure of the  
16 applicant or house-to-house employer to pay court-ordered payments of child or  
17 family support, maintenance, birth expenses, medical expenses or other expenses  
18 related to the support of a child or former spouse as provided in a memorandum of  
19 understanding entered into under s. 49.857. Notwithstanding sub. (7), an action  
20 taken under this paragraph is subject to review only as provided in the memorandum  
21 of understanding entered into under s. 49.857 and not as provided in sub. (7).

22           **SECTION 2637.** 103.275 (7) (b) of the statutes is amended to read:

23           103.275 (7) (b) ~~After Except as provided in sub. (2) (bm), after~~ providing at least  
24 10 days' notice to a house-to-house employer, the department may, on its own or  
25 upon a written and signed complaint, suspend the house-to-house employer's

**SENATE BILL 77****SECTION 2637**

1 certificate. The department shall serve a copy of the complaint with notice of a  
2 suspension of the certificate on the person complained against, and the person shall  
3 file an answer to the complaint with the department and the complainant within 10  
4 days after service. After receiving the answer, the department shall set the matter  
5 for hearing as promptly as possible and within 30 days after the date of filing the  
6 complaint. Either party may appear at the hearing in person or by attorney or agent.  
7 The department shall make its findings and determination concerning the  
8 suspension within 90 days after the date that the hearing is concluded and send a  
9 copy to each interested party.

10 **SECTION 2638.** 103.275 (7) (c) of the statutes is amended to read:

11 103.275 (7) (c) The Except as provided in sub. (2) (bm), the department may  
12 revoke a certificate issued under sub. (2) after holding a public hearing at a place  
13 designated by the department. At least 10 days prior to the revocation hearing, the  
14 department shall send written notice of the time and place of the revocation hearing  
15 to the person holding the certificate and to the person's attorney or agent of record  
16 by mailing the notice to their last-known address. The testimony presented and  
17 proceedings at the revocation hearing shall be recorded and preserved as the records  
18 of the department. The department shall, as soon after the hearing as possible, make  
19 its findings and determination concerning revocation and send a copy to each  
20 interested party.

21 **SECTION 2639.** 103.70 (1m) of the statutes is created to read:

22 103.70 (1m) (a) The department or permit officer shall require each applicant  
23 for a permit under sub. (1) who is an individual and the minor with respect to whom  
24 the permit is applied for to provide the department or permit officer with the  
25 applicant's and minor's social security number when applying for the permit.



**SENATE BILL 77****SECTION 2639**

1 (b) The department or permit officer may not issue a permit under sub. (1) to  
2 an applicant who is an individual unless the applicant and the minor with respect  
3 to whom the permit is issued have provided his or her social security number to the  
4 department or permit officer.

5 (c) The subunit of the department or a permit officer that obtains a social  
6 security number under par. (a) may disclose the social security number only on the  
7 request of the subunit of the department that administers the child and spousal  
8 support program under s. 49.22 (2m).

9 **SECTION 2640.** 103.72 (3) of the statutes is created to read:

10 103.72 (3) The department or permit officer shall deny, suspend, restrict,  
11 refuse to renew or otherwise withhold a permit authorizing the employment of a  
12 minor for failure of the minor to pay court-ordered payments of child or family  
13 support, maintenance, birth expenses, medical expenses or other expenses related  
14 to the support of a child or former spouse as provided in a memorandum of  
15 understanding entered into under s. 49.857. Notwithstanding s. 103.005 (10), an  
16 action taken under this subsection is subject to review only as provided in the  
17 memorandum of understanding entered into under s. 49.857 and not as provided in  
18 ch. 227.

19 **SECTION 2641.** 103.91 (2) of the statutes is renumbered 103.91 (2) (a) and  
20 amended to read:

21 103.91 (2) (a) A migrant labor contractor shall apply to the department for a  
22 certificate in such manner and on such forms as the department prescribes. The  
23 migrant labor contractor may submit a copy of a federal application filed under 7  
24 USC 2045 in lieu of the forms prescribed by the department under this subsection  
25 paragraph.

**SENATE BILL 77****SECTION 2642**

1           **SECTION 2642.** 103.91 (2) (b) of the statutes is created to read:

2           103.91 (2) (b) 1. The department shall require each applicant for a certificate  
3 under par. (a) who is an individual to provide the department with his or her social  
4 security number when initially applying for or applying to renew the certificate.

5           2. The department may not issue or renew a certificate under par. (a) to or for  
6 an applicant who is an individual unless the applicant has provided his or her social  
7 security number to the department.

8           3. The subunit of the department that obtains a social security number under  
9 subd. 1. may disclose the social security number only on the request of the subunit  
10 of the department that administers the child and spousal support program under s.  
11 49.22 (2m).

12           **SECTION 2643.** 103.91 (4) of the statutes is renumbered 103.91 (4) (a).

13           **SECTION 2644.** 103.91 (4) (b) of the statutes is created to read:

14           103.91 (4) (b) The department shall deny, suspend, restrict, refuse to renew or  
15 otherwise withhold a certificate of registration under sub. (1) for failure of the  
16 applicant or registrant to pay court-ordered payments of child or family support,  
17 maintenance, birth expenses, medical expenses or other expenses related to the  
18 support of a child or former spouse as provided in a memorandum of understanding  
19 entered into under s. 49.857. Notwithstanding s. 103.005 (10), an action taken under  
20 this paragraph is subject to review only as provided in the memorandum of  
21 understanding entered into under s. 49.857 and not as provided in ch. 227.

22           **SECTION 2645.** 103.92 (1) of the statutes is renumbered 103.92 (1) (a) and  
23 amended to read:

24           103.92 (1) (a) Every person maintaining a migrant labor camp shall, annually  
25 by April 1 or 30 days prior to the opening of a new camp, make application to the

**SENATE BILL 77****SECTION 2645**

1 department for a certificate to operate a camp. Each application shall be  
2 accompanied by an application fee in an amount determined by the department.

3 **SECTION 2646.** 103.92 (1) (b) of the statutes is created to read:

4 103.92 (1) (b) 1. The department shall require each applicant for a certificate  
5 under par. (a) who is an individual to provide the department with his or her social  
6 security number when initially applying for or applying to renew the certificate.

7 2. The department may not issue or renew a certificate under par. (a) to or for  
8 an applicant who is an individual unless the applicant has provided his or her social  
9 security number to the department.

10 3. The subunit of the department that obtains a social security number under  
11 subd. 1. may disclose the social security number only on the request of the subunit  
12 of the department that administers the child and spousal support program under s.  
13 49.22 (2m).

14 **SECTION 2647.** 103.92 (3) of the statutes is amended to read:

15 103.92 (3) CERTIFICATE. The department shall inspect each camp for which  
16 application to operate is made, to determine if it is in compliance with the rules of  
17 the department establishing minimum standards for migrant labor camps. If Except  
18 as provided in a memorandum of understanding under sub. (6), if the department  
19 finds that the camp is in compliance with the rules, it shall issue a certificate  
20 authorizing the camp to operate until March 31 of the next year. The department  
21 shall refuse to issue a certificate if it finds that the camp is in violation of such rules  
22 or if the person maintaining the camp has failed to pay court-ordered payments as  
23 provided in sub. (6).

24 **SECTION 2648.** 103.92 (6) of the statutes is created to read:

**SENATE BILL 77****SECTION 2648**

1           103.92 (6) FAILURE TO PAY SUPPORT; MEMORANDUM OF UNDERSTANDING. The  
2 department shall deny, suspend, restrict, refuse to renew or otherwise withhold a  
3 certificate to operate a migrant labor camp for failure of the applicant or person  
4 operating the camp to pay court-ordered payments of child or family support,  
5 maintenance, birth expenses, medical expenses or other expenses related to the  
6 support of a child or former spouse as provided in a memorandum of understanding  
7 entered into under s. 49.857. Notwithstanding s. 103.005 (10), an action taken under  
8 this subsection is subject to review only as provided in a memorandum of  
9 understanding entered into under s. 49.857 and not as provided in ch. 227.

10           **SECTION 2649.** 104.01 (7) of the statutes is amended to read:

11           104.01 (7) "Student learner" means a student who is receiving instruction in  
12 an accredited school and who is employed on a part-time basis, pursuant to a bona  
13 fide school training program. A "bona fide school training program" means a  
14 program authorized and approved by the department of ~~education~~ public instruction  
15 or the technical college system board, or other recognized educational body, and  
16 provided for part-time employment training which may be scheduled for a part of  
17 the workday or workweek, supplemented by and integrated with, a definitely  
18 organized plan of instruction and where proper scholastic credit is given by the  
19 accredited school.

20           **SECTION 2650.** 104.07 (1) of the statutes is amended to read:

21           104.07 (1) The department shall make rules and, except as provided in a  
22 memorandum of understanding under sub. (5), grant licenses, to any employer who  
23 employs any employe unable to earn the living-wage theretofore determined upon,  
24 permitting such person to work for a wage which shall be commensurate with ability  
25 and each license so granted shall establish a wage for the licensee.

**SENATE BILL 77****SECTION 2651**

1           **SECTION 2651.** 104.07 (2) of the statutes is amended to read:

2           104.07 (2) The department shall make rules and, except as provided in a  
3 memorandum of understanding under sub. (5), grant licenses to sheltered  
4 workshops to permit the employment of handicapped workers unable to earn the  
5 living-wage theretofore determined upon permitting such persons to work for a  
6 wage which shall be commensurate with his or her ability and productivity. A license  
7 granted to a sheltered workshop, under this section, may be issued for the entire  
8 workshop or a department thereof.

9           **SECTION 2652.** 104.07 (4) of the statutes is created to read:

10          104.07 (4) (a) The department shall require each applicant for a license under  
11 sub. (1) or (2) who is an individual to provide the department with his or her social  
12 security number when initially applying for or applying to renew the license.

13          (b) The department may not issue or renew a license under sub. (1) or (2) to or  
14 for an applicant who is an individual unless the applicant has provided his or her  
15 social security number to the department.

16          (c) The subunit of the department that obtains a social security number under  
17 par. (a) may disclose the social security number only on the request of the subunit  
18 of the department that administers the child and spousal support program under s.  
19 49.22 (2m).

20          **SECTION 2653.** 104.07 (5) of the statutes is created to read:

21          104.07 (5) The department shall deny, suspend, restrict, refuse to renew or  
22 otherwise withhold a license under sub. (1) or (2) for failure of the applicant or  
23 licensee to pay court-ordered payments of child or family support, maintenance,  
24 birth expenses, medical expenses or other expenses related to the support of a child  
25 or former spouse as provided in a memorandum of understanding entered into under

**SENATE BILL 77****SECTION 2653**

1 s. 49.857. Notwithstanding s. 103.005 (10), an action taken under this subsection is  
2 subject to review only as provided in the memorandum of understanding entered into  
3 under s. 49.857 and not as provided in ch. 227.

4 **SECTION 2654.** 105.06 (1m) of the statutes is created to read:

5 105.06 (1m) (a) The department shall require each applicant for a license  
6 under sub. (1) who is an individual to provide the department with his or her social  
7 security number when initially applying for or applying to renew the license.

8 (b) The department may not issue or renew a license under sub. (1) to or for an  
9 applicant who is an individual unless the applicant has provided his or her social  
10 security number to the department.

11 (c) The subunit of the department that obtains a social security number under  
12 par. (a) may disclose the social security number only on the request of the subunit  
13 of the department that administers the child and spousal support program under s.  
14 49.22 (2m).

15 **SECTION 2655.** 105.13 of the statutes is renumbered 105.13 (1) and amended  
16 to read:

17 105.13 (1) The department may issue licenses to employment agents, and  
18 refuse to issue a license whenever, after investigation, the department finds that the  
19 character of the applicant makes the applicant unfit to be an employment agent or  
20 that the applicant has failed to pay court-ordered payments as provided in sub. (2),  
21 or when the premises for conducting the business of an employment agent is found  
22 upon investigation to be unfit for such use. Any license granted by the department  
23 may be suspended or revoked by it upon notice to the licensee and good cause. Failure  
24 to comply with this chapter and rules promulgated thereunder, or with any lawful  
25 orders of the department, is cause to suspend or revoke a license. Failure to pay

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1 court-ordered payments as provided in sub. (2) is cause to deny, suspend, restrict,  
2 refuse to renew or otherwise withhold a license.

3 **SECTION 2656.** 105.13 (2) of the statutes is created to read:

4 105.13 (2) The department shall deny, suspend, restrict, refuse to renew or  
5 otherwise withhold an employment agent's license for failure of the applicant or  
6 licensee to pay court-ordered payments of child or family support, maintenance,  
7 birth expenses, medical expenses or other expenses related to the support of a child  
8 or former spouse as provided in a memorandum of understanding entered into under  
9 s. 49.857. Notwithstanding s. 103.005 (10), any action taken under this subsection  
10 is subject to review only as provided in the memorandum of understanding entered  
11 into under s. 49.857 and not as provided in ch. 227.

12 **SECTION 2657.** 106.04 (2r) (a) 4. a. of the statutes is amended to read:

13 106.04 (2r) (a) 4. a. Housing that is first ready for occupancy on or after October  
14 1, 1993, consisting of ~~3~~ 4 or more dwelling units if the housing has one or more  
15 elevators.

16 **SECTION 2658.** 106.04 (2r) (a) 4. b. of the statutes is amended to read:

17 106.04 (2r) (a) 4. b. Grade-level dwelling units, in housing without elevators,  
18 that are first ready for occupancy on or after October 1, 1993, consisting of ~~3~~ 4 or more  
19 dwelling units.

20 **SECTION 2659.** 106.04 (2r) (c) 1. of the statutes is amended to read:

21 106.04 (2r) (c) 1. There is at least one accessible entrance for each building and  
22 that entrance is on an accessible route. ~~All other entrances that are at grade level~~  
23 ~~shall be accessible to the greatest extent feasible. The department shall promulgate~~  
24 ~~rules that define "to the greatest extent feasible" to ensure maximum accessibility~~  
25 ~~in a way that is not disproportionate to the entire project's cost and scope. If the~~

**SENATE BILL 77****SECTION 2659**

1 covered multifamily housing units are at grade level and are served by separate  
2 entrances, each unit shall be on an accessible route. If the units have a minimum  
3 number of required exits, as determined by rules that shall be promulgated by the  
4 department, all required grade-level exits shall be accessible.

5 **SECTION 2660.** 106.04 (2r) (c) 4. of the statutes is amended to read:

6 106.04 (2r) (c) 4. Light switches, electrical outlets, circuit controls, thermostats  
7 and other environmental controls are all located in accessible locations;  
8 reinforcements in bathroom walls are installed to allow later installation of grab bars  
9 around the toilet, tub, shower stall and shower seat, when such facilities are  
10 provided; kitchens and bathrooms allow an individual in a wheelchair to maneuver  
11 about the space; and, upon the request of a renter and ~~without cost to a~~ at the expense  
12 of the renter, if the expense does not exceed market rates, lever door handles are on  
13 all doors and single lever controls, or other controls that are approved by the  
14 department by rule, are on all plumbing fixtures used by residents.

15 **SECTION 2661.** 106.04 (2r) (d) of the statutes is repealed and recreated to read:

16 106.04 (2r) (d) *Remodeling*. 1. If any part of the interior square footage of any  
17 housing with 4 or more dwelling units is to be remodeled, that part of the housing  
18 that is to be remodeled shall conform to the standards in par. (c), regardless of when  
19 the housing was first intended for occupancy. In addition, if any part of the interior  
20 square footage of any housing with 4 or more dwelling units is to be remodeled, the  
21 path of travel to the remodeled area and the toilet rooms, telephones and drinking  
22 water serving the remodeled area shall conform to the standards in par. (c),  
23 regardless of when the housing was first intended for occupancy, unless the cost of  
24 remodeling the path of travel exceeds 20% of the cost of the entire remodeling project.



**SENATE BILL 77****SECTION 2661**

1           2. The department may grant a variance or waiver from the requirements  
2 under subd. 1. relating to exterior accessibility using the standards and procedures  
3 under par. (e).

4           **SECTION 2662.** 106.04 (2r) (e) 1. of the statutes is amended to read:

5           106.04 **(2r)** (e) 1. Plans and specifications for all covered multifamily housing  
6 subject to par. (c) and proposed remodeling subject to par. (d) shall be submitted to  
7 the department or its authorized representative for examination and approval before  
8 commencing work. The department shall promulgate rules that specify the  
9 materials to be included in the submittal, the procedures to be followed upon receipt  
10 of a submittal, reasonable time limitations for reviewing submittals and issuing or  
11 denying permits and qualifications for authorized representatives. Rules  
12 promulgated under this subdivision shall establish procedures by which permit  
13 applications may be approved during the initial review process despite  
14 nonconformance with par. (c) 1., if conformance would be impractical due to site  
15 terrain or other considerations.

16           **SECTION 2663.** 106.04 (2r) (e) 2. of the statutes is amended to read:

17           106.04 **(2r)** (e) 2. The department may grant a variance from the requirements  
18 relating to exterior accessibility under par. (c) 1. or (d), or from administrative rules  
19 promulgated under sub. (1s), if the person designing, constructing or remodeling the  
20 housing shows that meeting those requirements is impractical because of the terrain  
21 or unusual characteristics of the site. The department shall use a slope analysis of  
22 the undisturbed site for covered multifamily housing under par. (c) or the existing  
23 site for remodeling under par. (d) to determine the minimum number of accessible  
24 entrances at each site, with a minimum goal of exterior accessibility of ~~50%~~ 20% of  
25 the dwelling units of covered multifamily housing at one site. The department may

**SENATE BILL 77****SECTION 2663**

1 impose specific conditions in granting a variance to promote exterior accessibility of  
2 the housing to persons with disabilities. If the department finds that exterior  
3 accessibility is impractical as to all dwelling units at a site, it may grant a waiver  
4 from the requirements under par. (c) 1. or (d).

5 **SECTION 2664.** 106.04 (2r) (g) 3. of the statutes is repealed.

6 **SECTION 2665.** 106.11 (2) (b) of the statutes is amended to read:

7 106.11 (2) (b) In carrying out its responsibilities under this section, the  
8 department shall coordinate services authorized under 29 USC 1533 and provided  
9 by the department of ~~education~~ public instruction and the technical college system  
10 board to provide programs to help eligible youth participants, at least 75% of whom  
11 shall be economically disadvantaged individuals. At least 50% of the federal moneys  
12 received under 29 USC 1602 (b) (1) shall be used for programs under this subsection.

13 **SECTION 2666.** 106.115 (1) (f) of the statutes is amended to read:

14 106.115 (1) (f) The school-to-work opportunities act of 1994, 20 USC 6101 to  
15 6251, and the school-to-work program under s. 106.135.

16 **SECTION 2667.** 106.115 (2) (e) of the statutes is amended to read:

17 106.115 (2) (e) Recommend for approval by the department under s. 106.13  
18 (2m) occupations for the youth apprenticeship program ~~and statewide skill~~  
19 ~~standards for programs provided under the school-to-work opportunities act of~~  
20 ~~1994, 20 USC 6101 to 6251.~~

21 **SECTION 2668.** 106.115 (2) (em) of the statutes is created to read:

22 106.115 (2) (em) Review and recommend for approval by the department under  
23 s. 106.135 (3) (c) school-to-work programs provided by school boards under s. 121.02  
24 (1) (m) and a school-to-work program for children at risk, as defined in s. 118.153  
25 (1) (a), provided by a nonprofit organization under s. 106.135 (4).

**SENATE BILL 77****SECTION 2669**

1           **SECTION 2669.** 106.115 (2) (ep) of the statutes is created to read:

2           106.115 (2) (ep) Recommend for approval by the department under s. 106.135  
3 (3) (d) statewide skill standards for school-to-work programs provided by school  
4 boards under s. 121.02 (2) (m).

5           **SECTION 2670.** 106.115 (2) (i) of the statutes is amended to read:

6           106.115 (2) (i) Annually, prepare and submit to the legislature under s. 13.172  
7 (2) and to the governor a report on the activities of the governor's council on workforce  
8 excellence ~~that includes.~~ The report shall include a report on the status of the  
9 school-to-work program provided under s. 106.135 and recommendations regarding  
10 the employment and education programs specified in sub. (1).

11           **SECTION 2671.** 106.12 of the statutes is amended to read:

12           **106.12** (title) **Division of workforce excellence connecting education**  
13 **and work.** Based on the recommendations of the governor's council on workforce  
14 excellence connecting education and work, the division of workforce excellence shall  
15 plan, coordinate, administer and implement the department's workforce excellence  
16 ~~initiatives, programs, policies and funding, the youth apprenticeship and~~  
17 ~~school-to-work programs under s. 106.13 relating to the department's employment~~  
18 and education programs and such other employment and education programs as that  
19 the governor may by executive order assign to the division. Notwithstanding any  
20 limitations placed on the use of state employment and education funds under this  
21 section or s. 106.13, 106.135, 106.14, 106.15, 106.20 or 106.21 or under an executive  
22 order assigning an employment and education program to the division, the secretary  
23 may issue a general or special order waiving any of those limitations on finding that  
24 the waiver will promote the coordination of employment and education services.

25           **SECTION 2672.** 106.13 (title) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2672**

1           **106.13** (title) ~~Youth apprenticeship and school-to-work programs~~  
2 ~~program.~~

3           **SECTION 2673.** 106.13 (1) of the statutes is amended to read:

4           106.13 (1) The department shall provide a youth apprenticeship program and  
5 a school-to-work program in accordance with 20 USC 6101 to 6251.

6           **SECTION 2674.** 106.13 (2) of the statutes is amended to read:

7           106.13 (2) The governor's council on workforce excellence, the technical college  
8 system board and the department of education public instruction shall assist the  
9 department of industry, labor and job development in providing the youth  
10 apprenticeship program and ~~school-to-work program~~ under sub. (1).

11           **SECTION 2675.** 106.13 (2m) of the statutes is amended to read:

12           106.13 (2m) After reviewing the recommendations of the governor's council on  
13 workforce excellence under s. 106.115 (2) (e), the department shall approve  
14 occupations and maintain a list of approved occupations for the youth apprenticeship  
15 program and ~~shall approve statewide skill standards for the school-to-work~~  
16 ~~program.~~ From the appropriation under s. 20.445 (1) (ev), the department shall  
17 ~~contract for the development of~~ develop curricula for youth apprenticeship programs  
18 for occupations approved under this subsection.

19           **SECTION 2676.** 106.13 (4) (b) of the statutes is amended to read:

20           106.13 (4) (b) From the appropriation under s. 20.445 (1) (em), the department  
21 may award grants a grant to a public agencies and agency or a nonprofit  
22 ~~organizations that are~~ organization, or to an employer that is responsible for the  
23 ~~on-the-job training and supervision~~ of a youth apprentice. A public agency or  
24 non-profit organization that receives a grant under this subsection shall use the  
25 funds awarded under the grant to award training grants to employers who provide

**SENATE BILL 77****SECTION 2676**

1 on-the-job training and supervision for youth apprentices. A training grant  
2 provided under this subsection may not exceed 50% of the youth apprentice's hourly  
3 wage or \$4 per hour, whichever is less. An employer may receive training grant funds  
4 for not more than 500 hours of work per youth apprentice in any school year, as  
5 defined in s. 115.001 (13) be awarded to an employer for each youth apprentice that  
6 receives at least 180 hours of paid on-the-job training from the employer during a  
7 school year, as defined in s. 115.001 (13). The amount of a training grant may not  
8 exceed \$500 per youth apprentice per school year. A training grant may not be  
9 awarded for any specific youth apprentice for more than 2 school years.

10 **SECTION 2677.** 106.135 of the statutes is created to read:

11 **106.135 School-to-work program.** (1) The department shall provide a  
12 school-to-work program to assist students in making the transition from school to  
13 work by linking school-based learning and work-based learning, academic  
14 education and technical education and secondary education and postsecondary  
15 education. The school-to-work program shall include all of the following:

16 (a) A series of programs and initiatives that provide high school students with  
17 work-based learning opportunities.

18 (b) The coordination of high school courses with courses offered by the technical  
19 college system and the University of Wisconsin System for the purpose of providing  
20 high school students with postsecondary credits.

21 (c) A system of career guidance activities for all public high school students in  
22 this state.

23 (2) The governor's council on workforce excellence shall assist the department  
24 in providing the school-to-work program under sub. (1).

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1           **(3)** In providing the school-to-work program under sub. (1), the department  
2 shall do all of the following:

3           (a) Annually, prepare a consolidated plan for the operation of school-to-work  
4 programs provided by school boards under s. 121.02 (1) (m). The plan shall identify  
5 priorities for the statewide school-to-work program under sub. (1), shall specify  
6 what funding is available for school-to-work programs and shall specify the  
7 allowable uses of that funding.

8           (b) Annually, notify school boards, technical college district boards, the  
9 department of public instruction and other interested educational and employment  
10 agencies of the purposes for which grants may be awarded under par. (c) for  
11 school-to-work programs.

12           (c) After reviewing the recommendations of the governor's council on workforce  
13 excellence under s. 106.115 (2) (em), approve school-to-work programs provided by  
14 school boards under s. 121.02 (1) (m) and, from the appropriation under s. 20.445 (1)  
15 (kb), award grants to school boards providing school-to-work programs approved by  
16 the department.

17           (d) After reviewing the recommendations of the governor's council on workforce  
18 excellence under s. 106.115 (2) (ep), approve statewide skill standards for  
19 school-to-work programs provided by school boards under s. 121.02 (1) (m).

20           **(4)** (a) After reviewing the recommendations of the governor's council on  
21 workforce excellence under s. 106.115 (2) (em), the department may approve an  
22 innovative school-to-work program provided by a nonprofit organization for  
23 children at risk, as defined in s. 118.153 (1) (a), in a county having a population of  
24 500,000 or more to assist those children at risk in acquiring employability skills and  
25 occupational-specific competencies before leaving high school. If the department

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1 approves a program under this paragraph, the department may award a grant, from  
2 the appropriation under s. 20.445 (1) (fa), to the nonprofit organization providing the  
3 program and the nonprofit organization shall use the funds received under the grant  
4 to provide the program.

5 (b) The department shall establish requirements for the operation of the grant  
6 program under this subsection. Those requirements need not be promulgated as  
7 rules.

8 **SECTION 2678.** 106.14 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
9 section 3770m, is amended to read:

10 106.14 (1) The department may award grants to nonprofit corporations and  
11 public agencies for the provision of career counseling centers throughout the state.  
12 From the appropriation under s. 20.445 (1) (gd), the department shall allocate  
13 \$600,000 in each fiscal year for the payment of those grants.

14 **SECTION 2679.** 106.14 (1) of the statutes, as affected by 1997 Wisconsin Act ....  
15 (this act), is repealed and recreated to read:

16 106.14 (1) The department may award grants to nonprofit corporations and  
17 public agencies for the provision of career counseling centers throughout the state.

18 **SECTION 2680.** 106.14 (2) (b) of the statutes is amended to read:

19 106.14 (2) (b) A career counseling center under this section shall coordinate its  
20 services with the counseling and guidance activities and the education ~~for~~  
21 ~~employment~~ school-to-work program under s. 121.02 (1) (m) provided by the school  
22 board of the school district in which the career counseling center is located.

23 **SECTION 2681.** 106.215 (8g) (b) of the statutes is amended to read:

24 106.215 (8g) (b) If the department of corrections is a sponsor of a project that  
25 is approved under this subsection, the corps members on the project shall be

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1 prisoners in state prison, probationers ~~or~~, parolees or persons on community  
2 supervision and the members of the project shall receive applicable alcohol or other  
3 drug abuse treatment and educational programming services for a portion of each  
4 work week, but not to exceed 8 hours per work week.

5 **SECTION 2682.** 106.215 (10) (d) of the statutes is amended to read:

6 106.215 (10) (d) *Unemployment compensation.* A corps enrollee member or  
7 assistant crew leader is not eligible for unemployment compensation benefits by  
8 virtue of his or her employment in the Wisconsin conservation corps program. To the  
9 extent permitted by federal law, the Wisconsin conservation corps program shall be  
10 considered a work-relief and working-training program for the purpose of  
11 determining eligibility for benefits under s. 108.02 (15) (g) 1.

12 **SECTION 2683.** 106.215 (10) (g) 1. of the statutes is amended to read:

13 106.215 (10) (g) 1. A person who is employed as a corps enrollee for a 6-month  
14 to one-year period of continuous employment, as determined by standards adopted  
15 by the board, and who receives a satisfactory employment evaluation upon  
16 termination of employment is entitled to an incentive payment of \$500 prorated in  
17 the same proportion as the number of hours of employment completed by that person  
18 bears to 2,080 hours or an education voucher that is worth at least double the  
19 monetary value of the prorated incentive payment, but not more than ~~\$2,400~~ \$2,600  
20 prorated in the same proportion as the number of hours of employment completed  
21 by that person bears to 2,080 hours. No corps enrollee may receive more than 2  
22 incentive payments or 4 education vouchers.

23 **SECTION 2684.** 106.215 (13) (a) of the statutes is amended to read:

24 106.215 (13) (a) *Enrollment period.* The board may authorize the employment  
25 of a corps member who is not promoted to assistant crew leader beyond the 6-month



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1 to one-year enrollment period for a limited time, not to exceed one year, if the corps  
2 member has a disability. The normal enrollment period for a corps member who is  
3 promoted to assistant crew leader or for a person who is hired as assistant crew  
4 leader is 2 years. The board may authorize the employment of a corps member or  
5 assistant crew leader beyond the normal enrollment period for a limited time, not to  
6 exceed 3 months, under special circumstances where continued employment is  
7 required in order to complete a project in progress. The normal enrollment period  
8 for a crew leader ~~or a regional crew leader~~ is 2 years. The board may extend the  
9 employment of a crew leader beyond the normal enrollment period ~~if the crew leader~~  
10 ~~possesses special experience, training or skills valuable to the program for a limited~~  
11 ~~time, not to exceed 2 years.~~ The normal enrollment period for a regional crew leader  
12 is 2 years. The board may extend the employment of a regional crew leader for an  
13 unlimited time.

14 **SECTION 2685.** 107.31 (5) (a) 1. of the statutes is amended to read:

15 107.31 (5) (a) 1. Four percent of all moneys distributed under s. 70.395 (1), 1995  
16 stats., and under s. 70.395 (1e) beginning on May 22, 1980; and

17 **SECTION 2686.** 108.02 (15) (gm) of the statutes is created to read:

18 108.02 (15) (gm) "Employment" as applied to work for the Wisconsin  
19 conservation corps board, does not include service as a corps member or assistant  
20 crew leader.

21 **SECTION 2687.** 108.14 (7) (a) of the statutes is amended to read:

22 108.14 (7) (a) The records made or maintained by the department or  
23 commission in connection with the administration of this chapter are confidential  
24 and shall be open to public inspection or disclosure only to the extent that the  
25 department or commission permits in the interest of the unemployment

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1 compensation program. No person may permit inspection or disclosure of any record  
2 provided to it by the department or commission unless the department or  
3 commission authorizes the inspection or disclosure. This paragraph does not apply  
4 to a request for disclosure of a record made by the subunit of the department that  
5 administers child and spousal support under s. 49.22 (2m).

6 **SECTION 2688.** 108.20 (2m) of the statutes is amended to read:

7 108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge) and (gf)  
8 which are received by the administrative account as interest and penalties under  
9 this chapter, the department shall pay the benefits chargeable to the administrative  
10 account under s. 108.07 (5) and the interest payable to employers under s. 108.17  
11 (3m) and may pay interest due on advances to the unemployment reserve fund from  
12 the federal unemployment account under title XII of the social security act, 42 USC  
13 1321 to 1324, may make payments to satisfy a federal audit exception concerning a  
14 payment from the fund or any federal aid disallowance involving the unemployment  
15 compensation program, or may make payments to the fund if such action is necessary  
16 to obtain a lower interest rate or deferral of interest payments on advances from the  
17 federal unemployment account under title XII of the social security act or may  
18 provide career counseling center grants under s. 106.14, except that any interest  
19 earned pending disbursement of federal employment security grants under s. 20.445  
20 (1) (n) shall be credited to the general fund. Any moneys reverting to the  
21 administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall  
22 be utilized as provided in this subsection.

23 **SECTION 2689.** 108.20 (2m) of the statutes, as affected by 1997 Wisconsin Act  
24 .... (this act), is repealed and recreated to read:

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1           108.20 **(2m)** From the moneys not appropriated under s. 20.445 (1) (ge) and (gf)  
2           which are received by the administrative account as interest and penalties under  
3           this chapter, the department shall pay the benefits chargeable to the administrative  
4           account under s. 108.07 (5) and the interest payable to employers under s. 108.17  
5           (3m) and may pay interest due on advances to the unemployment reserve fund from  
6           the federal unemployment account under title XII of the social security act, 42 USC  
7           1321 to 1324, may make payments to satisfy a federal audit exception concerning a  
8           payment from the fund or any federal aid disallowance involving the unemployment  
9           compensation program, or may make payments to the fund if such action is necessary  
10          to obtain a lower interest rate or deferral of interest payments on advances from the  
11          federal unemployment account under title XII of the social security act, except that  
12          any interest earned pending disbursement of federal employment security grants  
13          under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting  
14          to the administrative account from the appropriations under s. 20.445 (1) (ge) and  
15          (gf) shall be utilized as provided in this subsection.

16           **SECTION 2690.** 109.09 (2) of the statutes is amended to read:

17           109.09 **(2)** The department, under its authority under sub. (1) to maintain  
18           actions for the benefit of employes, or an employe who brings an action under s.  
19           109.03 (5) shall have a lien upon all property of the employer, real or personal, located  
20           in this state for the full amount of any wage claim or wage deficiency. A lien under  
21           this subsection takes effect when the department or employe files a verified petition  
22           claiming the lien with the clerk of the circuit court of the county in which the services  
23           or some part of the services were performed pays the fee specified in s. 814.61 (5) to  
24           that clerk of circuit court and serves a copy of that petition on the employer by  
25           personal service in the same manner as a summons is served under s. 801.11 or by

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1 certified mail with a return receipt requested. The department or employe must file  
2 the petition within 2 years after the date that the wages were due. The petition shall  
3 specify the nature of the claim and the amount claimed, describe the property upon  
4 which the claim is made and state that the petitioner claims a lien on that property.  
5 The lien shall take precedence over all other debts, judgments, decrees, liens or  
6 mortgages against the employer, except a lien under s. 292.31 (8) (i), ~~292.41 (6) (d)~~  
7 or 292.81, and may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20  
8 and 779.21, insofar as such provisions are applicable. The lien ceases to exist if the  
9 department or the employe does not bring an action to enforce the lien within the  
10 period prescribed in s. 893.44 for the underlying wage claim.

11 **SECTION 2691.** 110.065 of the statutes is amended to read:

12 **110.065 Traffic academy.** The secretary may establish and operate an  
13 academy for the training of state, county and local traffic patrol officers and other  
14 related personnel and make rules and regulations for the conduct thereof. The  
15 secretary shall establish and periodically revise a reasonable scale of tuition charges.  
16 The tuition for personnel other than employes of the department shall be paid by  
17 their respective departments or governing bodies and shall be deposited in the  
18 ~~transportation fund~~ appropriation account under s. 20.395 (5) (dh). The secretary  
19 shall consult appropriate state, county and local authorities concerning the  
20 establishment and operation of the academy and the determination of tuition  
21 charges. State agencies shall cooperate with the secretary in providing information  
22 and instructional services for the academy.

23 **SECTION 2692.** 111.32 (3) of the statutes is amended to read:

24 111.32 (3) "Conviction record" includes, but is not limited to, information  
25 indicating that an individual has been convicted of any felony, misdemeanor or other

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1 offense, has been adjudicated delinquent, has been less than honorably discharged,  
2 or has been placed on probation, fined, imprisoned, placed on community supervision  
3 or paroled pursuant to any law enforcement or military authority.

4 **SECTION 2693.** 111.70 (4) (jm) 5. of the statutes is repealed and recreated to  
5 read:

6 111.70 (4) (jm) 5. In determining the proper compensation to be received by  
7 members of the police department under subd. 4., the arbitrator shall consider the  
8 following factors, with the greatest weight given to the factor specified under subd.  
9 5. a., the next greatest weight given to the factor specified under subd. 5. b., the next  
10 greatest weight given to the factor specified under subd. 5. c., the next greatest  
11 weight given to the factor specified under subd. 5. d. and the least weight given to  
12 the factor specified under subd. 5. e.:

13 a. Comparison of all of the items of compensation specified in subd. 4. of the  
14 municipal employes in the collective bargaining unit with such items of  
15 compensation of other municipal law enforcement officers in the metropolitan area  
16 in which the 1st class city is located.

17 b. Comparison of the respective crime rates, and workloads of and risks of  
18 injury to law enforcement officers, in the 1st class city and any other jurisdiction with  
19 which comparisons are made under subd. 5. a.

20 c. The increase in the average consumer prices for goods and services,  
21 commonly known as the cost of living, during the term of the predecessor collective  
22 bargaining agreement.

23 d. Comparison of all of the items of compensation specified in subd. 4. of the  
24 municipal employes in the collective bargaining unit with such items of

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1 compensation of other municipal law enforcement officers in comparable  
2 communities in this state.

3 e. Comparison of all of the items of compensation specified in subd. 4. of the  
4 municipal employes in the collective bargaining unit with such items of  
5 compensation of other protective service municipal employes in the 1st class city.

6 **SECTION 2694.** Chapter 115 (title) of the statutes is amended to read:

7 **CHAPTER 115**

8 **DEPARTMENT OF EDUCATION STATE**

9 **SUPERINTENDENT; GENERAL**

10 **CLASSIFICATIONS AND DEFINITIONS;**

11 **HANDICAPPED CHILDREN**

12 **SECTION 2695.** 115.001 (1) of the statutes is amended to read:

13 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract  
14 with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r) (b),  
15 or a school established and operated by one of the entities under s. 118.40 (2r) (b).

16 **SECTION 2696.** 115.001 (13m) of the statutes is repealed.

17 **SECTION 2697.** Subchapter II (title) of chapter 115 [precedes 115.28] of the  
18 statutes is repealed and recreated to read:

19 **CHAPTER 115**

20 **SUBCHAPTER II**

21 **STATE SUPERINTENDENT OF**

22 **PUBLIC INSTRUCTION**

23 **SECTION 2698.** 115.28 (3m) of the statutes is repealed and recreated to read:

24 115.28 (3m) SUPERVISION OF COOPERATIVE EDUCATIONAL SERVICE AGENCIES; RULES.

25 (a) Supervise and audit the receipts and expenditures of the cooperative educational

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1 service agencies, conduct program review of the agencies, approve agency  
2 evaluations, supervise boundary reorganization where necessary, advise the  
3 administrators of the agencies and provide assistance in organizing the agencies  
4 throughout the state.

5 (b) Promulgate rules establishing procedures for the reorganization of  
6 cooperative educational service agencies and boundary appeals.

7 (c) Every 3rd year as scheduled by the department, report to the appropriate  
8 standing committees of the legislature under s. 13.172 (3) on all cooperative  
9 educational service agency programs and services. The report shall include  
10 information on the efficiency and effectiveness of the programs and services.

11 **SECTION 2699.** 115.28 (7) (a) of the statutes is amended to read:

12 115.28 (7) (a) License all teachers for the public schools of the state, make rules  
13 establishing standards of attainment and procedures for the examination and  
14 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192 and  
15 118.195, prescribe by rule standards and procedures for the approval of teacher  
16 preparatory programs leading to licensure, file in the ~~secretary's~~ state  
17 superintendent's office all papers relating to state teachers' licenses and register  
18 each such license.

19 **SECTION 2700.** 115.28 (7m) of the statutes is amended to read:

20 115.28 (7m) CERTIFICATION OF SCHOOL NURSES. Certify school nurses, make  
21 rules for the examination and certification of school nurses and file in the ~~secretary's~~  
22 state superintendent's office all papers relating to school nurses certification and  
23 register each such certification.

24 **SECTION 2701.** 115.28 (8) of the statutes is repealed.

25 **SECTION 2702.** 115.28 (16) of the statutes is repealed.

**SENATE BILL 77****SECTION 2703**

1           **SECTION 2703.** 115.28 (20) (a) of the statutes is amended to read:

2           115.28 (20) (a) Advise the ~~secretary~~ state superintendent on funding criteria  
3 and evaluation plans for grant programs for the school district operating under ch.  
4 119.

5           **SECTION 2704.** 115.28 (20) (b) of the statutes is amended to read:

6           115.28 (20) (b) Advise the ~~secretary~~ state superintendent on the programs that  
7 meet or do not meet the funding criteria.

8           **SECTION 2705.** 115.28 (20) (c) of the statutes is amended to read:

9           115.28 (20) (c) Assist the ~~secretary~~ state superintendent in monitoring the  
10 progress of funded programs.

11           **SECTION 2706.** 115.28 (20) (d) of the statutes is amended to read:

12           115.28 (20) (d) Recommend to the ~~secretary~~ state superintendent needed  
13 changes in statutes or rules relating to grant programs.

14           **SECTION 2707.** 115.28 (20) (e) of the statutes is amended to read:

15           115.28 (20) (e) Submit to the ~~secretary~~ state superintendent an annual report  
16 detailing the council's activities, accomplishments and projected needs.

17           **SECTION 2708.** 115.28 (24) of the statutes is amended to read:

18           115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to  
19 local community organizations under sub. (21) ~~and to school boards under ss. 115.36~~  
20 ~~and 115.362~~, and in awarding grants from federal funds received under 20 USC 2301  
21 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that provide more  
22 than one of the educational services specified under sub. (21), s. ~~115.36, 115.362,~~  
23 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665  
24 or 29 USC 1602 (b) (1).

25           **SECTION 2709.** 115.28 (38) of the statutes is repealed.



**SENATE BILL 77****SECTION 2710**

1           **SECTION 2710.** 115.29 (intro.) of the statutes is amended to read:

2           **115.29 General powers.** (intro.) The secretary state superintendent may:

3           **SECTION 2711.** 115.29 (1) of the statutes is amended to read:

4           115.29 (1) DESIGNATE REPRESENTATIVE. Designate the deputy secretary state  
5           superintendent or another employe of the department as the secretary's state  
6           superintendent's representative on any body on which the secretary state  
7           superintendent is required to serve, except the board of regents of the university of  
8           Wisconsin system.

9           **SECTION 2712.** 115.29 (2) of the statutes is amended to read:

10          115.29 (2) EDUCATIONAL MEETINGS. Attend such educational meetings and make  
11          such investigations as the secretary state superintendent deems important and as  
12          will acquaint the secretary state superintendent with the different systems of public  
13          schools in the United States.

14          **SECTION 2713.** 115.29 (4) of the statutes is amended to read:

15          115.29 (4) HIGH SCHOOL GRADUATION EQUIVALENCY. Grant declarations of  
16          equivalency of high school graduation to persons, if in the secretary's state  
17          superintendent's judgment they have presented satisfactory evidence of having  
18          completed a recognized high school course of study or its equivalent. The secretary  
19          state superintendent may establish the standards by which high school graduation  
20          equivalency is determined. Such standards may consist of evidence of high school  
21          courses completed in high schools recognized by the proper authorities as accredited,  
22          results of examinations given by or at the request of the secretary state  
23          superintendent, successful completion of correspondence study courses given by  
24          acceptable correspondence study schools, a general educational development  
25          certificate of high school equivalency issued by an agency of the U.S. government,

**SENATE BILL 77****SECTION 2713**

1 course credits received in schools meeting the approval of the secretary state  
2 superintendent or other standards established by the secretary state  
3 superintendent.

4 **SECTION 2714.** 115.30 (4) (a) of the statutes is amended to read:

5 115.30 (4) (a) The condition of all schools under the department's state  
6 superintendent's supervision.

7 **SECTION 2715.** 115.30 (4) (c) of the statutes is amended to read:

8 115.30 (4) (c) The secretary's state superintendent's visits to educational  
9 institutions.

10 **SECTION 2716.** 115.30 (4) (f) of the statutes is amended to read:

11 115.30 (4) (f) A summary of the receipts and disbursements of all schools under  
12 the department's state superintendent's jurisdiction.

13 **SECTION 2717.** 115.31 (title) of the statutes is amended to read:

14 **115.31 (title) License or permit revocation; reports; investigation.**

15 **SECTION 2718.** 115.31 (6) (b) of the statutes is amended to read:

16 115.31 (6) (b) Upon receiving a report under sub. (3) relating to a person  
17 licensed by the department, the department shall investigate to determine whether  
18 to initiate revocation proceedings. ~~During the investigation~~ Except as provided in  
19 par. (bm), during the investigation, the department shall keep confidential all  
20 information pertaining to the investigation except the fact that an investigation is  
21 being conducted and the date of the revocation hearing.

22 **SECTION 2719.** 115.31 (6) (bm) of the statutes is created to read:

23 115.31 (6) (bm) At the request of the department of industry, labor and job  
24 development under s. 49.22 (2m), the department shall release information obtained  
25 under this subsection to the department of industry, labor and job development.

**SENATE BILL 77****SECTION 2720**

1           **SECTION 2720.** 115.31 (6m) of the statutes is created to read:

2           115.31 **(6m)** The department of public instruction shall, without a hearing,  
3           revoke a license or permit granted by the department of public instruction if the  
4           department of revenue certifies under s. 73.0301 that the licensee or permit holder  
5           is liable for delinquent taxes.

6           **SECTION 2721.** 115.315 of the statutes is created to read:

7           **115.315 Memorandum of understanding; license restriction and**  
8           **suspension.** As provided in the memorandum of understanding under s. 49.857, the  
9           department shall restrict or suspend a license or permit granted by the department  
10          if the licensee or permit holder is delinquent in making court-ordered payments of  
11          child or family support, maintenance, birth expenses, medical expenses or other  
12          expenses related to the support of a child or former spouse.

13          **SECTION 2722.** 115.345 (1) of the statutes is amended to read:

14          115.345 **(1)** Any school district approved by the department state  
15          superintendent may establish a system to provide the opportunity for authorized  
16          elderly persons to participate in its school lunch program. If a school board desires  
17          to establish such a service, it shall develop a plan for the provision of food services  
18          for elderly persons and submit the plan to the department state superintendent.  
19          Upon petition of 5% of the voters in the school district who voted in the last school  
20          board election, the school board shall formulate a food services plan, provided that  
21          hot food service facilities are available to school children in the district.

22          **SECTION 2723.** 115.345 (2) of the statutes is amended to read:

23          115.345 **(2)** Each plan shall provide at least one meal per day for each day that  
24          school is in regular session. The school board may provide additional service at other  
25          times in its discretion, if the number of eligible persons in the district or adjacent

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1 districts is of sufficient size, in the opinion of the ~~department~~ state superintendent,  
2 so that unwarranted production expense is not incurred.

3 **SECTION 2724.** 115.345 (3) of the statutes is amended to read:

4 115.345 (3) Any school board which operates a food services plan for elderly  
5 persons under this section shall make facilities available for service to elderly  
6 persons at every high school and junior high school in the district which provides hot  
7 food service to its students. Upon application, the ~~department~~ state superintendent  
8 may grant exceptions from compliance with this subsection for reasons of safety,  
9 convenience or insufficient interest in a given neighborhood. The school board may,  
10 in addition, provide service at elementary schools if desired.

11 **SECTION 2725.** 115.345 (4) of the statutes is amended to read:

12 115.345 (4) Meals may be served at schools where they are served to students  
13 or at any site more convenient to the majority of authorized elderly persons  
14 interested in the service. Food may be transported to authorized elderly persons who  
15 are unable to leave their homes or distributed to nonprofit organizations for such  
16 purposes. However, no state funds under this section may be used for food delivery  
17 to individual homes. The ~~department~~ state superintendent may require  
18 consolidation of programs between districts and between schools if such a procedure  
19 will be convenient and economical.

20 **SECTION 2726.** 115.345 (6) of the statutes is amended to read:

21 115.345 (6) All meals served must meet the approval of the ~~department~~ state superintendent ~~which~~  
22 state superintendent who shall establish minimum nutritional standards not  
23 inconsistent with federal standards and reasonable expenditure limits such that the  
24 average cost per meal is not excessive. The ~~department~~ state superintendent shall  
25 give special consideration to dietary problems of elderly persons in formulating a

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1 nutritional plan. However, no school board shall be required to provide special foods  
2 for individual persons with allergies or medical disorders.

3 **SECTION 2727.** 115.345 (7) of the statutes is amended to read:

4 115.345 (7) Participants in a program under this section may be required to  
5 document their Wisconsin residency in a manner approved by the department. The  
6 ~~department~~ state superintendent may issue identification cards to such persons if  
7 necessary.

8 **SECTION 2728.** 115.345 (7m) of the statutes is amended to read:

9 115.345 (7m) A private school may establish a food services plan for elderly  
10 persons. If the plan meets all of the requirements of this section and is approved by  
11 the ~~department~~ state superintendent, the private school is eligible for  
12 reimbursement in the same manner as school districts under sub. (5).

13 **SECTION 2729.** 115.345 (8) of the statutes is amended to read:

14 115.345 (8) The ~~department~~ state superintendent shall adopt reasonable rules  
15 necessary to implement this section.

16 **SECTION 2730.** 115.35 (5) (c) of the statutes is amended to read:

17 115.35 (5) (c) As to the ~~department's~~ state superintendent's recommendations  
18 to improve such programs and cooperation.

19 **SECTION 2731.** 115.36 of the statutes is renumbered 46.72, and 46.72 (3) (a)  
20 (intro.), as renumbered, is amended to read:

21 46.72 (3) (a) (intro.) The department shall, from the appropriation under s.  
22 ~~20.255-2~~ 20.435 (3) (g), fund school district projects designed to assist minors  
23 experiencing problems resulting from the use of alcohol or other drugs or to prevent  
24 alcohol or other drug abuse by minors. The department shall:

25 **SECTION 2732.** 115.361 (title) of the statutes is repealed.

**SENATE BILL 77****SECTION 2733**

1           **SECTION 2733.** 115.361 (2) of the statutes is renumbered 115.361, and 115.361  
2 (1) (intro.), (2), (2m) and (3), as renumbered, are amended to read:

3           115.361 (1) (intro.) In this ~~subsection~~ section:

4           (2) A school board contracting under ~~par. (am)~~ sub. (1m) may apply to the  
5 department for a grant to help fund the costs of the program. The department shall  
6 review the applications and determine which of the applicants will receive grants.  
7 A grant shall fund 100% of the cost of the classroom materials for the program and  
8 80% of the costs of the contract, except that no grant may exceed \$50,000. Grants  
9 shall be awarded from the appropriation under s. 20.255 (2) (dm).

10           (2m) Beginning January 1, 1991, law enforcement agencies shall use the  
11 sheriff's department of a county having a population of 500,000 or more, or a program  
12 that provides comparable training, to train law enforcement officers for the program  
13 under this ~~subsection~~ section.

14           (3) The department shall promulgate rules to implement and administer this  
15 ~~subsection~~ section, including rules establishing criteria for selecting grant recipients  
16 under ~~par. (b)~~ sub. (2).

17           **SECTION 2734.** 115.361 (3) of the statutes is renumbered 46.73 (3), and 46.73  
18 (3) (b), as renumbered, is amended to read:

19           46.73 (3) (b) ~~Beginning in the 1990-91 school year and annually thereafter, the~~  
20 The department annually may award grants of up to \$50,000 to school districts with  
21 small and medium memberships and grants of up to \$70,000 to school districts with  
22 large memberships. Grants shall be awarded from the appropriation under s. ~~20.255~~  
23 ~~(2) (dm)~~ 20.435 (3) (em). In this paragraph, "membership" has the meaning given in  
24 s. 121.004 (5).

**SENATE BILL 77****SECTION 2735**

1           **SECTION 2735.** 115.361 (4) of the statutes is renumbered 46.73 (4), and 46.73  
2 (4) (b), as renumbered, is amended to read:

3           46.73 (4) (b) Grants under this subsection shall be awarded from the  
4 appropriation under s. ~~20.255 (2) (dm)~~ 20.435 (3) (em). To the extent possible, the  
5 department shall ensure that grants are equally distributed on a statewide basis.

6           **SECTION 2736.** 115.361 (5) of the statutes is renumbered 46.73 (5), and 46.73  
7 (5) (b) (intro.), as renumbered, is amended to read:

8           46.73 (5) (b) (intro.) The department shall award grants under this subsection  
9 from the appropriation under s. ~~20.255 (2) (dm)~~ 20.435 (3) (em). The amount of a  
10 grant may not exceed 80% of the cost of the program, including in-kind  
11 contributions. The department may award a grant to a school board under this  
12 subsection only if all of the following apply:

13           **SECTION 2737.** 115.361 (7) (title) of the statutes is repealed.

14           **SECTION 2738.** 115.361 (7) (a) (intro.) of the statutes is renumbered 46.73 (7)  
15 (intro.) and amended to read:

16           46.73 (7) (title) ALLOCATIONS. (intro.) Of the amount in the appropriation under  
17 s. ~~20.255 (2) (dm)~~ 20.435 (3) (em), annually the department shall allocate the  
18 following amounts for the following programs:

19           **SECTION 2739.** 115.361 (7) (a) 2. of the statutes is repealed.

20           **SECTION 2740.** 115.361 (7) (a) 3., 4. and 5. of the statutes are renumbered 46.73  
21 (7) (c), (d) and (e).

22           **SECTION 2741.** 115.361 (7) (b) and (c) of the statutes are repealed.

23           **SECTION 2742.** 115.362 (title) and (1) of the statutes are renumbered 46.73 (6)  
24 (title) and (a).

**SENATE BILL 77****SECTION 2743**

1           **SECTION 2743.** 115.362 (2) (a) of the statutes is renumbered 46.73 (6) (b), and  
2 46.73 (6) (b) (intro.), as renumbered, is amended to read:

3           46.73 **(6)** (b) (intro.) The department shall award grants from the appropriation  
4 under s. ~~20.255 (2) (fy)~~ 20.435 (3) (em) to school districts for any of the following:

5           **SECTION 2744.** 115.362 (2) (b) of the statutes is repealed.

6           **SECTION 2745.** 115.362 (3) to (5) of the statutes are renumbered 46.73 (6) (c)  
7 to (e), and 46.73 (6) (c), (d) 1. and 2. e. and (e), as renumbered, are amended to read:

8           46.73 **(6)** (c) Except for grants under ~~sub. (2) (a) par. (b)~~, no school district may  
9 receive more than one grant under this ~~section~~ subsection. Grants awarded under  
10 ~~sub. (2) (a) par. (b)~~ shall not be used to supplant or replace funds otherwise available  
11 for the program.

12           (d) 1. Each school board receiving a grant under ~~sub. (2) (a) par. (b) 2.~~ shall  
13 ensure that its program meets standards established by the department by rule. The  
14 school board may establish the program individually or on a cooperative basis with  
15 one or more school districts, cooperative educational service agencies or county  
16 handicapped children's education boards.

17           2. e. Release teachers from other duties in order to enable them to participate  
18 in training programs under subd. 1. 2. a. and s. ~~115.36~~ 46.72 (2) (a) and in pupil  
19 assistance programs under subd. 2. b.

20           (e) The department shall promulgate rules establishing criteria for the  
21 awarding of grants under ~~sub. (2) (a) par. (b)~~. The rules shall require that the  
22 department give priority in awarding grants to school districts in which no pupil  
23 assistance program is available.

24           **SECTION 2746.** 115.39 of the statutes is repealed.

25           **SECTION 2747.** 115.40 (4) (a) of the statutes is amended to read:



**SENATE BILL 77****SECTION 2747**

1           115.40 (4) (a) The ~~secretary~~ state superintendent and the secretary of health  
2 and social services shall provide technical assistance to and consult with applicants  
3 regarding the preparation of their applications.

4           **SECTION 2748.** 115.40 (4) (b) of the statutes is amended to read:

5           115.40 (4) (b) The ~~secretary~~ state superintendent and the secretary of health  
6 and social services shall review the applications and jointly determine the grant  
7 recipients and the amount of each grant. A grant may not be awarded to a school  
8 board, agency or organization unless the percentage of the participating school  
9 district's membership in the previous school year for whom aid to families with  
10 dependent children was being received under s. 49.19 was greater than 5%. In this  
11 paragraph, "membership" has the meaning given in s. 121.004 (5).

12           **SECTION 2749.** 115.40 (4) (c) (intro.) of the statutes is amended to read:

13           115.40 (4) (c) (intro.) The ~~secretary~~ state superintendent and the secretary of  
14 health and social services shall give preference in awarding grants under this section  
15 to all of the following:

16           **SECTION 2750.** 115.45 (2) (b) of the statutes is amended to read:

17           115.45 (2) (b) The council for Milwaukee public schools grant programs under  
18 s. 115.28 (20) shall review the applications submitted under par. (a) and make  
19 recommendations to the ~~secretary~~ state superintendent regarding the schools to be  
20 selected and amounts of the grants to be awarded. The council's recommendations  
21 shall be based upon and include information regarding the degree to which the  
22 proposed projects will effectively meet the requirements under sub. (4).

23           **SECTION 2751.** 115.45 (6) (b) of the statutes is amended to read:

24           115.45 (6) (b) By March 1, 1986, and annually thereafter, submit to the joint  
25 committee on finance and the chief clerk of each house of the legislature, for

**SENATE BILL 77****SECTION 2751**

1 distribution to the appropriate standing committees under s. 13.172 (3), a budget  
2 report detailing the grants ~~the department~~ he or she intends to award under this  
3 section in the next fiscal year. The report shall provide summary data on the results  
4 of the annual testing required under sub. (4) (b) and include a description of the  
5 guidelines used to determine the individual schools and private service providers  
6 that will receive funds under this section and the types of expenditures eligible for  
7 such funds.

8 **SECTION 2752.** 115.47 of the statutes is amended to read:

9 **115.47 Designated state official under agreement.** The “designated state  
10 official” for this state under s. 115.46 shall be the secretary state superintendent.

11 **SECTION 2753.** 115.48 of the statutes is repealed and recreated to read:

12 **115.48 Contracts under agreement.** True copies of all contracts made on  
13 behalf of this state pursuant to the agreement shall be kept on file in the department  
14 and in the office of the secretary of state. The department shall publish all such  
15 contracts in convenient form.

16 **SECTION 2754.** 115.745 of the statutes is repealed.

17 **SECTION 2755.** 115.77 (1) of the statutes is amended to read:

18 **115.77 (1) APPOINTMENT OF ADMINISTRATOR.** The secretary state superintendent  
19 shall appoint the administrator.

20 **SECTION 2756.** 115.77 (2) (intro.) of the statutes is amended to read:

21 **115.77 (2) DUTIES OF ADMINISTRATOR.** (intro.) Subject to the direction of the  
22 secretary state superintendent, the administrator:

23 **SECTION 2757.** 115.79 (1) (intro.) of the statutes is amended to read:

24 **115.79 (1) (intro.)** The secretary state superintendent shall consult with the  
25 council on exceptional education concerning:

**SENATE BILL 77****SECTION 2758**

1           **SECTION 2758.** 115.79 (1) (d) of the statutes is amended to read:

2           115.79 (1) (d) Any other matters upon which the secretary state  
3           superintendent wishes the council's opinion.

4           **SECTION 2759.** 115.80 (3) (bm) of the statutes is created to read:

5           115.80 (3) (bm) If a child is attending a public school outside his or her school  
6           district of residence under s. 118.51, as part of its evaluation of the child the  
7           multidisciplinary team shall consult with appropriate personnel from the child's  
8           school district of attendance.

9           **SECTION 2760.** 115.80 (4) (am) of the statutes is created to read:

10          115.80 (4) (am) If a child is attending a public school outside his or her school  
11          district of residence under s. 118.51, the staff appointed under par. (a) shall consult  
12          with appropriate personnel from the child's school district of attendance before  
13          developing an individualized education program for the child.

14          **SECTION 2761.** 115.80 (5) (a) of the statutes is amended to read:

15          115.80 (5) (a) Each child who is receiving special education shall be reevaluated  
16          by a multidisciplinary team at least once every 3 years. Subsection (3) (bm) applies  
17          to reevaluations under this paragraph.

18          **SECTION 2762.** 115.85 (1) (e) of the statutes is created to read:

19          115.85 (1) (e) Notwithstanding par. (a), if a child with exceptional educational  
20          needs is attending a public school outside his or her school district of residence under  
21          s. 118.51, the school board of the school district of attendance shall ensure that  
22          appropriate special education programs and related services are available to the  
23          child.

24          **SECTION 2763.** 115.85 (2) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2763**

1           115.85 (2) (a) If the school district that the child attends, the county program  
2 in which the child resides school district participates or the cooperative educational  
3 service agency for the school district ~~in which the child resides~~ operates an  
4 appropriate special education program, the child shall be placed in such program.

5           **SECTION 2764.** 115.85 (2) (c) 2. (intro.) of the statutes is amended to read:

6           115.85 (2) (c) 2. (intro.) The ~~department~~ state superintendent shall approve a  
7 placement in a public special education program located in another state if the  
8 ~~department~~ he or she determines that the program is appropriate to meet the child's  
9 exceptional educational needs and that:

10          **SECTION 2765.** 115.85 (2) (f) of the statutes is created to read:

11          115.85 (2) (f) If a child with exceptional educational needs is attending a public  
12 school outside his or her school district of residence under s. 118.51, the school board  
13 of the school district of attendance shall provide an appropriate educational  
14 placement for the child under this subsection, and shall pay tuition charges instead  
15 of the school district of residence if any of the placement options under pars. (am) to  
16 (d) are utilized.

17          **SECTION 2766.** 115.85 (2m) of the statutes is amended to read:

18          115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board  
19 and the department of health and family services, the department of corrections or  
20 a county department under s. 46.215, 46.22 or 46.23, or between school boards under  
21 s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub.  
22 (2), the ~~department~~ state superintendent shall resolve the dispute. This subsection  
23 applies only to placements in nonresidential educational programs made under s.  
24 48.48 (4) ~~(17) (a) 3.~~, 48.57 (1) (c), 938.48 (4) or 938.57 (1) (c) and to placements in child  
25 caring institutions made under s. 115.815.

**SENATE BILL 77****SECTION 2767**

1           **SECTION 2767.** 115.85 (3) (a), (c) and (d) of the statutes are amended to read:

2           115.85 **(3)** (a) The total number of children who reside in the school district and  
3           the total number of children who attend the school district under s. 118.51 who have  
4           been placed in special education programs under s. 115.85 (2), the exceptional  
5           educational needs of each such child and the school attended or special education  
6           received by each such child. The report shall also specify the number of children with  
7           exceptional educational needs who are known to the school district and who are  
8           under the age of 3 years and the exceptional educational needs of each such child.

9           (c) A description of the special education programs in which children who reside  
10          in the school district or who attend the school district under s. 118.51 have been  
11          placed under sub. (2), the number of persons attending each pursuant to sub. (2) and  
12          the qualifications of the staff of each such special education program.

13          (d) An evaluation, in terms of the goals identified under s. 115.78 (5), of the  
14          progress made by each special education program in which children who reside in the  
15          school district or who attend the school district under s. 118.51 are placed under sub.  
16          (2).

17          **SECTION 2768.** 115.89 of the statutes is amended to read:

18          **115.89 Noncomplying school district; remedies.** (1) If, after a public  
19          hearing in the school district or as the result of a monitoring procedure or a complaint  
20          investigation, the ~~department~~ state superintendent finds that a school board has  
21          violated this subchapter or the rules promulgated under this subchapter, the  
22          ~~department~~ state superintendent may make recommendations to the school board  
23          to remedy the violation and may require the school board to submit a remedial plan  
24          incorporating such recommendations.

**SENATE BILL 77****SECTION 2768**

1           **(3)** If, after consultation with the school board, the department state  
2 superintendent finds that the remedial plan has not incorporated the department's  
3 his or her recommendations, or that its implementation has been inadequate to  
4 ensure compliance with this subchapter and the rules promulgated under this  
5 subchapter, the department state superintendent shall request the attorney general  
6 to proceed against the school district for injunctive or other appropriate relief.

7           **SECTION 2769.** 115.93 (1) of the statutes is amended to read:

8           115.93 **(1)** Except as provided under sub. (2), if upon receipt of the reports under  
9 s. 115.92 (2) the department state superintendent is satisfied that the school age  
10 parents program has been maintained during the preceding school year in  
11 accordance with the rules under s. 115.92 (3), the department state superintendent  
12 shall certify to the department of administration in favor of each school district  
13 maintaining the program a sum equal to 63% of the amount expended by the school  
14 district during the preceding school year for salaries of teachers and instructional  
15 aides, special transportation and other expenses approved by the department state  
16 superintendent. The department of administration shall pay such amounts to the  
17 school district from the appropriation under s. 20.255 (2) (b).

18           **SECTION 2770.** 115.996 of the statutes is amended to read:

19           **115.996** (title) **Report to the legislature.** ~~Annually, on or before December~~  
20 ~~31~~ In its biennial report under s. 15.04 (1) (d), the department shall submit a report  
21 ~~to the chief clerk of each house of the legislature, for distribution to the legislature~~  
22 ~~under s. 13.172 (2),~~ include information on the status of bilingual-bicultural  
23 education programs established under this subchapter. The report shall include the  
24 number of pupils served in bilingual-bicultural education programs for each  
25 language group in each school district in which such programs are offered and the

**SENATE BILL 77****SECTION 2770**

1 cost of the program per pupil for each school district, language group and program  
2 type. The department shall also provide the number of pupils in each school district  
3 and language group who as a result of participation in a bilingual-bicultural  
4 education program improved their English language ability to such an extent that  
5 the program is no longer necessary for such pupils.

6 **SECTION 2771.** 116.02 (1) (c) of the statutes is amended to read:

7 116.02 (1) (c) ~~The department shall cause to~~ There shall convene annually on  
8 the day that the board of control holds its annual organizational meeting under par.  
9 (a) a convention composed of the representative from each school board in the agency.  
10 There shall be no more than one representative from each union high school district.  
11 The convention may direct the board of control to determine a different date for the  
12 annual organizational meeting.

13 **SECTION 2772.** 116.03 (10) of the statutes is repealed and recreated to read:

14 116.03 (10) Authorize the expenditure of money for the purposes set forth in  
15 this chapter and for the actual and necessary expenses of the board of control and  
16 agency administrator and for the acquisition of equipment, space and personnel. All  
17 accounts of the agency shall be paid by check, share draft or other draft signed by the  
18 chairperson and secretary to the board of control.

19 **SECTION 2773.** 116.03 (11) of the statutes is amended to read:

20 116.03 (11) Establish the salaries of the agency administrator and other  
21 professional and nonprofessional employes. State reimbursement for the cost of the  
22 salary of the agency administrator shall be equal to the actual salary paid or the  
23 maximum of the salary range for public instruction supervisors ~~in the department~~  
24 under the state superintendent, whichever is less.

25 **SECTION 2774.** 116.03 (12m) of the statutes is repealed.

**SENATE BILL 77****SECTION 2775**

1           **SECTION 2775.** 116.03 (13) of the statutes is repealed.

2           **SECTION 2776.** 117.03 (2) of the statutes is amended to read:

3           117.03 (2) "Appeal panel" means a panel appointed by the secretary state  
4 superintendent under s. 117.05 (1).

5           **SECTION 2777.** 117.05 (1) of the statutes is amended to read:

6           117.05 (1) APPEAL PANELS. The secretary state superintendent shall appoint 3  
7 members of the board to hear appeals filed under ss. 117.12 (4) and 117.13 (3). No  
8 2 members of the appeal panel may be board members from any of the following kinds  
9 of school districts: those with small enrollments, those with medium enrollments or  
10 those with large enrollments.

11           **SECTION 2778.** 117.05 (1m) of the statutes is amended to read:

12           117.05 (1m) BOARD AND APPEAL PANEL MEETINGS. The secretary state  
13 superintendent shall set the time and place for meetings of the board under ss.  
14 117.10, 117.12 (5) and 117.132 and for meetings of appeal panels under ss. 117.12 (4)  
15 and 117.13.

16           **SECTION 2779.** 117.05 (2) (a) of the statutes is amended to read:

17           117.05 (2) (a) *Board.* The secretary state superintendent shall appoint 7  
18 members of the board to perform any review under ss. 117.10, 117.12 (5) and 117.132.  
19 The 7 members shall include the secretary state superintendent or his or her  
20 designee on the board, 2 board members from school districts with small  
21 enrollments, 2 board members from school districts with medium enrollments and  
22 2 board members from school districts with large enrollments. Any action of the  
23 board under this chapter requires the affirmative vote of at least 4 of the 7 members  
24 appointed under this paragraph.

25           **SECTION 2780.** 117.05 (10) of the statutes is amended to read:



**SENATE BILL 77****SECTION 2780**

1 117.05 (10) (title) ~~SECRETARY STATE SUPERINTENDENT~~ TO ADVISE. The secretary  
2 state superintendent shall advise and consult with school boards regarding school  
3 district organization and reorganization. If, in the ~~secretary's~~ state superintendent's  
4 opinion, one or more school districts should be altered, consolidated or dissolved, he  
5 or she may make recommendations to the school boards.

6 **SECTION 2781.** Subchapter I (title) of chapter 118 [precedes 118.001] of the  
7 statutes is created to read:

**CHAPTER 118****SUBCHAPTER I****GENERAL SCHOOL OPERATIONS**

11 **SECTION 2782.** 118.01 (1) of the statutes is amended to read:

12 118.01 (1) PURPOSE. Public education is a fundamental responsibility of the  
13 state. The constitution vests in the state superintendent the supervision of public  
14 instruction and directs the legislature to provide for the establishment of district  
15 schools. The effective operation of the public schools is dependent upon a common  
16 understanding of what public schools should be and do. Establishing such goals and  
17 expectations is a necessary and proper complement to the state's financial  
18 contribution to education. Each school board should provide curriculum, course  
19 requirements and instruction consistent with the goals and expectations established  
20 under sub. (2). Parents and guardians of pupils enrolled in the school district share  
21 with the state and school board the responsibility for pupils meeting the goals and  
22 expectations under sub. (2).

23 **SECTION 2783.** 118.125 (2) (intro.) of the statutes is amended to read:

24 118.125 (2) CONFIDENTIALITY. (intro.) All pupil records maintained by a public  
25 school shall be confidential, except as provided in pars. (a) to ~~(m)~~ (n) and sub. (2m).

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1 The school board shall adopt regulations to maintain the confidentiality of such  
2 records.

3 **SECTION 2784.** 118.125 (2) (n) of the statutes is created to read:

4 118.125 (2) (n) Subject to the requirements of 34 CFR 99.34 (a), a school board  
5 shall provide to the school board of a school district to which a pupil has applied under  
6 s. 118.51 or 118.52, upon request by that school board, a copy of any pupil record  
7 relating to the pupil's suspension or expulsion from school.

8 **SECTION 2785.** 118.125 (4) of the statutes is amended to read:

9 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall  
10 transfer to another school or school district all pupil records relating to a specific  
11 pupil if the transferring school district has received written notice from the pupil if  
12 he or she is an adult or his or her parent or guardian if the pupil is a minor that the  
13 pupil intends to enroll in the other school or school district, or attend the other school  
14 district under s. 118.51, or written notice from the other school or school district that  
15 the pupil has enrolled, or is attending under s. 118.51, or from a court that the pupil  
16 has been placed in a juvenile correctional facility or a secured child caring  
17 institution, as defined in s. 938.02 (15g). In this subsection, "school" and "school  
18 district" include any state juvenile correctional facility or secured child caring  
19 institution which provides an educational program for its residents instead of or in  
20 addition to that which is provided by public and private schools.

21 **SECTION 2786.** 118.14 (1) (intro.) of the statutes is amended to read:

22 118.14 (1) (intro.) Except as provided in s. ~~115.28 (8)~~ 120.12 (25):

23 **SECTION 2787.** 118.145 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2787**

1           118.145 (1) The school board of a school district operating high school grades  
2 shall determine, ~~with the advice and consent of the department,~~ the minimum  
3 standards for admission to high school.

4           **SECTION 2788.** 118.15 (2) (c) of the statutes is amended to read:

5           118.15 (2) (c) Pupils attending a technical college under this subsection may  
6 receive general education subjects at the technical college ~~and shall be counted as~~  
7 ~~pupils enrolled in the high school for all purposes including computing state aid for~~  
8 ~~the school district.~~ Payments by the school district under par. (a) shall be deemed  
9 costs of operation and maintenance.

10          **SECTION 2789.** 118.165 (2) of the statutes is amended to read:

11          118.165 (2) An institution may request the ~~department~~ state superintendent  
12 to approve the institution's educational program as a private school. The ~~department~~  
13 state superintendent shall base its his or her approval solely on the criteria under  
14 sub. (1).

15          **SECTION 2790.** 118.167 of the statutes is amended to read:

16          **118.167** (title) **Private school determination by ~~department~~ state**  
17 **superintendent.** If an association that regulates or accredits private educational  
18 institutions in this state submits an affidavit to the ~~department~~ state  
19 superintendent attesting that the institution meets or exceeds all of the criteria  
20 under s. 118.165 and the ~~department~~ state superintendent finds that the institution  
21 does meet or exceed all of the criteria under s. 118.165, the ~~department~~ state  
22 superintendent shall determine that the institution is a private school. If at any time  
23 the ~~department~~ state superintendent finds that an institution determined to be a  
24 private school under this section no longer meets the criteria under s. 118.165, the  
25 ~~department~~ state superintendent may withdraw the determination.

**SENATE BILL 77****SECTION 2791**

1           **SECTION 2791.** 118.19 (1m) of the statutes is created to read:

2           118.19 (1m) (a) The department of public instruction may not issue or renew  
3 a license or permit or revalidate a license that has no expiration date unless the  
4 applicant provides the department of public instruction with his or her social  
5 security number. The department of public instruction may not disclose the social  
6 security number except to the department of revenue for the sole purpose of  
7 requesting certifications under s. 73.0301 and except as provided in sub. (1r).

8           (b) The department of public instruction may not issue or renew a license or  
9 permit or revalidate a license that has no expiration date if the department of  
10 revenue certifies under s. 73.0301 that the applicant, licensee or permit holder is  
11 liable for delinquent taxes.

12           **SECTION 2792.** 118.19 (1r) of the statutes is created to read:

13           118.19 (1r) (a) As provided in the memorandum of understanding under s.  
14 49.857, the department may not issue or renew a license or permit or revalidate a  
15 license that has no expiration date unless the applicant provides the department  
16 with his or her social security number. The department may not disclose the social  
17 security number except to the department of industry, labor and job development for  
18 the sole purpose of administering s. 49.22 and except as provided in sub. (1m).

19           (b) As provided in the memorandum of understanding under s. 49.857, the  
20 department may not issue or renew a license or permit or revalidate a license that  
21 has no expiration date if the applicant, licensee or permit holder is delinquent in  
22 making court-ordered payments of child or family support, maintenance, birth  
23 expenses, medical expenses or other expenses related to the support of a child or  
24 former spouse.

25           **SECTION 2793.** 118.19 (10) (f) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2793**

1           118.19 (10) (f) The department shall keep confidential all information received  
2           under this subsection from the department of justice or the federal bureau of  
3           investigation. ~~Such~~ Except as provided in par. (g), such information is not subject  
4           to inspection or copying under s. 19.35.

5           **SECTION 2794.** 118.19 (10) (g) of the statutes is created to read:

6           118.19 (10) (g) At the request of the department of industry, labor and job  
7           development under s. 49.22 (2m), the department shall release information obtained  
8           under this subsection to the department of industry, labor and job development.

9           **SECTION 2795.** 118.192 (5) of the statutes is repealed.

10          **SECTION 2796.** 118.20 (2) of the statutes is amended to read:

11          118.20 (2) ~~The department~~ state superintendent or a person designated by the  
12          state superintendent may receive and investigate complaints charging  
13          discrimination in employment, assignment or reassignment of teachers or  
14          administrative personnel in the public schools and the ~~department~~ state  
15          superintendent or designee may hold hearings, subpoena witnesses and take  
16          testimony to effectuate the purposes of this section.

17          **SECTION 2797.** 118.20 (3) of the statutes is amended to read:

18          118.20 (3) If the ~~department~~ state superintendent finds probable cause to  
19          believe that any discrimination prohibited by this section has been or is being  
20          practiced, the ~~department~~ state superintendent shall immediately endeavor to  
21          eliminate the practice by conference, conciliation or persuasion. In case of failure to  
22          eliminate the discrimination, the ~~department~~ state superintendent shall issue and  
23          serve a written notice of hearing, specifying the nature of the discrimination which  
24          appears to have been committed, and requiring the public school official, employe,  
25          teacher agency or placement bureau named, hereinafter called the "respondent" to

**SENATE BILL 77****SECTION 2797**

1 answer the complaint at a hearing before the ~~department~~ state superintendent. The  
2 notice shall specify a time of hearing not less than 10 days after service of the  
3 complaint, and a place of hearing within the county in which the discrimination is  
4 alleged to have occurred.

5 **SECTION 2798.** 118.20 (4) of the statutes is amended to read:

6 118.20 (4) After hearing, if the ~~department~~ state superintendent finds that the  
7 respondent has engaged in discrimination prohibited by this section the ~~department~~  
8 state superintendent shall make written findings and recommend such action by the  
9 respondent as shall satisfy the purposes of this section and shall serve a certified  
10 copy of the findings and recommendations on the respondent together with an order  
11 requiring the respondent to comply with the recommendations. Any person  
12 aggrieved by noncompliance with the order shall be entitled to have the order  
13 enforced specifically by suit in equity. If the ~~department~~ state superintendent finds  
14 that the respondent has not engaged in the alleged discrimination, the ~~department~~  
15 state superintendent shall serve a certified copy of the department's state  
16 superintendent's findings on the complainant together with an order dismissing the  
17 complaint.

18 **SECTION 2799.** 118.20 (5) of the statutes is amended to read:

19 118.20 (5) If any public school official, employe, teachers agency or placement  
20 bureau violates sub. (1) or fails or refuses to obey any lawful order made by the  
21 ~~department~~ state superintendent pursuant to this section, such person shall forfeit  
22 and pay into the state treasury not less than \$25 nor more than \$50, or be imprisoned  
23 not less than 5 nor more than 30 days. Such violation or failure or refusal to obey  
24 an order shall be grounds for the removal of any school district administrator,  
25 member of a school board or other public school official. Findings and orders of the

**SENATE BILL 77****SECTION 2799**

1 ~~department~~ state superintendent under this section shall be subject to judicial  
2 review under ch. 227.

3 **SECTION 2800.** 118.20 (6) of the statutes is amended to read:

4 118.20 (6) Upon request of the ~~department~~ state superintendent, the attorney  
5 general or district attorney of the county in which any investigation, hearing or trial  
6 under this section is pending, shall aid and prosecute under supervision of the  
7 ~~department~~ state superintendent, all necessary actions or proceedings for the  
8 enforcement of this section and for the punishment of all violations thereof.

9 **SECTION 2801.** 118.20 (7) of the statutes is amended to read:

10 118.20 (7) In administering this section the ~~department~~ state superintendent  
11 shall have authority to make, amend and rescind rules necessary to carry out the  
12 purposes of this section.

13 **SECTION 2802.** 118.255 (3) of the statutes is repealed and recreated to read:

14 118.255 (3) The school board, cooperative educational service agency or county  
15 handicapped children's education board maintaining health treatment services shall  
16 report annually to the department, and at such other times as the department  
17 directs, such information as the department requires.

18 **SECTION 2803.** 118.255 (4) of the statutes is amended to read:

19 118.255 (4) If the ~~department~~ state superintendent is satisfied that the health  
20 treatment services program has been maintained during the preceding school year  
21 in accordance with law, the ~~department~~ state superintendent shall certify to the  
22 department of administration in favor of each school board, cooperative educational  
23 service agency and county handicapped children's education board maintaining such  
24 health treatment services, an amount equal to 63% of the amount expended for items  
25 listed in s. 115.88 (1) by the school board, cooperative educational service agency and

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1 county handicapped children's education board during the preceding year for these  
2 health treatment services. The department of administration, upon such  
3 certification shall distribute the amounts to the appropriate school board,  
4 cooperative educational service agency and county handicapped children's education  
5 board.

6 **SECTION 2804.** 118.26 of the statutes is amended to read:

7 **118.26 Claim against school district.** No action may be brought or  
8 maintained against a school district upon a claim or cause of action unless the  
9 claimant complies with s. 893.80. This section does not apply to actions commenced  
10 under s. 19.37 ~~or~~, 19.97 or 281.99.

11 **SECTION 2805.** 118.30 (1) of the statutes is renumbered 118.30 (1) (a).

12 **SECTION 2806.** 118.30 (1) (b) of the statutes is created to read:

13 118.30 (1) (b) If the governor has issued pupil academic standards as an  
14 executive order under s. 14.23, the department shall develop a high school  
15 graduation examination that is designed to measure whether pupils meet the pupil  
16 academic standards.

17 **SECTION 2807.** 118.30 (1g) of the statutes is created to read:

18 118.30 (1g) (a) By August 1, 1998, each school board shall adopt pupil academic  
19 standards in mathematics, science, reading and writing, geography and history. If  
20 the governor has issued pupil academic standards as an executive order under s.  
21 14.23, the school board may adopt those standards.

22 (b) Each school board operating high school grades shall adopt a high school  
23 graduation examination that is designed to measure whether pupils meet the pupil  
24 academic standards adopted by the school board under par. (a). If the school board  
25 has adopted the pupil academic standards issued as an executive order under s.



**SENATE BILL 77****SECTION 2807**

1 14.23, the school board may adopt the high school graduation examination developed  
2 by the department under sub. (1) (b). If a school board develops and adopts its own  
3 high school graduation examination, it shall notify the department.

4 **SECTION 2808.** 118.30 (1m) (intro.) of the statutes is amended to read:

5 118.30 (1m) (intro.) Except as otherwise provided in this section and in s.  
6 118.40 (2r) (d), annually each school board shall do all of the following:

7 **SECTION 2809.** 118.30 (1m) (d) of the statutes is created to read:

8 118.30 (1m) (d) If the school board operates high school grades, beginning in  
9 the 1999-2000 school year administer the high school graduation examination  
10 adopted by the school board under sub. (1g) (b). The school board shall administer  
11 the examination at least twice each school year. The school board shall determine  
12 the high school grades in which the examination will be administered each school  
13 year.

14 **SECTION 2810.** 118.33 (1) (cm) of the statutes is created to read:

15 118.33 (1) (cm) Beginning on September 1, 2001, a school board may not grant  
16 a high school diploma to any pupil unless the pupil has passed the high school  
17 graduation examination administered under s. 118.30 (1m) (d). A school board shall  
18 provide a pupil with at least 4 opportunities to take the examination in the high  
19 school grades.

20 **SECTION 2811.** 118.33 (2) (c) of the statutes is amended to read:

21 118.33 (2) (c) Establish course requirements under sub. (1) (a) and approve any  
22 school board's high school graduation standards policy that is equivalent to the  
23 requirements under sub. (1) (a).

24 **SECTION 2812.** 118.33 (3m) of the statutes is amended to read:

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1           118.33 **(3m)** A course taken at a technical college by a child attending the school  
2 part-time or in lieu of high school under s. 118.15 (1) (b), or attending the school  
3 under s. 118.15 (1) (cm), does not fulfill any of the high school graduation  
4 requirements under sub. (1) (a) unless the department has approved the course for  
5 that purpose. If a pupil satisfies all of the high school graduation requirements  
6 under sub. (1), the school board shall grant a high school diploma to the pupil  
7 regardless of whether the pupil satisfied all or a portion of the requirements while  
8 attending an institution of higher education under s. 118.55 or a technical college.

9           **SECTION 2813.** 118.34 (1) of the statutes is amended to read:

10           118.34 **(1)** In cooperation with a technical college district board, each school  
11 board shall establish a technical preparation program in each public high school  
12 located in the school district. The program shall consist of a coherent sequence of  
13 courses, approved by the technical college system board under s. 38.04 (26), that  
14 integrate applied academic and technical competency-based curricula and that are  
15 designed to allow provide high school pupils to gain juniors and seniors with both  
16 high school and technical college credit or with advanced standing in the technical  
17 college district's associate degree program a postsecondary institution upon  
18 graduation from high school.

19           **SECTION 2814.** 118.34 (2) of the statutes is repealed.

20           **SECTION 2815.** 118.34 (3) of the statutes is amended to read:

21           118.34 **(3)** The ~~department~~ state superintendent, the department of industry,  
22 labor and job development and the technical college system board shall provide  
23 technical assistance to school boards to develop technical preparation programs in  
24 each high school. Annually, the school board shall evaluate its program and report

**SENATE BILL 77****SECTION 2815**

1 the results to the department state superintendent, the department of industry,  
2 labor and job development and the technical college system board.

3 **SECTION 2816.** 118.37 (title) of the statutes is renumbered 118.55 (title) and  
4 amended to read:

5 **118.55** (title) **Postsecondary enrollment Youth options program.**

6 **SECTION 2817.** 118.37 (1) (title) of the statutes is repealed.

7 **SECTION 2818.** 118.37 (1) of the statutes is renumbered 118.50 (2) and amended  
8 to read:

9 118.50 (2) ~~In this section, “institution~~ “Institution of higher education” means  
10 a center or institution within the university of Wisconsin system, ~~a technical college~~  
11 or a private, nonprofit institution of higher education located in this state.

12 **SECTION 2819.** 118.37 (2) and (3) of the statutes are renumbered 118.55 (2) and  
13 (3), and 118.55 (2) (a) and (3), as renumbered, are amended to read:

14 118.55 (2) (a) Beginning in the 1992-93 school year, any public school pupil  
15 enrolled in the 11th or 12th grade who is not attending a technical college under sub.  
16 (7r) or s. 118.15 (1) (b) may enroll in an institution of higher education for the purpose  
17 of taking one or more nonsectarian courses at the institution of higher education,  
18 subject to par. (b). The pupil shall submit an application to the institution of higher  
19 education in the previous school semester. The pupil shall indicate on the application  
20 whether he or she will be taking the course or courses for high school credit or  
21 postsecondary credit. The pupil shall also specify on the application that if he or she  
22 is admitted the institution of higher education may disclose the pupil's grades, the  
23 courses that he or she is taking and his or her attendance record to the public school  
24 in which the pupil is enrolled.

**SENATE BILL 77****SECTION 2819**

1           **(3) NOTIFICATION OF SCHOOL BOARD; DETERMINATION OF HIGH SCHOOL CREDIT.** (a)  
2       A pupil who intends to enroll in an institution of higher education under this section  
3       shall notify the school board of the school district in which he or she is enrolled of that  
4       intention ~~no later than March 1 if the pupil intends to enroll in the fall semester, and~~  
5       ~~no later than October 1 if the pupil intends to enroll in the spring~~ at least 90 days  
6       before the start of the technical college semester. The notice shall include the titles  
7       of the courses in which the pupil intends to enroll and the number of credits of each  
8       course, and shall specify whether the pupil will be taking the courses for high school  
9       or postsecondary credit.

10           (b) If the pupil specifies in the notice under par. (a) that he or she intends to  
11       take a course at an institution of higher education for high school credit, the school  
12       board shall determine ~~whether the course is comparable to a course offered in the~~  
13       ~~school district, and~~ whether the course satisfies any of the high school graduation  
14       requirements under s. 118.33 and the number of high school credits to award the  
15       pupil for the course, if any. ~~The department~~ In cooperation with institutions of higher  
16       education, the state superintendent shall develop guidelines to assist school districts  
17       in making the determinations. The school board shall notify the pupil of its  
18       determinations, in writing, before the end beginning of the semester in which it  
19       ~~received the notice under par. (a)~~ the pupil will be enrolled. If the pupil disagrees  
20       with the school board's decision regarding ~~comparability of courses,~~ satisfaction of  
21       high school graduation requirements or the number of high school credits to be  
22       awarded, the pupil may appeal the school board's decision to the department state  
23       superintendent within 30 days after the decision. The department's state  
24       superintendent's decision shall be final and is not subject to review under subch. III  
25       of ch. 227.

**SENATE BILL 77****SECTION 2820**

1           **SECTION 2820.** 118.37 (3m) of the statutes is repealed.

2           **SECTION 2821.** 118.37 (4) of the statutes is renumbered 118.55 (4), and 118.55  
3 (4) (a), as renumbered, is amended to read:

4           118.55 (4) (a) An institution of higher education may admit a pupil under this  
5 section only if it has space available. ~~A pupil may attend a technical college under~~  
6 ~~this section only if he or she is a resident of this state.~~

7           **SECTION 2822.** 118.37 (5) (intro.), (a) and (c) of the statutes are renumbered  
8 118.55 (5) (intro.), (a) and (c), and 118.55 (5) (intro.), as renumbered, is amended to  
9 read:

10           118.55 (5) PAYMENT. (intro.) Within 30 days after the end of the semester, the  
11 school board of the school district in which a pupil attending an institution of higher  
12 education under this section is enrolled shall pay the institution of higher education,  
13 on behalf of the pupil, the following amount for any course that is taken ~~for high~~  
14 ~~school credit and that is not comparable to a course offered in the school district at~~  
15 the institution:

16           **SECTION 2823.** 118.37 (5) (b) of the statutes is repealed.

17           **SECTION 2824.** 118.37 (6) of the statutes is repealed.

18           **SECTION 2825.** 118.37 (7g) of the statutes is renumbered 118.55 (7g) and  
19 amended to read:

20           118.55 (7g) TRANSPORTATION. The parent ~~or guardian~~ of a pupil who is  
21 attending an institution of higher education under this section and is taking a course  
22 for high school credit ~~that is not comparable to a course offered in the school district~~  
23 may apply to the department for reimbursement of the cost of transporting the pupil  
24 between the high school in which the pupil is enrolled and the institution of higher  
25 education that the pupil is attending if the pupil and the pupil's parent ~~or guardian~~

**SENATE BILL 77****SECTION 2825**

1 are unable to pay the cost of such transportation. The department shall determine  
2 the reimbursement amount and shall pay the amount from the appropriation under  
3 s. 20.255 (2) (cw). The department shall give preference under this subsection to  
4 those pupils who are eligible for a free or reduced-price lunch under 42 USC 1758  
5 (b).

6 **SECTION 2826.** 118.37 (8) of the statutes is renumbered 118.55 (8).

7 **SECTION 2827.** 118.37 (9) of the statutes is repealed.

8 **SECTION 2828.** 118.38 (2m) of the statutes is repealed.

9 **SECTION 2829.** 118.38 (3) of the statutes is amended to read:

10 118.38 (3) A waiver is effective for 4 years. The ~~secretary~~ department shall  
11 renew the waiver for additional 4-year periods if the school board has evaluated the  
12 educational and financial effects of the waiver over the previous 4-year period,  
13 except that the ~~secretary~~ department is not required to renew a waiver if the  
14 ~~secretary~~ department determines that the school district is not making adequate  
15 progress toward improving pupil academic performance.

16 **SECTION 2830.** 118.40 (1) of the statutes is amended to read:

17 118.40 (1) NOTICE TO DEPARTMENT. Whenever a school board intends to establish  
18 a charter school, it shall notify the department of its intention. The Whenever one  
19 of the entities under sub. (2r) (b) intends to establish a charter school, it shall notify  
20 the department of its intention by February 1 of the previous school year. A notice  
21 under this subsection shall include a description of the proposed school.

22 **SECTION 2831.** 118.40 (1m) (a) of the statutes is amended to read:

23 118.40 (1m) (a) A written petition requesting ~~the~~ a school board to establish  
24 a charter school under this section may be filed with the school district clerk. The  
25 If the proposed charter school would replace a public school in whole or in part, the

**SENATE BILL 77****SECTION 2831**

1 petition shall be signed by at least 10% of the teachers employed by the school district  
2 or by at least 50% of the teachers employed at one school of the school district.

3 **SECTION 2832.** 118.40 (1m) (b) 7. of the statutes is amended to read:

4 118.40 **(1m)** (b) 7. Subject to sub. (7) (a) and (am) and ss. 118.19 (1) and 121.02  
5 (1) (a) 2., the qualifications that must be met by the individuals to be employed in the  
6 school.

7 **SECTION 2833.** 118.40 (2) (a) of the statutes is amended to read:

8 118.40 **(2)** (a) Within 30 days after receiving a petition under sub. (1m) the  
9 school board shall hold a public hearing on the petition. At the hearing, the school  
10 board shall consider the level of employe and parental support for the establishment  
11 of the charter school described in the petition. ~~After the hearing, the school board~~  
12 ~~may grant the petition.~~

13 **SECTION 2834.** 118.40 (2) (c) of the statutes is amended to read:

14 118.40 **(2)** (c) The school board ~~of the school district operating under ch. 119~~  
15 shall either grant or deny the petition within 30 days after the public hearing. If the  
16 school board ~~of the school district operating under ch. 119~~ denies a petition, the  
17 person seeking to establish the charter school may, within 30 days after the denial,  
18 appeal the denial to the department. The department shall issue a decision within  
19 30 days after receiving the appeal. The department's decision is final and not subject  
20 to judicial review under ch. 227.

21 **SECTION 2835.** 118.40 (2r) of the statutes is created to read:

22 118.40 **(2r)** OTHER INITIATIVES. (a) In this subsection:

23 1. "Membership" has the meaning given in s. 121.004 (5).

24 2. "Shared cost per member" means the shared cost under s. 121.07 (6) (a)  
25 divided by the school district's membership.

**SENATE BILL 77****SECTION 2835**

1 (b) The common council of the city of Milwaukee, the chancellor of the  
2 University of Wisconsin-Milwaukee and the Milwaukee area technical college  
3 district board may establish by charter and operate a charter school or, on behalf of  
4 their respective entities, may initiate a contract with an individual or group to  
5 operate a school as a charter school. A charter shall include all of the provisions  
6 specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions  
7 specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment  
8 of the charter school on the liability of the contracting entity under this paragraph.  
9 The contract may include other provisions agreed to by the parties. The chancellor  
10 of the University of Wisconsin-Milwaukee may not contract for the establishment  
11 of a charter school under this paragraph without the approval of the board of regents  
12 of the University of Wisconsin System.

13 (c) An entity under par. (b) may not establish or enter into a contract for the  
14 establishment of a charter school located outside of the school district operating  
15 under ch. 119. Only pupils residing within the school district operating under ch. 119  
16 may attend a charter school established under this subsection.

17 (d) The chartering or contracting entity under par. (b) shall do all of the  
18 following:

19 1. Ensure that all instructional staff of charter schools under this subsection  
20 hold a license or permit to teach issued by the department.

21 2. Administer the examinations under s. 118.30 (1m) to pupils enrolled in  
22 charter schools under this subsection.

23 (e) From the appropriation under s. 20.255 (2) (fm), the department shall pay  
24 to the operator of the charter school an amount equal to the shared cost per member  
25 in the previous school year of the school district operating under ch. 119. The



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1 department shall pay 25% of the total amount in September, 25% in December, 25%  
2 in February and 25% in June. The department shall send the check to the operator  
3 of the charter school.

4 (f) The department shall annually reduce the aid paid under s. 121.08 to the  
5 board of a school district operating under ch. 119 by an amount equal to the shared  
6 cost per member in the previous school year of the school district operating under ch.  
7 119 multiplied by the number of pupils attending charter schools under this  
8 subsection.

9 (g) The department shall ensure that aid paid to other school districts under  
10 s. 121.08 is neither reduced nor increased as a result of the payments under par. (e)  
11 or the reduction in aid to the board under par. (f) and that the amount of the aid  
12 reduction under par. (f) lapses to the general fund.

13 **SECTION 2836.** 118.40 (3) (a) of the statutes is amended to read:

14 118.40 (3) (a) If the school board grants the petition under sub. (2) ~~(a)~~, the school  
15 board shall contract with the person named in the petition under sub. (1m) (b) 1. to  
16 operate the school as a charter school under this section. The contract shall include  
17 all of the provisions specified in the petition and may include other provisions agreed  
18 to by the parties.

19 **SECTION 2837.** 118.40 (3) (b) of the statutes is amended to read:

20 118.40 (3) (b) A contract under par. (a) or under sub. (2m) may be for any term  
21 ~~not exceeding 5 school years~~ and may be renewed for ~~one or more terms not exceeding~~  
22 ~~5 school years~~ any term. The contract shall specify the amount to be paid by the  
23 school board to the charter school during each school year of the contract.

24 **SECTION 2838.** 118.40 (3) (b) of the statutes, as affected by 1997 Wisconsin Act  
25 .... (this act), is amended to read:

**SENATE BILL 77****SECTION 2838**

1           118.40 (3) (b) A contract under par. (a) or under ~~sub.~~ subs. (2m) and (2r) may  
2 be for any term and may be renewed for any term. The contract shall specify the  
3 amount to be paid ~~by the school board~~ to the charter school during each school year  
4 of the contract.

5           **SECTION 2839.** 118.40 (3) (d) of the statutes is amended to read:

6           118.40 (3) (d) A school board or an entity under s. 118.40 (2r) (b) shall give  
7 preference in awarding contracts for the operation of charter schools to those charter  
8 schools that serve children at risk, as defined in s. 118.153 (1) (a).

9           **SECTION 2840.** 118.40 (5) (intro.) and (a) of the statutes are amended to read:

10           118.40 (5) CHARTER REVOCATION. (intro.) A charter may be revoked by the school  
11 board or the entity under sub. (2r) (b) that contracted with the charter school if the  
12 school board or, if applicable, the entity under sub. (2r) (b) finds that any of the  
13 following occurred:

14           (a) The charter school violated its contract with the school board or the entity  
15 under sub. (2r) (b).

16           **SECTION 2841.** 118.40 (7) (a) of the statutes is amended to read:

17           118.40 (7) (a) ~~—A—~~ Except as provided in par. (am), a charter school is an  
18 instrumentality of the school district in which it is located and the school board of  
19 that school district shall employ all personnel for the charter school. ~~This paragraph~~  
20 ~~does not apply to charter schools located in the school district operating under ch.~~  
21 ~~119.~~

22           **SECTION 2842.** 118.40 (7) (am) of the statutes is created to read:

23           118.40 (7) (am) 1. Except as provided in subd. 2., if a charter school is located  
24 in the school district operating under ch. 119, the school board of that school district  
25 shall determine whether or not the charter school is an instrumentality of the school

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1 district. If the school board determines that a charter school is an instrumentality  
2 of the school district, the school board shall employ all personnel for the charter  
3 school. If the school board determines that a charter school is not an instrumentality  
4 of the school district, the school board may not employ any personnel for the charter  
5 school.

6 2. A charter school established under sub. (2r) is not an instrumentality of the  
7 school district operating under ch. 119 and the school board of that school district  
8 may not employ any personnel for the charter school.

9 **SECTION 2843.** Subchapter II of chapter 118 [precedes 118.50] of the statutes  
10 is created to read:

**CHAPTER 118****SUBCHAPTER II****ENROLLMENT OPTIONS PROGRAMS**

11 **118.50 Definitions.** In this subchapter:

12 (1) "Attendance area" has the meaning given in s. 121.845 (1).

13 (3) "Membership" has the meaning given in s. 121.004 (5).

14 (4) "Parent" includes a guardian.

15 **118.51 Interdistrict school choice.** (1) **APPLICABILITY; APPLICATION**  
16 **PROCEDURES.** (a) Beginning in the 1998-99 school year, a pupil may attend a public  
17 school, including a prekindergarten, early childhood or school-operated day care  
18 program, outside his or her school district of residence under this section, except that  
19 a pupil may attend a prekindergarten, early childhood or school-operated day care  
20 program outside his or her school district of residence under this section only if the  
21 pupil's school district of residence offers the same type of program that the pupil  
22 wishes to attend and the pupil is eligible to attend that program in his or her school  
23  
24  
25

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1 district of residence. The pupil's parent shall submit an application, on a form  
2 provided by the department, to the school board of the school district that the pupil  
3 wishes to attend by February 1 of the school year immediately preceding the school  
4 year in which he or she wishes to attend, and shall send a copy of the application to  
5 the school board of the school district of residence. The application may include a  
6 request to attend a specific school or program offered by the school district. By April  
7 1 following receipt of the application, the school board shall notify the applicant, in  
8 writing, whether the application has been accepted. If the school board rejects an  
9 application, it shall include in the notice the reason for the rejection. If the school  
10 board rejects an application under sub. (2) (a) 4., the school board shall notify the  
11 applicant and the school board of the pupil's school district of residence, in writing,  
12 of the rejection and the reason for the rejection. By May 1 following receipt of a notice  
13 of acceptance, the pupil's parent shall notify the school board of the pupil's intent to  
14 attend school in that school district in the following school year.

15 (am) A school board may not act on any application received under par. (a) until  
16 after February 1. If a school board receives more applications for a particular grade  
17 or program than there are spaces available in the grade or program the school board  
18 shall determine which pupils to accept on a random basis.

19 (b) Annually by May 15, each school board of a school district that has accepted  
20 nonresident pupils under this section shall notify the school board of the school  
21 district of residence of the names of the pupils from the latter school district who will  
22 be attending the former school district in the following school year.

23 (c) 1. If a pupil's parent notifies the school board of a nonresident school district  
24 that the pupil intends to attend school in that school district in the following school  
25 year under par. (a), the pupil shall attend that school district in the following school

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1 year and may continue to attend that school district in succeeding school years  
2 without reapplying. If at any time the pupil wishes to reattend school in his or her  
3 school district of residence, the pupil's parent shall notify the school boards of the  
4 school districts of residence and of attendance by February 1 preceding the school  
5 year in which the pupil will begin reattending the school district of residence. If at  
6 any time the pupil wishes to attend school in a school district other than the school  
7 district that he or she is currently attending or his or her school district of residence,  
8 the pupil's parent shall follow the application procedure under par. (a).

9 2. Notwithstanding subd. 1., a pupil attending school outside his or her school  
10 district of residence under this section may reattend school in his or her school  
11 district of residence at any time if the school boards of both school districts agree.

12 **(2) ACCEPTANCE CRITERIA.** (a) By December 1, 1997, each school board shall  
13 adopt a resolution specifying criteria for accepting and rejecting applications. If the  
14 school board wishes to revise the criteria, it shall do so by resolution. The criteria  
15 may include any of the following:

16 1. The availability of space in the school, program, class or grade, including any  
17 class-size limits, pupil-teacher ratios or enrollment projections established by the  
18 school board. The criteria may specify that the school board will reject applications  
19 under this subdivision if accepting them would require the school board to hire  
20 additional personnel, construct a new school or classroom or convert or reopen a  
21 building or portion of a building not currently used for instructional purposes to  
22 accommodate the additional pupils. The school board may give preference in  
23 attendance at a school, program, class or grade to residents of the school district who  
24 live outside the school's attendance area.

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1           2. Whether the pupil is involved in a disciplinary proceeding, as determined by  
2 the school board of the school district to which the pupil has applied.

3           3. Whether during the current or 2 preceding school years, the pupil has been  
4 suspended or expelled from school for any of the following:

5           a. Knowingly conveying or causing to be conveyed any threat or false  
6 information concerning an attempt or alleged attempt being made or to be made to  
7 destroy any school property by means of explosives.

8           b. Engaging in conduct while at school or while under the supervision of a  
9 school authority that endangered the property, health or safety of others.

10          c. Engaging in conduct while not at school or while not under the supervision  
11 of a school authority that endangered the property, health or safety of others at school  
12 or under the supervision of a school authority or of any employe or school board  
13 member of the school district in which the pupil is enrolled.

14          d. Possessing a firearm, as defined in 18 USC 921 (a) 3, while at school or while  
15 under the supervision of a school authority.

16          (am) The criteria may not include academic achievement, athletic or other  
17 special ability, English language proficiency, the presence of a physical, mental,  
18 emotional or learning disability or anything else not specified in par. (a) 1. to 4.,  
19 except as provided under par. (b).

20          (b) A school board shall give preference in accepting applications to pupils and  
21 to siblings of pupils who are already attending public school in the school district.

22          (c) 1. A school board may prohibit a resident pupil from attending school in  
23 another school district under this section if the school board determines that the  
24 pupil is involved in a disciplinary proceeding.

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1           2. A school board shall prohibit a resident pupil from attending school in  
2 another school district under this section if allowing such attendance would violate  
3 a voluntary or court-ordered plan to reduce racial imbalance in the school district.

4           3. In the 1998-99 school year, the school board of the school district of residence  
5 may limit the number of resident pupils attending public school in other school  
6 districts under this section to 3% of its membership. In each of the 7 succeeding  
7 school years, the school board of the school district of residence may limit the number  
8 of resident pupils attending public school in other school districts an additional 1%  
9 of its membership. If more than the maximum allowable number of resident pupils  
10 apply to attend public school in other school districts in any school year under this  
11 section, the school board of the school district of residence shall determine which  
12 pupils will be allowed to attend public school in other school districts on a random  
13 basis, except that the school board shall give preference to pupils who are already  
14 attending public school in the school district to which they are applying and to  
15 siblings of such pupils. The school board shall notify the applicants of its  
16 determination by April 1.

17           **(3) APPEAL OF REJECTION.** If an application is rejected under sub. (1) (a) or a pupil  
18 is prohibited from attending school in another school district under sub. (2) (c), the  
19 pupil's parent may appeal the decision to the department within 30 days after the  
20 decision.

21           **(4) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.** A pupil attending a public  
22 school outside his or her school district of residence under this section has all of the  
23 rights and privileges of resident pupils and is subject to the same rules and  
24 regulations as resident pupils.

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1           **(6) TRANSPORTATION.** The parent of a pupil attending a public school outside the  
2 pupil's school district of residence under this section is responsible for transporting  
3 the pupil to and from school.

4           **(7) TUITION.** (a) Except as provided under par. (b) and s. 118.54 (2), the school  
5 board of the school district of residence shall pay to the school board of the school  
6 district of attendance, for each pupil attending a public school outside his or her  
7 school district of residence under this section, tuition calculated under s. 121.83 for  
8 either the school district of residence or the school district of attendance, whichever  
9 is lower, or an amount agreed to by the school boards of the 2 school districts.

10           (b) Except as provided under s. 118.54 (2), the school board of the school district  
11 of residence shall pay to the school board of the school district of attendance, for each  
12 child enrolled in a program for children with exceptional educational needs, as  
13 defined in s. 115.76 (3), who is attending a public school outside his or her school  
14 district of residence under this section, tuition calculated under s. 121.83 for the  
15 school district of attendance for children enrolled in such programs, or an amount  
16 agreed to by the school boards of the 2 school districts.

17           (c) The amount to be paid under pars. (a) and (b) and a payment schedule shall  
18 be specified in a written agreement. If the school boards cannot agree on the costs  
19 or other factors used to determine the amount of tuition under s. 121.83 and do not  
20 agree to an alternative amount, the department shall calculate the tuition under s.  
21 121.83 as provided in par. (a) or (b), whichever is appropriate. If the school boards  
22 cannot agree on a payment schedule, payment shall be made in 4 instalments. The  
23 first 3 instalments shall be based on estimated costs and paid on the last day of  
24 September, December and March in the school year in which the costs are incurred.



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1 The 4th instalment, adjusted for actual costs, shall be paid when the actual costs are  
2 known.

3 **(8) INFORMATION.** Each school board shall provide information about its schools  
4 and programs in the format and manner prescribed by the department.

5 **118.52 Interdistrict enrollment options. (1) APPLICABILITY.** Beginning in  
6 the 1998-99 school year, a pupil enrolled in a public school in the high school grades  
7 may attend a public school outside his or her school district of residence under this  
8 section for the purpose of taking 1 or 2 courses offered by the other school district,  
9 if all of the following apply:

10 (a) The school board of the other school district determines that there is space  
11 available in the course or courses.

12 (b) The school board of the school district of residence determines that the  
13 course or courses satisfy high school graduation requirements under s. 118.33 in that  
14 school district.

15 (c) The pupil meets all of the prerequisites for the course or courses that apply  
16 to pupils who reside in the other school district.

17 **(2) APPLICATION PROCEDURES.** (a) The pupil's parent shall submit an  
18 application, on a form provided by the department, to the school board of the school  
19 district in which the pupil wishes to attend courses by February 1 of the school year  
20 immediately preceding the school year in which he or she wishes to attend the  
21 courses, and shall send a copy of the application to the school board of the school  
22 district of residence. The application shall specify the course or courses that the pupil  
23 wishes to attend. By April 1 following receipt of the application, the school board  
24 shall notify the applicant, in writing, whether the application has been accepted. The  
25 acceptance applies only for the following school year. If the school board rejects an

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1 application, it shall include in the notice the reason for the rejection. By May 1  
2 following receipt of a notice of acceptance, the pupil's parent shall notify the school  
3 board of the pupil's intent to attend a course or courses in that school district in the  
4 following school year.

5 (am) A school board may not act on any application received under par. (a) until  
6 after February 1. If a school board receives more applications for a particular course  
7 than there are spaces available in the course, the school board shall determine which  
8 pupils to accept on a random basis.

9 (b) Annually by May 15, each school board of a school district that has accepted  
10 nonresident pupils under this section shall notify the school board of the school  
11 district of residence of the names of the pupils from the latter school district who will  
12 be attending courses in the former school district in the following school year.

13 (c) If a pupil's parent notifies the school board of a nonresident school district  
14 that the pupil intends to attend courses in that school district in the following school  
15 year under par. (a), the pupil shall attend those courses in that school district in the  
16 following school year, except that he or she may cease attending the courses at any  
17 time during that school year if the school boards of both school districts agree.

18 **(3) ACCEPTANCE CRITERIA.** (a) By December 1, 1997, each school board shall  
19 adopt a resolution specifying criteria for accepting and rejecting applications. If the  
20 school board wishes to revise the criteria, it shall do so by resolution. The criteria  
21 may include any of the following:

22 1. The availability of space in the course. The criteria may specify that the  
23 school board will reject applications under this subdivision if accepting them would  
24 require the school board to hire additional personnel, construct a new school or  
25 classroom or convert or reopen a building or portion of a building not currently used

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1 for instructional purposes to accommodate the additional pupils. The school board  
2 may give preference in attendance in a course to residents of the school district who  
3 live outside the school's attendance area.

4 2. Whether the pupil is involved in a disciplinary proceeding, as determined by  
5 the school board of the school district to which the pupil has applied.

6 3. Whether during the current or 2 preceding school years, the pupil has been  
7 suspended or expelled from school for any of the following:

8 a. Knowingly conveying or causing to be conveyed any threat or false  
9 information concerning an attempt or alleged attempt being made or to be made to  
10 destroy any school property by means of explosives.

11 b. Engaging in conduct while at school or while under the supervision of a  
12 school authority that endangered the property, health or safety of others.

13 c. Engaging in conduct while not at school or while not under the supervision  
14 of a school authority that endangered the property, health or safety of others at school  
15 or under the supervision of a school authority or of any employe or school board  
16 member of the school district in which the pupil is enrolled.

17 d. Possessing a firearm, as defined in 18 USC 921 (a) 3, while at school or while  
18 under the supervision of a school authority.

19 (am) The criteria may not include academic achievement, athletic or other  
20 special ability, English language proficiency, the presence of a physical, mental,  
21 emotional or learning disability or anything else not specified in par. (a) 1. to 3.,  
22 except as provided under par. (b).

23 (b) A school board shall give preference in accepting applications to pupils and  
24 to siblings of pupils who are already attending courses in the school district.

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1 (c) 1. A school board may prohibit a resident pupil from attending courses in  
2 another school district under this section if the school board determines that the  
3 pupil is involved in a disciplinary proceeding.

4 2. A school board shall prohibit a resident pupil from attending courses in  
5 another school district under this section if allowing such attendance would violate  
6 a voluntary or court-ordered plan to reduce racial imbalance in the school district.

7 (4) APPEAL OF REJECTION. If an application is rejected under sub. (2) (a) or a pupil  
8 is prohibited from attending courses in another school district under sub. (3) (c), the  
9 pupil's parent may appeal the decision to the department within 30 days after the  
10 decision. The department's decision is final and is not subject to judicial review  
11 under subch. III of ch. 227.

12 (5) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending courses in  
13 a public school outside his or her school district of residence under this section has  
14 all of the rights and privileges of resident pupils and is subject to the same rules and  
15 regulations as resident pupils.

16 (6) TRANSPORTATION. The parent of a pupil attending courses in a public school  
17 outside the pupil's school district of residence under this section is responsible for  
18 transporting the pupil to and from the courses that the pupil is attending.

19 (7) TUITION. The school board of the school district of residence shall pay to the  
20 school board of the other school district for each pupil attending one or more courses  
21 at a public school outside his or her school district of residence under this section an  
22 amount equal to the cost of providing the course or courses to the pupil, calculated  
23 as determined by the department. Unless the 2 school boards agree to a different  
24 schedule, tuition payments shall be made in 4 instalments. The first 3 instalments  
25 shall be based on estimated costs and paid on the last day of September, December

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1 and March in the school year in which the costs are incurred. The 4th instalment,  
2 adjusted for actual costs, shall be paid when the actual costs are known.

3 **118.54 School districts participating in a special transfer program. (1)**

4 If the school board of a school district participating in a program under s. 121.85 or  
5 121.86 determines that the application deadlines under s. 118.51 or 118.52 conflict  
6 with procedures necessary to implement the program under s. 121.85 or 121.86, the  
7 school board may modify the deadlines under ss. 118.51 and 118.52.

8 (2) If a pupil who attends school outside his or her school district of residence  
9 under s. 118.51 is also eligible to transfer between the 2 school districts under s.  
10 121.85, the school board of the school district of residence shall not pay tuition under  
11 s. 118.51 (7) (a) or (b) and the pupil shall be treated as an interdistrict transfer under  
12 s. 121.85 (6) (b) for purposes of payment.

13 (3) If a school district receives one or more minority group pupils as  
14 interdistrict transfers under s. 121.85 (2) (a) 1., the school board shall reject the  
15 application of a nonminority group pupil under s. 118.51 unless the school board has  
16 accepted all minority group pupils who have requested to be transferred under s.  
17 121.85 (2) (a) 1. for the grade for which the nonminority group pupil has applied. In  
18 this subsection, "minority group pupil" has the meaning given in s. 121.845 (2).

19 **118.56 Department duties.** The department shall do all of the following:

20 (1) Promulgate rules to implement and administer this subchapter.

21 (2) Annually submit a report to the governor, and to the appropriate standing  
22 committees of the legislature under s. 13.172 (3). The report shall specify the number  
23 of pupils attending a school outside the pupil's school district of residence under s.  
24 118.51 by school, grade, ethnicity and gender.

25 **SECTION 2844.** 118.55 (7r) of the statutes is created to read:

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1           118.55 (7r) ATTENDANCE AT TECHNICAL COLLEGE. (a) Upon the pupil's request  
2 and with the written approval of the pupil's parent or guardian, any public school  
3 pupil who satisfies the following criteria may apply to attend a technical college for  
4 the purpose of taking one or more courses:

5           1. The pupil has completed the 10th grade.

6           2. The pupil is in good academic standing.

7           3. The pupil notifies the school board of his or her intent to attend a technical  
8 college under this subsection at least 90 days before the start of the technical college  
9 semester.

10          4. The pupil is not a child at risk, as defined in s. 118.153 (1) (a).

11          (b) The technical college district board shall admit the pupil if he or she meets  
12 the admission requirements of the program for which he or she applied, except that  
13 the district board may reject an application from a pupil who has a record of  
14 disciplinary problems, as determined by the district board.

15          (c) If a child attends a technical college under this subsection, the technical  
16 college shall ensure that the child's educational program meets the high school  
17 graduation requirements under s. 118.33. Before the beginning of the semester in  
18 which the pupil will be enrolled, the school board of the school district in which the  
19 pupil resides shall notify the pupil, in writing, if a course in which the pupil will be  
20 enrolled does not meet the high school graduation requirements. If the pupil  
21 disagrees with the school board's decision, the pupil may appeal the school board's  
22 decision to the state superintendent within 30 days after the decision. The state  
23 superintendent's decision is final and is not subject to review under subch. III of ch.  
24 227. The pupil is eligible to receive both high school and technical college credit for  
25 courses successfully completed at the technical college.

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1 (d) For each pupil attending a technical college under this subsection, the  
2 school board shall pay to the technical college district board, in 2 instalments payable  
3 upon initial enrollment and at the end of the semester, the following amount:

4 1. If the pupil is attending the technical college for less than 7 credits, an  
5 amount equal to the cost of tuition, course fees and books for the pupil at the technical  
6 college.

7 2. If the pupil is attending the technical college for 7 credits or more, an amount  
8 equal to the school district's average per pupil cost for regular instruction and  
9 instructional support services in the previous school year, as determined by the  
10 department, multiplied by a fraction the numerator of which is the number of credits  
11 for which the pupil is enrolled and the denominator of which is 15. Annually by the  
12 3rd Monday in February, the department shall make available to school boards and  
13 technical college district boards estimates of the amounts under this subdivision.

14 (e) The school board is not responsible for transporting a pupil attending a  
15 technical college under this subsection to or from the technical college that the pupil  
16 is attending.

17 **SECTION 2845.** 118.55 (7w) of the statutes is created to read:

18 118.55 (7w) RESPONSIBILITY OF PUPIL FOR TUITION AND FEES. A pupil taking a  
19 course at a technical college or at an institution of higher education under this section  
20 is not responsible for any portion of the tuition and fees for the course.

21 **SECTION 2846.** 119.04 (title) of the statutes is amended to read:

22 **119.04 (title) ~~Education~~ Public instruction laws applicable.**

23 **SECTION 2847.** 119.04 (1) of the statutes is amended to read:

24 119.04 (1) Subchapters IV, V and VII of ch. 115, subch. II of ch. 118, ch. 121 and  
25 ss. 46.72, 46.73, 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34,

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1 115.343, 115.345, 115.361, 115.38 (2), 115.40, 115.45, 118.001 to 118.04, 118.06,  
2 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163,  
3 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258,  
4 118.30 to 118.43, 120.12 (5) and (15) to ~~(24)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3),  
5 (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school  
6 district and board.

7 **SECTION 2848.** 119.24 of the statutes is amended to read:

8 **119.24 Admission of pupils.** ~~Each~~ Subject to s. 118.51 (1) (c), each school  
9 under the jurisdiction of the board shall be open to pupils residing within the  
10 attendance district established for that school under s. 119.16 (2). A pupil residing  
11 in any such attendance district may attend a school in another attendance district  
12 with the written permission of the superintendent of schools.

13 **SECTION 2849.** 119.28 (5) of the statutes is amended to read:

14 119.28 (5) Any action under subs. (3) and (4) shall be subject to the direction  
15 of the department state superintendent and the division for learning support, equity  
16 and advocacy in the department as provided by law.

17 **SECTION 2850.** 119.48 (4) (b) of the statutes is amended to read:

18 119.48 (4) (b) The communication shall state the purposes for which the funds  
19 from the increase in the levy rate will be used and shall request the common council  
20 to submit to the voters of the city the question of exceeding the levy rate specified in  
21 s. 65.07 (1) (f) ~~at the September election or a special election.~~

22 **SECTION 2851.** 119.48 (4) (c) of the statutes is amended to read:

23 119.48 (4) (c) Upon receipt of the communication, the common council shall  
24 cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be  
25 submitted to the voters of the city ~~at the September election or at a special election~~



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1 next regularly scheduled spring election or general election that occurs not sooner  
2 than 45 days after receipt of the communication or at a special election held on the  
3 Tuesday after the first Monday in November in an odd-numbered year if that date  
4 occurs not sooner than 45 days after receipt of the communication. The question of  
5 exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted upon a  
6 separate ballot or in some other manner so that the vote upon exceeding the levy rate  
7 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to  
8 the voters. If a majority of the electors voting on the question favors exceeding the  
9 levy rate specified under s. 65.07 (1) (f), the common council shall approve the  
10 increase in the levy rate and shall levy and collect a tax equal to the amount of money  
11 approved by the electors.

12 **SECTION 2852.** 119.49 (1) (b) of the statutes is amended to read:

13 119.49 (1) (b) The communication shall state the amount of funds needed under  
14 par. (a) and the purposes for which the funds will be used and shall request the  
15 common council to submit to the voters of the city ~~at the next election held in the city~~  
16 the question of issuing school bonds in the amount and for the purposes stated in the  
17 communication.

18 **SECTION 2853.** 119.49 (2) of the statutes is amended to read:

19 119.49 (2) Upon receipt of the communication, the common council shall cause  
20 the question of issuing such school bonds in the stated amount and for the stated  
21 school purposes to be submitted to the voters of the city ~~at the next election held in~~  
22 ~~the city~~ regularly scheduled spring election or general election that occurs not sooner  
23 than 45 days after receipt of the communication or at a special election held on the  
24 Tuesday after the first Monday in November in an odd-numbered year if that date  
25 occurs not sooner than 45 days after receipt of the communication. The question of

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1 issuing such school bonds shall be submitted upon a separate ballot or in some other  
2 manner so that the vote upon issuing such school bonds is taken separately from any  
3 other question submitted to the voters. If a majority of the electors voting on the  
4 school bond question favors issuing such school bonds, the common council shall  
5 cause the school bonds to be issued immediately or within the period permitted by  
6 law, in the amount requested by the board and in the manner other bonds are issued.

7 **SECTION 2854.** 119.68 (2) of the statutes is amended to read:

8 119.68 (2) No action may be brought or maintained against the school upon a  
9 claim or cause of action unless the claimant complies with s. 893.80. This subsection  
10 does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

11 **SECTION 2855.** 120.12 (14) of the statutes is amended to read:

12 120.12 (14) COURSE OF STUDY. Determine the school course of study, ~~with the~~  
13 ~~advice of the department.~~

14 **SECTION 2856.** 120.12 (17) of the statutes is amended to read:

15 120.12 (17) UNIVERSITY OF WISCONSIN SYSTEM TUITION. Pay the tuition of any  
16 pupil enrolled in the school district and attending a center or institution within the  
17 university of Wisconsin system if the pupil is not participating in the program under  
18 s. ~~118.37~~ 118.55, the course the pupil is attending at the university is not offered in  
19 the school district and the pupil will receive high school credit for the course.

20 **SECTION 2857.** 120.12 (25) of the statutes is created to read:

21 120.12 (25) EARLY ADMISSION TO KINDERGARTEN AND FIRST GRADE. Prescribe  
22 procedures, conditions and standards for early admission to kindergarten and first  
23 grade.

24 **SECTION 2858.** 120.13 (2) (e) of the statutes is amended to read:

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1           120.13 (2) (e) ~~All~~ Except as provided in par. (f), personally identifiable medical  
2 and claims records relating to any self-insurance plan under par. (b) shall be kept  
3 confidential by the administrator of the self-insurance plan and shall be exempt  
4 from disclosure pursuant to s. 19.36 (1). This paragraph does not prohibit the release  
5 of personally identifiable records to school district personnel, to the extent that  
6 performance of their duties requires access to the records, but only with the prior  
7 written informed consent of the insured.

8           **SECTION 2859.** 120.13 (2) (f) of the statutes is created to read:

9           120.13 (2) (f) At the request of the department of industry, labor and job  
10 development under s. 49.22 (2m), the school board shall direct the administrator of  
11 the self-insurance plan to release information obtained under this subsection to the  
12 department of industry, labor and job development.

13           **SECTION 2860.** 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Act  
14 289, is amended to read:

15           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
16 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,  
17 632.747 (3), 632.87 (4) and (5), 632.895 (9) and (10), 632.896, 767.25 (4m) (d) ~~and~~,  
18 767.51 (3m) (d) and 767.62 (4) (b) 4.

19           **SECTION 2861.** 120.13 (26r) of the statutes is created to read:

20           120.13 (26r) **CONTRACTS FOR OUTPATIENT MENTAL HEALTH AND DEVELOPMENTAL**  
21 **DISABILITIES SERVICES.** Contract with the department of health and family services for  
22 outpatient services under s. 51.07 (4).

23           **SECTION 2862.** 120.13 (27m) of the statutes is amended to read:

24           120.13 (27m) **TRANSPORTATION OF INDIGENT PUPILS.** Provide transportation to  
25 and from school for indigent pupils who reside in the school district and who are not

**SENATE BILL 77****SECTION 2862**

1 required to be transported under s. 121.54. In this subsection, “indigent pupils”  
2 means pupils eligible for free lunches or reduced-price lunches under 42 USC 1758  
3 ~~or aid to 18-year-old students under s. 49.20~~ or for whom aid to families with  
4 dependent children is being received under s. 49.19 or who are members of a  
5 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is  
6 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination  
7 thereof, as determined by the school board. If a school board determines to provide  
8 transportation under this subsection, there shall be reasonable uniformity in the  
9 transportation furnished such pupils whether they attend public or private schools.  
10 The cost of transporting pupils under this subsection may not be included in the  
11 school district’s shared cost under s. 121.07 (6) (a).

12 **SECTION 2863.** 120.17 (8) (bm) of the statutes is amended to read:

13 120.17 (8) (bm) If the equalized valuation of that part of a municipality lying  
14 within a school district is reduced due to the removal of property from the tax roll  
15 because the imposition of the property tax on that property is found unconstitutional,  
16 the school district clerk shall notify the supervisor of equalization. The supervisor  
17 of equalization shall reduce the equalized valuation by the full value of the property  
18 so removed and certify the resulting equalized valuation to the department state  
19 superintendent and the school district clerk for use in computing the tax levy  
20 certifications under this subsection. Corrections may be made under this paragraph  
21 only for the valuations used by the department for the last 2 school years.

22 **SECTION 2864.** 121.004 (2) of the statutes is amended to read:

23 121.004 (2) EQUALIZED VALUATION. The “equalized valuation” of a school district  
24 is the full value of the taxable property of the territory in the school district as  
25 certified for the prior year under s. 121.06 (2), excluding value adjustments made

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1 under s. 70.57 (1) resulting from appeals made under s. 70.995. The “equalized  
2 valuation” of any taxable property in a tax incremental district shall not exceed its  
3 equalized value determined for the purpose of obtaining the tax incremental base of  
4 that district under s. 66.46. The “equalized valuation” of a school district shall be  
5 reduced by the amount of an environmental remediation value increment on a parcel  
6 of property that is certified under s. 66.462 during the period of certification.

7 **SECTION 2865.** 121.004 (7) (b) of the statutes is amended to read:

8 121.004 (7) (b) A first grade pupil may be counted only if the pupil attains the  
9 age permitted under s. ~~115.28 (8)~~ 120.12 (25) or required under s. 118.14 for first  
10 grade admission.

11 **SECTION 2866.** 121.004 (7) (c) 1. (intro.) of the statutes is amended to read:

12 121.004 (7) (c) 1. (intro.) A pupil enrolled in kindergarten may be counted only  
13 if the pupil attains the age permitted under s. ~~115.28 (8)~~ 120.12 (25) or required  
14 under s. 118.14 for kindergarten admission. A kindergarten pupil shall be counted  
15 as one-half pupil except that:

16 **SECTION 2867.** 121.006 (1) (a) of the statutes is amended to read:

17 121.006 (1) (a) The ~~department~~ state superintendent may withhold state aid  
18 from any school district in which the scope and character of the work are not  
19 maintained in such manner as to meet the ~~department’s~~ state superintendent’s  
20 approval.

21 **SECTION 2868.** 121.02 (1) (intro.) of the statutes is amended to read:

22 121.02 (1) (intro.) ~~Each~~ Except as provided in s. 118.40 (2r) (d), each school  
23 board shall:

24 **SECTION 2869.** 121.02 (1) (a) 2. of the statutes is amended to read:

**SENATE BILL 77****SECTION 2869**

1           121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located  
2 in the school district hold a license or permit to teach issued by the department. The  
3 department shall promulgate rules defining “instructional staff” for purposes of this  
4 subdivision and s. 118.40 (2r) (d) 1.

5           **SECTION 2870.** 121.02 (1) (m) of the statutes is amended to read:

6           121.02 (1) (m) Provide access to ~~an education for employment~~ a school-to-work  
7 program approved by the department of industry, labor and job development under  
8 s. 106.135 (3) (c). Beginning in the 1997-98 school year, the program shall  
9 incorporate applied curricula; guidance and counseling services under par. (e);  
10 technical preparation under s. 118.34; college preparation; youth apprenticeship  
11 under s. 106.13 or other job training and work experience; and instruction in skills  
12 relating to employment. The department state superintendent, in cooperation with  
13 the secretary of industry, labor and job development and the director of the technical  
14 college system, shall assist school boards in complying with this paragraph.

15           **SECTION 2871.** 121.02 (1) (s) of the statutes is amended to read:

16           121.02 (1) (s) Beginning in the 1993-94 school year, administer the  
17 examinations required by the department under s. 118.30 (1m) (am) and (b), ~~and;~~  
18 beginning in the 1996-97 school year, administer the examination required by the  
19 department under s. 118.30 (1m) (a); and beginning in the 1999-2000 school year,  
20 administer the high school graduation examination required under s. 118.30 (1m)  
21 (d).

22           **SECTION 2872.** 121.05 (1) (a) 5. of the statutes is amended to read:

23           121.05 (1) (a) 5. Pupils attending a technical college under s. 118.15 (1) (b) and  
24 pupils attending an institution of higher education or a technical college under s.  
25 ~~118.37~~ 118.55.

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1           **SECTION 2873.** 121.06 (1) of the statutes is amended to read:

2           121.06 (1) Annually on or before October 1, the full value of the taxable  
3 property in each part of each city, village and town in each school district shall be  
4 determined by the department of revenue according to its best judgment from all  
5 sources of information available to it and shall be certified by the department of  
6 revenue to the ~~department~~ state superintendent.

7           **SECTION 2874.** 121.135 (1) of the statutes is amended to read:

8           121.135 (1) If, upon receipt of the report under s. 115.84, the ~~department~~ state  
9 superintendent is satisfied that there are children participating in a special  
10 education program provided by a county handicapped children's education board,  
11 the ~~department~~ state superintendent shall certify to the department of  
12 administration from the appropriation under s. 20.255 (2) (bh) in favor of the county  
13 handicapped children's education board the amount determined under sub. (2),  
14 except as provided under sub. (3).

15           **SECTION 2875.** 121.14 (1) of the statutes is amended to read:

16           121.14 (1) State aid shall be paid to each district or county handicapped  
17 children's education board only for those academic summer classes or laboratory  
18 periods for ~~which the department has given prior review and approval as to the~~  
19 ~~content of such classes or laboratory periods so as to assure that such classes and~~  
20 ~~laboratory periods are only~~ that are for necessary academic purposes, as defined by  
21 the state superintendent by rule. Recreational programs and team sports shall not  
22 be eligible for aid under this section, and pupils participating in such programs shall  
23 not be counted as pupils enrolled under s. 121.004 (5) nor shall costs associated with  
24 such programs be included in shared costs under s. 121.07 (6).

25           **SECTION 2876.** 121.15 (2) (c) of the statutes is amended to read:

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1           121.15 (2) (c) If the ~~department~~ state superintendent notifies a school district  
2 that a state aid payment may be withheld under par. (a) or (b), the ~~department~~ state  
3 superintendent shall notify each member of the school board or the school district  
4 clerk. If the ~~department~~ state superintendent notifies the school district clerk, the  
5 school district clerk shall promptly distribute a copy of the notice to each member of  
6 the school board.

7           **SECTION 2877.** 121.15 (3m) (a) 2. of the statutes is amended to read:

8           121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.  
9 20.255 (2), other than s. 20.255 (2) (~~fm~~), (fu), (k) and (m), and under s. ~~20.505 (4) (er)~~  
10 ss. 20.275 (1) (es), (et), (f) and (u), 20.435 (3) (em) and (g) and 20.505 (1) (s).

11           **SECTION 2878.** 121.15 (3m) (b) of the statutes is repealed.

12           **SECTION 2879.** 121.15 (3m) (c) of the statutes is repealed.

13           **SECTION 2880.** 121.15 (3m) (d) of the statutes is created to read:

14           121.15 (3m) (d) By February 15, 1999, and biennially by February 15  
15 thereafter, the governor shall submit to the joint committee on finance an estimate  
16 of the amount necessary to appropriate under s. 20.255 (2) (ac) in each of the  
17 following 2 school years to ensure that the sum of state school aids and the school levy  
18 tax credit under s. 79.10 (4) in each of those school years equals two-thirds of partial  
19 school revenues.

20           **SECTION 2881.** 121.17 of the statutes is repealed and recreated to read:

21           **121.17 Use of federal revenue sharing funds.** It is the intent of the  
22 legislature that school districts receiving federal revenue sharing funds through the  
23 state under this subchapter shall utilize these funds in compliance with the federal  
24 revenue sharing requirements as defined in the state and local fiscal assistance act



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1 of 1972 (P.L. 92-512), as amended by P.L. 94-488. The department shall assure  
2 compliance with this section.

3 **SECTION 2882.** 121.52 (4) of the statutes is amended to read:

4 121.52 (4) The use of any motor vehicle to transport pupils shall be  
5 discontinued upon receipt of an order signed by the secretary state superintendent  
6 or the secretary of transportation ordering such discontinuance. Personnel under  
7 the secretary state superintendent or the secretary of transportation may ride any  
8 school bus at any time for the purpose of inspection.

9 **SECTION 2883.** 121.54 (10) of the statutes is created to read:

10 121.54 (10) INTERDISTRICT SCHOOL CHOICE. A school board may elect to provide  
11 transportation, including transportation to and from summer classes, for  
12 nonresident pupils accepted under s. 118.51 or 118.52, or resident pupils attending  
13 another school district under s. 118.51 or 118.52, or both.

14 **SECTION 2884.** 121.56 of the statutes is amended to read:

15 **121.56 School bus routes.** The school board of each district shall make and  
16 be responsible for all necessary provisions for the transportation of pupils, including  
17 establishment, administration and scheduling of school bus routes. Upon the  
18 request of any school board, the department state superintendent shall provide  
19 advice and counsel on problems of school transportation. Any private school shall,  
20 upon the request of the public school officials, supply all necessary information and  
21 reports. The transportation of public and private school pupils shall be effectively  
22 coordinated to insure the safety and welfare of the pupils. Upon receipt of a signed  
23 order from the secretary state superintendent, the school board shall discontinue  
24 any route specified by the secretary state superintendent.

25 **SECTION 2885.** 121.58 (2) (a) of the statutes is amended to read:

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1           121.58 (2) (a) A school district which provides transportation to and from a  
2 school under ss. 121.54 (1) to (3), (5) and (6) and (10) and 121.57 shall be paid state  
3 aid for such transportation at the rate of \$30 per school year per pupil so transported  
4 whose residence is at least 2 miles and not more than 5 miles from the school  
5 attended, \$45 per school year per pupil so transported whose residence is at least 5  
6 miles and not more than 8 miles from the school attended, \$60 per school year per  
7 pupil so transported whose residence is at least 8 miles and not more than 12 miles  
8 from the school attended, \$68 per school year per pupil so transported whose  
9 residence is at least 12 miles and not more than 15 miles from the school attended,  
10 \$75 per school year per pupil so transported whose residence is at least 15 miles and  
11 not more than 18 miles from the school attended, and \$85 per school year per pupil  
12 so transported whose residence is more than 18 miles from the school attended. Such  
13 state aid shall be reduced proportionately in the case of a pupil transported for less  
14 than a full school year because of nonenrollment. State aid for transportation shall  
15 not exceed the actual cost thereof. No state aid of any kind may be paid to a school  
16 district which charges the pupil transported or his or her parent or guardian any part  
17 of the cost of transportation provided under ss. 121.54 (1) to (3), (5) and (6) and (10)  
18 and 121.57 or which wilfully or negligently fails to transport all pupils for whom  
19 transportation is required under s. 121.54.

20           **SECTION 2886.** 121.58 (2) (b) of the statutes is amended to read:

21           121.58 (2) (b) A school board that provides transportation under s. 121.54 (2)  
22 (am) shall be paid state aid for such transportation at the rates specified and  
23 according to the conditions established under par. (a), except that the amount of state  
24 aid may not exceed the amount which the school district would receive for

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1 transporting the child between the child's residence and school attended under s.  
2 121.54 (1) to (3), (5), (6) ~~or~~ (9) or (10) or 121.57.

3 **SECTION 2887.** 121.58 (4) of the statutes is amended to read:

4 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
5 October 1 of the year in which transportation is provided under s. 121.54 (4) or (10),  
6 the school district clerk shall file with the department a report, containing such  
7 information as the department requires, on transportation provided by the school  
8 board to and from summer classes. Upon receipt of such report and if the summer  
9 classes meet the requirements of s. 121.14 (1), state aid shall be paid for such  
10 transportation. A school district which provides such transportation shall be paid  
11 state aid for such transportation at the rate of \$4 per pupil transported to and from  
12 public school whose residence is at least 2 miles and not more than 5 miles by the  
13 nearest traveled route from the public school attended, and \$6 per pupil transported  
14 to and from public school whose residence is more than 5 miles by the nearest  
15 traveled route from the public school attended, if the pupil is transported 30 days or  
16 more. The state aid shall be reduced proportionately if the pupil is transported less  
17 than 30 days.

18 **SECTION 2888.** 121.58 (5) of the statutes is amended to read:

19 121.58 (5) (title) ~~DEPARTMENT~~ STATE SUPERINTENDENT APPROVAL. If the  
20 department state superintendent is satisfied that transportation or board and  
21 lodging was provided in compliance with law, the department state superintendent  
22 shall certify to the department of administration the sum due the school district. In  
23 case of differences concerning the character and sufficiency of the transportation or  
24 board and lodging, the ~~department~~ state superintendent may determine such matter  
25 and its his or her decision is final.

**SENATE BILL 77****SECTION 2889**

1           **SECTION 2889.** 121.77 (1) of the statutes is amended to read:

2           121.77 (1) Every elementary school and high school shall be free to all pupils  
3 who reside in the school district. ~~If facilities are adequate, a school board, board of~~  
4 ~~control of a cooperative educational service agency or county handicapped children's~~  
5 ~~education board may admit nonresident pupils who meet its entrance requirements.~~  
6 ~~Nonresident pupils are admitted, they shall have all the rights and privileges of~~  
7 ~~resident pupils and shall be subject to the same rules and regulations as resident~~  
8 ~~pupils, subject to s. 118.51 (4). The agency of service shall charge tuition for each~~  
9 ~~nonresident pupil, except as provided in s. 121.78 (1g).~~

10           **SECTION 2890.** 121.78 (1) of the statutes is renumbered 121.78 (1m), and 121.78  
11 (1m) (title) and (a), as renumbered, are amended to read:

12           121.78 (1m) (title) ~~BY AGREEMENT~~ ATTENDANCE OUT-OF-STATE. (a) Upon the  
13 approval of the department, ~~the a school board of the district of residence and the~~  
14 ~~school board of the district of attendance may make a written agreement to may~~  
15 ~~permit an elementary or high school a pupil to attend a public school, including an~~  
16 ~~out-of-state school, located outside the school district of residence, and the school~~  
17 ~~district of residence this state. The school board shall pay the tuition. ~~The and the~~~~  
18 ~~school district of residence shall be paid state aid as though the pupil were enrolled~~  
19 ~~in the school district of residence.~~

20           **SECTION 2891.** 121.78 (1g) of the statutes is created to read:

21           121.78 (1g) **INTERDISTRICT SCHOOL CHOICE.** The school board of the school district  
22 of residence of a pupil who attends a public school in another school district under  
23 s. 118.51 shall pay to the school district of attendance the amount described under  
24 s. 118.51 (7). The school district of residence shall be paid state aid as though the  
25 pupil were enrolled in that school district.

**SENATE BILL 77****SECTION 2892**

1           **SECTION 2892.** 121.81 (2) (a) of the statutes is amended to read:

2           121.81 (2) (a) ~~A pupil whose~~ If a pupil's parent or legal custodian, who is a  
3           resident of this state but not a resident of the school district, misses the application  
4           deadline under s. 118.51 (1) (a) for the attendance of the pupil in another school  
5           district, the pupil's parent or legal custodian may file with the school board of the  
6           other school district a written application for enrollment in the schools of ~~the~~ that  
7           school district. The application shall be accompanied by a written declaration of the  
8           parent or legal custodian that the parent or legal custodian will establish residence  
9           in the school district by a specified time. If facilities are adequate, the school board  
10          may permit the pupil to enroll in the schools of the school district, and may require  
11          prepayment of a tuition fee for 9 school weeks or may waive the tuition requirement  
12          for that pupil. If the parent or legal custodian establishes residence in the school  
13          district within such 9 school weeks, the school board shall refund the tuition fee. If  
14          such residence is not established there shall be no refund of the tuition fee but  
15          another written application for enrollment may be filed for the next succeeding 9  
16          school weeks and, upon prepayment of a tuition fee for such 9 school weeks, the school  
17          board may permit the pupil to reenroll. If the parent or legal custodian establishes  
18          residence in the school district within the second 9 school weeks, the school board  
19          shall refund the tuition fee for the second 9 school weeks.

20          **SECTION 2893.** 121.84 (1) (a) of the statutes is amended to read:

21          121.84 (1) (a) A school board ~~may~~ shall permit a pupil who is enrolled in a school  
22          under its jurisdiction and is a resident of the school district at the beginning of the  
23          school year to complete the school year at the school without payment of tuition, even  
24          though the pupil is no longer a resident of the school district.

25          **SECTION 2894.** 121.845 (3) of the statutes is repealed and recreated to read:

**SENATE BILL 77****SECTION 2894**

1           121.845 (3) "School" means an organized educational activity operated by the  
2 school board and approved by the department.

3           **SECTION 2895.** 121.90 (1) of the statutes is amended to read:

4           121.90 (1) "Number of pupils enrolled" means the number of pupils enrolled  
5 on the 3rd Friday of September, ~~except that "number of pupils" excludes the number~~  
6 ~~of pupils attending private schools under s. 119.23.~~

7           **SECTION 2896.** 121.905 (1) of the statutes is amended to read:

8           121.905 (1) In this section, "revenue ceiling" means ~~\$5,300~~ \$5,800 in the  
9 ~~1995-96~~ 1997-98 school year and in any subsequent school year means ~~\$5,600~~  
10 \$6,000.

11           **SECTION 2897.** 121.905 (3) (b) of the statutes is amended to read:

12           121.905 (3) (b) Divide the result in par. (a) by the sum of the average of the  
13 number of pupils enrolled in the 3 previous school years and the number of pupils  
14 enrolled who were school district residents and solely enrolled in a special education  
15 program provided by a county handicapped children's education board program in  
16 the previous school year.

17           **SECTION 2898.** 121.91 (2m) (c) 1. of the statutes is amended to read:

18           121.91 (2m) (c) 1. Divide the sum of the amount of state aid received in the  
19 previous school year and property taxes levied for the previous school year, excluding  
20 funds described under sub. (4) (c), ~~by the average of a number calculated by adding~~  
21 ~~the number of pupils enrolled in the 3 previous school years, subtracting from that~~  
22 total the number of pupils attending private schools under s. 119.23 in the 4th, 3rd  
23 and 2nd preceding school years, and dividing the remainder by 3.

24           **SECTION 2899.** 121.91 (2m) (c) 4. of the statutes is amended to read:

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1           121.91 **(2m)** (c) 4. Multiply the result under subd. 3. by ~~the average of a number~~  
2           calculated by adding the number of pupils enrolled in the current and the 2 preceding  
3           school years, subtracting from that total the number of pupils attending private  
4           schools under s. 119.23 in the 3 previous school years, and dividing the remainder  
5           by 3.

6           **SECTION 2900.** 121.91 (2m) (d) 1. of the statutes is amended to read:

7           121.91 **(2m)** (d) 1. Divide the sum of the amount of state aid received in the  
8           previous school year and property taxes levied for the previous school year, excluding  
9           funds described under sub. (4) (c), by ~~the average of a number calculated by adding~~  
10          the number of pupils enrolled in the 3 previous school years, subtracting from that  
11          total the number of pupils attending charter schools under s. 118.40 (2r) and private  
12          schools under s. 119.23 in the 4th, 3rd and 2nd preceding school years and dividing  
13          the remainder by 3.

14          **SECTION 2901.** 121.91 (2m) (d) 4. of the statutes is amended to read:

15          121.91 **(2m)** (d) 4. Multiply the result under subd. 3. by ~~the average of a number~~  
16          calculated by adding the number of pupils enrolled in the current and the 2 preceding  
17          school years, subtracting from that total the number of pupils attending charter  
18          schools under s. 118.40 (2r) and private schools under s. 119.23 in the 3 previous  
19          school years and dividing the remainder by 3.

20          **SECTION 2902.** 121.91 (3) (a) of the statutes is amended to read:

21          121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (1), (2) or  
22          (2m) otherwise applicable to the school district in any school year, it shall promptly  
23          adopt a resolution supporting inclusion in the final school district budget of an  
24          amount equal to the proposed excess revenue. The resolution shall specify whether  
25          the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the

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1 proposed excess revenue is for both recurring and nonrecurring purposes, the  
2 amount of the proposed excess revenue for each purpose. The school board shall call  
3 a ~~special~~ referendum for the purpose of submitting the resolution to the electors of  
4 the school district for approval or rejection. ~~In lieu of a special referendum, the school~~  
5 ~~board may specify that the referendum be held at the next succeeding spring primary~~  
6 ~~or election or September primary or general election, if such election is to be held not~~  
7 ~~earlier than 35 45 days after the adoption of the resolution of the school board, or at~~  
8 ~~a special election held on the Tuesday after the first Monday in November in an~~  
9 ~~odd-numbered year if that date occurs not earlier than 45 days after the adoption~~  
10 ~~of the resolution of the school board.~~

11 **SECTION 2903.** 121.91 (5) (a) of the statutes is amended to read:

12 121.91 (5) (a) Upon request by a school board, the department state  
13 superintendent may increase the school district's limit under sub. (1) by the amount  
14 necessary to allow the school district to avoid increasing its level of short-term  
15 borrowing over the amount of short-term borrowing incurred by the school district  
16 in the 1992-93 school year if the school district presents clear and convincing  
17 evidence of the need for the increase in the limit. The school board shall provide the  
18 department state superintendent with any information that the department state  
19 superintendent requires to make the determination.

20 **SECTION 2904.** 125.04 (5) (a) 5. of the statutes is amended to read:

21 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the  
22 date of application a responsible beverage server training course at any location that  
23 is offered by a technical college district and that conforms to curriculum guidelines  
24 specified by the technical college system board or a comparable training course that  
25 is approved by the department or the ~~department of education~~ educational approval



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1 board. This subdivision does not apply to an applicant who held, or who was an agent  
2 appointed and approved under sub. (6) of a corporation or limited liability company  
3 that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a  
4 Class “B” or “Class B” license or permit or a manager’s or operator’s license.

5 **SECTION 2905.** 125.07 (4) (cm) of the statutes is amended to read:

6 125.07 (4) (cm) When a court revokes or suspends a person’s operating privilege  
7 under par. (bs) or (c), the department of transportation may not disclose information  
8 concerning or relating to the revocation or suspension to any person other than a  
9 court, district attorney, county corporation counsel, city, village or town attorney, law  
10 enforcement agency or the person whose operating privilege is revoked or suspended.  
11 A person entitled to receive information under this paragraph may not disclose the  
12 information to any other person or agency. This paragraph does not apply to any  
13 information requested by the department of industry, labor and job development  
14 under s. 49.22 (2m).

15 **SECTION 2906.** 125.085 (3) (bp) of the statutes is amended to read:

16 125.085 (3) (bp) When a court suspends a person’s operating privilege under  
17 par. (bd), the department of transportation may not disclose information concerning  
18 or relating to the suspension to any person other than a court, district attorney,  
19 county corporation counsel, city, village or town attorney, law enforcement agency or  
20 the person whose operating privilege is suspended. A person entitled to receive  
21 information under this paragraph may not disclose the information to any other  
22 person or agency. This paragraph does not apply to any information requested by the  
23 department of industry, labor and job development under s. 49.22 (2m).

24 **SECTION 2907.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

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1           125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing  
2 body may issue an operator's license unless the applicant has successfully completed  
3 a responsible beverage server training course at any location that is offered by a  
4 technical college district and that conforms to curriculum guidelines specified by the  
5 technical college system board or a comparable training course that is approved by  
6 the department or the ~~department of education~~ educational approval board, or  
7 unless the applicant fulfills one of the following requirements:

8           **SECTION 2908.** 125.51 (4) (wd) of the statutes is created to read:

9           125.51 (4) (wd) Notwithstanding the quota of a municipality, its governing  
10 body may issue a license for any of the following establishments located in a premier  
11 resort center established under s. 66.30 (3q):

12           1. A restaurant that has a seating capacity of not less than 300 persons.

13           2. A hotel that has not less than 100 rooms of sleeping accommodations and that  
14 has either an attached restaurant with a seating capacity of not less than 150  
15 persons or a room in which meetings attended by at least 300 persons may be held.

16           3. A multipurpose facility that has a seating capacity of not less than 400  
17 persons and that is designed for activities of the public, which may include trade  
18 shows, conventions, seminars, concerts, banquets and fairs.

19           **SECTION 2909.** 127.17 (2) (a) of the statutes is amended to read:

20           127.17 (2) (a) *Grounds; procedure for suspension or revocation.* The  
21 department may deny, suspend or revoke a warehouse keeper's or grain dealer's  
22 license if the warehouse keeper or grain dealer violates this chapter or any rule  
23 promulgated or special order issued under this chapter. The department may  
24 suspend or revoke a license under this paragraph by special order under sub. (1) (a)

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1 1. or, if necessary to prevent clear and imminent harm to producers or depositors, by  
2 a summary special order under sub. (1) (a) 2.

3 **SECTION 2910.** 127.17 (2) (b) of the statutes is amended to read:

4 127.17 (2) (b) *Suspension of grain dealer license.* If a grain dealer's license is  
5 suspended under par. (a), the grain dealer may not purchase or receive grain from  
6 producers or sell or ship grain, except under the supervision of the department.

7 **SECTION 2911.** 127.17 (2) (c) 1. of the statutes is amended to read:

8 127.17 (2) (c) 1. If a grain dealer's license is revoked under par. (a), the grain  
9 dealer may not purchase, receive, sell or ship grain except as the department permits  
10 by order.

11 **SECTION 2912.** 127.17 (2) (d) of the statutes is amended to read:

12 127.17 (2) (d) *Suspension of a warehouse keeper's license.* If a warehouse  
13 keeper's license is suspended under par. (a), the warehouse keeper may not purchase  
14 or receive grain from depositors or sell or ship grain, except under the supervision  
15 of the department.

16 **SECTION 2913.** 127.17 (2) (e) 1. of the statutes is amended to read:

17 127.17 (2) (e) 1. If a warehouse keeper's license is revoked under par. (a), the  
18 warehouse keeper may not purchase, receive, sell or ship grain except as the  
19 department permits by order.

20 **SECTION 2914.** 132.13 (1) (a) of the statutes is amended to read:

21 132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by  
22 convict labor in any penitentiary, prison, reformatory or other establishment in  
23 which convict labor is employed except convicts or prisoners on parole, community  
24 supervision or probation, shall before being exposed for sale be branded, labeled,  
25 marked or tagged as herein provided and shall not be exposed for sale or sold in this

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1 state without such brand, label, mark or tag. Such brand, label, mark or tag shall  
2 contain at the head or top thereof the words "convict-made" followed by the name of  
3 the penitentiary, prison, or other establishment in which it was made in plain  
4 English lettering of the style and size known as eighteen point Cheltenham bold type  
5 capitals. The brand or mark shall in all cases where the nature of the articles will  
6 permit be placed on each individual article or part of such article that is sold, and only  
7 where such branding or marking is impossible shall a label or tag be used and where  
8 a label is used it shall be securely pasted onto each such article and when a tag is used  
9 it shall be a paper tag securely fastened to such article or part of article sold. In  
10 addition to the marking of each article or part of article sold a similar brand, mark,  
11 label or tag shall be placed upon the outside or upon its box, crate, or other covering.  
12 All brands, labels, marks, and tags shall be placed on a conspicuous part of such  
13 article or part of article and its container.

14 **SECTION 2915.** 134.72 (1) (a) of the statutes is amended to read:

15 134.72 (1) (a) "Facsimile machine" means a machine that transmits copies of  
16 documents by means of a telephone line, telegraph line, microwave, satellite, cellular  
17 radio wave, fiber optics, coaxial cable or any other transmission facility or any  
18 switching device.

19 **SECTION 2916.** 138.052 (5) (am) 2. a. of the statutes is amended to read:

20 138.052 (5) (am) 2. a. On January 1, 1994, and annually thereafter, the division  
21 of banking for banks, the division of savings and ~~loan~~ institutions for savings and  
22 loan associations and savings banks and the office of credit unions for credit unions  
23 shall determine the interest rate that is the average of the interest rates paid,  
24 rounded to the nearest one-hundredth of a percent, on regular passbook deposit  
25 accounts by institutions under the division's or office's jurisdiction at the close of the

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1 last quarterly reporting period that ended at least 30 days before the determination  
2 is made.

3 **SECTION 2917.** 138.052 (5) (am) 2. b. of the statutes is amended to read:

4 138.052 (5) (am) 2. b. The office of credit unions and the division of banking  
5 shall report the rate calculated to the division of savings ~~and loan~~ institutions within  
6 5 days after the date on which the determination is made. The division of savings  
7 ~~and loan~~ institutions shall calculate the average, rounded to the nearest  
8 one-hundredth of a percent, of the 3 rates and report that interest rate to the revisor  
9 of statutes within 5 days after the date on which the determination is made.

10 **SECTION 2918.** 138.055 (4) (a) of the statutes is amended to read:

11 138.055 (4) (a) The division of savings ~~and loan~~ institutions, if the lender is a  
12 savings and loan association or savings bank;

13 **SECTION 2919.** 138.056 (1) (a) 4. a. of the statutes is amended to read:

14 138.056 (1) (a) 4. a. The division of savings ~~and loan~~ institutions, if the lender  
15 is a savings and loan association or savings bank;

16 **SECTION 2920.** 138.09 (1m) of the statutes is renumbered 138.09 (1m) (a).

17 **SECTION 2921.** 138.09 (1m) (b) of the statutes is created to read:

18 138.09 (1m) (b) 1. An application under par. (a) for a license shall contain the  
19 following:

20 a. If the applicant is an individual, the applicant's social security number.

21 b. If the applicant is not an individual, the applicant's federal employer  
22 identification number.

23 2. The division may not disclose any information received under subd. 1. to any  
24 person except as follows:

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1 a. The division may disclose information under subd. 1. to the department of  
2 revenue for the sole purpose of requesting certifications under s. 73.0301.

3 b. The division may disclose information under subd. 1. a. to the department  
4 of industry, labor and job development in accordance with a memorandum of  
5 understanding under s. 49.857.

6 **SECTION 2922.** 138.09 (3) (a) of the statutes is amended to read:

7 138.09 (3) (a) Upon the filing of such application and the payment of such fee,  
8 the division shall investigate the relevant facts, ~~and if.~~ Except as provided in par.  
9 (am), if the division shall find that the character and general fitness and the financial  
10 responsibility of the applicant, and the members thereof if the applicant is a  
11 partnership, limited liability company or association, and the officers and directors  
12 thereof if the applicant is a corporation, warrant the belief that the business will be  
13 operated in compliance with this section the division shall thereupon issue a license  
14 to said applicant to make loans in accordance with the provisions of this section. If  
15 the division shall not so find, the division shall deny such application.

16 **SECTION 2923.** 138.09 (3) (am) of the statutes is created to read:

17 138.09 (3) (am) The division may not issue a license under this section to an  
18 applicant if any of the following applies:

19 1. The applicant fails to provide the information required under sub. (1m) (b)  
20 1.

21 2. The department of revenue certifies under s. 73.0301 that the applicant is  
22 liable for delinquent taxes.

23 3. The applicant is delinquent in making court-ordered payments of child or  
24 family support, maintenance, birth expenses, medical expenses or other expenses

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1 related to the support of a child or former spouse, as provided in a memorandum of  
2 understanding entered into under s. 49.857.

3 **SECTION 2924.** 138.09 (4) of the statutes is renumbered 138.09 (4) (a).

4 **SECTION 2925.** 138.09 (4) (b) of the statutes is created to read:

5 138.09 (4) (b) The division shall restrict or suspend a license under this section  
6 if, in the case of a licensee who is an individual, the licensee is delinquent in making  
7 court-ordered payments of child or family support, maintenance, birth expenses,  
8 medical expenses or other expenses related to the support of a child or former spouse,  
9 as provided in a memorandum of understanding entered into under s. 49.857. A  
10 licensee whose license is restricted or suspended under this paragraph is entitled to  
11 a notice and hearing under s. 49.857 but is not entitled to a hearing under par. (a).

12 **SECTION 2926.** 138.09 (4) (c) of the statutes is created to read:

13 138.09 (4) (c) The division shall revoke a license under this section if the  
14 department of revenue certifies that the licensee is liable for delinquent taxes under  
15 s. 73.0301. A licensee whose license is revoked under this paragraph for delinquent  
16 taxes is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing  
17 under par. (a).

18 **SECTION 2927.** 138.12 (3) (d) of the statutes is created to read:

19 138.12 (3) (d) 1. An application for a license under this section shall contain the  
20 following:

21 a. If the applicant is an individual, the applicant's social security number.

22 b. If the applicant is not an individual, the applicant's federal employer  
23 identification number.

24 2. The division may not disclose any information received under subd. 1. to any  
25 person except as follows:

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1 a. The division may disclose information under subd. 1. to the department of  
2 revenue for the sole purpose of requesting certifications under s. 73.0301.

3 b. The division may disclose information under subd. 1. a. to the department  
4 of industry, labor and job development in accordance with a memorandum of  
5 understanding under s. 49.857.

6 **SECTION 2928.** 138.12 (4) (a) of the statutes is renumbered 138.12 (4) (a) (intro.)  
7 and amended to read:

8 138.12 (4) (a) (intro.) Upon the filing of an application and the payment of the  
9 required fees under par. (am) 1., the division shall make an investigation of each  
10 applicant and shall issue a license if the division finds the applicant is qualified in  
11 accordance with this section. If the division does not so find, the division shall, within  
12 30 days after the division has received the application, notify the applicant and, at  
13 the request of the applicant, give the applicant a full hearing, except as follows:

14 **SECTION 2929.** 138.12 (4) (a) 1. and 2. of the statutes are created to read:

15 138.12 (4) (a) 1. An applicant whose application is denied under par. (b) 5. is  
16 entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing under  
17 this paragraph.

18 2. An applicant whose application is denied under par. (b) 6. is entitled to notice  
19 and a hearing under s. 49.857 but is not entitled to a hearing under this paragraph.

20 **SECTION 2930.** 138.12 (4) (b) 4. of the statutes is created to read:

21 138.12 (4) (b) 4. Has provided the information required under sub. (3) (d) 1.

22 **SECTION 2931.** 138.12 (4) (b) 5. of the statutes is created to read:

23 138.12 (4) (b) 5. Has not been certified by the department of revenue under s.  
24 73.0301 as being liable for delinquent taxes.

25 **SECTION 2932.** 138.12 (4) (b) 6. of the statutes is created to read:



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1           138.12 (4) (b) 6. If an individual, is not delinquent in making court-ordered  
2           payments of child or family support, maintenance, birth expenses, medical expenses  
3           or other expenses related to the support of a child or former spouse, as provided in  
4           a memorandum of understanding entered into under s. 49.857.

5           **SECTION 2933.** 138.12 (5) (a) of the statutes is amended to read:

6           138.12 (5) (a) The ~~commissioner~~ division may revoke or suspend the license of  
7           any insurance premium finance company if the ~~commissioner~~ division finds that any  
8           of the following:

- 9           1. Any license issued to such company was obtained by fraud,~~;~~
- 10          2. There was any misrepresentation in the application for the license,~~;~~
- 11          3. The holder of such license has otherwise shown himself or herself  
12          untrustworthy or incompetent to act as a premium finance company,~~;~~
- 13          4. ~~Such~~ The company has violated any provision of this section, ~~or~~
- 14          5. ~~Such~~ The company has been rebating part of the service charge as allowed  
15          and permitted herein to any insurance agent or insurance broker or any employe of  
16          an insurance agent or insurance broker or to any other person as an inducement to  
17          the financing of any insurance policy with the premium finance company.

18          **SECTION 2934.** 138.12 (5) (am) of the statutes is created to read:

19          138.12 (5) (am) 1. The division shall deny an application for a license renewal  
20          if any of the following applies:

21               a. The applicant has failed to provide the information required under sub. (3)

22               (d) 1.

23               b. The department of revenue has certified under s. 73.0301 that the applicant  
24          is liable for delinquent taxes under s. 73.0301. An applicant whose renewal

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1 application is denied under this subd. 1. b. is entitled to a hearing under s. 73.0301  
2 (5) (a) but is not entitled to a hearing under par. (b).

3 c. In the case of a licensee who is an individual, the applicant is delinquent in  
4 making court-ordered payments of child or family support, maintenance, birth  
5 expenses, medical expenses or other expenses related to the support of a child or  
6 former spouse, as provided in a memorandum of understanding entered into under  
7 s. 49.857. An applicant whose renewal application is denied under this subd. 1. c.  
8 is entitled to a notice and hearing under s. 49.857 but is not entitled to a hearing  
9 under par. (b).

10 2. The division shall restrict or suspend the license of any insurance premium  
11 finance company if the division finds that, in the case of a licensee who is an  
12 individual, the licensee is delinquent in making court-ordered payments of child or  
13 family support, maintenance, birth expenses, medical expenses or other expenses  
14 related to the support of a child or former spouse, as provided in a memorandum of  
15 understanding entered into under s. 49.857. A licensee whose license is restricted  
16 or suspended under this subdivision is entitled to a notice and hearing under s.  
17 49.857 but is not entitled to a hearing under par. (b).

18 3. The division shall revoke the license of any insurance premium finance  
19 company if the department of revenue has certified under s. 73.0301 that the licensee  
20 is liable for delinquent taxes under s. 73.0301. A licensee whose license is revoked  
21 under this subdivision for delinquent taxes is entitled to a hearing under s. 73.0301  
22 (5) (a) but is not entitled to a hearing under par. (b).

23 **SECTION 2935.** 139.01 (2g) of the statutes is created to read:

24 139.01 (2g) "Department" means the department of revenue.

25 **SECTION 2936.** 139.01 (2r) of the statutes is created to read:

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1           139.01 (2r) "File" means mail or deliver a document that the department  
2 prescribes to the department or, if the department prescribes another method of  
3 submitting or another destination, use that other method or submit to that other  
4 destination.

5           **SECTION 2937.** 139.01 (5m) of the statutes is created to read:

6           139.01 (5m) "Pay" means mail or deliver funds to the department or, if the  
7 department prescribes another method of payment or another destination, use that  
8 other method or submit to that other destination.

9           **SECTION 2938.** 139.01 (9m) of the statutes is created to read:

10          139.01 (9m) "Sign" means write one's signature or, if the department  
11 prescribes another method of authenticating, use that other method.

12          **SECTION 2939.** 139.03 (2x) (a) of the statutes is amended to read:

13          139.03 (2x) (a) *Floor tax imposed.* On the date tax rate changes become  
14 effective under this section a floor tax is imposed upon every manufacturer, rectifier,  
15 wholesaler and retailer who is in possession of any intoxicating liquor held for resale  
16 on which the intoxicating liquor tax already has been imposed. The person shall  
17 determine the volume of that intoxicating liquor and shall file ~~with the department~~  
18 ~~of revenue~~ a return by the 15th day of the month following the month in which the  
19 new tax rate becomes effective ~~a return, together with~~ and shall pay any tax due on  
20 it, as determined under par. (b). ~~The department of revenue shall provide the returns~~  
21 ~~required under this subsection.~~

22          **SECTION 2940.** 139.03 (2x) (c) of the statutes is amended to read:

23          139.03 (2x) (c) *Administration.* Sections 71.74 (1), (2), (10), (11), (13) and (14),  
24 71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89,  
25 71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 and 73.0301

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1 apply to the administration of this subsection for the assessment and collection of  
2 additional taxes when tax rate changes become effective.

3 **SECTION 2941.** 139.03 (4) of the statutes is amended to read:

4 139.03 (4) Sections 71.74 (1), (2), (10), (11), (13) and (14), 71.75 (4) to (7), 71.80  
5 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89, 71.90, 71.91 (1) (a) and  
6 (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 ~~and~~ 73.0301 apply to the administration  
7 of this section for the assessment and collection of additional taxes when a tax rate  
8 change becomes effective.

9 **SECTION 2942.** 139.035 of the statutes is renumbered 139.035 (1) and amended  
10 to read:

11 139.035 (1) The department shall negotiate and, if possible, enter into  
12 reciprocal agreements with the appropriate officials of other states concerning the  
13 shipping of wine to individuals in this state under ss. 125.58 (4) and 125.68 (10) (bm).  
14 The purpose of the agreements shall be to permit those shipments while ensuring  
15 that the fiscal impact of shipments of wine to individuals in this state from other  
16 states, and from this state to individuals in other states, is fair to this state. An  
17 agreement under this ~~section~~ subsection may include the provision that this state  
18 will tax wine shipped from this state to individuals in another state and the other  
19 state will tax wine shipped to individuals in this state. This subsection does not  
20 apply after the effective date of this subsection .... [revisor inserts date].

21 **SECTION 2943.** 139.035 (2) of the statutes is created to read:

22 139.035 (2) No agreement under sub. (1) may be entered into, renewed,  
23 extended or, except as provided in this subsection, modified on or after the effective  
24 date of this subsection .... [revisor inserts date]. The department shall negotiate with

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1 the appropriate officials of states with which this state has an agreement under sub.  
2 (1) and, if possible, withdraw from the agreement.

3 **SECTION 2944.** 139.05 (1) of the statutes is amended to read:

4 139.05 (1) The tax imposed in s. 139.02 shall be paid to the department on or  
5 before the ~~fifteenth~~ 15th day of the month following the month in which such malt  
6 beverages are first sold in this state or shipped into this state.

7 **SECTION 2945.** 139.05 (2a) of the statutes is amended to read:

8 139.05 (2a) ~~For the purposes of subs. (1) and (2), the~~ The payments and returns  
9 ~~therein referred to shall be considered under subs. (1) and (2) that are mailed are~~  
10 ~~furnished, filed or made on time, and payments therein referred to shall be~~  
11 ~~considered~~ are timely made, if mailed in a properly addressed envelope, with first  
12 class postage duly prepaid, which envelope is officially postmarked before midnight  
13 on the date prescribed for such furnishing, filing or making of such payment,  
14 provided such statement, return or payment is actually received by the secretary of  
15 revenue or at the destination that the department prescribes within 5 days of the  
16 prescribed date. Payments and returns that are not mailed are timely if they are  
17 received on or before the due date by the department or at the destination that the  
18 department prescribes.

19 **SECTION 2946.** 139.05 (4) of the statutes is amended to read:

20 139.05 (4) In order to ensure the payment of the tax under s. 139.02 together  
21 with all interest and penalties thereon, all persons required to make returns and  
22 payment of such tax shall first either deposit with the secretary security in the  
23 amount, and of a type, determined by the secretary or enter into a surety bond with  
24 corporate surety, both bond and surety to be approved by the secretary. The secretary  
25 shall require a bond in total amount equal to twice the taxpayer's estimated

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1 maximum monthly tax, ascertained in such manner as the secretary deems proper,  
2 and the secretary may increase or reduce the amount of the bond, except that the  
3 amount of such bond required of any one taxpayer shall not be less than \$1,000 nor  
4 more than \$100,000. These bonds shall be filed ~~with the secretary~~. The state shall  
5 not pay interest on security placed with the secretary.

6 **SECTION 2947.** 139.05 (7) (b) of the statutes is amended to read:

7 139.05 (7) (b) Such license shall be issued by the secretary to persons who hold  
8 a valid certificate issued under s. 73.03 (50). The application for such license shall  
9 be verified and shall contain an agreement on the part of the brewer that the brewer  
10 shall observe all laws of this state relating to fermented malt beverages, and such  
11 other information and statements as the secretary may require. Any such brewer  
12 who has, directly or indirectly, violated any law of this state relating to fermented  
13 malt beverages shall not be entitled to such a license. The secretary may require the  
14 applicant to furnish ~~and file a bond to be approved by the secretary~~ payable to the  
15 state in an amount not less than \$1,000 nor more than \$5,000 conditioned upon the  
16 faithful compliance by the applicant with the undertakings set forth in the  
17 application for the license.

18 **SECTION 2948.** 139.06 (1) (c) of the statutes is amended to read:

19 139.06 (1) (c) Each person subject to the tax under s. 139.03 shall file an  
20 information report ~~prescribed by the secretary~~ on the dates prescribed by the  
21 secretary.

22 **SECTION 2949.** 139.06 (2) (a) and (b) of the statutes are amended to read:

23 139.06 (2) (a) The taxes on wine containing not in excess of 21% of alcohol by  
24 volume shall be paid to and a monthly return filed ~~with the department~~ on or before  
25 the 15th of the month following the month in which tax liability is incurred. Tax

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1 liability is incurred by the shipper when wine is shipped into the state. In the case  
2 of wine produced or bottled within the state and wine imported directly from a  
3 foreign country into the state by a Wisconsin permittee or winery licensee, tax  
4 liability is incurred by the permittee or winery licensee at the time of first sale within  
5 the state.

6 (b) All persons required to file a return and pay intoxicating liquor taxes shall  
7 first provide security in the amount, at the time and of the type required by the  
8 department of revenue or enter into a surety bond with a corporate surety to secure  
9 payment of the tax with bond and surety to be approved by the department. Such  
10 bond shall be twice the department's estimate of the taxpayer's maximum monthly  
11 tax liability but shall not be less than \$1,000 nor more than \$100,000. The bonds  
12 shall be filed with the department.

13 **SECTION 2950.** 139.06 (3) of the statutes is amended to read:

14 139.06 (3) In shipping intoxicating liquor in bulk for the purpose of bottling or  
15 rectifying to a rectifier located within the state, the manufacturer shall securely affix  
16 thereto a label or statement, in such form as is prescribed by the secretary, reciting  
17 that the shipment is made for the purpose of bottling or rectifying. Each  
18 manufacturer making such shipments shall file an information report with the  
19 secretary as the secretary prescribes, showing that shows the dates and quantities  
20 of shipments and the name and address of each consignee.

21 **SECTION 2951.** 139.096 of the statutes is amended to read:

22 **139.096 Failure to file.** If any taxpayer required to file any return fails to do  
23 so within the time prescribed, the taxpayer shall, on the written demand of the  
24 department, file the return within 20 days after the mailing of it the demand and at  
25 the same time pay the tax due on its basis. If the taxpayer fails within that time to

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1 file the return, the department shall prepare the return from its own knowledge and  
2 from the information that it obtains and on that basis shall assess a tax, which shall  
3 be paid within 10 days after the department has mailed to the taxpayer a written  
4 notice of the amount and a demand for its payment. In any action or proceeding in  
5 respect to the assessment, the taxpayer shall have the burden of establishing the  
6 incorrectness or invalidity of any return or assessment made by the department  
7 because of the failure of the taxpayer to ~~make~~ file a return.

8 **SECTION 2952.** 139.11 (2) of the statutes is amended to read:

9 139.11 (2) REPORT. Each brewer, bottler, manufacturer, rectifier and wholesaler  
10 shall on or before the 15th day of each calendar month or the dates prescribed by the  
11 secretary ~~make~~ file a verified report ~~to the department of revenue~~ of all fermented  
12 malt beverages or intoxicating liquor manufactured, received, sold, delivered or  
13 shipped by him or her during the preceding calendar month, except that the  
14 department may allow wholesale, winery and out-of-state shipper permittees  
15 whose tax liability is less than \$500 per quarter to file on a quarterly basis. Quarterly  
16 reports shall be ~~mailed~~ filed on or before the 15th of the next month following the  
17 close of the calendar quarter. ~~Such report shall be made upon forms furnished by the~~  
18 ~~department of revenue and shall contain the information it deems necessary for the~~  
19 ~~collection and enforcement of the tax.~~

20 **SECTION 2953.** 139.30 (4m) of the statutes is created to read:

21 139.30 (4m) "File" means mail or deliver a document that the department  
22 prescribes to the department or, if the department prescribes another method of  
23 submitting or another destination, use that other method or submit to that other  
24 destination.

25 **SECTION 2954.** 139.30 (8m) of the statutes is created to read:



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1           139.30 (8m) "Pay" means mail or deliver funds to the department or, if the  
2 department prescribes another method of submitting or another destination, use  
3 that other method or submit to that other destination.

4           **SECTION 2955.** 139.30 (12m) of the statutes is created to read:

5           139.30 (12m) "Sign" means write one's signature or, if the department  
6 prescribes another method of authenticating, use that other method.

7           **SECTION 2956.** 139.31 (1) (a) of the statutes is amended to read:

8           139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,  
9 ~~22~~ 24.5 mills on each cigarette.

10          **SECTION 2957.** 139.31 (1) (b) of the statutes is amended to read:

11          139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~44~~  
12 49 mills on each cigarette.

13          **SECTION 2958.** 139.315 (1) of the statutes is amended to read:

14          139.315 (1) INVENTORY TAX IMPOSED. On the effective date of any increase in the  
15 sum of the rates under s. 139.31 (1) (a) and (c) or in the sum of the rates under s.  
16 139.31 (1) (b) and (d), an inventory tax is imposed upon cigarettes held in inventory  
17 for sale or resale on which the cigarette tax has been paid at the prior rate and upon  
18 unaffixed stamps in the possession of distributors. Any person who is in possession  
19 of any such cigarettes or unaffixed stamps ~~is liable for payment of~~ shall pay the tax  
20 imposed under this section. Any person liable for this tax shall determine the  
21 number of cigarettes and unaffixed stamps in the person's possession on the effective  
22 date of the increase, and by the 15th day after the effective date of the increase the  
23 person shall file ~~with the department a return on a form provided by the department~~  
24 and shall by that date pay ~~to the department~~ the tax due.

25          **SECTION 2959.** 139.315 (3) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2959**

1           139.315 **(3)** ADMINISTRATION. Sections 71.74 (1), (2), (10), (11), (13) and (14),  
2           71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89,  
3           71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 and 73.0301  
4           apply to this section.

5           **SECTION 2960.** 139.315 (4) of the statutes is amended to read:

6           139.315 **(4)** LATE FILING FEE. Any person who fails to file a cigarette inventory  
7           tax return when due shall pay a late filing fee of \$10. A return that is mailed is timely  
8           filed if it is mailed in a properly addressed envelope with 1st class postage prepaid,  
9           if the envelope is postmarked on the due date and if the return is actually received  
10          by the department or at the destination that the department prescribes within 5 days  
11          of the due date. A return that is not mailed is timely if it is received on or before the  
12          due date by the department or at the destination that the department prescribes.

13          **SECTION 2961.** 139.32 (1) of the statutes is amended to read:

14          139.32 **(1)** The tax imposed by s. 139.31 (1) shall be paid ~~by purchase of stamps~~  
15          ~~from the department.~~ The department may require any person who makes a  
16          payment of \$20,000 or more to do so electronically. To evidence the payment, the  
17          department shall provide stamps. A person who has paid the tax shall affix stamps  
18          of the proper denomination ~~shall be affixed~~ to each package in which cigarettes are  
19          packed, prior to the first sale within this state. First sale does not include a sale by  
20          a manufacturer to a distributor or by a distributor to a permittee who has obtained  
21          department approval as provided for in s. 139.321 (1) (a) 2. The tax shall be paid only  
22          once on each package or container.

23          **SECTION 2962.** 139.32 (5) of the statutes is amended to read:

24          139.32 **(5)** Manufacturers and distributors having a permit from the secretary  
25          ~~may purchase stamps at~~ shall receive a discount of 2.0% of the tax.

**SENATE BILL 77****SECTION 2963**

1           **SECTION 2963.** 139.33 (3) of the statutes is amended to read:

2           139.33 (3) No person other than a licensed distributor may import into this  
3 state more than 400 cigarettes on which the excise tax imposed by s. 139.31 has not  
4 been paid and the container of which does not bear proper stamps. Within 15 days,  
5 any such person importing cigarettes shall file with the department a declaration of  
6 such cigarettes imported and shall remit therewith the tax on such cigarettes  
7 imposed by this section. Members of the armed forces shall not be required to report  
8 or pay the tax on cigarettes in their possession if such cigarettes are issued to them  
9 by the U.S. government or any of its subdivisions or were purchased in any armed  
10 forces post exchange or service store. If the use tax imposed by this section is not paid  
11 when due, it shall become delinquent and the person liable for it shall pay, in  
12 addition, a penalty of \$25 for each 200 cigarettes. Interest on the delinquent tax and  
13 penalty shall accrue at the rate of 1.5% per month or each fraction of a month from  
14 the date the tax became due until paid.

15           **SECTION 2964.** 139.34 (1) (a) of the statutes is amended to read:

16           139.34 (1) (a) ~~It is unlawful for any~~ No person to may manufacture cigarettes  
17 in this state or sell cigarettes in this state as a distributor, jobber, vending machine  
18 operator or multiple retailer and no person shall may operate a warehouse in this  
19 state for the storage of cigarettes for another person without first filing an  
20 application for and obtaining the proper permit to perform such operations from the  
21 department of revenue. ~~The application for a permit and the permit shall be in the~~  
22 ~~form prescribed by the department and the application form shall require such~~  
23 ~~information as is necessary to administer this section.~~

24           **SECTION 2965.** 139.38 (2) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2965**

1           139.38 (2) (a) Except as provided in par. (b), every permittee shall render a true  
2 and correct invoice of every sale of cigarettes at wholesale and shall on or before the  
3 15th day of each calendar month ~~make~~ file a verified report ~~to the department~~ of all  
4 cigarettes purchased, sold, received, warehoused or withdrawn during the preceding  
5 calendar month.

6           **SECTION 2966.** 139.38 (5) of the statutes is amended to read:

7           139.38 (5) If any permittee fails to file a report when due the permittee shall  
8 be required to pay a late filing fee of \$10. A report ~~shall be considered~~ that is mailed  
9 is filed in time if it is mailed in a properly addressed envelope with first class postage  
10 duly prepaid, which envelope is officially postmarked on the date due, and if the  
11 report is actually received by the secretary or at the destination that the department  
12 prescribes within 5 days of the due date. A report that is not mailed is timely if it  
13 is received on or before the due date by the secretary or at the destination that the  
14 department prescribes.

15           **SECTION 2967.** 139.39 (6) of the statutes is amended to read:

16           139.39 (6) Sections 71.74 (1), (2), (10), (11) and (14), 71.77, 71.80 (12), 71.91 (1)  
17 (a) and (c) and (2) to ~~(8)~~ and (7), 71.92 and 73.0301 as they apply to the taxes under  
18 ch. 71 apply to the taxes under this subchapter. Section 71.74 (13) as it applies to the  
19 collection of the taxes under ch. 71 applies to the collection of the taxes under this  
20 subchapter, except that the period during which notice of an additional assessment  
21 shall be given begins on the due date of the report under this subchapter.

22           **SECTION 2968.** 139.44 (1m) of the statutes is amended to read:

23           139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette  
24 meter in order to evade the tax under s. 139.31 shall be imprisoned for not less than  
25 one year nor more than ~~10~~ 15 years.

**SENATE BILL 77****SECTION 2969**

1           **SECTION 2969.** 139.44 (2) of the statutes is amended to read:

2           139.44 (2) Any person who makes or verifies signs any false or fraudulent  
3 report or who attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids  
4 in or abets the evasion or attempted evasion of that tax shall be fined not less than  
5 \$1,000 nor more than \$5,000 or imprisoned not less than 90 days nor more than one  
6 year or both.

7           **SECTION 2970.** 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act ...  
8 (this act), is repealed and recreated to read:

9           139.44 (2) Any person who makes or signs any false or fraudulent report or who  
10 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the  
11 evasion or attempted evasion of that tax shall be fined not less than \$1,000 nor more  
12 than \$5,000 or imprisoned not less than 90 days nor more than 2 years or both.

13           **SECTION 2971.** 139.44 (8) (c) of the statutes is amended to read:

14           139.44 (8) (c) If the number of cigarettes exceeds 36,000, a fine of not more than  
15 \$10,000 or imprisonment for not more than 2 3 years or both.

16           **SECTION 2972.** 139.75 (4m) of the statutes is created to read:

17           139.75 (4m) "File" means mail or deliver a document that the department  
18 prescribes to the department or, if the department prescribes another method of  
19 submitting or another destination, use that other method or submit to that other  
20 destination.

21           **SECTION 2973.** 139.75 (5m) of the statutes is created to read:

22           139.75 (5m) "Pay" means mail or deliver funds to the department or, if the  
23 department prescribes another method of submitting or another destination, use  
24 that other method or submit to that other destination.

25           **SECTION 2974.** 139.77 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 2974**

1           139.77 (1) On or before the 15th day of each month, every distributor with a  
2 place of business in this state shall file a return ~~with the department~~ showing the  
3 quantity and taxable price of each tobacco product brought, or caused to be brought,  
4 into this state for sale; or made, manufactured or fabricated in this state for sale in  
5 this state, during the preceding month. Every distributor outside this state shall file  
6 a return showing the quantity and taxable price of each tobacco product shipped or  
7 transported to retailers in this state to be sold by those retailers during the preceding  
8 month. ~~Returns shall be made upon forms furnished and prescribed by the~~  
9 ~~department and shall contain other information that the department requires. Each~~  
10 ~~return shall be accompanied by a remittance for the full tax liability shown~~ At the  
11 time that the return is filed, the distributor shall pay the tax.

12           **SECTION 2975.** 139.78 (2) of the statutes is amended to read:

13           139.78 (2) On or before the 15th day of each month, every consumer who during  
14 the preceding month has acquired title to or possession for use or storage in this state  
15 of tobacco products upon which the tax imposed by s. 139.76 (1) has not been paid  
16 shall file a return ~~with the department~~ showing the quantity of tobacco products  
17 acquired. ~~The return shall be made upon a form furnished and prescribed by the~~  
18 ~~department and shall contain the information that the department requires. The~~  
19 ~~return shall be accompanied by a remittance for the full unpaid tax liability~~ At the  
20 time when the return is filed, the consumer shall pay the tax.

21           **SECTION 2976.** 139.79 (1) of the statutes is amended to read:

22           139.79 (1) No person may engage in the business of a distributor or subjobber  
23 of tobacco products at any place of business ~~without first having~~ unless that person  
24 has filed an application for and obtained a permit from the department to engage in  
25 that business at such place. ~~Every application for a permit shall be made on a form~~

**SENATE BILL 77****SECTION 2976**

1 prescribed by the department, and the application form shall require the information  
2 that is necessary to administer this section.

3 **SECTION 2977.** 139.81 (1) of the statutes is amended to read:

4 139.81 (1) No person may sell or take orders for tobacco products for resale in  
5 this state for any manufacturer or permittee ~~without first obtaining~~ unless the  
6 person has filed an application for and obtained a salesperson's permit from the  
7 department. No manufacturer or permittee shall authorize any person to sell or take  
8 orders for tobacco products in this state ~~without first having such person secure~~  
9 unless the person has filed an application for and obtained a salesperson's permit.  
10 The fee for the permit is \$2. Each application for a permit shall disclose the name  
11 and address of the employer and shall remain effective only while the salesperson  
12 represents the named employer. If the salesperson is thereafter employed by another  
13 manufacturer or permittee the salesperson shall obtain a new salesperson's permit.  
14 Each manufacturer and permittee shall notify the department within 10 days after  
15 the resignation or dismissal of any salesperson holding a permit.

16 **SECTION 2978.** 139.82 (2) (a) of the statutes is amended to read:

17 139.82 (2) (a) Except as provided in par. (b), every permittee shall render a true  
18 and correct invoice of every sale of tobacco products at wholesale and shall on or  
19 before the 15th day of each calendar month ~~make~~ file a verified report ~~to the~~  
20 ~~department~~ of all tobacco products purchased, sold, received, warehoused or  
21 withdrawn during the preceding calendar month.

22 **SECTION 2979.** 139.82 (5) of the statutes is amended to read:

23 139.82 (5) If any permittee fails to file a report when due the permittee shall  
24 be required to pay a late filing fee of \$10. A report that is mailed shall be considered  
25 filed in time if it is mailed in a properly addressed envelope with first class postage

**SENATE BILL 77****SECTION 2979**

1 prepaid, if the envelope is officially postmarked on the date due, and if the report is  
2 actually received by the department or at the destination that the department  
3 prescribes within 5 days of the due date. A report that is not mailed is timely if it  
4 is received on or before the due date by the department or at the destination that the  
5 department prescribes.

6 **SECTION 2980.** 139.95 (2) of the statutes is amended to read:

7 139.95 (2) A dealer who possesses a schedule I controlled substance or schedule  
8 II controlled substance that does not bear evidence that the tax under s. 139.88 has  
9 been paid may be fined not more than \$10,000 or imprisoned for not more than 5 7  
10 years and 6 months or both.

11 **SECTION 2981.** 139.95 (3) of the statutes is amended to read:

12 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits  
13 any stamp or procures or causes the same to be done or who knowingly utters,  
14 publishes, passes or tenders as true any false, altered or counterfeit stamp or who  
15 affixes a counterfeit stamp to a schedule I controlled substance or schedule II  
16 controlled substance or who possesses a schedule I controlled substance or schedule  
17 II controlled substance to which a false, altered or counterfeit stamp is affixed may  
18 be fined not more than \$10,000 or imprisoned for not less than one year nor more  
19 than ~~10~~ 15 years or both.

20 **SECTION 2982.** 145.10 (3) of the statutes is amended to read:

21 145.10 (3) No order revoking a license, registration or permit under this section  
22 shall be made until after a public hearing to be held before the department at such  
23 place as the department designates. At least 10 days prior to the hearing the  
24 department shall send written notice of the time and place of the hearing to the  
25 licensee or permittee and to the person's attorney or agent of record by mailing the



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1 notice to the last-known address of such persons. The testimony presented and  
2 proceedings had at the hearing shall be recorded and preserved as the records of the  
3 department. The department shall as soon thereafter as possible make its findings  
4 and determination and send a copy to each interested party. One year after the date  
5 of revocation under this section, application may be made for a new license or  
6 registration.

7 **SECTION 2983.** 145.19 (6) of the statutes is amended to read:

8 145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the  
9 governmental unit responsible for the regulation of private sewage systems shall  
10 collect a groundwater fee of \$25 for each sanitary permit. The governmental unit  
11 shall forward this fee to the department together with the copy of the sanitary permit  
12 and the fee under sub. (3). The moneys collected under this subsection shall be  
13 credited to the environmental fund for ~~groundwater~~ environmental management.

14 **SECTION 2984.** 146.0255 (3) (b) of the statutes is amended to read:

15 146.0255 (3) (b) A statement of explanation that the test results must be  
16 disclosed to a county department under s. ~~46.215~~, 46.22 or 46.23 or, in a county  
17 having a population of 500,000 or more, to the county department under s. 51.42 or  
18 51.437 in accordance with s. 46.238 if the test results are positive.

19 **SECTION 2985.** 146.183 of the statutes is repealed.

20 **SECTION 2986.** 146.19 (2) (intro.) of the statutes is amended to read:

21 146.19 (2) COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From  
22 the appropriation under s. 20.435 (4) (5) (ek), the department shall award grants for  
23 cooperative American Indian health projects in order to promote cooperation among  
24 tribes, tribal agencies, inter-tribal organizations and other agencies and  
25 organizations in addressing specific problem areas in the field of American Indian

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1 health. A tribe, tribal agency or inter-tribal organization may apply, in the manner  
2 specified by the department, for a grant of up to \$10,000 to conduct a cooperative  
3 American Indian health project, which meets all of the following requirements:

4 **SECTION 2987.** 146.40 (3) of the statutes is amended to read:

5 146.40 (3) ~~The Except as provided in sub. (4d), the~~ department shall certify  
6 instructional and competency evaluation programs for nurse's assistants, for home  
7 health aides and for hospice aides that apply for certification and satisfy standards  
8 for certification promulgated by rule by the department. The department shall  
9 review the curriculum of each certified instructional and competency evaluation  
10 program at least once every 36 months following the date of certification to determine  
11 whether the program satisfies the standards for certification. ~~The Under this~~  
12 ~~subsection, the~~ department may, after providing notice, suspend or revoke the  
13 certification of an instructional and competency evaluation program or impose a plan  
14 of correction on the program if the program does not satisfy the standards for  
15 certification or operates under conditions that are other than those contained in the  
16 application approved by the department.

17 **SECTION 2988.** 146.40 (3m) of the statutes is amended to read:

18 146.40 (3m) The department shall review competency evaluation programs for  
19 nurse's assistants, for home health aides and for hospice aides and, ~~except as~~  
20 ~~provided in sub. (4d),~~ may approve those competency evaluation programs that  
21 satisfy standards for approval that are specified in rules of the department. ~~The~~  
22 ~~Under this subsection, the~~ department may, after providing notice, suspend or  
23 revoke approval of a competency evaluation program or impose a plan of correction  
24 if the competency evaluation program fails to satisfy the standards or operates under

**SENATE BILL 77****SECTION 2988**

1 conditions that are other than those contained in the application approved by the  
2 department.

3 **SECTION 2989.** 146.40 (4d) of the statutes is created to read:

4 146.40 (4d) (a) The department shall require each applicant to provide the  
5 department with his or her social security number, if the applicant is an individual,  
6 or the applicant's federal employer identification number, if the applicant is not an  
7 individual, as a condition of issuing a certification under sub. (3) or an approval  
8 under sub. (3m).

9 (b) The department may not disclose any information received under par. (a)  
10 to any person except to the department of revenue for the sole purpose of requesting  
11 certifications under s. 73.0301.

12 (c) The department shall deny an application for the issuance of a certification  
13 or approval specified in par. (a) if the applicant does not provide the information  
14 specified in par. (a). A denial under this paragraph is subject to review under ch. 227.

15 (d) The department shall deny an application for the issuance of a certification  
16 or approval specified in par. (a) or shall revoke a certification or approval if the  
17 department of revenue certifies under s. 73.0301 that the applicant for or holder of  
18 a certification or approval is liable for delinquent taxes.

19 **SECTION 2990.** 146.40 (4m) of the statutes is amended to read:

20 146.40 (4m) An instructional and competency evaluation program under sub.  
21 (3) for which the department has suspended or revoked certification or imposed a  
22 plan of correction or a competency evaluation program under sub. (3m) for which the  
23 department has suspended or revoked approval or imposed a plan of correction may  
24 contest the department's action by sending, within 10 days after receipt of notice of  
25 the contested action, a written request for hearing under s. 227.44 to the division of

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1 hearings and appeals created under s. 15.103 (1). The administrator of the division  
2 may designate a hearing examiner to preside over the case and recommend a decision  
3 to the administrator under s. 227.46. The decision of the administrator of the  
4 division shall be the final administrative decision. The division shall commence the  
5 hearing within 30 days after receipt of the request for hearing and shall issue a final  
6 decision within 15 days after the close of the hearing. Proceedings before the division  
7 are governed by ch. 227. In any petition for judicial review of a decision by the  
8 division, the party, other than the petitioner, who was in the proceeding before the  
9 division shall be the named respondent. This subsection does not apply to a  
10 revocation of certification under sub. (4d) (d).

11 **SECTION 2991.** 146.50 (5) (a) of the statutes is amended to read:

12 146.50 (5) (a) The Except as provided in s. 146.51, the department shall license  
13 qualified applicants as ambulance service providers or emergency medical  
14 technicians. The department shall, from the information on the certification form  
15 specified under sub. (6) (c) 2., establish in each ambulance service provider's biennial  
16 license the primary service or contract area of the ambulance service provider.

17 **SECTION 2992.** 146.50 (5) (b) of the statutes is amended to read:

18 146.50 (5) (b) The department shall promulgate rules establishing a system  
19 and qualifications for issuance of training permits, except as provided in s. 146.51,  
20 and specifying the period for which an individual may hold a training permit.

21 **SECTION 2993.** 146.50 (5) (g) of the statutes is amended to read:

22 146.50 (5) (g) An Except as provided in s. 146.51, an emergency medical  
23 technician license shall be issued to the individual licensed, and the department may  
24 not impose a requirement that an individual be affiliated with an ambulance service

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1 provider in order to receive an emergency medical technician license or to have an  
2 emergency medical technician license renewed.

3 **SECTION 2994.** 146.50 (6) (a) (intro.) of the statutes is amended to read:

4 146.50 (6) (a) (intro.) ~~To~~ Except as provided in s. 146.51, to be eligible for an  
5 initial license as an emergency medical technician, an individual shall:

6 **SECTION 2995.** 146.50 (6) (b) 1. of the statutes is amended to read:

7 146.50 (6) (b) 1. ~~To~~ Except as provided in s. 146.51, to be eligible for a renewal  
8 of a license as an emergency medical technician, the licensee shall, in addition to  
9 meeting the requirements of par. (a) 1., complete the training, education or  
10 examination requirements specified in rules promulgated under subd. 2.

11 **SECTION 2996.** 146.50 (6) (c) (intro.) of the statutes is amended to read:

12 146.50 (6) (c) (intro.) ~~To~~ Except as provided in s. 146.51, to be eligible for a  
13 license as an ambulance service provider, an individual shall be 18 years of age or  
14 older and have such additional qualifications as may be established in rules  
15 promulgated by the department, except that no ambulance service provider may be  
16 required to take training or an examination or receive education to qualify for  
17 licensure or for renewal of licensure. An ambulance service provider shall, as a  
18 condition of licensure, provide medical malpractice insurance sufficient to protect all  
19 emergency medical technicians who perform for compensation as employes of the  
20 ambulance service provider. For renewal of a biennial license as an ambulance  
21 service provider, an applicant shall also provide all of the following:

22 **SECTION 2997.** 146.50 (6g) (a) of the statutes is amended to read:

23 146.50 (6g) (a) ~~The~~ Except as provided in s. 146.51, the department shall certify  
24 qualified applicants for the performance of defibrillation, under certification  
25 standards that the department shall promulgate as rules.

**SENATE BILL 77****SECTION 2998**

1           **SECTION 2998.** 146.50 (7) of the statutes is amended to read:

2           146.50 (7) LICENSING IN OTHER JURISDICTIONS. The Except as provided in s.  
3 146.51, the department may issue a license as an emergency medical technician,  
4 without examination, to any individual who holds a current license or certificate as  
5 an emergency medical technician from another jurisdiction if the department finds  
6 that the standards for licensing or issuing certificates in the other jurisdiction are  
7 at least substantially equivalent to those in this state, and that the applicant is  
8 otherwise qualified.

9           **SECTION 2999.** 146.50 (8) (a) of the statutes is amended to read:

10          146.50 (8) (a) The Except as provided in s. 146.51, the department shall certify  
11 qualified applicants as first responders—defibrillation.

12          **SECTION 3000.** 146.50 (8) (b) of the statutes is amended to read:

13          146.50 (8) (b) To be eligible for initial certification as a first  
14 responder—defibrillation, except as provided in s. 146.51, an individual shall meet  
15 requirements specified in rules promulgated by the department.

16          **SECTION 3001.** 146.50 (8) (c) of the statutes is amended to read:

17          146.50 (8) (c) To be eligible for a renewal of a certificate as a first  
18 responder—defibrillation, except as provided in s. 146.51, the holder of the  
19 certificate shall satisfactorily complete any requirements specified in rules  
20 promulgated by the department.

21          **SECTION 3002.** 146.50 (8) (f) of the statutes is amended to read:

22          146.50 (8) (f) The Except as provided in s. 146.51, the department may issue  
23 a certificate as a first responder—defibrillation, without requiring satisfactory  
24 completion of any instruction or training that may be required under par. (b), to any  
25 individual who holds a current license or certificate as a first responder from another

**SENATE BILL 77****SECTION 3002**

1 jurisdiction if the department finds that the standards for licensing or issuing  
2 certificates in the other jurisdiction are at least substantially equivalent to the  
3 standards for issuance of certificates for first responders—defibrillation in this state,  
4 and that the applicant is otherwise qualified.

5 **SECTION 3003.** 146.51 of the statutes is created to read:

6 **146.51 Denial, nonrenewal and suspension of license, training permit**  
7 **or certification based on certain delinquency in payment.** (1) The  
8 department shall require each applicant to provide the department with the  
9 applicant's social security number, if the applicant is an individual, as a condition of  
10 issuing or renewing any of the following:

11 (a) A license under s. 146.50 (5) (a).

12 (b) A training permit under s. 146.50 (5) (b).

13 (c) A certification under s. 146.50 (6g) (a) or (8) (a).

14 (2) The department may not disclose any information received under sub. (1)  
15 to any person except to the department of industry, labor and job development for the  
16 purpose of making certifications required under s. 49.857.

17 (3) The department shall deny an application for the issuance or renewal of a  
18 license, training permit or certification specified in sub. (1), shall suspend a license,  
19 training permit or certification specified in sub. (1) or may, under a memorandum of  
20 understanding under s. 49.857 (2), restrict a license, training permit or certification  
21 specified in sub. (1) if the department of industry, labor and job development certifies  
22 under s. 49.857 that the applicant for or holder of the license, training permit or  
23 certification is delinquent in the payment of court-ordered payments of child or  
24 family support, maintenance, birth expenses, medical expenses or other expenses  
25 related to the support of a child or former spouse.

**SENATE BILL 77****SECTION 3004**

1           **SECTION 3004.** 146.55 (4) (a) of the statutes is amended to read:

2           146.55 (4) (a) From the appropriation under s. 20.435 (~~1~~) (5) (rm), the  
3 department shall annually distribute funds for ambulance service vehicles or vehicle  
4 equipment, emergency medical services supplies or equipment or emergency  
5 medical training for personnel to an ambulance service provider that is a public  
6 agency, a volunteer fire department or a nonprofit corporation, under a funding  
7 formula consisting of an identical base amount for each ambulance service provider  
8 plus a supplemental amount based on the population of the ambulance service  
9 provider's primary service or contract area, as established under s. 146.50 (5).

10           **SECTION 3005.** 146.55 (5) of the statutes is amended to read:

11           146.55 (5) EMERGENCY MEDICAL TECHNICIAN TRAINING AND EXAMINATION AID. From  
12 the appropriation under s. 20.435 (~~1~~) (5) (rm), the department shall annually  
13 distribute funds to entities, including technical college districts, whose courses or  
14 instructional programs are approved by the department under s. 146.50 (9), to assist  
15 the entities in providing the training required for licensure and renewal of licensure  
16 as an emergency medical technician—basic under s. 146.50 (6), and to fund each  
17 examination administered by the entity for licensure or renewal of licensure as an  
18 emergency medical technician—basic under s. 146.50 (6) (a) 3. and (b) 1.

19           **SECTION 3006.** 146.57 (3) (a) of the statutes is amended to read:

20           146.57 (3) (a) The department shall implement a statewide poison control  
21 program. From the appropriation under s. 20.435 (~~1~~) (5) (ds), the department shall,  
22 if the requirement under par. (b) is met, distribute total funding of not more than  
23 \$187,500 in each fiscal year to supplement the operation of the program and to  
24 provide for the statewide collection and reporting of poison control data. The



**SENATE BILL 77****SECTION 3006**

1 department may, but need not, distribute all of the funds in each fiscal year to a single  
2 poison control center.

3 **SECTION 3007.** 146.58 (8) of the statutes is amended to read:

4 146.58 (8) Review the annual budget prepared by the department for the  
5 expenditures under s. 20.435 (1) ~~(5)~~ (5) (rm).

6 **SECTION 3008.** 146.70 (1) (f) of the statutes is amended to read:

7 146.70 (1) (f) "Public agency" means any ~~municipality~~ local governmental unit,  
8 as defined in s. 345.05 (1) (e) ~~(bg)~~, or any state agency which provides or is authorized  
9 by statute to provide fire fighting, law enforcement, ambulance, medical or other  
10 emergency services.

11 **SECTION 3009.** 146.81 (1) (hm) of the statutes is amended to read:

12 146.81 (1) (hm) A speech-language pathologist or audiologist licensed under  
13 subch. II of ch. 459 or a speech and language pathologist licensed by the department  
14 of education public instruction.

15 **SECTION 3010.** 146.82 (2) (a) 9. e. of the statutes is amended to read:

16 146.82 (2) (a) 9. e. The restrictions on information that is obtainable by staff  
17 members of the protection and advocacy agency or private, nonprofit corporation  
18 that are specified in subd. 9. c. and d. do not apply if the custodian of the record fails  
19 to promptly provide the name and address of the parent or guardian; if a complaint  
20 is received by the agency or nonprofit corporation about a patient, or if the agency  
21 or nonprofit corporation determines that there is probable cause to believe that the  
22 health or safety of the patient is in serious and immediate jeopardy, the agency or  
23 nonprofit corporation has made a good-faith effort to contact the parent or guardian  
24 upon receiving the name and address of the parent or guardian, the agency or  
25 nonprofit corporation has either been unable to contact the parent or guardian or has

**SENATE BILL 77****SECTION 3010**

1 offered assistance to the parent or guardian to resolve the situation and the parent  
2 or guardian has failed or refused to act on behalf of the patient; or if a complaint is  
3 received by the agency or nonprofit corporation about a patient or there is otherwise  
4 probable cause to believe that the patient has been subject to abuse or neglect by a  
5 parent or guardian; or if the patient is a minor whose custody has been transferred  
6 to a legal custodian, as defined in s. 48.02 (11) or for whom, the patient is unable by  
7 reason of his or her mental or physical condition to authorize the agency or nonprofit  
8 corporation to have access and the patient, if an adult, does not have a guardian  
9 appointed under s. 880.33 or, if a minor, has had appointed a guardian that is an  
10 agency of the state or a county has been appointed or does not have a parent, a  
11 guardian appointed under s. 48.831, a legal custodian, as defined in s. 48.02 (11), or  
12 a guardian appointed under s. 880.33.

13 **SECTION 3011.** 146.93 (1) (a) of the statutes is amended to read:

14 146.93 (1) (a) From the appropriation under s. 20.435 ~~(1)~~ (5) (gp), the  
15 department shall maintain a program for the provision of primary health care  
16 services based on the primary health care program in existence on June 30, 1987.  
17 The department may promulgate rules necessary to implement the program.

18 **SECTION 3012.** 146.99 of the statutes is amended to read:

19 **146.99 Assessments.** The department shall, within 90 days after the  
20 commencement of each fiscal year, estimate the total amount of expenditures and the  
21 department shall assess the estimated total amount under s. 20.435 ~~(1)~~ (5) (gp) to  
22 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross  
23 private-pay patient revenues during the hospital's most recently concluded entire  
24 fiscal year. Each hospital shall pay its assessment on or before December 1 for the

**SENATE BILL 77****SECTION 3012**

1 fiscal year. All payments of assessments shall be deposited in the appropriation  
2 under s. 20.435 (1) (5) (gp).

3 **SECTION 3013.** Chapter 149 (title) of the statutes is created to read:

4 **CHAPTER 149**

5 **MANDATORY HEALTH INSURANCE**

6 **RISK-SHARING PLAN**

7 **SECTION 3014.** 149.10 (2c) of the statutes is created to read:

8 149.10 (2c) "Commissioner" means the commissioner of insurance.

9 **SECTION 3015.** 149.10 (2m) of the statutes is created to read:

10 149.10 (2m) "Department" means the department of health and family  
11 services.

12 **SECTION 3016.** 149.10 (4c) of the statutes is created to read:

13 149.10 (4c) "Health maintenance organization" has the meaning given in s.  
14 609.01 (2).

15 **SECTION 3017.** 149.10 (4p) of the statutes is created to read:

16 149.10 (4p) (a) "Insurance" includes any of the following:

17 1. Risk distributing arrangements providing for compensation of damages or  
18 loss through the provision of services or benefits in kind rather than indemnity in  
19 money.

20 2. Contracts of guaranty or suretyship entered into by the guarantor or surety  
21 as a business and not as merely incidental to a business transaction.

22 3. Plans established and operated under ss. 185.981 to 185.985.

23 (b) "Insurance" does not include a continuing care contract, as defined in s.  
24 647.01 (2).

25 **SECTION 3018.** 149.10 (5m) of the statutes is created to read:

**SENATE BILL 77****SECTION 3018**

1           149.10 (5m) "Limited service health organization" has the meaning given in  
2 s. 609.01 (3).

3           **SECTION 3019.** 149.10 (8b) of the statutes is created to read:

4           149.10 (8b) "Plan administrator" means the fiscal agent specified under s.  
5 149.16.

6           **SECTION 3020.** 149.10 (8c) of the statutes is created to read:

7           149.10 (8c) "Policy" means any document other than a group certificate used  
8 to prescribe in writing the terms of an insurance contract, including endorsements  
9 and riders and service contracts issued by motor clubs.

10          **SECTION 3021.** 149.10 (8m) of the statutes is created to read:

11          149.10 (8m) "Preferred provider plan" has the meaning given in s. 609.01 (4).

12          **SECTION 3022.** 149.10 (8p) of the statutes is created to read:

13          149.10 (8p) "Premium" means any consideration for an insurance policy, and  
14 includes assessments, membership fees or other required contributions or  
15 consideration, however designated.

16          **SECTION 3023.** 149.10 (10) of the statutes is created to read:

17          149.10 (10) "Secretary" means the secretary of health and family services.

18          **SECTION 3024.** 149.10 (11) of the statutes is created to read:

19          149.10 (11) "State" means the same as in s. 990.01 (40) except that it also  
20 includes the Panama Canal Zone.

21          **SECTION 3025.** 149.12 (1c) of the statutes is created to read:

22          149.12 (1c) For purposes of s. 149.135, the department shall notify the  
23 commissioner whenever a person is certified as eligible and obtains coverage under  
24 the plan as a result of receiving a notice under sub. (1) (am), (b) or (c).

25          **SECTION 3026.** 149.14 (4m) of the statutes is created to read:

**SENATE BILL 77****SECTION 3026**

1           149.14 (4m) ALLOWABLE CHARGE IS PAYMENT IN FULL. The provider of a covered  
2           service or article under sub. (3) shall accept as payment in full for the covered service  
3           or article the allowable charge paid under the medical assistance program under ss.  
4           49.45 to 49.47 and may not impose a charge or receive payment from an eligible  
5           person for the covered service or article in excess of the allowable charge paid under  
6           the medical assistance program under ss. 49.45 to 49.47.

7           **SECTION 3027.** 149.14 (4s) of the statutes is created to read:

8           149.14 (4s) ADDITIONAL COVERAGE BY RULE. The plan shall provide coverage for  
9           any services specified in s. 619.14 (3) (c) 1., 1995 stats., that are not specified in sub.  
10          (3) (c) 1. The department shall, by rule, define the coverage required under this  
11          subsection and develop a methodology for providing the coverage consistent with the  
12          methodology used for payment of allowable charges under the medical assistance  
13          program under ss. 49.45 to 49.47.

14          **SECTION 3028.** 149.14 (6) of the statutes is created to read:

15          149.14 (6) TIMELY PAYMENT. The department shall ensure timely payment of  
16          benefits under the plan according to the procedures established by the department  
17          for the payment of allowable charges under the medical assistance program under  
18          ss. 49.45 to 49.47.

19          **SECTION 3029.** 149.15 (3) (e) of the statutes is created to read:

20          149.15 (3) (e) Under the direction of the department and in consultation with  
21          the office of the commissioner, develop an alternative plan for eligible persons.

22          **SECTION 3030.** 149.16 (title) of the statutes is created to read:

23          **149.16 (title) Plan administrator.**

24          **SECTION 3031.** 149.16 (1) of the statutes is created to read:

25          149.16 (1) The fiscal agent under s. 49.45 (2) (b) 2. shall administer the plan.

**SENATE BILL 77****SECTION 3032**

1           **SECTION 3032.** 149.168 of the statutes is created to read:

2           **149.168 Recovery of subsidies from estates.** (1) (a) Unless already  
3 recovered by the department, the department shall file a claim against the estate of  
4 an eligible person who had coverage under the plan or against the estate of the  
5 surviving spouse of an eligible person who had coverage under the plan for the  
6 amount of any subsidies paid from the appropriation account under s. 20.435 (5) (ah)  
7 on behalf of the eligible person to reduce a deductible under s. 149.14 (5) (a), or to  
8 reduce a premium under s. 149.165.

9           (b) The court shall reduce the amount of a claim under par. (a) by up to \$3,000  
10 if necessary to allow the eligible person's heirs or the beneficiaries of the eligible  
11 person's will to retain the following personal property:

- 12           1. The decedent's wearing apparel and jewelry held for personal use.
- 13           2. Household furniture, furnishings and appliances.
- 14           3. Other tangible personal property not used in trade, agriculture or other  
15 business, not to exceed \$1,000 in value.

16           **(2)** A claim under par. (a) is not allowable if the decedent has a surviving child  
17 who is under 21 years of age or disabled or a surviving spouse.

18           **(3)** The department may file a claim and recover amounts under this section  
19 only for subsidies paid on or after January 1, 1998, with respect to an eligible person  
20 who dies after March 15, 1998.

21           **(4)** The department may waive the application of this section in a particular  
22 case if the department determines, according to standards established by rule, that  
23 the application of this section would work an undue hardship in that particular case.

24           **(5)** The department shall deposit all moneys recovered under this section in the  
25 appropriation account under s. 20.435 (5) (g).

**SENATE BILL 77****SECTION 3033**

1           **SECTION 3033.** 150.21 (1) of the statutes is amended to read:

2           150.21 (1) The construction ~~or total replacement~~ of a new nursing home.

3           **SECTION 3034.** 150.21 (3) of the statutes is amended to read:

4           150.21 (3) A capital expenditure, other than a renovation or replacement, that  
5 exceeds \$1,000,000 by or on behalf of a nursing home.

6           **SECTION 3035.** 150.21 (4) of the statutes is amended to read:

7           150.21 (4) An expenditure, other than a renovation or replacement, that  
8 exceeds \$600,000 for clinical equipment by or on behalf of a nursing home.

9           **SECTION 3036.** 150.31 (5t) of the statutes is created to read:

10           150.31 (5t) The department shall decrease the statewide bed limits specified  
11 in sub. (1) to account for any reduction in the licensed bed capacity of a nursing home  
12 that has relinquished use of a bed, as specified in s. 49.45 (6m) (ap) 4.

13           **SECTION 3037.** 150.35 (3m) (a) 3. of the statutes is amended to read:

14           150.35 (3m) (a) 3. All applications for activities that are specified in s. 150.21  
15 (3), ~~that are renovations with capital expenditures which do not exceed \$1,500,000~~  
16 ~~and that do not include additions, the replacement of a nursing home or an increase~~  
17 ~~in the bed capacity of a nursing home.~~

18           **SECTION 3038.** 150.39 (2) of the statutes is amended to read:

19           150.39 (2) The cost of ~~renovating or~~ providing an equal number of nursing home  
20 beds or of an equal expansion would be consistent with the cost at similar nursing  
21 homes, and the applicant's per diem rates would be consistent with those of similar  
22 nursing homes.

23           **SECTION 3039.** Subchapter VI of chapter 150 [precedes 150.93] of the statutes  
24 is repealed.

**SENATE BILL 77****SECTION 3040**

1           **SECTION 3040.** Subchapter VII of chapter 150 [precedes 150.94] of the statutes  
2 is repealed.

3           **SECTION 3041.** 153.01 (4) of the statutes is created to read:

4           153.01 (4) "Department" means the department of health and family services.

5           **SECTION 3042.** 153.01 (4m) of the statutes is repealed.

6           **SECTION 3043.** 153.01 (6) of the statutes is repealed.

7           **SECTION 3044.** 153.05 (1) (c) 1. of the statutes is amended to read:

8           153.05 (1) (c) 1. Identification of charges in each hospital's most recent entire  
9 fiscal year for up to 100 charge elements, as selected by the office department, and  
10 identification of the increase or decrease in charges for each of these charge elements  
11 from amounts charged during the hospital's entire fiscal year that is nearest in time  
12 to the hospital's most recent entire fiscal year.

13           **SECTION 3045.** 153.05 (1) (e) of the statutes is amended to read:

14           153.05 (1) (e) Final audited financial statements of hospitals that include, for  
15 a hospital's most recent entire fiscal year, as dollar amounts, the amounts of revenue  
16 and expenditures for the hospital, in categories specified in rules promulgated by the  
17 commissioner department.

18           **SECTION 3046.** 153.05 (2) of the statutes is amended to read:

19           153.05 (2) The office department shall provide copies of reports published  
20 under ss. 153.10 to 153.35 at no charge to hospitals assessed under s. 153.60 (1) and,  
21 if assessed, at no charge to ambulatory surgery centers assessed under s. 153.60 (2).  
22 The office department shall provide copies of the reports to any person, upon the  
23 person's request, and the board shall advise the office department as to whether the  
24 copies shall be provided at no charge or at a charge not to exceed the cost of printing,  
25 copying and mailing the report to the person.



**SENATE BILL 77****SECTION 3047**

1           **SECTION 3047.** 153.05 (3) of the statutes is amended to read:

2           153.05 (3) Upon request of the ~~office~~ department, state agencies shall provide  
3 health care information to the ~~office~~ department for use in preparing reports under  
4 ss. 153.10 to 153.35.

5           **SECTION 3048.** 153.05 (4) of the statutes is amended to read:

6           153.05 (4) (a) The ~~office~~ department, under rules promulgated by the  
7 ~~commissioner~~ department, shall require hospitals to use, and private-pay patients  
8 and payers who are insurers to accept, uniform patient billing forms, shall require  
9 hospitals to submit to the ~~office~~ department the information provided on the billing  
10 forms, including, for an injury, the external cause of the event, and may require  
11 payers who are insurers to use a standard set of definitions for base data reporting  
12 under a uniform patient billing form.

13           (b) The ~~office~~ department, under rules promulgated by the ~~commissioner~~  
14 department, may require ambulatory surgery centers to use uniform patient billing  
15 forms and other information, and, if so requiring, shall require ambulatory surgery  
16 centers to submit to the ~~office~~ department the information provided on the billing  
17 forms, including, for an injury, the external cause of the event, using a standard set  
18 of definitions for base data reporting.

19           **SECTION 3049.** 153.05 (5) of the statutes is amended to read:

20           153.05 (5) The ~~office~~ department:

21           (a) Shall require hospitals to submit information regarding medical  
22 malpractice, staffing levels and patient case-mix, and expenditures related to labor  
23 relations consultants, as specified by the ~~office~~ department.

24           (b) May require hospitals to submit to the ~~office~~ department information from  
25 sources identified under sub. (1) (a) to (e) that the ~~office~~ department deems necessary

**SENATE BILL 77****SECTION 3049**

1 for the preparation of reports, plans and recommendations under ss. 153.10 to 153.35  
2 and any other reports required of the office department in the form specified by the  
3 office department.

4 (bm) Shall require a hospital to submit to the office department information  
5 from sources identified under sub. (1) (e) by the date that is 4 months following the  
6 close of the hospital's fiscal year unless the office department grants an extension of  
7 time to file the information.

8 **SECTION 3050.** 153.05 (6) of the statutes is amended to read:

9 153.05 (6) If the requirements of s. 153.07 (2) are first met, the office  
10 department may contract with a public or private entity that is not a major  
11 purchaser, payer or provider of health care services in this state for the provision of  
12 data processing services for the collection, analysis and dissemination of health care  
13 information under sub. (1) or the department of ~~health and family services~~ shall  
14 provide the services under s. 153.07 (2).

15 **SECTION 3051.** 153.05 (6m) of the statutes is amended to read:

16 153.05 (6m) If the requirements of s. 153.07 (2) are first met, the office  
17 department may contract with the group insurance board for the provision of data  
18 collection and analysis services related to health maintenance organizations and  
19 insurance companies that provide health insurance for state employees or the  
20 ~~commissioner~~ department shall provide the services under s. 153.07 (2). The office  
21 department shall establish contract fees for the provision of the services. All moneys  
22 collected under this subsection shall be credited to the appropriation under s. ~~20.145~~  
23 ~~(8)~~ 20.435 (1) (kx).

24 **SECTION 3052.** 153.05 (7) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3052**

1           153.05 (7) The ~~office~~ department may require each insurer authorized to write  
2           disability insurance to submit to the ~~office~~ department information obtained on  
3           uniform patient billing forms regarding reported claims for health care services  
4           which insureds who are residents of this state obtain in another state.

5           **SECTION 3053.** 153.05 (8) of the statutes is amended to read:

6           153.05 (8) Beginning April 1, 1992, the ~~office~~ department shall collect, analyze  
7           and disseminate, in language that is understandable to lay persons, health care  
8           information under the provisions of this chapter, as determined by rules  
9           promulgated by the ~~commissioner~~ department, from health care providers, as  
10          defined by rules promulgated by the ~~commissioner~~ department, other than hospitals  
11          and ambulatory surgery centers. Data from physicians shall be obtained through  
12          sampling techniques in lieu of collection of data on all patient encounters and data  
13          collection procedures shall minimize unnecessary duplication and administrative  
14          burdens.

15          **SECTION 3054.** 153.05 (9) of the statutes is amended to read:

16          153.05 (9) The ~~office~~ department shall provide orientation and training to  
17          physicians, hospital personnel and other health care providers to explain the process  
18          of data collection and analysis and the procedures for data verification,  
19          interpretation and release.

20          **SECTION 3055.** 153.05 (11) of the statutes is amended to read:

21          153.05 (11) In order to elicit public comment concerning the reports required  
22          under ss. 153.10 to 153.35, the ~~office~~ department shall, following the release of the  
23          reports and by a date that is determined by the board, provide notice of and hold  
24          public hearings.

25          **SECTION 3056.** 153.05 (12) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3056**

1           153.05 (12) The ~~office~~ department shall, to the extent possible and upon  
2 request, assist members of the public in interpreting data in health care information  
3 disseminated by the ~~office~~ department.

4           **SECTION 3057.** 153.07 (1) of the statutes is amended to read:

5           153.07 (1) The board shall advise the director of the ~~office~~ department with  
6 regard to the collection, analysis and dissemination of health care information  
7 required by this chapter.

8           **SECTION 3058.** 153.07 (2) of the statutes is amended to read:

9           153.07 (2) The board, upon advice of the ~~office~~ department, shall first  
10 determine whether to contract for services pursuant to s. 153.05 (6) or (6m). If the  
11 board determines to contract for such services, it shall approve specifications for a  
12 contract including the length of the contract and the standards for determining  
13 potential contractor conflicts with the purposes of the ~~office~~ department as specified  
14 under s. 153.05 (1). In the alternative, the board may direct the ~~office to have the~~  
15 ~~department of health and family services~~ department to provide the services under  
16 s. 153.05 (6) or (6m). The board may subsequently determine to contract for these  
17 services in subsequent years. If the board decides to bid the contract for services  
18 under s. 153.05 (6) or (6m), the ~~department of health and family services~~ may offer  
19 a bid as would any other potential contractor. The board shall evaluate a contractor's  
20 performance 6 months prior to the close of each existing contract.

21           **SECTION 3059.** 153.07 (3) of the statutes is amended to read:

22           153.07 (3) The board shall approve all rules which are proposed by the  
23 ~~commissioner~~ department for promulgation to implement this chapter.

24           **SECTION 3060.** 153.08 (2) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3060**

1           153.08 (2) (b) No sooner than 15 days after a notice is published under par. (a)  
2           and no later than 15 days before the date of the proposed rate change, conducts a  
3           public hearing on the proposed rate change. The hearing shall be on the expected  
4           impact of the proposed rate change on health care costs, the expected improvement,  
5           if any, in the local health care delivery system, and any other issue related to the  
6           proposed rate change. Management staff, if any, of the hospital proposing the rate  
7           change and, if possible, at least 3 members of the governing board of any  
8           not-for-profit hospital proposing the rate change shall attend the public hearing to  
9           review public testimony. The hospital shall record accurate minutes of the meeting  
10          and shall provide copies of the minutes and any written testimony presented at the  
11          hearing to the ~~office of health care information in the office of the commissioner of~~  
12          insurance department within 10 days after the date of the public hearing.

13           **SECTION 3061.** 153.10 (1) of the statutes is amended to read:

14           153.10 (1) Beginning in 1990 and quarterly thereafter, the ~~office~~ department  
15          shall prepare and submit to the governor and the chief clerk of each house of the  
16          legislature for distribution to the legislature under s. 13.172 (2), in a manner that  
17          permits comparisons among hospitals, a report setting forth all of the following for  
18          every hospital for the preceding quarter:

19           (a) The charges for up to 100 health care services or diagnostic-related groups  
20          selected by the ~~office~~ department.

21           (b) The utilization and charge information for ambulatory surgery and other  
22          outpatient health care services selected by the ~~office~~ department.

23           **SECTION 3062.** 153.15 of the statutes is amended to read:

24           **153.15 Small area analysis reports.** Beginning in 1990 and annually  
25          thereafter, the ~~office~~ department shall prepare and submit to the governor and the

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1 chief clerk of each house of the legislature for distribution to the legislature under  
2 s. 13.172 (2) reports identifying health care services or procedures provided by one  
3 or more hospitals in specific areas of the state for which the rate of utilization of the  
4 service or procedure is significantly different than the state or area average.

5 **SECTION 3063.** 153.20 of the statutes is amended to read:

6 **153.20 Uncompensated health care services report.** (1) Beginning in  
7 1990 and annually thereafter, the ~~office~~ department shall prepare and submit to the  
8 governor and to the chief clerk of each house of the legislature for distribution to the  
9 legislature under s. 13.172 (2) a report setting forth the number of patients to whom  
10 uncompensated health care services were provided by each hospital and the total  
11 charges for the uncompensated health care services provided to the patients for the  
12 preceding year, together with the number of patients and the total charges that were  
13 projected by the hospital for that year in the plan filed under sub. (2).

14 (2) Beginning in 1990 and annually thereafter, every hospital shall file with  
15 the ~~office~~ department a plan setting forth the projected number of patients to whom  
16 uncompensated health care services will be provided by the hospital and the  
17 projected total charges for the uncompensated health care services to be provided to  
18 the patients for the ensuing year.

19 **SECTION 3064.** 153.25 of the statutes is amended to read:

20 **153.25 Mortality and morbidity report.** Beginning in 1990 and annually  
21 thereafter, the ~~office~~ department shall prepare and submit to the governor and to the  
22 chief clerk of each house of the legislature for distribution to the legislature under  
23 s. 13.172 (2) reports setting forth mortality and morbidity rates for every hospital.  
24 Before the release of a report under this section, the ~~office~~ department shall provide

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1 the physicians, hospitals or other health care providers identified in the report with  
2 the opportunity to review and comment under s. 153.40 (6).

3 **SECTION 3065.** 153.30 of the statutes is amended to read:

4 **153.30 Health care insurance report.** Beginning in 1990 and annually  
5 thereafter, the ~~office~~ department and the office of the commissioner of insurance may  
6 jointly prepare and submit to the governor, and to the legislature under s. 13.172 (2),  
7 a report specifying, to the extent possible, on a regional basis, the number, nature of  
8 coverage and costs of health care coverage plans covering residents of this state  
9 during the preceding year.

10 **SECTION 3066.** 153.35 (intro.) of the statutes is amended to read:

11 **153.35 (title) Report by the office department.** (intro.) The ~~office~~  
12 department shall annually, by October 1, under rules promulgated by the  
13 ~~commissioner~~ department, submit under s. 13.172 (3) a report to the legislature for  
14 distribution to standing committees with jurisdiction over health matters, that shall  
15 include all of the following:

16 **SECTION 3067.** 153.35 (1) of the statutes is amended to read:

17 153.35 (1) The range, median and mean of charges and increases or decreases  
18 in specific charges by hospitals for up to 100 charge elements, as selected by the ~~office~~  
19 department, as reported to the ~~office~~ department under s. 153.05 (1) (c) 1.

20 **SECTION 3068.** 153.40 (1) of the statutes is amended to read:

21 153.40 (1) Prior to data submission, hospitals, ambulatory surgery centers or  
22 other health care providers shall review discharge data for accuracy and shall obtain  
23 verification by the physician of the principal and secondary diagnoses and primary  
24 and secondary procedures. The verification shall occur within the time specified by  
25 rules promulgated by the ~~commissioner~~ department for data submission to the ~~office~~

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1 department. If the verification is not made on a timely basis, the hospital or other  
2 health care provider shall submit the data noting the lack of verification.

3 **SECTION 3069.** 153.40 (2) of the statutes is amended to read:

4 153.40 (2) The ~~office~~ department shall be responsible for assuring that  
5 appropriate editing is conducted for all submitted data to identify systematic errors,  
6 missing data, values beyond an allowed range, illegal codes within a range, illogical  
7 sequence of dates, diagnoses and procedures inconsistent with age and sex, other  
8 data failing internal consistency checks and other patterns inconsistent with what  
9 would be expected. The ~~office~~ department shall notify hospitals, ambulatory surgery  
10 centers or, beginning April 1, 1992, other health care providers of missing or incorrect  
11 information under this subsection.

12 **SECTION 3070.** 153.40 (3) of the statutes is amended to read:

13 153.40 (3) Hospitals, ambulatory surgery centers or, beginning April 1, 1992,  
14 other health care providers shall be responsible for resolving the errors found by the  
15 editing under sub. (2) and shall resubmit corrected data within 10 working days after  
16 receiving written notification from the ~~office~~ department of the errors.

17 **SECTION 3071.** 153.40 (4) of the statutes is amended to read:

18 153.40 (4) The ~~office~~ department shall send edited and corrected data to  
19 hospitals, ambulatory surgery centers or, beginning April 1, 1992, other health care  
20 providers for a 10-working-day review period before the data are released.

21 **SECTION 3072.** 153.40 (5) of the statutes is amended to read:

22 153.40 (5) The ~~office~~ department may, by rules promulgated by the  
23 ~~commissioner~~ department, require that other forms of data verification, including  
24 reabstracting studies and comparisons with information collected from other data  
25 systems, be conducted prior to the release of physician-specific data.



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1           **SECTION 3073.** 153.40 (6) of the statutes is amended to read:

2           153.40 (6) At least 30 calendar days prior to the release of a report under s.  
3           153.25, the office department shall notify a physician, hospital or other health care  
4           provider identified in the report of the office's department's intent to release the  
5           report. The notification shall include a copy of the draft report and a statement that  
6           those identified may submit comments on the report to the office department. If the  
7           office department receives comments prior to the release of the report, the office  
8           department shall append the comments to the report. If the office department  
9           receives comments after the report is released, the office department shall make the  
10          comments available to anyone requesting the comments.

11          **SECTION 3074.** 153.45 (1) (intro.) of the statutes is amended to read:

12          153.45 (1) (intro.) After completion of data verification and review procedures  
13          under s. 153.40, the office department shall release data in the following forms:

14          **SECTION 3075.** 153.45 (1) (b) of the statutes is amended to read:

15          153.45 (1) (b) Public use tapes which do not permit the identification of specific  
16          patients, physicians, employers or other health care providers, as defined by rules  
17          promulgated by the ~~commissioner~~ department. The identification of these groups  
18          shall be protected by all necessary means, including the deletion of patient  
19          identifiers and the use of calculated variables and aggregated variables.

20          **SECTION 3076.** 153.45 (2) of the statutes is amended to read:

21          153.45 (2) The office department shall provide to other entities the data  
22          necessary to fulfill their statutory mandates for epidemiological purposes or to  
23          minimize the duplicate collection of similar data elements.

24          **SECTION 3077.** 153.45 (3) of the statutes is amended to read:

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1           153.45 (3) The ~~office~~ department shall release physician-specific and  
2 employer-specific data, except in public use tapes as specified under sub. (1) (b), in  
3 a manner that is specified in rules promulgated by the ~~commissioner~~ department.

4           **SECTION 3078.** 153.50 of the statutes is amended to read:

5           **153.50 Protection of patient confidentiality.** Patient-identifiable data  
6 obtained under this chapter and contained in the discharge data base of the ~~office~~  
7 department is not subject to inspection, copying or receipt under s. 19.35 (1) and may  
8 not be released by the ~~office~~ department, except to the patient or to a person granted  
9 permission for release by the patient and except that a hospital, a physician, or the  
10 agent of a hospital or physician ~~or the commissioner~~ may have access to  
11 patient-identifiable data to ensure the accuracy of the information in the discharge  
12 data base. ~~The department of health and family services may have access to the~~  
13 ~~discharge data base for the purposes of completing epidemiological reports and~~  
14 ~~eliminating the need to maintain a data base that duplicates that of the office, if the~~  
15 ~~department of health and family services does not release or otherwise provide~~  
16 ~~access to the patient-identifiable data.~~

17           **SECTION 3079.** 153.60 (title) of the statutes is amended to read:

18           **153.60 (title) Assessments to fund operations of office department and**  
19 **board.**

20           **SECTION 3080.** 153.60 (1) of the statutes is amended to read:

21           153.60 (1) The ~~office~~ department shall, by the first October 1 after the  
22 commencement of each fiscal year, estimate the total amount of expenditures under  
23 this chapter for the ~~office~~ department and the board for that fiscal year. The ~~office~~  
24 department shall assess the estimated total amount for that fiscal year less the  
25 estimated total amount to be received under s. ~~20.145 (8) (hi), (hj), (kx) and (mr)~~

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1 20.435 (1) (hi) during the fiscal year and the unencumbered ~~balances~~ balance of the  
2 amounts amount received under s. ~~20.145 (8) (hi), (hj) and (mr)~~ 20.435 (1) (hi) from  
3 the prior fiscal year, to hospitals in proportion to each hospital's respective gross  
4 private-pay patient revenues during the hospital's most recently concluded entire  
5 fiscal year. Each hospital shall pay the assessment on or before December 1. All  
6 payments of assessments shall be deposited in the appropriation under s. ~~20.145 (8)~~  
7 20.435 (1) (hg).

8 **SECTION 3081.** 153.60 (2) of the statutes is amended to read:

9 153.60 (2) The ~~office~~ department may assess ambulatory surgery centers under  
10 this section, using as the basis for individual ambulatory surgery center assessments  
11 the methods and criteria promulgated by rule by the ~~commissioner~~ department  
12 under s. 153.75 (1) (k).

13 **SECTION 3082.** 153.65 of the statutes is amended to read:

14 **153.65 Provision of special information; user fees.** The ~~office~~ department  
15 may provide, upon request from a person, a data compilation or a special report based  
16 on the information collected by the ~~office~~ department under s. 153.05 (1), (3), (4) (b),  
17 (5), (7) or (8) or 153.08. The ~~office~~ department shall establish user fees for the  
18 provision of these compilations or reports, payable by the requester, which shall be  
19 sufficient to fund the actual necessary and direct cost of the compilation or report.  
20 All moneys collected under this section shall be credited to the appropriation under  
21 s. ~~20.145 (8)~~ 20.435 (1) (hi).

22 **SECTION 3083.** 153.75 (1) (intro.) of the statutes is amended to read:

23 153.75 (1) (intro.) Following approval by the board, the ~~commissioner~~  
24 department shall promulgate the following rules:

25 **SECTION 3084.** 153.75 (1) (b) of the statutes is amended to read:

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1           153.75 (1) (b) Establishing procedures under which hospitals and health care  
2 providers are permitted to review and verify patient-related information prior to its  
3 submission to the ~~office~~ department.

4           **SECTION 3085.** 153.75 (2) (intro.) of the statutes is amended to read:

5           153.75 (2) (intro.) With the approval of the board, the ~~commissioner~~  
6 department may promulgate all of the following rules:

7           **SECTION 3086.** 153.75 (2) (c) of the statutes is amended to read:

8           153.75 (2) (c) Providing for the efficient collection, analysis and dissemination  
9 of health care information which the ~~office~~ department may require under this  
10 chapter.

11          **SECTION 3087.** 153.90 (3) of the statutes is amended to read:

12          153.90 (3) The ~~commissioner~~ department may directly assess forfeitures under  
13 sub. (2). If the ~~commissioner~~ department determines that a forfeiture should be  
14 assessed for a particular violation or for failure to correct the violation, the  
15 ~~commissioner~~ department shall send a notice of assessment to the alleged violator.  
16 The notice shall specify the alleged violation of the statute or rule and the amount  
17 of the forfeiture assessed and shall inform the alleged violator of the right to contest  
18 the assessment under s. 227.44.

19          **SECTION 3088.** 157.06 (1) (j) and (k) of the statutes are created to read:

20          157.06 (1) (j) "Technician" means an individual who is appropriately trained  
21 to remove or process tissue or bone while under the direction or supervision of a  
22 physician.

23          (k) "Tissue" includes all of the following:

- 24           1. Skin.
- 25           2. Connective tissue, including tendons and ligaments.

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1           3. Cardiovascular tissue, including valves, blood vessels and pericardium, that  
2 is not suitable for use for cardiovascular organ transplantation.

3           **SECTION 3089.** 157.06 (2) (d) of the statutes is amended to read:

4           157.06 (2) (d) A document of gift may designate a particular physician to carry  
5 out the appropriate procedures. In the absence of a designation or if the designee is  
6 not available, the donee or other person authorized to accept the anatomical gift may  
7 employ or authorize any physician, technician or enucleator to carry out the  
8 appropriate procedures.

9           **SECTION 3090.** 157.06 (4) (a) 4. of the statutes is renumbered 157.06 (4) (a) 4.  
10 (intro.) and amended to read:

11           157.06 (4) (a) 4. (intro.) The removal will be by a physician, except ~~that in~~ for  
12 the following:

13           a. In the case of eyes, the removal may be by a physician or by an enucleator.

14           **SECTION 3091.** 157.06 (4) (a) 4. b. of the statutes is created to read:

15           157.06 (4) (a) 4. b. In the case of tissue or bone, the removal may be by a  
16 physician or by a technician.

17           **SECTION 3092.** 157.06 (8) (c) of the statutes is amended to read:

18           157.06 (8) (c) If there has been an anatomical gift, a physician may remove any  
19 donated parts of the body, a technician may remove any donated tissue or bone and  
20 an enucleator may remove any donated eyes or parts of eyes, after determination of  
21 death by a physician. Any individual acting under the direction of a physician and  
22 any funeral director licensed under ch. 445 may perform the functions of an  
23 enucleator under this section if he or she has completed a course in eye enucleation  
24 and holds a valid certification of competence from a medical college approved by the

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1 medical examining board under s. 448.05 (2). A certificate of competence shall be  
2 valid for 3 years.

3 **SECTION 3093.** 157.62 (2) (c) of the statutes is amended to read:

4 157.62 (2) (c) All records relating to accounting of trust funds described under  
5 par. (b) 3. to 7. and maintained by the department are confidential and are not  
6 available for inspection or copying under s. 19.35 (1). This paragraph does not apply  
7 to any information requested by the department of industry, labor and job  
8 development under s. 49.22 (2m).

9 **SECTION 3094.** 165.25 (3r) of the statutes is amended to read:

10 165.25 (3r) AVOID CONFLICT OF INTEREST. Require that attorneys in different  
11 organizational subunits in the department prosecute violations of chs. ~~561~~ 562 to 569  
12 or Indian gaming compacts entered into under s. 14.035 and defend any department,  
13 agency, official, employe or agent under subs. (1), (4) (a) and (6).

14 **SECTION 3095.** 165.25 (6) (a) of the statutes is amended to read:

15 165.25 (6) (a) At the request of the head of any department of state government,  
16 the attorney general may appear for and defend any state department, or any state  
17 officer, employe or agent of the department in any civil action or other matter brought  
18 before a court or an administrative agency which is brought against the state  
19 department, or officer, employe or agent for or on account of any act growing out of  
20 or committed in the lawful course of an officer's, employe's or agent's duties. Witness  
21 fees or other expenses determined by the attorney general to be reasonable and  
22 necessary to the defense in the action or proceeding shall be paid as provided for in  
23 s. 885.07. The attorney general, with the the approval of the department of  
24 administration, may compromise and settle the action as the attorney general  
25 determines to be in the best interest of the state. Members, officers and employes

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1 of the Wisconsin state agencies building corporation and the Wisconsin state public  
2 building corporation are covered by this section. Members of the board of governors  
3 created under s. 619.04 (3), members of a committee or subcommittee of that board  
4 of governors, members of the patients compensation fund peer review council created  
5 under s. 655.275 (2) and persons consulting with that council under s. 655.275 (5) (b)  
6 are covered by this section with respect to actions, claims or other matters arising  
7 before, on or after April 25, 1990. The attorney general, with the the approval of the  
8 department of administration, may compromise and settle claims asserted before  
9 such actions or matters formally are brought or may delegate such authority to the  
10 department of administration. This paragraph may not be construed as a consent  
11 to sue the state or any department thereof or as a waiver of state sovereign immunity.

12 **SECTION 3096.** 165.25 (6) (d) of the statutes is created to read:

13 165.25 (6) (d) Students enrolled in a public or private institution of higher  
14 education and who are under the direct supervision of a health care provider, as  
15 defined in s. 146.81 (1), are covered by this section and shall be considered agents of  
16 the department of health and family services for purposes of determining which  
17 agency head may request the attorney general to appear and defend them. This  
18 paragraph only applies to students providing health care services to prisoners  
19 incarcerated in a state prison described under s. 302.01 pursuant to a contract  
20 between a state agency, as defined in s. 20.001 (1), and a public or private institution  
21 of higher education.

22 **SECTION 3097.** 165.70 (3m) of the statutes is amended to read:

23 165.70 (3m) The attorney general shall establish a separate bureau in the  
24 division of criminal investigation in which all of the department's gaming law  
25 enforcement responsibilities under chs. ~~561~~ 562 to 569 and 945 shall be performed.

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1           **SECTION 3098.** 165.72 (6) of the statutes is amended to read:

2           165.72 (6) RECORDS. The department may withhold any record under this  
3 section from inspection or copying under s. 19.35. The department shall provide  
4 information from any record under this section in response to a request for  
5 information made under s. 49.22 (2m).

6           **SECTION 3099.** 165.72 (7) of the statutes is amended to read:

7           165.72 (7) PUBLICITY. The department shall cooperate with the department of  
8 education public instruction in publicizing, in public schools, the use of the toll-free  
9 telephone number under sub. (2).

10          **SECTION 3100.** 165.755 of the statutes is created to read:

11          **165.755 Crime laboratories assessment. (1)** (a) Except as provided in par.  
12 (b), beginning on January 1, 1998, a court shall impose a crime laboratories  
13 assessment of \$4 if the court imposes a sentence, places a person on probation or  
14 imposes a forfeiture for a violation of state law or for a violation of a municipal or  
15 county ordinance.

16          (b) A court may not impose the crime laboratories assessment under par. (a) for  
17 a violation of s. 101.123 (2) (a), (am) 1. or (bm) or (5) (b) or for a violation of a state  
18 law or municipal or county ordinance involving a nonmoving traffic violation or a  
19 safety belt use violation under s. 347.48 (2m).

20          **(2)** If the court under sub. (1) (a) imposes a sentence or forfeiture for multiple  
21 offenses or places a person on probation for multiple offenses, a separate crime  
22 laboratories assessment shall be imposed for each separate offense.

23          **(3)** Except as provided in sub. (4), after the court determines the amount due  
24 under sub. (1) (a), the clerk of the court shall collect and transmit the amount to the



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1 county treasurer under s. 59.40 (2) (m). The county treasurer shall then make  
2 payment to the state treasurer under s. 59.25 (3) (f) 2.

3 (4) If a municipal court imposes a forfeiture, after determining the amount due  
4 under sub. (1) (a) the court shall collect and transmit such amount to the treasurer  
5 of the county, city, town or village, and that treasurer shall make payment to the state  
6 treasurer as provided in s. 66.12 (1) (b).

7 (5) If any deposit of bail is made for a noncriminal offense to which sub. (1) (a)  
8 applies, the person making the deposit shall also deposit a sufficient amount to  
9 include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is forfeited,  
10 the amount of the assessment under sub. (1) (a) shall be transmitted monthly to the  
11 state treasurer under this section. If bail is returned, the assessment shall also be  
12 returned.

13 (6) If an inmate in a state prison or a person sentenced to a state prison has  
14 not paid the crime laboratories assessment under sub. (1) (a), the department shall  
15 assess and collect the amount owed from the inmate's wages or other moneys. Any  
16 amount collected shall be transmitted to the state treasurer.

17 (7) All moneys collected from crime laboratories assessments under this  
18 section shall be deposited by the state treasurer and used as specified in s. 20.455 (2)  
19 (kd) and (Lm).

20 **SECTION 3101.** 165.76 (1) (a) of the statutes is amended to read:

21 165.76 (1) (a) Is in prison or a secured correctional facility, as defined in s.  
22 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on  
23 probation, community supervision, parole, supervision or aftercare supervision on  
24 or after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or  
25 948.025.

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1           **SECTION 3102.** 165.76 (1) (e) of the statutes is amended to read:

2           165.76 (1) (e) Is on parole, community supervision or probation in this state  
3 from another state under s. 304.13 or 304.135 on or after July 9, 1996, for a violation  
4 of the law of another state that the department of corrections determines, under s.  
5 304.137, is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or  
6 948.025.

7           **SECTION 3103.** 165.76 (2) (b) 1. of the statutes is amended to read:

8           165.76 (2) (b) 1. If the person has been placed on probation or supervision, he  
9 or she shall provide the specimen under par. (a) at the office of a county sheriff as soon  
10 after the placement as practicable, as directed by his or her probation, community  
11 supervision and parole agent or, if a child, the agency providing supervision for the  
12 child.

13           **SECTION 3104.** 165.76 (2) (b) 2. of the statutes is amended to read:

14           165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured  
15 correctional facility or a secured child caring institution, he or she shall provide the  
16 specimen under par. (a) at the office of a county sheriff as soon as practicable after  
17 release on parole, community supervision or aftercare supervision, as directed by his  
18 or her probation, community supervision and parole agent or aftercare agent, except  
19 that the department of corrections may require the person to provide the specimen  
20 while he or she is in prison or in a secured correctional facility or a secured child  
21 caring institution.

22           **SECTION 3105.** 165.76 (2) (b) 3m. of the statutes is amended to read:

23           165.76 (2) (b) 3m. If the person is on parole, community supervision or  
24 probation in this state from another state under s. 304.13 or 304.135, he or she shall  
25 provide the specimen under par. (a) at the office of a county sheriff as soon as

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1 practicable after entering this state, as directed by his or her probation, community  
2 supervision and parole agent.

3 **SECTION 3106.** 165.76 (2) (b) 5. of the statutes is amended to read:

4 165.76 (2) (b) 5. Notwithstanding subds. 1. to 3., for persons who are subject  
5 to sub. (1) and who are in prison, a secured correctional facility or a secured child  
6 caring institution or on probation, community supervision, parole, supervision or  
7 aftercare supervision on August 12, 1993, the departments of justice, corrections  
8 and health and family services shall cooperate to have these persons provide  
9 specimens under par. (a) before July 1, 1998.

10 **SECTION 3107.** 165.76 (2) (b) 6. of the statutes is amended to read:

11 165.76 (2) (b) 6. Notwithstanding subd. 3m., for a person who is subject to sub.  
12 (1) (e) and who is on parole, community supervision or probation in this state from  
13 another state on July 9, 1996, the department of justice and the department of  
14 corrections shall cooperate to have these persons provide specimens under par. (a)  
15 before July 1, 2000.

16 **SECTION 3108.** 165.77 (6) of the statutes is amended to read:

17 165.77 (6) Except as necessary to administer this section or as provided under  
18 the department's rules under sub. (8), the department shall deny access to any record  
19 kept under this section. The department shall provide information from any record  
20 kept under this section in response to a request for information made under s. 49.22  
21 (2m).

22 **SECTION 3109.** 165.8285 (1m) of the statutes is created to read:

23 165.8285 (1m) The department of justice shall, through the transaction  
24 information for management of enforcement system, provide correctional  
25 authorities, as defined in s. 301.47 (1) (a), and law enforcement agencies, as defined

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1 in s. 165.83 (1) (b), with access to the criminal gang data bank maintained by the  
2 department of corrections under s. 301.47. In addition, the department of justice  
3 shall, if requested to do so by the department of corrections, cooperate with the  
4 department of corrections in developing and using a computerized or direct  
5 electronic data transfer system other than the transaction information for  
6 management of enforcement system to provide access to the criminal gang data bank  
7 under s. 301.47.

8 **SECTION 3110.** 165.84 (5) of the statutes is amended to read:

9 165.84 (5) All persons in charge of law enforcement and tribal law enforcement  
10 agencies, all clerks of court, all municipal judges where they have no clerks, all  
11 persons in charge of state and county penal and correctional institutions, and all  
12 persons in charge of state and county probation, community supervision and parole  
13 offices, shall supply the department with the information described in s. 165.83 (2)  
14 (f) on the basis of the forms and instructions to be supplied by the department under  
15 s. 165.83 (2) (g).

16 **SECTION 3111.** 165.85 (3) (c) of the statutes is amended to read:

17 165.85 (3) (c) ~~Certify~~ Except as provided in the memorandum of understanding  
18 under sub. (3m) (a), certify persons as being qualified under this section to be law  
19 enforcement, tribal law enforcement, jail or secure detention officers. Prior to being  
20 certified under this paragraph, a tribal law enforcement officer shall agree to accept  
21 the duties of law enforcement officers under the laws of this state.

22 **SECTION 3112.** 165.85 (3) (cm) of the statutes is amended to read:

23 165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or  
24 secure detention officers who terminate employment or are terminated or, who  
25 violate or fail to comply with a rule or order of the board relating to curriculum or

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1 training or who fail to pay court-ordered payments of child or family support,  
2 maintenance, birth expenses, medical expenses or other expenses related to the  
3 support of a child or former spouse. The board shall establish procedures for  
4 decertification in compliance with ch. 227, except that decertification for failure to  
5 pay court-ordered payments of child or family support, maintenance, birth  
6 expenses, medical expenses or other expenses related to the support of a child or  
7 former spouse shall be governed by the memorandum of understanding under sub.  
8 (3m) (a).

9 **SECTION 3113.** 165.85 (3m) of the statutes is created to read:

10 165.85 **(3m)** DUTIES RELATING TO SUPPORT ENFORCEMENT. The board shall do all  
11 of the following:

12 (a) As provided in a memorandum of understanding entered into with the  
13 department of industry, labor and job development under s. 49.857, refuse  
14 certification to an individual who applies for certification under this section, refuse  
15 recertification to an individual certified under this section or decertify an individual  
16 certified under this section if the individual fails to pay court-ordered payments of  
17 child or family support, maintenance, birth expenses, medical expenses or other  
18 expenses related to the support of a child or former spouse.

19 (b) Request that an individual provide the board with his or her social security  
20 number when he or she applies for certification or recertification under this section.  
21 If an individual who is requested by the board to provide his or her social security  
22 number under this paragraph does not comply with the board's request, the board  
23 shall deny the individual's application for certification or recertification. The board  
24 may disclose a social security number provided by an individual under this  
25 paragraph only to the department of industry, labor and job development as provided

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1 in a memorandum of understanding entered into with the department of industry,  
2 labor and job development under s. 49.857.

3 **SECTION 3114.** 165.85 (4) (d) of the statutes is amended to read:

4 165.85 (4) (d) The Except as provided in the memorandum of understanding  
5 under sub. (3m) (a), the board shall issue a certificate evidencing satisfaction of the  
6 requirements of pars. (b), (bn) and (c) to any applicant who presents such evidence,  
7 as is required by its rules, of satisfactory completion of requirements equivalent in  
8 content and quality to those fixed by the board under the board's authority as set out  
9 in pars. (b), (bn) and (c).

10 **SECTION 3115.** 165.85 (4) (f) of the statutes is amended to read:

11 165.85 (4) (f) ~~In~~ Except as provided in the memorandum of understanding  
12 under sub. (3m) (a), and in addition to certification procedures under pars. (a) to (d),  
13 the board may certify any person as being a tribal law enforcement officer on the  
14 basis of the person's completion of the training requirements for law enforcement  
15 officer certification prior to May 6, 1994. The officer must also meet the agreement  
16 requirements under sub. (3) (c) prior to certification as a tribal law enforcement  
17 officer.

18 **SECTION 3116.** 165.87 (1) (c) of the statutes is amended to read:

19 165.87 (1) (c) Of the balance of the moneys collected from penalty assessments  
20 under this section, 62.2% shall be credited to the appropriation account under s.  
21 ~~20.255 (2)~~ 20.435 (3) (g) and the remainder shall be credited to the appropriation  
22 account under s. ~~20.255 (1)~~ 20.435 (3) (hr).

23 **SECTION 3117.** 166.20 (7) (a) (intro.) of the statutes is amended to read:

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1           166.20 (7) (a) (intro.) The board shall establish, by rule, the following fees at  
2 levels designed to fund the board's administrative expenses and the grants under s.  
3 166.21 and to repay the amount expended under s. ~~20.465 (3) (d)~~:

4           **SECTION 3118.** 168.01 of the statutes is renumbered 168.01 (intro.) and  
5 amended to read:

6           **168.01 (title) Definition Definitions.** (intro.) In this chapter "department":

7           **(1) "Department"** means the department of commerce.

8           **SECTION 3119.** 168.01 (2) of the statutes is created to read:

9           168.01 (2) "Supplier" includes a person who imports, or acquires immediately  
10 upon import, petroleum products by pipeline or marine vessel from a state, territory  
11 or possession of the United States or from a foreign country into a terminal and who  
12 is registered under 26 USC 4101 for tax-free transactions in gasoline. "Supplier"  
13 also includes a person who produces in this state; or imports into a terminal or bulk  
14 plant; or acquires immediately upon import by truck, railcar or barge into a terminal;  
15 alcohol or alcohol derivative products. "Supplier" also includes a person who  
16 produces, manufactures or refines petroleum products in this state. "Supplier" also  
17 includes a person who acquires petroleum products pursuant to an industry terminal  
18 exchange agreement. "Supplier" does not include a retail dealer or wholesaler who  
19 merely blends alcohol with gasoline before the sale or distribution of the product and  
20 does not include a terminal operator who merely handles in a terminal petroleum  
21 products consigned to the terminal operator.

22           **SECTION 3120.** 168.12 (1) of the statutes is amended to read:

23           168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a  
24 petroleum inspection fee at the rate of 3 cents per gallon on all petroleum products  
25 that are received, ~~as defined in s. 78.07~~, by a supplier, ~~as defined in s. 78.005 (14)~~, for

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1 sale in this state or for sale for export to this state. The department of revenue shall  
2 determine when a petroleum product is received under this subsection in the same  
3 manner that it determines under s. 78.07 when motor vehicle fuel is received. The  
4 fee shall be paid under s. 168.125 and shall be based on the number of gallons  
5 reported under s. 168.125.

6 **SECTION 3121.** 168.12 (6) of the statutes is created to read:

7 168.12 (6) (a) Any person who purchases in this state general aviation fuel, as  
8 defined in s. 78.55 (3), from a supplier is eligible for an allowance of 2 cents for each  
9 gallon of general aviation fuel purchased in excess of 1,000,000 gallons per month.  
10 A person who purchases general aviation fuel for resale is not eligible for the  
11 allowance.

12 (b) To receive an allowance, an eligible purchaser under par. (a) shall complete  
13 a claim upon a form that the department of revenue prescribes and furnishes and file  
14 the claim with the department of revenue not later than 12 months after the date of  
15 purchase of the general aviation fuel.

16 (c) The department of revenue shall investigate the correctness and veracity  
17 of the representations in the claim and may require a claimant to submit records to  
18 substantiate the claim. The department of revenue shall either allow or deny a claim  
19 under this subsection not later than 60 days after the filing of the claim. If the  
20 department of revenue allows the claim, it shall pay the claimant the amount allowed  
21 from the moneys appropriated under s. 20.855 (4) (r). If the department of revenue  
22 does not pay the allowance by the 90th day after the date on which the purchaser files  
23 the claim, the department of revenue shall also pay interest on the unpaid claim  
24 beginning on that day, at the rate of 9% per year, from the moneys appropriated  
25 under s. 20.855 (4) (r).



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1 (d) If a purchaser negligently files a claim under this subsection that is  
2 inaccurate in whole or in part, the department of revenue shall:

3 1. If the department of revenue has not paid the claim but has allowed a portion  
4 of the claim, reduce the allowance by 25%.

5 2. If the department of revenue has paid the claim, require the purchaser to  
6 refund to the department of revenue that portion of the amount paid under par. (c)  
7 to which the purchaser is not entitled and impose a penalty on the purchaser equal  
8 to 25% of the allowance, plus interest on the sum of the unpaid penalty and the  
9 amount required to be refunded, accruing from the date that the penalty is imposed,  
10 at the rate of 12% per year.

11 (e) If a purchaser files a fraudulent claim under this subsection, the  
12 department of revenue shall:

13 1. If the claim has not been paid and the department of revenue allows no  
14 portion of the claim, impose a penalty on the purchaser equal to 50% of the amount  
15 claimed by the purchaser, plus interest on the unpaid penalty, accruing from the date  
16 that the penalty is imposed, at the rate of 12% per year.

17 2. If the claim has not been paid and the department of revenue allows a portion  
18 of the claim, reduce the allowance by 50%.

19 3. If the claim has been paid, require the purchaser to refund to the department  
20 of revenue that portion of the amount paid under par. (c) that the department of  
21 revenue determines was fraudulently obtained and impose a penalty on the  
22 purchaser equal to 50% of the amount claimed by the purchaser, plus interest on the  
23 sum of the unpaid penalty and the amount required to be refunded, accruing from  
24 the date that the penalty is imposed, at the rate of 12% per year.

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1 (f) Any person who knowingly signs or verifies a fraudulent claim under par.  
2 (e) may be fined not more than \$500 or imprisoned for not more than 30 days or both.

3 (g) Any person who knowingly aids, abets or assists another in making a  
4 fraudulent claim under par. (e) or in signing or verifying a fraudulent claim under  
5 par. (f) may be fined not more than \$500 or imprisoned for not more than 30 days or  
6 both.

7 (h) With respect to imposing a penalty and requiring a refund under par. (d),  
8 the department of revenue shall give notice to the purchaser within 4 years after the  
9 date that the claim was filed. The department of revenue may impose a penalty and  
10 require a refund under par. (e) when the department of revenue discovers the fraud  
11 committed.

12 **SECTION 3122.** 170.12 (3) (d) of the statutes is amended to read:

13 170.12 (3) (d) Describe, in detail, the applicant's plans for the use and  
14 disposition of any logs raised, ~~including any information necessary for or related to~~  
15 ~~sub. (5).~~

16 **SECTION 3123.** 170.12 (3) (em) of the statutes is created to read:

17 170.12 (3) (em) 1. If the applicant is an individual, provide the social security  
18 number of the applicant.

19 2. The board may not disclose any information received under subd. 1. to any  
20 person except the department of industry, labor and job development in accordance  
21 with a memorandum of understanding under s. 49.857.

22 **SECTION 3124.** 170.12 (5) (intro.) of the statutes is renumbered 170.12 (5) and  
23 amended to read:

24 170.12 (5) (title) ~~RESERVATION OF VALUE; OFFSET.~~ The state reserves to itself ~~30%~~  
25 20% of the appraised market value of any log raised pursuant to a permit issued

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1 under this section. ~~Any applicant may, as part of the application under sub. (3),~~  
2 ~~propose projects for the use of logs raised, and for the use of proceeds from logs raised~~  
3 ~~and sold, as an offset to the state's share of the value of any logs raised. Any project~~  
4 ~~proposed as the basis for an offset shall have demonstrated potential to do 2 or more~~  
5 ~~of the following:~~

6 **SECTION 3125.** 170.12 (5) (a) to (c) of the statutes are repealed.

7 **SECTION 3126.** 170.12 (6) (d) of the statutes is repealed.

8 **SECTION 3127.** 170.12 (8) of the statutes is renumbered 170.12 (8) (a).

9 **SECTION 3128.** 170.12 (8) (b) of the statutes is created to read:

10 170.12 (8) (b) 1. In the case of an applicant that is an individual, the board shall  
11 deny an application for an original or renewal permit if the applicant fails to provide  
12 the information required under sub. (3) (em) 1. or if the applicant fails to pay  
13 court-ordered payments of child or family support, maintenance, birth expenses,  
14 medical expenses or other expenses related to the support of a child or former spouse,  
15 as provided in a memorandum of understanding entered into under s. 49.857.

16 2. In the case of a permit holder that is an individual, the board shall restrict  
17 or suspend any permit already granted if the permit holder fails to pay court-ordered  
18 payments of child or family support, maintenance, birth expenses, medical expenses  
19 or other expenses related to the support of a child or former spouse, as provided in  
20 a memorandum of understanding entered into under s. 49.857

21 **SECTION 3129.** 170.12 (9) of the statutes is amended to read:

22 170.12 (9) TRANSFER OF TITLE. At such times as a permit holder tenders to the  
23 board any the amounts due under the state's reservation of value, pursuant to the  
24 terms and conditions of the permit, title to any logs covered by such tender shall pass  
25 to the permit holder. ~~If the permit provides for an offset under sub. (6) (d), the board~~

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1 shall issue written findings at the conclusion of the term of the permit which describe  
2 the board's findings regarding compliance with the term of the permit and establish  
3 the proportion of the authorized offset to which the permit holder is entitled.

4 **SECTION 3130.** 175.35 (2k) (bm) of the statutes is created to read:

5 175.35 (2k) (bm) Notwithstanding par. (ar), the department of justice shall  
6 provide information from any record under this section in response to a request for  
7 information made under s. 49.22 (2m).

8 **SECTION 3131.** 175.35 (2k) (i) of the statutes is amended to read:

9 175.35 (2k) (i) The department of justice may not charge a fee for any services  
10 that the department provides under pars. (e) (bm) to (j).

11 **SECTION 3132.** 182.028 of the statutes is amended to read:

12 **182.028 School corporations.** Any corporation formed for the establishment  
13 and maintenance of schools, academies, seminaries, colleges or universities or for the  
14 cultivation and practice of music shall have power to enact bylaws for the protection  
15 of its property, and provide fines as liquidated damages upon its members and  
16 patrons for violating the bylaws, and may collect the same in tort actions, and to  
17 prescribe and regulate the courses of instruction therein, and to confer such degrees  
18 and grant such diplomas as are usually conferred by similar institutions or as shall  
19 be appropriate to the courses of instruction prescribed, except that no corporation  
20 shall operate or advertise a school that is subject to s. ~~38.51~~ 39.51 (10) without  
21 complying with the requirements of s. ~~38.51~~ 39.51. Any stockholder may transfer his  
22 or her stock to the corporation for its use; and if the written transfer so provides the  
23 stock shall be perpetually held by the board of directors with all the rights of a  
24 stockholder, including the right to vote.

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1           **SECTION 3133.** 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Act  
2 289, is amended to read:

3           185.981 (4t) A sickness care plan operated by a cooperative association is  
4 subject to ss. 252.14, 631.89, 632.72 (2), 632.745, 632.747, 632.749, 632.87 (2m), (3),  
5 (4) and (5), 632.895 (10) and 632.897 (10) and ~~ch. 149 and 155.~~

6           **SECTION 3134.** 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
7 Act 289, is amended to read:

8           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
9 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
10 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
11 (2), 632.745, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),  
12 632.895 (5), (9) and (10), 632.896 and 632.897 (10), ~~subch. II of ch. 619 and chs. 609,~~  
13 630, 635, 645 and 646, but the sponsoring association shall:

14           **SECTION 3135.** 192.31 (title) of the statutes is repealed and recreated to read:

15           **192.31 (title) Overhead structures.**

16           **SECTION 3136.** 192.31 (1) of the statutes is amended to read:

17           192.31 (1) Every railroad corporation shall maintain suitable telltales  
18 wherever any overhead structure or any part thereof is less than ~~23~~ 22 feet above the  
19 top of rail; except that if the office finds that the installation of a telltale at any  
20 particular place would be impracticable or would result in an increased hazard to  
21 either the public or an employe and that either or both such factors outweigh the  
22 safety benefit which would result from the installation of a telltale, the office may  
23 enter an order providing an exemption from this section. The exemption shall be  
24 ordered by the office only after public hearing under sub. (4).

25           **SECTION 3137.** 192.31 (3) of the statutes is amended to read:

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1           192.31 (3) After ~~December 31, 1993~~ the effective date of this subsection ...  
2 [revisor inserts date], no overhead structure shall be constructed or reconstructed,  
3 not including ordinary repairs necessary for maintenance, which shall have a  
4 vertical clearance of less than ~~23~~ 22 feet above the top rail, except as provided in sub.  
5 (4).

6           **SECTION 3138.** 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 a verified statement showing the location  
9 of every such bridge or other structure over any of its tracks at a height of less than  
10 ~~23~~ 22 feet above the top of rail, together with a statement showing whether or not  
11 the provisions of this section have been fully complied with.

12           **SECTION 3139.** 195.28 (2) of the statutes is amended to read:

13           195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing  
14 protection device which is ordered installed under sub. (1) and the cost of installing  
15 any such device shall be paid by the department from the appropriations under s.  
16 20.395 (2) ~~(gg)~~, (gr) and (gx).

17           **SECTION 3140.** 195.60 (2) of the statutes is amended to read:

18           195.60 (2) The office shall annually, within 90 days after the close of each fiscal  
19 year, ascertain the total of its expenditures during such year which are reasonably  
20 attributable to the performance of its duties relating to railroads. For purposes of  
21 such calculation, 90% of the expenditures so determined shall be expenditures of the  
22 office and 10% of the expenditures so determined shall be expenditures for state  
23 government operations. The office shall deduct therefrom all amounts chargeable  
24 to railroads under sub. (1) and s. 184.10 (3), with the remaining balance being  
25 considered the remainder for purposes of this subsection. A sum equal to the

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1 remainder plus 10% of the remainder shall be assessed by the office to the several  
2 railroads in proportion to their respective gross operating revenues during the last  
3 calendar year, derived from intrastate operations. Such assessment shall be paid  
4 within 30 days after the bill has been mailed to the several railroads, which bill shall  
5 constitute notice of assessment and demand of payment thereof. The total amount  
6 which may shall be assessed to the railroads under authority of this subsection shall  
7 ~~not exceed~~ equal 1.75% of the total gross operating revenues of such railroads, during  
8 such calendar year, derived from intrastate operations. ~~Ninety percent of the~~ The  
9 payment shall be ~~credited~~ used first to credit to the appropriation account under s.  
10 20.155 (2) (g) an amount equal to 90% of the remainder and then, after deducting the  
11 remainder, to credit any remaining balance to the appropriation account under s.  
12 20.395 (2) (gg). The railroads shall furnish such financial information as the office  
13 requires.

14 **SECTION 3141.** 195.60 (5) of the statutes is amended to read:

15 195.60 (5) No suit or proceeding shall be maintained in any court for the  
16 purpose of restraining or in any way delaying the collection or payment of any bill  
17 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall  
18 pay the amount thereof, and after such payment may in the manner herein provided,  
19 at any time within 2 years from the date the payment was made, sue the state in an  
20 action at law to recover the amount paid with legal interest thereon from the date  
21 of payment, upon the ground that the assessment was excessive, erroneous,  
22 unlawful or invalid in whole or in part. If it is finally determined in such action that  
23 any part of the bill for which payment was made was excessive, erroneous, unlawful  
24 or invalid, the state treasurer shall make a refund to the claimant as directed by the

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1 court, which shall be charged on a prorated basis to the appropriations to the office  
2 and the department.

3 **SECTION 3142.** 196.20 (5) (d) of the statutes is amended to read:

4 196.20 (5) (d) If the commission does not conduct a hearing under this  
5 subsection, a proposed rate increase or change in a rate schedule becomes effective  
6 as proposed and any rates, tolls or charges under review under s. 196.215 (6) or (7)  
7 may not be altered unless the commission issues a final order no later than 150 days  
8 after the commission receives the application or receives the information under par.  
9 (b) 1g. and 1r. If the commission conducts a hearing, a proposed rate increase or  
10 change in a rate schedule becomes effective as proposed and any rates, tolls or  
11 charges under review under s. 196.215 (6) or (7) may not be altered unless the  
12 commission issues the final order no later than 180 days after the commission  
13 receives the application or receives the information under par. (b) 1g. and 1r. If the  
14 commission conducts a hearing, the hearing examiner may extend the time for  
15 issuing a final order up to 30 additional days. The commission and the small  
16 telecommunications utility may agree in writing to extend the time for issuing a final  
17 order. ~~Notwithstanding ss. 196.34 and 196.36 (2), the commission may require the~~  
18 ~~small telecommunications utility to bear the expense of producing a transcript of a~~  
19 ~~hearing conducted under this section.~~

20 **SECTION 3143.** 196.20 (6) of the statutes is amended to read:

21 196.20 (6) If a telecommunications utility that is not a small  
22 telecommunications utility and that has 150,000 or less access lines in use in this  
23 state files with the commission an application for a rate change that constitutes an  
24 increase in rates, the rate change becomes effective as proposed unless the  
25 commission issues the final order on the application no later than 180 days after the



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1 commission receives the application. The hearing examiner may extend the time for  
2 issuing a final order up to 30 additional days. The commission and the  
3 telecommunications utility may agree in writing to extend the time for issuing a final  
4 order. ~~Notwithstanding ss. 196.34 and 196.36 (2), the commission may require the~~  
5 ~~telecommunications utility to bear the expense of producing a transcript of a hearing~~  
6 ~~conducted under this subsection.~~

7 **SECTION 3144.** 196.202 (2) of the statutes is amended to read:

8 196.202 (2) SCOPE OF REGULATION. A cellular mobile radio telecommunications  
9 utility is not subject to ch. 184 or this chapter, except a cellular mobile radio  
10 telecommunications utility is subject to s. 196.218 (3) to the extent not preempted by  
11 federal law. If the application of s. 196.218 (3) to a cellular mobile radio  
12 telecommunications utility is not preempted, a cellular mobile radio  
13 telecommunications utility shall respond, subject to the protection of the cellular  
14 mobile radio telecommunications utility's competitive information, to all reasonable  
15 requests for information about its operations in this state from the commission  
16 necessary to ~~establish and~~ administer the universal service fund.

17 **SECTION 3145.** 196.218 (1) of the statutes is renumbered 196.218 (1) (intro.)  
18 and amended to read:

19 196.218 (1) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“universal;~~  
20 (c) “Universal service” includes the availability of a basic set of essential  
21 telecommunications services and access to advanced service capabilities of a modern  
22 telecommunications infrastructure anywhere in this state.

23 **SECTION 3146.** 196.218 (1) (a) and (b) of the statutes are created to read:

24 196.218 (1) (a) “Board” means the technology for educational achievement in  
25 Wisconsin board.

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1 (b) "Department" means the department of administration.

2 **SECTION 3147.** 196.218 (1) (d) of the statutes is created to read:

3 196.218 (1) (d) "Universal service fund" means the trust fund established  
4 under s. 25.95.

5 **SECTION 3148.** 196.218 (2) (a) and (b) of the statutes are repealed.

6 **SECTION 3149.** 196.218 (3) (a) 3. of the statutes is amended to read:

7 196.218 (3) (a) 3. The commission shall designate the method by which the  
8 contributions under this paragraph shall be calculated and collected. The method  
9 shall ensure that moneys in the universal service fund are sufficient to accomplish  
10 all of the purposes specified in sub. (5) (a). Contributions may be based only on the  
11 gross operating revenues from the provision of broadcast services identified by the  
12 commission under subd. 2. and on intrastate telecommunications services in this  
13 state of the telecommunications providers subject to the contribution.

14 **SECTION 3150.** 196.218 (4r) of the statutes is created to read:

15 196.218 (4r) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM. (a) In this  
16 subsection:

17 1. "Data line" means a data transfer line that is capable of direct access to the  
18 internet and that has a speed of at least 1,544,000 bits per second.

19 2. "Video link" means a 2-way full motion interactive video link that has a  
20 speed of at least 44,763,000 bits per second.

21 (b) The commission, in consultation with the department and the board, shall  
22 promulgate rules establishing an educational telecommunications access program  
23 to provide school districts with access to data lines and video links.

24 (c) The rules promulgated under par. (b) shall do all of the following:

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1           1. Allow a school district to make a request to the board for access to either one  
2 data line or one video link, except that if a school district operates more than one high  
3 school the rules shall allow the school district to request access to both a data line  
4 and a video link and to request access to more than one data line or video link.

5           2. Establish eligibility requirements for a school district to participate in the  
6 program established under par. (b).

7           3. Establish specifications for a data line or video link that is provided to a  
8 school district under the program established under par. (b).

9           4. Require a school district to pay the department not more than \$250 per  
10 month for each data line or video link that is provided to the school district under the  
11 program established under par. (b).

12           (d) The commission shall submit an annual report to the board on the status  
13 of providing data lines and video links that are requested under par. (c) 1. and the  
14 impact on the universal service fund of any payment under sub. (5) (a) 5.

15           (e) If the federal communications commission promulgates or modifies rules  
16 that provide rate discounts for telecommunications services to school districts under  
17 47 USC 254, the governor shall submit a report to the joint committee on finance that  
18 includes any recommended changes to statutes or rules with respect to funding the  
19 program established under par. (b).

20           **SECTION 3151.** 196.218 (5) (a) (intro.) of the statutes is amended to read:

21           196.218 (5) (a) (intro.) The commission shall ~~require that~~ use the moneys in the  
22 universal service fund ~~be used~~ only for any of the following purposes:

23           **SECTION 3152.** 196.218 (5) (a) 5. of the statutes is created to read:

24           196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to  
25 the extent that these costs are not paid under sub. (4r) (c) 4.

**SENATE BILL 77****SECTION 3153**

1           **SECTION 3153.** 196.218 (5) (b) of the statutes is amended to read:

2           196.218 (5) (b) The commission shall promulgate rules to determine whether  
3 a telecommunications provider, the customers of a telecommunications provider or  
4 another person shall be assisted by the universal service fund for any use under par.  
5 (a) 1. to 4.

6           **SECTION 3154.** 196.218 (5m) of the statutes is amended to read:

7           196.218 (5m) RULE REVIEW. ~~At~~ Except for rules promulgated under sub. (4r) (b),  
8 at least biennially, the commission shall review and revise as appropriate rules  
9 promulgated under this section.

10          **SECTION 3155.** 196.218 (6) (b) of the statutes is amended to read:

11          196.218 (6) (b) The universal service fund council shall advise the commission  
12 concerning the administration of this section and the content of rules promulgated  
13 under this section. This paragraph does not apply to the administration of sub. (4r)  
14 and rules promulgated under sub. (4r) (b).

15          **SECTION 3156.** 196.36 (1r) of the statutes is created to read:

16          196.36 (1r) PRODUCTION EXPENSES. The commission may require any party to  
17 an investigation or hearing to bear the expense of producing a transcript, audiotape  
18 or videotape that is related to the investigation or hearing.

19          **SECTION 3157.** 196.36 (2) of the statutes is amended to read:

20          196.36 (2) COPIES. ~~A~~ Upon request, the commission shall furnish a copy of a  
21 transcript under this section shall be furnished on demand free of cost to any party  
22 to the investigation or hearing from which the transcript is taken. ~~Upon request, the~~  
23 ~~commission~~ and shall furnish a copy of an audiotape or videotape to any party to the  
24 investigation or hearing from which the audiotape or videotape is taken. The  
25 commission may charge a reasonable price for the transcript or tape.

**SENATE BILL 77****SECTION 3158**

1           **SECTION 3158.** 196.499 (1) of the statutes is amended to read:

2           196.499 (1) SCOPE. Notwithstanding any other provisions of this chapter, a  
3 telecommunications carrier is not subject to regulation under this chapter, except  
4 that a telecommunications carrier shall comply with the requirements of this  
5 section, shall be treated under ss. 196.209, 196.218 (8) and 196.219 (4d) as a  
6 telecommunications provider, under s. 196.85 as a telecommunications utility and  
7 under s. 196.858 as an interexchange telecommunications utility, may be assessed  
8 under s. 196.218 (3) as a telecommunications provider and shall respond, subject to  
9 the protection of the telecommunications carrier's competitive information, to all  
10 reasonable requests for information about its operations in this state from the  
11 commission necessary to establish and administer the universal service fund. A  
12 telecommunications carrier may not be assessed in a manner that is inconsistent  
13 with this section.

14           **SECTION 3159.** 196.856 of the statutes is repealed.

15           **SECTION 3160.** 196.857 (1m) (b) of the statutes is amended to read:

16           196.857 (1m) (b) The amount appropriated under s. 20.115 (~~8~~) (3) (j), less any  
17 fees received from farmers under sub. (2g) and credited to the appropriation account  
18 under s. 20.115 (~~8~~) (3) (j). The amounts received under this paragraph shall be  
19 credited to the appropriation ~~made in~~ account under s. 20.115 (~~8~~) (3) (j).

20           **SECTION 3161.** 196.857 (2g) of the statutes is amended to read:

21           196.857 (2g) FARM SERVICE FEES. The commission may charge reasonable fees  
22 not to exceed \$300 per farm for services provided to farmers under this section. The  
23 fees shall be in accordance with a standardized schedule of fees established by the  
24 commission by rule. The fees collected under this subsection shall be credited to the  
25 appropriation account under s. 20.115 (~~8~~) (3) (j) in each fiscal year.

**SENATE BILL 77****SECTION 3162**

1           **SECTION 3162.** 198.12 (2) of the statutes is amended to read:

2           198.12 (2) SERVICE OF PROCESS ON, PERSONAL INJURY CLAIMS, VENUE. The district  
3 shall sue or be sued in its corporate name and service of process upon the district  
4 shall be by service upon the chairperson of the board and the clerk of the district, but  
5 no action shall be brought or maintained against a district upon a claim or cause of  
6 action unless the claimant complies with s. 893.80. Compliance with s. 893.80 is not  
7 required under this subsection in actions commenced under s. 19.37 ~~or~~, 19.97 or  
8 281.99. All actions by or against the district, except condemnation proceedings and  
9 actions to which the state or any officer or commission thereof is a party, shall be  
10 brought in the circuit court for the county in which its principal administrative office  
11 is located.

12           **SECTION 3163.** 213.10 (3) of the statutes is amended to read:

13           213.10 (3) Each person on becoming a member of ~~said~~ the fire department shall  
14 ~~be required to pay an initiation fee not exceeding fifty dollars~~ and annual dues so long  
15 as the person remains a member, and that person shall be considered to become a  
16 member when that person's name is placed on the payroll of ~~such~~ the department.

17           **SECTION 3164.** 213.10 (5) of the statutes is amended to read:

18           213.10 (5) The control and disposal of the funds, property and estate and the  
19 direction and management of all the concerns of ~~such~~ the corporation, under such  
20 directions and restrictions as may be imposed by the bylaws thereof of the  
21 corporation, shall be vested in a board of trustees to consist of a president, vice  
22 president, treasurer, secretary and executive committee of ~~three~~ 3, who shall be  
23 elected at ~~such~~ a time and place prescribed by the bylaws and elected by ~~such~~ the  
24 members of the corporation ~~as shall by the bylaws thereof be~~ who are entitled under  
25 the bylaws to vote at ~~such~~ the election. The officers so elected shall hold their

**SENATE BILL 77****SECTION 3164**

1        respective offices for one year, unless the bylaws provide otherwise, and until their  
2        successors are elected and qualified; ~~and such.~~ The corporation may elect or appoint  
3        ~~such~~ other officers and ~~for such term as~~ for terms that its bylaws may prescribe. The  
4        officers of ~~such~~ the corporation shall give bonds for the faithful performance of their  
5        respective duties when required ~~so to do by the laws thereof~~ to do so under the  
6        bylaws. No person shall may be elected to ~~or~~ hold any office in ~~such~~ the corporation  
7        unless the person is ~~in the active employment of the fire department of the city to~~  
8        ~~which this section becomes effective, and if the person's employment with such city~~  
9        ~~shall be terminated while holding the office of trustee or any other office of such~~  
10       ~~corporation~~ a member of the corporation. If a person is discharged from employment  
11       while holding an office in the corporation, the person's term of office shall ~~thereupon~~  
12       be terminated terminate, and the members of ~~such~~ the corporation as ~~shall, by the~~  
13       ~~bylaws thereof, be~~ who are entitled under the bylaws to vote, shall ~~forthwith~~ elect a  
14       successor.

15            **SECTION 3165.** 214.01 (1) (im) of the statutes is amended to read:

16            214.01 (1) (im) "Division" means the division of savings and loan institutions.

17            **SECTION 3166.** 214.37 (4) (k) 1. of the statutes is amended to read:

18            214.37 (4) (k) 1. An affidavit stating that the person has standing under s.  
19        867.01 (3) or 867.02 (2) to petition for summary settlement or assignment of a  
20        decedent's estate or that the person is an heir ~~who~~ of the decedent, or was guardian,  
21        as defined in s. 880.01 (3), of the decedent at the time of the decedent's death, and  
22        may obtain transfer of property of a decedent under s. 867.03.

23            **SECTION 3167.** 214.495 (1) of the statutes is amended to read:

24            214.495 (1) A mortgage taken and recorded by a savings bank shall have  
25        priority over all liens, except tax and special assessment liens and liens under ss.

**SENATE BILL 77****SECTION 3167**

1 292.31 (8) (i), ~~292.41 (6) (d)~~ and 292.81, upon the mortgaged premises and the  
2 buildings and improvements thereon, that are filed after the recording of the  
3 mortgage.

4 **SECTION 3168.** 214.592 of the statutes is amended to read:

5 **214.592 Financially related services tie-ins.** In any transaction conducted  
6 by a savings bank, a savings bank holding company or a subsidiary of either with a  
7 customer who is also a customer of any other subsidiary of any of them, the customer  
8 shall be given a notice in 12-point boldface type in substantially the following form:

9 **NOTICE OF RELATIONSHIP**

10 This company, ... (insert name and address of savings bank, savings bank  
11 holding company or subsidiary), is related to ... (insert name and address of savings  
12 bank, savings bank holding company or subsidiary) of which you are also a customer.  
13 You may not be compelled to buy any product or service from either of the above  
14 companies or any other related company in order to participate in this transaction.

15 If you feel that you have been compelled to buy any product or service from  
16 either of the above companies or any other related company in order to participate  
17 in this transaction, you should contact the management of either of the above  
18 companies at either of the above addresses or the division of savings and loan  
19 institutions at .... (insert address).

20 **SECTION 3169.** 215.01 (6) of the statutes is amended to read:

21 215.01 (6) "Division" means the division of savings and loan institutions.

22 **SECTION 3170.** 215.02 (title) of the statutes is amended to read:

23 **215.02 (title) Division of savings and loan institutions.**

24 **SECTION 3171.** 215.141 of the statutes is amended to read:



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1           **215.141 Financially related services tie-ins.** In any transaction conducted  
2           by an association, a savings and loan holding company or a subsidiary of either with  
3           a customer who is also a customer of any other subsidiary of any of them, the  
4           customer shall be given a notice in 12-point boldface type in substantially the  
5           following form:

## NOTICE OF RELATIONSHIP

7           This company, ..... (insert name and address of association, savings and loan  
8           holding company or subsidiary), is related to ..... (insert name and address of  
9           association, savings and loan holding company or subsidiary) of which you are also  
10          a customer. You may not be compelled to buy any product or service from either of  
11          the above companies or any other related company in order to participate in this  
12          transaction.

13          If you feel that you have been compelled to buy any product or service from  
14          either of the above companies or any other related company in order to participate  
15          in this transaction, you should contact the management of either of the above  
16          companies at either of the above addresses or the division of savings and loan  
17          institutions at .... (insert address).

18          **SECTION 3172.** 215.21 (4) (a) of the statutes is amended to read:

19          215.21 (4) (a) All mortgages described in this section shall have priority over  
20          all liens, except tax and special assessment liens and liens under ss. 292.31 (8) (i),  
21          ~~292.41 (6) (d)~~ and 292.81, upon the mortgaged premises and the buildings and  
22          improvements thereon, which shall be filed subsequent to the recording of such  
23          mortgage.

24          **SECTION 3173.** 215.26 (8) (e) 1. of the statutes is amended to read:

**SENATE BILL 77****SECTION 3173**

1           215.26 (8) (e) 1. Submits an affidavit stating that the person has standing  
2 under s. 867.01 (3) or 867.02 (2) to petition for summary settlement or assignment  
3 of a decedent's estate or that the person is an heir who of the decedent, or was  
4 guardian, as defined in s. 880.01 (3), of the decedent at the time of the decedent's  
5 death, and may obtain transfer of property of a decedent under s. 867.03; and

6           **SECTION 3174.** 217.05 (intro.) of the statutes is renumbered 217.05 (1) (intro.).

7           **SECTION 3175.** 217.05 (1) to (4) of the statutes are renumbered 217.05 (1) (a)  
8 to (d).

9           **SECTION 3176.** 217.05 (1m) of the statutes is created to read:

10           217.05 (1m) (a) In addition to the information required under sub. (1), the  
11 application shall contain the following:

- 12           1. If the applicant is an individual, the applicant's social security number.  
13           2. If the applicant is not an individual, the applicant's federal employer  
14 identification number.

15           (b) The division may not disclose any information received under par. (a) to any  
16 person except as follows:

17           1. The division may disclose information under par. (a) to the department of  
18 revenue for the sole purpose of requesting certifications under s. 73.0301.

19           2. The division may disclose information under par. (a) 1. to the department of  
20 industry, labor and job development in accordance with a memorandum of  
21 understanding under s. 49.857.

22           **SECTION 3177.** 217.06 (4) of the statutes is created to read:

23           217.06 (4) The applicant has provided the information required under s. 217.05  
24 (1m) (a).

25           **SECTION 3178.** 217.06 (5) of the statutes is created to read:

**SENATE BILL 77****SECTION 3178**

1           217.06 (5) The applicant has not been certified under s. 73.0301 by the  
2 department of revenue to be liable for delinquent taxes.

3           **SECTION 3179.** 217.06 (6) of the statutes is created to read:

4           217.06 (6) If the applicant is an individual, the applicant is not delinquent in  
5 making court-ordered payments of child or family support, maintenance, birth  
6 expenses, medical expenses or other expenses related to the support of a child or  
7 former spouse, as provided in a memorandum of understanding entered into under  
8 s. 49.857.

9           **SECTION 3180.** 217.09 (1m) of the statutes is created to read:

10          217.09 (1m) The division shall restrict or suspend any license issued under this  
11 chapter to an individual, if the individual is delinquent in making court-ordered  
12 payments of child or family support, maintenance, birth expenses, medical expenses  
13 or other expenses related to the support of a child or former spouse, as provided in  
14 a memorandum of understanding entered into under s. 49.857. A licensee whose  
15 license is restricted or suspended under this paragraph is entitled to a notice and  
16 hearing under s. 49.857 but is not entitled to any other notice or hearing under this  
17 chapter.

18          **SECTION 3181.** 217.09 (1r) of the statutes is created to read:

19          217.09 (1r) The division shall revoke any license issued under this chapter if  
20 the department of revenue certifies under s. 73.0301 that the licensee is liable for  
21 delinquent taxes. A licensee whose license is revoked under this paragraph for  
22 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under  
23 s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this chapter.

24          **SECTION 3182.** 217.09 (4) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3182**

1           217.09 (4) The division shall revoke or suspend only the authorization to  
2 operate at the location with respect to which grounds for revocation or suspension  
3 apply, but if the division finds that such grounds for revocation or suspension apply  
4 to more than one location operated by such licensee, then the division shall revoke  
5 or suspend all of the authorizations of the licensee to which such grounds apply.  
6 Suspensions under sub. (1m) and revocations under sub. (1r) shall suspend or revoke  
7 the authorization to operate at all locations operated by the licensee.

8           **SECTION 3183.** 217.09 (6) of the statutes is amended to read:

9           217.09 (6) The Except for a license revoked under sub. (1r), the division may  
10 on its own motion issue a new license when a license has been revoked.

11           **SECTION 3184.** 218.01 (2) (h) 3. of the statutes is amended to read:

12           218.01 (2) (h) 3. An applicant or licensee furnishing information under subd.  
13 1. may designate the information as a trade secret, as defined in s. 134.90 (1) (c), or  
14 as confidential business information. The licensor shall notify the applicant or  
15 licensee providing the information 15 days before any information designated as a  
16 trade secret or as confidential business information is disclosed to the legislature, a  
17 state agency, as defined in s. 13.62 (2), a local governmental unit, as defined in s.  
18 605.01 (1), or any other person. The applicant or licensee furnishing the information  
19 may seek a court order limiting or prohibiting the disclosure. In such cases, the court  
20 shall weigh the need for confidentiality of the information against the public interest  
21 in the disclosure. A designation under this subdivision does not apply to any  
22 information requested by the department of industry, labor and job development  
23 under s. 49.22 (2m).

24           **SECTION 3185.** 218.01 (2) (ie) of the statutes is created to read:

**SENATE BILL 77****SECTION 3185**

1           218.01 (2) (ie) 1. In addition to any other information required under this  
2 subsection, an application by an individual for the issuance or renewal of a license  
3 described in par. (d) shall include the individual's social security number and an  
4 application by a person who is not an individual for the issuance or renewal of a  
5 license described in par. (d) 1., 2., 3. or 5. shall include the person's federal employer  
6 identification number. The licensor may not disclose any information received under  
7 this subdivision to any person except the department of industry, labor and job  
8 development for purposes of administering s. 49.22 or the department of revenue for  
9 the sole purpose of requesting certifications under s. 73.0301.

10           2. The licensor shall deny an application for the issuance or renewal of a license  
11 if the information required under subd. 1. is not included in the application.

12           **SECTION 3186.** 218.01 (2) (ig) of the statutes is created to read:

13           218.01 (2) (ig) 1. In addition to any other information required under this  
14 subsection, an application for a license described in par. (dr) shall include the  
15 following:

16           a. In the case of an individual, the individual's social security number.

17           b. In the case of a person that is not an individual, the person's federal employer  
18 identification number.

19           2. The licensor may not disclose any information received under subd. 1. to any  
20 person except as follows:

21           a. The licensor may disclose information under subd. 1. to the department of  
22 revenue for the sole purpose of requesting certifications under s. 73.0301.

23           b. The licensor may disclose information under subd. 1. a. to the department  
24 of industry, labor and job development in accordance with a memorandum of  
25 understanding under s. 49.857.

**SENATE BILL 77****SECTION 3187**

1           **SECTION 3187.** 218.01 (3) (ag) of the statutes is created to read:

2           218.01 (3) (ag) 1. A license described in sub. (2) (d) shall be denied, restricted,  
3 limited or suspended if the applicant or licensee is delinquent in making  
4 court-ordered payments of child or family support, maintenance, birth expenses,  
5 medical expenses or other expenses related to the support of a child or former spouse,  
6 as provided in a memorandum of understanding entered into under s. 49.857.

7           2. A license described in par. (d) 1., 2., 3. or 5. shall be denied or revoked if the  
8 department of revenue certifies under s. 73.0301 that the applicant or licensee is  
9 liable for delinquent taxes.

10          3. No provision of this section that entitles an applicant or licensee to a notice  
11 or hearing applies to a denial, restriction, limitation, suspension or revocation of a  
12 license under this paragraph.

13           **SECTION 3188.** 218.01 (3) (am) of the statutes is created to read:

14          218.01 (3) (am) 1. A license described in sub. (2) (dr) shall be denied if any of  
15 the follow applies:

16          a. The applicant fails to provide the information required under sub. (2) (ig) 1.

17          b. The department of revenue certifies under s. 73.0301 that the applicant is  
18 liable for delinquent taxes. An applicant whose license is denied under this subd. 1.

19          b. for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing  
20 under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this  
21 subsection.

22          c. The applicant is an individual who is delinquent in making court-ordered  
23 payments of child or family support, maintenance, birth expenses, medical expenses  
24 or other expenses related to the support of a child or former spouse, as provided in  
25 a memorandum of understanding entered into under s. 49.857. An applicant whose

**SENATE BILL 77****SECTION 3188**

1 application is denied under this subd. 1. c. is entitled to a notice and hearing under  
2 s. 49.857 but is not entitled to any other notice or hearing under this section.

3 2. A license described in sub. (2) (dr) shall be restricted or suspended if the  
4 licensee is an individual who is delinquent in making court-ordered payments of  
5 child or family support, maintenance, birth expenses, medical expenses or other  
6 expenses related to the support of a child or former spouse, as provided in a  
7 memorandum of understanding entered into under s. 49.857. A licensee whose  
8 license is restricted or suspended under this subdivision is entitled to a notice and  
9 hearing under s. 49.857 but is not entitled to any other notice or hearing under this  
10 section.

11 3. A license described in sub. (2) (dr) shall be revoked if the department of  
12 revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A  
13 licensee whose license is revoked under this subdivision for delinquent taxes is  
14 entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a)  
15 but is not entitled to any other notice or hearing under this subsection.

16 **SECTION 3189.** 218.01 (7a) (a) of the statutes is amended to read:

17 218.01 (7a) (a) A motor vehicle may not be offered for sale by any motor vehicle  
18 dealer or motor vehicle salesperson unless the mileage on the motor vehicle is  
19 disclosed in writing by the transferor on the certificate of title or on a form or in an  
20 automated format authorized by the department of transportation to reassign the  
21 title to the dealer and the disclosure is subsequently shown to the retail purchaser  
22 by the dealer or salesperson prior to sale. The department of transportation may  
23 promulgate rules to exempt types of motor vehicles from this mileage disclosure  
24 requirement and shall promulgate rules for making the disclosure requirement on  
25 a form or in an automated format other than the certificate of title.

**SENATE BILL 77****SECTION 3190**

1           **SECTION 3190.** 218.015 (2) (c) of the statutes is amended to read:

2           218.015 (2) (c) To receive a comparable new motor vehicle or a refund due under  
3 par. (b) 1. or 2., a consumer described under sub. (1) (b) 1., 2. or 3. shall offer to the  
4 manufacturer of the motor vehicle having the nonconformity to transfer title of that  
5 motor vehicle to that manufacturer. No later than 30 days after that offer, the  
6 manufacturer shall provide the consumer with the comparable new motor vehicle or  
7 refund. When the manufacturer provides the new motor vehicle or refund, the  
8 consumer shall return the motor vehicle having the nonconformity to the  
9 manufacturer and provide the manufacturer with the certificate of title and all  
10 endorsements necessary to transfer title to the manufacturer. If another person is  
11 in possession of the certificate of title, as shown by the records of the department of  
12 transportation, that person shall, upon request of the consumer, provide the  
13 certificate to the manufacturer or to the consumer.

14           **SECTION 3191.** 218.015 (2) (cm) 2. of the statutes is amended to read:

15           218.015 (2) (cm) 2. To receive a refund due under par. (b) 3., a motor vehicle  
16 lessor shall offer to the manufacturer of the motor vehicle having the nonconformity  
17 to transfer title of that motor vehicle to that manufacturer. No later than 30 days  
18 after that offer, the manufacturer shall provide the refund to the motor vehicle lessor.  
19 When the manufacturer provides the refund, the motor vehicle lessor shall provide  
20 to the manufacturer the certificate of title and all endorsements necessary to  
21 transfer title to the manufacturer. If another person is in possession of the certificate  
22 of title, as shown by the records of the department of transportation, that person  
23 shall, upon request of the motor vehicle lessor, provide the certificate to the  
24 manufacturer or to the motor vehicle lessor.



**SENATE BILL 77****SECTION 3192**

1           **SECTION 3192.** 218.02 (2) (a) of the statutes is renumbered 218.02 (2) (a) 1.  
2 (intro.) and amended to read:

3           218.02 **(2)** (a) 1. (intro.) Each adjustment service company shall apply to the  
4 division for a license to engage in such business. Application for a separate license  
5 for each office of a company to be operated under this section shall be made to the  
6 division in writing, under oath, in a form to be prescribed by the division. The  
7 division may issue more than one license to the same licensee. An application for a  
8 license under this section shall include the following:

9           **SECTION 3193.** 218.02 (2) (a) 1. a. and b. and 2. of the statutes are created to  
10 read:

11           218.02 **(2)** (a) 1. a. In the case of an individual, the individual's social security  
12 number.

13           b. In the case of a person that is not an individual, the person's federal employer  
14 identification number.

15           2. The division may not disclose any information received under subd. 1. to any  
16 person except as follows:

17           a. The division may disclose information under subd. 1. to the department of  
18 revenue for the sole purpose of requesting certifications under s. 73.0301.

19           b. The division may disclose information under subd. 1. a. to the department  
20 of industry, labor and job development in accordance with a memorandum of  
21 understanding under s. 49.857.

22           **SECTION 3194.** 218.02 (3) (d) of the statutes is created to read:

23           218.02 **(3)** (d) That the applicant has not been certified under s. 73.0301 by the  
24 department of revenue as being liable for delinquent taxes.

25           **SECTION 3195.** 218.02 (3) (e) of the statutes is created to read:

**SENATE BILL 77****SECTION 3195**

1           218.02 (3) (e) That, if the applicant is an individual, the applicant is not  
2 delinquent in making court-ordered payments of child or family support,  
3 maintenance, birth expenses, medical expenses or other expenses related to the  
4 support of a child or former spouse, as provided in a memorandum of understanding  
5 entered into under s. 49.857.

6           **SECTION 3196.** 218.02 (6) of the statutes is renumbered 218.02 (6) (a).

7           **SECTION 3197.** 218.02 (6) (b) of the statutes is created to read:

8           218.02 (6) (b) In accordance with a memorandum of understanding entered  
9 into under s. 49.587, the division shall restrict or suspend a license if a licensee who  
10 is an individual is delinquent in making court-ordered payments of child or family  
11 support, maintenance, birth expenses, medical expenses or other expenses related  
12 to the support of a child or former spouse.

13           **SECTION 3198.** 218.02 (6) (c) of the statutes is created to read:

14           218.02 (6) (c) In accordance with s. 73.0301, the division shall revoke a license  
15 if the department of revenue has certified under s. 73.0301 that the licensee is liable  
16 for delinquent taxes.

17           **SECTION 3199.** 218.02 (9) (a) of the statutes is renumbered 218.02 (9) (a) (intro.)  
18 and amended to read:

19           218.02 (9) (a) (intro.) The division may make such rules and require such  
20 reports as the division deems necessary for the enforcement of this section. Sections  
21 217.17, 217.18 and 217.21 (1) and (2) apply to and are available for the purposes of  
22 this section. Orders of the division under this section are subject to review by the  
23 consumer credit review board under s. 220.037. This paragraph does not apply to any  
24 of the following:

25           **SECTION 3200.** 218.02 (9) (a) 1. and 2. of the statutes are created to read:

**SENATE BILL 77****SECTION 3200**

1           218.02 **(9)** (a) 1. Applications for licenses that are denied, or licenses that are  
2           revoked, because the department of revenue has certified under s. 73.0301 that the  
3           applicant or licensee is liable for delinquent taxes.

4           2. Applications for licenses that are denied or licenses that are restricted or  
5           suspended because the applicant or licensee is delinquent in making court-ordered  
6           payments of child or family support, maintenance, birth expenses, medical expenses  
7           or other expenses related to the support of a child or former spouse.

8           **SECTION 3201.** 218.04 (3) (a) of the statutes is renumbered 218.04 (3) (a) 1.  
9           (intro.) and amended to read:

10           218.04 **(3)** (a) 1. (intro.) Application for licenses under the provisions of this  
11           section shall be made to the division in writing, under oath, on a form to be prescribed  
12           by the division. All licenses shall expire on June thirtieth next following their date  
13           of issue. An application for a license under this section shall include the following:

14           **SECTION 3202.** 218.04 (3) (a) 1. a. and b. and 2. of the statutes are created to  
15           read:

16           218.04 **(3)** (a) 1. a. If the applicant is an individual, the applicant's social  
17           security number.

18           b. If the applicant is not an individual, the applicant's federal employer  
19           identification number.

20           2. The division may not disclose any information received under subd. 1. to any  
21           person except as follows:

22           a. The division may disclose information under subd. 1. to the department of  
23           revenue for the sole purpose of requesting certifications under s. 73.0301.

**SENATE BILL 77****SECTION 3202**

1           b. The division may disclose information under subd. 1. a. to the department  
2 of industry, labor and job development in accordance with a memorandum of  
3 understanding under s. 49.857.

4           **SECTION 3203.** 218.04 (4) (a) of the statutes is amended to read:

5           218.04 (4) (a) ~~Upon~~ Except as provided in par. (am), upon the filing of such  
6 application and the payment of such fee, the division shall make an investigation,  
7 and if the division finds that the character and general fitness and the financial  
8 responsibility of the applicant, and the members thereof if the applicant is a  
9 partnership, limited liability company or association, and the officers and directors  
10 thereof if the applicant is a corporation, warrant the belief that the business will be  
11 operated in compliance with this section the division shall thereupon issue a license  
12 to said applicant. Such license is not assignable and shall permit operation under  
13 it only at or from the location specified in the license. A nonresident of this state may,  
14 upon complying with all other provisions of this section, secure a collection agency  
15 license provided the nonresident maintains an active office in this state.

16           **SECTION 3204.** 218.04 (4) (am) of the statutes is created to read:

17           218.04 (4) (am) The division may not issue or renew a license under this section  
18 if any of the following applies:

- 19           1. The applicant fails to provide the information required under sub. (3) (a) 1.
- 20           2. The department of revenue certifies under s. 73.0301 that the applicant is  
21 liable for delinquent taxes. An applicant for whom a license is not issued or renewed  
22 under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301  
23 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice  
24 or hearing under this section.

**SENATE BILL 77****SECTION 3204**

1           3. The applicant fails to provide his or her social security number or is  
2 delinquent in making court-ordered payments of child or family support,  
3 maintenance, birth expenses, medical expenses or other expenses related to the  
4 support of a child or former spouse, as provided in a memorandum of understanding  
5 entered into under s. 49.857. An applicant whose application is denied under this  
6 subdivision for delinquent payments is entitled to a notice and hearing under s.  
7 49.857 but is not entitled to any other notice or hearing under this section.

8           **SECTION 3205.** 218.04 (5) (am) of the statutes is created to read:

9           218.04 (5) (am) The division shall restrict or suspend a license issued under  
10 this section if the division finds that the licensee is an individual who is delinquent  
11 in making court-ordered payments of child or family support, maintenance, birth  
12 expenses, medical expenses or other expenses related to the support of a child or  
13 former spouse, as provided in a memorandum of understanding entered into under  
14 s. 49.857. A licensee whose license is restricted or suspended under this paragraph  
15 is entitled to a notice and hearing under s. 49.857 but is not entitled to any other  
16 notice or hearing under this section.

17           **SECTION 3206.** 218.04 (5) (ar) of the statutes is created to read:

18           218.04 (5) (ar) The division shall revoke a license issued under this section if  
19 the department of revenue certifies under s. 73.0301 that the licensee is liable for  
20 delinquent taxes. A licensee whose license is revoked under this paragraph for  
21 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under  
22 s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

23           **SECTION 3207.** 218.04 (5) (b) of the statutes is amended to read:

24           218.04 (5) (b) ~~No~~ Except as provided in pars. (am) or (ar), no license shall be  
25 revoked or suspended except after a hearing under this section. A complaint stating

**SENATE BILL 77****SECTION 3207**

1 the grounds for suspension or revocation together with a notice of hearing shall be  
2 delivered to the licensee at least 5 days in advance of the hearing. In the event the  
3 licensee cannot be found, complaint and notice of hearing may be left at the place of  
4 business stated in the license and this shall be deemed the equivalent of delivering  
5 the notice of hearing and complaint to the licensee.

6 **SECTION 3208.** 218.04 (9) of the statutes is renumbered 218.04 (9) (intro.) and  
7 amended to read:

8 218.04 (9) ADMINISTRATIVE REVIEW. (intro.) Any licensee or other person in  
9 interest being dissatisfied with any order of the division made under this section may  
10 have a review thereof as provided in s. 220.037. This subsection does not apply to  
11 any of the following:

12 **SECTION 3209.** 218.04 (9) (a) and (b) of the statutes are created to read:

13 218.04 (9) (a) An application for a license that is denied, or a license that is  
14 revoked, because the department of revenue has certified under s. 73.0301 that the  
15 applicant or licensee is liable for delinquent taxes.

16 (b) An application for a license that is denied, or a license that is restricted or  
17 suspended, because the applicant or licensee is an individual who is delinquent in  
18 making court-ordered payments of child or family support, maintenance, birth  
19 expenses, medical expenses or other expenses related to the support of a child or  
20 former spouse.

21 **SECTION 3210.** 218.05 (3) (am) of the statutes is created to read:

22 218.05 (3) (am) 1. In addition to the information required under par. (a), an  
23 application for a license under this section shall include the following:

24 a. If the applicant is an individual, the applicant's social security number.

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1           b. If the applicant is not an individual, the applicant's federal employer  
2 identification number.

3           2. The division may not disclose any information received under subd. 1. to any  
4 person except as follows:

5           a. The division may disclose information under subd. 1. to the department of  
6 revenue for the sole purpose of requesting certifications under s. 73.0301.

7           b. The division may disclose information under subd. 1. a. to the department  
8 of industry, labor and job development in accordance with a memorandum of  
9 understanding under s. 49.857.

10           **SECTION 3211.** 218.05 (4) (b) of the statutes is amended to read:

11           218.05 (4) (b) If the division ~~shall~~ finds that the conditions under par. (a) 1. to  
12 3. are not met, the division shall not issue the license and shall notify the applicant  
13 of the denial, retaining the investigation fee to cover the cost of investigating the  
14 applicant. The division shall approve or deny every application within 30 days from  
15 the filing thereof. No application shall be denied unless the applicant has had notice  
16 of a hearing on the application and an opportunity to be heard thereon. If the  
17 application is denied, the division shall, within 20 days thereafter, prepare and keep  
18 on file with the division a written order of denial which shall contain the division's  
19 findings with respect thereto and the reasons supporting the denial. The division  
20 shall mail a copy of the order of denial to the applicant at the address set forth in the  
21 application, within 5 days after the filing of the order.

22           **SECTION 3212.** 218.05 (4) (c) of the statutes is created to read:

23           218.05 (4) (c) In addition to the grounds for denial of a license under par. (a),  
24 the division shall deny an application for a license under this section if any of the  
25 following applies:

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1           1. The applicant fails to provide the information required under sub. (3) (am)

2           1.

3           2. The department of revenue certifies under s. 73.0301 that the applicant is  
4           liable for delinquent taxes. An applicant whose application is denied under this  
5           subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b.  
6           and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing  
7           under this section.

8           3. The applicant is an individual who is delinquent in making court-ordered  
9           payments of child or family support, maintenance, birth expenses, medical expenses  
10          or other expenses related to the support of a child or former spouse, as provided in  
11          a memorandum of understanding entered into under s. 49.857. An applicant whose  
12          application is denied under this subdivision for delinquent payments is entitled to  
13          a notice and hearing under s. 49.857 but is not entitled to any notice or hearing under  
14          par. (b).

15          **SECTION 3213.** 218.05 (11) of the statutes is renumbered 218.05 (11) (intro.) and  
16          amended to read:

17          218.05 (11) RENEWAL. (intro.) Every licensee shall, on or before December 20,  
18          pay to the division the sum of \$300 as an annual license fee for the next succeeding  
19          calendar year and, at the same time, shall file with the division the annual bond and  
20          insurance policy or policies in the same amount and of the same character as  
21          required by subs. (3) (c) and (6). The division may not renew a license under this  
22          section if any of the following applies:

23          **SECTION 3214.** 218.05 (11) (a), (b) and (c) of the statutes are created to read:

24          218.05 (11) (a) The renewal applicant fails to provide the information required  
25          under sub. (3) (am) 1.



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1 (b) The department of revenue certifies under s. 73.0301 that the renewal  
2 applicant is liable for delinquent taxes. An applicant whose application is not  
3 renewed under this paragraph for delinquent taxes is entitled to a notice under s.  
4 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other  
5 notice or hearing under this section.

6 (c) The renewal applicant is an individual who is delinquent in making  
7 court-ordered payments of child or family support, maintenance, birth expenses,  
8 medical expenses or other expenses related to the support of a child or former spouse,  
9 as provided in a memorandum of understanding entered into under s. 49.857. An  
10 applicant whose application is denied under this paragraph for delinquent payments  
11 is entitled to a notice and hearing under s. 49.857 but is not entitled to any other  
12 notice or hearing under this section.

13 **SECTION 3215.** 218.05 (12) (title) of the statutes is amended to read:

14 218.05 (12) (title) ~~REVOCATION; SURRENDER; NOTICE~~ RESTRICTION AND SUSPENSION.

15 **SECTION 3216.** 218.05 (12) (am) of the statutes is created to read:

16 218.05 (12) (am) The division shall restrict or suspend any license issued under  
17 this section if the licensee is an individual who is delinquent in making  
18 court-ordered payments of child or family support, maintenance, birth expenses,  
19 medical expenses or other expenses related to the support of a child or former spouse,  
20 as provided in a memorandum of understanding entered into under s. 49.857. A  
21 licensee whose license is restricted or suspended under this paragraph is entitled to  
22 a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing  
23 under this section.

24 **SECTION 3217.** 218.05 (12) (ar) of the statutes is created to read:

**SENATE BILL 77****SECTION 3217**

1           218.05 (12) (ar) The division shall revoke a license under this section if the  
2 department of revenue certifies under s. 73.0301 that the licensee is liable for  
3 delinquent taxes. A licensee whose license is revoked under this paragraph for  
4 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under  
5 s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

6           **SECTION 3218.** 218.05 (12) (b) of the statutes is amended to read:

7           218.05 (12) (b) The division may revoke only the particular license with respect  
8 to which grounds for revocation may occur or exist, or if the division shall find that  
9 such grounds for revocation are of general application to all offices or to more than  
10 one office operated by such licensee, the division may revoke all of the licenses issued  
11 to such licensee or such number of licenses to which such grounds apply. A revocation  
12 under par. (ar) shall apply to all of the licenses issued to the licensee.

13           **SECTION 3219.** 218.05 (12) (e) of the statutes is amended to read:

14           218.05 (12) (e) No Except as provided under par. (ar), no license shall be  
15 revoked until the licensee has had notice of a hearing thereon and an opportunity to  
16 be heard. When any license is so revoked, the division shall within 20 days  
17 thereafter, prepare and keep on file with the division, a written order or decision of  
18 revocation which shall contain the division's findings with respect thereto and the  
19 reasons supporting the revocation and shall send by mail a copy thereof to the  
20 licensee at the address set forth in the license within 5 days after the filing with the  
21 division of such order, finding or decision.

22           **SECTION 3220.** 218.05 (13) of the statutes is renumbered 218.05 (13) (intro.)  
23 and amended to read:

24           218.05 (13) REVIEW OF ORDERS. (intro.) Any person aggrieved by any order of  
25 the division made under this section may have a review thereof by the consumer

**SENATE BILL 77****SECTION 3220**

1 credit review board under s. 220.037. This subsection does not apply to an  
2 application for a license or a license renewal that is denied, or a license that is  
3 restricted, suspended or revoked, because of any of the following:

4 **SECTION 3221.** 218.05 (13) (a) and (b) of the statutes are created to read:

5 218.05 (13) (a) The department of revenue has certified under s. 73.0301 that  
6 the applicant or licensee is liable for delinquent taxes.

7 (b) The applicant or licensee is an individual who is delinquent in making  
8 court-ordered payments of child or family support, maintenance, birth expenses,  
9 medical expenses or other expenses related to the support of a child or former spouse,  
10 as provided in a memorandum of understanding entered into under s. 49.857.

11 **SECTION 3222.** 218.11 (2) (am) of the statutes is created to read:

12 218.11 (2) (am) 1. In addition to any other information required under par. (a),  
13 an application by an individual for the issuance or renewal of a license under this  
14 section shall include the individual's social security number and, if by a person who  
15 is not an individual for the issuance or renewal of a license under this section shall  
16 include the person's federal employer identification number.

17 2. The licensor shall deny an application for the issuance or renewal of a license  
18 if the information required under subd. 1. is not included in the application.

19 3. The licensor may not disclose any information received under subd. 1. to any  
20 person except to the department of industry, labor and job development for purposes  
21 of administering s. 49.22 or the department of revenue for the sole purpose of  
22 requesting certifications under s. 73.0301.

23 **SECTION 3223.** 218.11 (6m) of the statutes is created to read:

24 218.11 (6m) (a) A license under this section shall be denied, restricted, limited  
25 or suspended if an applicant or licensee is an individual who is delinquent in making

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1 court-ordered payments of child or family support, maintenance, birth expenses,  
2 medical expenses or other expenses related to the support of a child or former spouse,  
3 as provided in a memorandum of understanding entered into under s. 49.857.

4 (b) The department of transportation shall deny an application under this  
5 section for the issuance or renewal of a license, or revoke a license already issued, if  
6 the department of revenue certifies under s. 73.0301 that an applicant or licensee is  
7 liable for delinquent taxes.

8 **SECTION 3224.** 218.11 (7) (a) of the statutes is amended to read:

9 218.11 (7) (a) The licensor may without notice deny the application for a license  
10 within 60 days after receipt thereof by written notice to the applicant, stating the  
11 grounds for such denial. Within 30 days after such notice, the applicant may petition  
12 the department of administration to conduct a hearing to review the denial, and a  
13 hearing shall be scheduled with reasonable promptness. If the licensor is the  
14 department of transportation, the division of hearings and appeals shall conduct the  
15 hearing. This paragraph does not apply to denials of applications for licenses under  
16 sub. (6m).

17 **SECTION 3225.** 218.11 (7) (b) of the statutes is amended to read:

18 218.11 (7) (b) No license may be suspended or revoked except after a hearing  
19 thereon. The licensor shall give the licensee at least 5 days' notice of the time and  
20 place of such hearing. The order suspending or revoking such license shall not be  
21 effective until after 10 days' written notice thereof to the licensee, after such hearing  
22 has been had; except that the licensor, when in its opinion the best interest of the  
23 public or the trade demands it, may suspend a license upon not less than 24 hours'  
24 notice of hearing and with not less than 24 hours' notice of the suspension of the  
25 license. Matters involving suspensions and revocations brought before the licensor

**SENATE BILL 77****SECTION 3225**

1 shall be heard and decided upon by the department of administration. If the licensor  
2 is the department of transportation, the division of hearings and appeals shall  
3 conduct the hearing. This paragraph does not apply to licenses that are suspended  
4 or revoked under sub. (6m).

5 **SECTION 3226.** 218.12 (2) (a) of the statutes is amended to read:

6 218.12 (2) (a) Applications for mobile home salesperson's license and renewals  
7 thereof shall be made to the licensor on such forms as the licensor prescribes and  
8 furnishes and shall be accompanied by the license fee required under par. (c) or (d).  
9 The application shall include the applicant's social security number. In addition, the  
10 application shall require such pertinent information as the licensor requires.

11 **SECTION 3227.** 218.12 (2) (am) of the statutes is created to read:

12 218.12 (2) (am) 1. The licensor shall deny an application for the issuance or  
13 renewal of a license if an individual has not included his or her social security  
14 number in the application.

15 2. The licensor may not disclose a social security number obtained under par.  
16 (a) to any person except to the department of industry, labor and job development for  
17 purposes of administering s. 49.22 or the department of revenue for the sole purpose  
18 of requesting certifications under s. 73.0301.

19 **SECTION 3228.** 218.12 (3m) of the statutes is created to read:

20 218.12 (3m) (a) A license shall be denied, restricted, limited or suspended if the  
21 applicant or licensee is an individual who is delinquent in making court-ordered  
22 payments of child or family support, maintenance, birth expenses, medical expenses  
23 or other expenses related to the support of a child or former spouse, as provided in  
24 a memorandum of understanding entered into under s. 49.857.

**SENATE BILL 77****SECTION 3228**

1 (b) If the licensor is the department of transportation, the department of  
2 transportation shall deny an application for the issuance or renewal of a license, or  
3 revoke a license already issued, if the department of revenue certifies under s.  
4 73.0301 that the applicant or licensee is liable for delinquent taxes.

5 **SECTION 3229.** 218.12 (5) of the statutes is amended to read:

6 218.12 (5) The provision of s. 218.01 (3) relating to the denial, suspension and  
7 revocation of a motor vehicle salesperson's license shall apply to the denial,  
8 suspension and revocation of a mobile home salesperson's license so far as applicable,  
9 except that such provision does not apply to the denial, suspension or revocation of  
10 a license under sub. (3m).

11 **SECTION 3230.** 218.21 (2) (ag) of the statutes is created to read:

12 218.21 (2) (ag) If the applicant is an individual, the social security number of  
13 the individual.

14 **SECTION 3231.** 218.21 (2) (am) of the statutes is created to read:

15 218.21 (2) (am) If the applicant is a person who is not an individual, the federal  
16 employer identification number of the person.

17 **SECTION 3232.** 218.21 (2m) of the statutes is created to read:

18 218.21 (2m) (a) The department shall deny an application for the issuance or  
19 renewal of a license if the information required under sub. (2) (ag) or (am) is not  
20 included in the application.

21 (b) The department of transportation may not disclose any information  
22 received under sub. (2) (ag) or (am) to any person except to the department of  
23 industry, labor and job development for purposes of administering s. 49.22 or the  
24 department of revenue for the sole purpose of requesting certifications under s.  
25 73.0301.

**SENATE BILL 77****SECTION 3233**

1           **SECTION 3233.** 218.22 (3m) of the statutes is created to read:

2           218.22 **(3m)** (a) The department shall deny, restrict, limit or suspend a license  
3 if the applicant or licensee is an individual who is delinquent in making  
4 court-ordered payments of child or family support, maintenance, birth expenses,  
5 medical expenses or other expenses related to the support of a child or former spouse,  
6 as provided in a memorandum of understanding entered into under s. 49.857.

7           (b) The department of transportation shall deny an application for the issuance  
8 or renewal of a license, or revoke a license already issued, if the department of  
9 revenue certifies under s. 73.0301 that the applicant or licensee is liable for  
10 delinquent taxes.

11           **SECTION 3234.** 218.22 (4) (a) of the statutes is amended to read:

12           218.22 **(4)** (a) The licensor may without notice deny the application for a license  
13 within 60 days after receipt thereof by written notice to the applicant, stating the  
14 grounds for such denial. Within 30 days after such notice, the applicant may petition  
15 the division of hearings and appeals to conduct a hearing to review the denial, and  
16 a hearing shall be scheduled with reasonable promptness. This paragraph does not  
17 apply to denials of applications for licenses under sub. (3m).

18           **SECTION 3235.** 218.22 (4) (b) of the statutes is amended to read:

19           218.22 **(4)** (b) No license shall be suspended or revoked except after a hearing  
20 thereon. The licensor shall give the licensee at least 5 days' notice of the time and  
21 place of such hearing. The order suspending or revoking such license shall not be  
22 effective until after 10 days' written notice thereof to the licensee, after such hearing  
23 has been had; except that the licensor, when in its opinion the best interest of the  
24 public or the trade demands it, may suspend a license upon not less than 24 hours'  
25 notice of hearing and with not less than 24 hours' notice of the suspension of the

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1 license. Matters involving suspensions and revocations brought before the  
2 department shall be heard and decided upon by the division of hearings and appeals.  
3 This paragraph does not apply to licenses that are suspended or revoked under sub.  
4 (3m).

5 **SECTION 3236.** 218.31 (1) (ag) of the statutes is created to read:

6 218.31 (1) (ag) When the applicant is an individual, the individual's social  
7 security number.

8 **SECTION 3237.** 218.31 (1) (am) of the statutes is created to read:

9 218.31 (1) (am) When the applicant is a person who is not an individual, the  
10 person's federal employer identification number.

11 **SECTION 3238.** 218.31 (1m) of the statutes is created to read:

12 218.31 (1m) (a) The department shall deny an application for the issuance or  
13 renewal of a license if the information required under sub. (1) (ag) or (am) is not  
14 included in the application.

15 (b) The department of transportation may not disclose any information  
16 received under sub. (1) (ag) or (am) to any person except to the department of  
17 industry, labor and job development for purposes of administering s. 49.22 or the  
18 department of revenue for the sole purpose of requesting certifications under s.  
19 73.0301.

20 **SECTION 3239.** 218.32 (3m) of the statutes is created to read:

21 218.32 (3m) (a) The department shall deny, restrict, limit or suspend a license  
22 if the applicant or licensee is an individual who is delinquent in making  
23 court-ordered payments of child or family support, maintenance, birth expenses,  
24 medical expenses or other expenses related to the support of a child or former spouse,  
25 as provided in a memorandum of understanding entered into under s. 49.857.



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1 (b) The department of transportation shall deny an application for the issuance  
2 or renewal of a license, or revoke a license already issued, if the department of  
3 revenue certifies under s. 73.0301 that the applicant or licensee is liable for  
4 delinquent taxes.

5 **SECTION 3240.** 218.32 (4) (a) of the statutes is amended to read:

6 218.32 (4) (a) The licensor may without notice deny the application for a license  
7 within 60 days after receipt thereof by written notice to the applicant, stating the  
8 grounds for such denial. Within 30 days after such notice, the applicant may petition  
9 the division of hearings and appeals to conduct a hearing to review the denial, and  
10 a hearing shall be scheduled with reasonable promptness. This paragraph does not  
11 apply to denials of applications for licenses under sub. (3m).

12 **SECTION 3241.** 218.32 (4) (b) of the statutes is amended to read:

13 218.32 (4) (b) No license shall be suspended or revoked except after a hearing  
14 thereon. The licensor shall give the licensee at least 5 days' notice of the time and  
15 place of such hearing. The order suspending or revoking such license shall not be  
16 effective until after 10 days' written notice thereof to the licensee, after such hearing  
17 has been had; except that the licensor, when in its opinion the best interest of the  
18 public or the trade demands it, may suspend a license upon not less than 24 hours'  
19 notice of hearing and with not less than 24 hours' notice of the suspension of the  
20 license. Matters involving suspensions and revocations brought before the  
21 department shall be heard and decided upon by the division of hearings and appeals.  
22 This paragraph does not apply to licenses that are suspended or revoked under sub.  
23 (3m).

24 **SECTION 3242.** 218.33 (2) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3242**

1           218.33 (2) (b) For each motor vehicle offered for sale by a motor vehicle dealer,  
2 the transferring dealer shall provide the motor vehicle auction dealer with clear title  
3 or shall furnish title insurance at the time of the sale. For each motor vehicle sold  
4 at an auction, the motor vehicle auction dealer shall enter on the certificate of title,  
5 or on the form or in the automated format used to reassign the title, any information  
6 that the department requires to indicate that ownership of the vehicle was  
7 transferred through an auction sale.

8           **SECTION 3243.** 218.41 (2) (a) of the statutes is amended to read:

9           218.41 (2) (a) Application for license shall be made to the department at such  
10 time and in such form, and containing such information, as the department requires.  
11 If the applicant is an individual, the application shall include the applicant's social  
12 security number.

13           **SECTION 3244.** 218.41 (2) (am) of the statutes is created to read:

14           218.41 (2) (am) 1. The department shall deny an application for the issuance  
15 or renewal of a license if an individual has not included his or her social security  
16 number in the application.

17           2. The department of transportation may not disclose a social security number  
18 obtained under par. (a) to any person except to the department of industry, labor and  
19 job development for purposes of administering s. 49.22.

20           **SECTION 3245.** 218.41 (3m) of the statutes is created to read:

21           218.41 (3m) A license shall be denied, restricted, limited or suspended if the  
22 applicant or licensee is an individual who is delinquent in making court-ordered  
23 payments of child or family support, maintenance, birth expenses, medical expenses  
24 or other expenses related to the support of a child or former spouse, as provided in  
25 a memorandum of understanding entered into under s. 49.857.

**SENATE BILL 77****SECTION 3246**

1           **SECTION 3246.** 218.41 (4) of the statutes is amended to read:

2           218.41 (4) The department may without notice deny the application for a  
3 license within 30 days after receipt thereof by written notice to the applicant, stating  
4 the grounds for such denial. Upon request by the applicant whose license has been  
5 so denied, the division of hearings and appeals shall set the time and place of hearing  
6 a review of such denial, the same to be heard with reasonable promptness. This  
7 subsection does not apply to denials of applications for licenses under sub. (3m).

8           **SECTION 3247.** 218.41 (5) (d) of the statutes is created to read:

9           218.41 (5) (d) This subsection does not apply to licenses that are suspended  
10 under sub. (3m).

11           **SECTION 3248.** 218.51 (3) (a) of the statutes is amended to read:

12           218.51 (3) (a) The department shall administer this section and specify the  
13 form of the application for a buyer identification card and the information required  
14 to be provided in the application. If the applicant is an individual, the application  
15 shall include the applicant's social security number.

16           **SECTION 3249.** 218.51 (3) (am) of the statutes is created to read:

17           218.51 (3) (am) 1. The department shall deny an application for the issuance  
18 or renewal of a buyer identification card if an individual has not included his or her  
19 social security number in the application.

20           2. The department of transportation may not disclose a social security number  
21 obtained under par. (a) to any person except the department of industry, labor and  
22 job development for the sole purpose of administering s. 49.22.

23           **SECTION 3250.** 218.51 (4m) of the statutes is created to read:

24           218.51 (4m) The department shall deny, restrict, limit or suspend a license if  
25 the applicant or licensee is an individual who is delinquent in making court-ordered

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1 payments of child or family support, maintenance, birth expenses, medical expenses  
2 or other expenses related to the support of a child or former spouse, as provided in  
3 a memorandum of understanding entered into under s. 49.857.

4 **SECTION 3251.** 218.51 (5) (a) of the statutes is amended to read:

5 218.51 (5) (a) The department may without notice deny the application for a  
6 buyer identification card within 60 days after receipt thereof by written notice to the  
7 applicant, stating the grounds for such denial. Within 30 days after such notice, the  
8 applicant may petition the division of hearings and appeals to conduct a hearing to  
9 review the denial, and a hearing shall be scheduled with reasonable promptness.  
10 This paragraph does not apply to denials of applications for licenses under sub. (4m).

11 **SECTION 3252.** 218.51 (5) (b) of the statutes is amended to read:

12 218.51 (5) (b) No buyer identification card may be suspended or revoked except  
13 after a hearing thereon. The department shall give the cardholder at least 5 days'  
14 notice of the time and place of such hearing. The order suspending or revoking a  
15 buyer identification card shall not be effective until after 10 days' written notice  
16 thereof to the cardholder, after such hearing has been had; except that the  
17 department, when in its opinion the best interest of the public or the trade demands  
18 it, may suspend a buyer identification card upon not less than 24 hours' notice of  
19 hearing and with not less than 24 hours' notice of the suspension of the buyer  
20 identification card. Matters involving suspensions and revocations brought before  
21 the department shall be heard and decided upon by the division of hearings and  
22 appeals. This paragraph does not apply to licenses that are suspended under sub.  
23 (4m).

24 **SECTION 3253.** 218.52 (3) of the statutes is amended to read:

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1           218.52 (3) For each motor vehicle sold by a motor vehicle salvage pool, the  
2 motor vehicle salvage pool shall enter on the certificate of title, or on the form or in  
3 the automated format used to reassign the title, any information that the  
4 department requires to indicate that ownership of the vehicle was transferred by a  
5 motor vehicle salvage pool.

6           **SECTION 3254.** 220.01 (1e) of the statutes is created to read:

7           220.01 (1e) "Department" means the department of financial institutions.

8           **SECTION 3255.** 221.0303 (2) of the statutes is amended to read:

9           221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
10 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
11 participate in the acquisition, placement and operation of, at locations other than its  
12 main or branch offices, customer bank communications terminals, in accordance  
13 with rules established by the division. The rules of the division shall provide that  
14 any such customer bank communications terminal shall be available for use, on a  
15 nondiscriminatory basis, by any state or national bank. This subsection does not  
16 authorize a bank which has its principal place of business outside this state to  
17 conduct banking business in this state. The customer bank communications  
18 terminals also shall be available for use, on a nondiscriminatory basis, by any credit  
19 union, savings and loan association or savings bank, if the credit union, savings and  
20 loan association or savings bank requests to share its use, subject to rules jointly  
21 established by the division of banking, the office of credit unions and the division of  
22 savings and loan institutions. The division by order may authorize the installation  
23 and operation of a customer bank communications terminal in a mobile facility, after  
24 notice and hearing upon the proposed service stops of the mobile facility.

25           **SECTION 3256.** 221.0321 (5) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3256**

1           221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
2 assignment or transfer of stock certificates or other evidence of the borrower's  
3 ownership interest in a corporation formed for the cooperative ownership of real  
4 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
5 involving a one-family residence, apply to a proceeding to enforce the lender's rights  
6 in security given for a loan under this subsection. The division shall promulgate joint  
7 rules with the ~~division~~ office of credit unions and the division of savings and loan  
8 institutions that establish procedures for enforcing a lender's rights in security given  
9 for a loan under this subsection.

10           **SECTION 3257.** 223.105 (3) (a) of the statutes is amended to read:

11           223.105 (3) (a) To assure compliance with such rules as may be established  
12 under s. 220.04 (7) the division of banking, the office of credit unions and the division  
13 of savings and loan institutions shall, at least once every 18 months, examine the  
14 fiduciary operations of each organization which is under its respective jurisdiction  
15 and is subject to examination under sub. (2). If a particular organization subject to  
16 examination under sub. (2) is not otherwise under the jurisdiction of one of the  
17 foregoing agencies, such examination shall be conducted by the division of banking.

18           **SECTION 3258.** 223.105 (4) of the statutes is amended to read:

19           223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
20 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
21 operations as defined in this section shall, as required by rule, notify the division of  
22 banking, the office of credit unions or the division of savings and loan institutions of  
23 that fact, directing the notice to the agency then exercising regulatory authority over  
24 the organization or, if there is none, to the division of banking. Any organization  
25 which intends to engage in fiduciary operations shall, prior to engaging in such

**SENATE BILL 77****SECTION 3258**

1 operations, notify the appropriate agency of this intention. The notifications  
2 required under this subsection shall be on forms and contain information required  
3 by the rules promulgated by the division of banking.

4 **SECTION 3259.** 223.105 (5) of the statutes is amended to read:

5 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of  
6 savings and loan institutions or office of credit unions shall upon the failure of such  
7 organization to submit notifications or reports required under this section or  
8 otherwise to comply with the provisions of this section, or rules established by the  
9 division of banking under s. 220.04 (7), upon due notice, order such defaulting  
10 organization to cease and desist from engaging in fiduciary activities and may apply  
11 to the appropriate court for enforcement of such order.

12 **SECTION 3260.** 223.105 (6) of the statutes is amended to read:

13 223.105 (6) SUNSET. Except for an organization regulated by the office of credit  
14 unions or the division of savings and loan institutions or an organization authorized  
15 by the division of banking to operate as a bank or trust company under ch. 221 or this  
16 chapter, an organization may not begin activity as a fiduciary operation under this  
17 section after May 12, 1992. An organization engaged in fiduciary operations under  
18 this section on May 12, 1992, may continue to engage in fiduciary operations after  
19 that date.

20 **SECTION 3261.** Chapter 224 (title) of the statutes is amended to read:

21 **CHAPTER 224**

22 **MISCELLANEOUS BANKING AND**

23 **FINANCIAL INSTITUTIONS**

24 **PROVISIONS**

25 **SECTION 3262.** 224.092 of the statutes is renumbered 224.25.

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**SECTION 3263**

1           **SECTION 3263.** 224.093 of the statutes is renumbered 224.26.

2           **SECTION 3264.** Subchapter II (title) of chapter 224 [precedes 224.25] of the  
3 statutes is created to read:

4   **CHAPTER 224**

5   **SUBCHAPTER II**

6   **FINANCIAL INSTITUTIONS**

7           **SECTION 3265.** 224.40 of the statutes is created to read:

8           **224.40 Disclosure of financial records for child support enforcement.**

9           **(1) DEFINITIONS.** In this section:

10           (a) "County child support agency" means a county child support agency under  
11 s. 59.53 (5).

12           (b) "Financial institution" has the meaning given in s. 49.853 (1) (c).

13           (c) "Financial record" has the meaning given in 12 USC 3401.

14           **(2) FINANCIAL RECORD MATCHING AGREEMENTS.** A financial institution is required  
15 to enter into an agreement with the department of industry, labor and job  
16 development in accordance with rules promulgated under s. 49.853 (2).

17           **(3) LIMITED LIABILITY.** A financial institution is not liable to any person for any  
18 of the following:

19           (a) Disclosing a financial record of an individual to the county child support  
20 agency attempting to establish, modify or enforce a child support obligation of the  
21 individual.

22           (b) Disclosing information to the department of industry, labor and job  
23 development or a county child support agency pursuant to the financial record  
24 matching program under s. 49.853.



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1 (c) Encumbering or surrendering any assets held by the financial institution  
2 in response to instructions provided by the department of industry, labor and job  
3 development or a county child support agency for the purpose of enforcing a child  
4 support obligation.

5 (d) Any other action taken in good faith to comply with s. 49.853 or 49.854.

6 **SECTION 3266.** Subchapter II of chapter 224 [precedes 224.70] of the statutes  
7 is renumbered subchapter III of chapter 224 [precedes 224.70].

8 **SECTION 3267.** 224.72 (2) (c) of the statutes is created to read:

9 224.72 (2) (c) *Social security and federal employer identification numbers.* 1.  
10 An application shall include the following:

11 a. In the case of an individual, the individual's social security number.

12 b. In the case of a person that is not an individual, the person's federal employer  
13 identification number.

14 2. The department may not disclose any information received under subd. 1.  
15 to any person except as follows:

16 a. The department may disclose information under subd. 1. to the department  
17 of revenue for the sole purpose of requesting certifications under s. 73.0301.

18 b. The department may disclose information under subd. 1. a. to the  
19 department of industry, labor and job development in accordance with a  
20 memorandum of understanding under s. 49.857.

21 **SECTION 3268.** 224.72 (5) (a) of the statutes is amended to read:

22 224.72 (5) (a) *Loan originator and loan solicitor.* ~~Upon~~ Except as provided in  
23 sub. (7m), upon receiving a properly completed application for registration as a loan  
24 originator or loan solicitor and the fee specified in sub. (8) (a), the department shall  
25 issue to the applicant a certificate of registration as a loan originator or loan solicitor.

**SENATE BILL 77****SECTION 3269**

1           **SECTION 3269.** 224.72 (5) (b) 1. of the statutes is amended to read:

2           224.72 (5) (b) 1. Upon Except as provided in sub. (7m), upon receiving a  
3 properly completed application for registration as a mortgage banker, the fee  
4 specified in sub. (8) (b) and, except as provided in s. 224.85 (2), satisfactory evidence  
5 of compliance with sub. (4), the department shall issue to the applicant a temporary  
6 certificate of registration as a mortgage banker. A temporary certificate of  
7 registration is valid for 6 months after the date of issuance.

8           **SECTION 3270.** 224.72 (5) (b) 2. of the statutes is amended to read:

9           224.72 (5) (b) 2. If Except as provided in sub. (7m), if within 6 months after the  
10 date of issuance of a temporary certificate of registration under subd. 1. the holder  
11 of the temporary certificate of registration notifies the department that he or she is  
12 acting as a mortgage banker and pays to the department the fee specified in sub. (8)  
13 (a), the department shall issue to the person a certificate of registration as a  
14 mortgage banker.

15           **SECTION 3271.** 224.72 (7m) of the statutes is created to read:

16           224.72 (7m) DENIAL OF APPLICATION FOR ISSUANCE OR RENEWAL OF REGISTRATION.  
17 The department may not issue or renew a certificate of registration under this  
18 section if any of the following applies:

19           (a) The applicant for the issuance or renewal has failed to provide the  
20 information required under sub. (2) (c) 1.

21           (b) The department of revenue has certified under s. 73.0301 that the applicant  
22 is liable for delinquent taxes. An applicant whose application for issuance or renewal  
23 of a certificate of registration is denied under this paragraph for delinquent taxes is  
24 entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a)  
25 but is not entitled to any other notice or hearing under this section.

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1 (c) The applicant for the issuance or renewal is an individual who is delinquent  
2 in making court-ordered payments of child or family support, maintenance, birth  
3 expenses, medical expenses or other expenses related to the support of a child or  
4 former spouse, as provided in a memorandum of understanding entered into under  
5 s. 49.857. An applicant whose registration is not issued or renewed under this  
6 paragraph for delinquent payments is entitled to a notice and hearing under s.  
7 49.857 but is not entitled to any other notice or hearing under this section.

8 **SECTION 3272.** 224.77 (6) of the statutes is created to read:

9 224.77 (6) RESTRICTION OR SUSPENSION FOR DELINQUENT SUPPORT. The  
10 department shall restrict or suspend the registration of a mortgage banker, loan  
11 originator or loan solicitor if the registrant is an individual who is delinquent in  
12 making court-ordered payments of child or family support, maintenance, birth  
13 expenses, medical expenses or other expenses related to the support of a child or  
14 former spouse, as provided in a memorandum of understanding entered into under  
15 s. 49.857. A registrant whose registration is restricted or suspended under this  
16 subsection is entitled to a notice and hearing under s. 49.857 but is not entitled to  
17 any other notice or hearing under this section.

18 **SECTION 3273.** 224.77 (7) of the statutes is created to read:

19 224.77 (7) REVOCATION FOR LIABILITY FOR DELINQUENT TAXES. The department  
20 shall revoke the certificate of registration of a mortgage banker, loan originator or  
21 loan solicitor if the department of revenue certifies under s. 73.0301 that the  
22 registrant is liable for delinquent taxes. A registrant whose certificate of registration  
23 is revoked under this subsection for delinquent taxes is entitled to a notice under s.  
24 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other  
25 notice, hearing or review under this section.

**SENATE BILL 77****SECTION 3274**

1           **SECTION 3274.** 227.03 (4) of the statutes is amended to read:

2           227.03 (4) The provisions of this chapter relating to contested cases do not  
3 apply to proceedings involving the revocation of aftercare supervision under s.  
4 48.366 (5) or 938.357 (5), the revocation of parole, community supervision or  
5 probation, the grant of probation, prison discipline, mandatory release under s.  
6 302.11 or any other proceeding involving the care and treatment of a resident or an  
7 inmate of a correctional institution.

8           **SECTION 3275.** 227.03 (4m) of the statutes is created to read:

9           227.03 (4m) Subchapter 111 does not apply to any decision of an agency to  
10 suspend or restrict or not issue or renew a license if the agency suspends or restricts  
11 or does not issue or renew the license pursuant to a memorandum of understanding  
12 entered into under s. 49.857.

13           **SECTION 3276.** 227.03 (9) of the statutes is created to read:

14           227.03 (9) Except as provided in s. 73.0301 (2) (b) 2., subch. 111 does not apply  
15 to a revocation of a license or a denial of an application for a license or license renewal  
16 or continuation under s. 73.0301 (2) (b) 1. a.

17           **SECTION 3277.** 227.116 (4) (intro.) of the statutes is amended to read:

18           227.116 (4) (intro.) If an agency fails to review and make a determination on  
19 a permit application within the time period specified in a rule or law, for each such  
20 failure the agency shall prepare a report and submit it to the ~~permit information and~~  
21 ~~regulatory assistance bureau~~ business development assistance center within 5  
22 business days of the last day of the time period specified, setting forth all of the  
23 following:

24           **SECTION 3278.** 227.116 (5) of the statutes is amended to read:

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1           227.116 (5) If an agency fails to review and make a determination on a permit  
2 application within the time period specified in a rule or law, upon completion of the  
3 review and determination for that application, the agency shall notify the ~~permit~~  
4 ~~information and regulatory assistance bureau~~ business development assistance  
5 center.

6           **SECTION 3279.** 227.43 (1m) of the statutes is created to read:

7           227.43 (1m) Upon the request of an agency that is not prohibited from  
8 contracting with a 3rd party for contested case hearing services, the administrator  
9 of the division of hearings and appeals in the department of administration may  
10 contract with the agency to provide the contested case hearing services and may  
11 assign a hearing examiner to preside over any hearing performed under such a  
12 contract.

13           **SECTION 3280.** 227.43 (3) (e) of the statutes is created to read:

14           227.43 (3) (e) The administrator of the division of hearings and appeals may  
15 set the fees to be charged for any services contracted for under sub. (1m).

16           **SECTION 3281.** 227.43 (4) (e) of the statutes is created to read:

17           227.43 (4) (e) The agency contracting out for contested case hearing services  
18 under sub. (1m) shall pay all costs of the services of a hearing examiner, including  
19 support services, assigned under sub. (1m), according to the fees set under sub. (3)  
20 (e).

21           **SECTION 3282.** 227.52 of the statutes is amended to read:

22           **227.52 Judicial review; decisions reviewable.** Administrative decisions  
23 which adversely affect the substantial interests of any person, whether by action or  
24 inaction, whether affirmative or negative in form, are subject to review as provided  
25 in this chapter, except for the decisions of the department of revenue other than

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1 decisions relating to alcohol beverage permits issued under ch. 125, decisions of the  
2 department of employe trust funds, the division of banking, the office of credit  
3 unions, the division of savings and loan institutions, the board of state canvassers  
4 and those decisions of the department of industry, labor and job development which  
5 are subject to review, prior to any judicial review, by the labor and industry review  
6 commission, and except as otherwise provided by law.

7 **SECTION 3283.** 227.53 (1) (b) 4. of the statutes is amended to read:

8 227.53 (1) (b) 4. The savings and loan review board, the division of savings and  
9 loan institutions, except if the petitioner is the division of savings and loan  
10 institutions, the prevailing parties before the savings and loan review board shall be  
11 the named respondents.

12 **SECTION 3284.** 227.53 (1) (b) 5. of the statutes is amended to read:

13 227.53 (1) (b) 5. The savings bank review board, the division of savings and loan  
14 institutions, except if the petitioner is the division of savings and loan institutions,  
15 the prevailing parties before the savings bank review board shall be the named  
16 respondents.

17 **SECTION 3285.** 227.54 of the statutes is amended to read:

18 **227.54 Stay of proceedings.** The institution of the proceeding for review  
19 shall not stay enforcement of the agency decision. The reviewing court may order a  
20 stay upon such terms as it deems proper, except as otherwise provided in ss. 196.43,  
21 253.06 (7) and 551.62.

22 **SECTION 3286.** 229.42 (8) of the statutes is amended to read:

23 229.42 (8) The board of directors shall elect from its membership a chairperson,  
24 a vice chairperson, a secretary and a treasurer. A majority of the current  
25 membership of the board of directors constitutes a quorum to do business. Except

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1 as provided in ss. 66.75 (1m) (b) and 77.981 (1), the district may take action based  
2 on the affirmative vote of a majority of a quorum.

3 **SECTION 3287.** 229.50 (1) (b) (intro.) of the statutes is amended to read:

4 229.50 (1) (b) *Feasibility.* (intro.) The proceeds of bonds, other than refunding  
5 bonds, will be used for feasible projects and there is a reasonable likelihood that the  
6 bonds will be repaid without the necessity of drawing on funds in the special debt  
7 service reserve fund that secures the bonds. The secretary of administration may not  
8 make the determinations required under this paragraph unless a majority of the  
9 authorized members of the district's board has voted that, if the balance in a special  
10 debt service reserve fund of the district is less than the requirement under sub. (5),  
11 the room tax imposed by the district under s. 66.75 (1m) (b) is 3% of total room  
12 charges and the food and beverages tax imposed by the district under s. 77.981 (1)  
13 is 0.5% of gross receipts. In addition, the secretary of administration may make the  
14 determinations required under this paragraph only after considering all of the  
15 following:

16 **SECTION 3288.** 229.85 of the statutes is created to read:

17 **229.85 Validation of and liability for certain services.** (1) VALIDATION OF  
18 ACTIONS. Any actions taken by the department of administration or the building  
19 commission before the effective date of this subsection ... [revisor inserts date], to  
20 provide services that directly benefit a district are hereby validated.

21 (2) LIABILITY. A district that directly benefits from services provided by the  
22 department of administration or the building commission before the effective date  
23 of this subsection ... [revisor inserts date], is liable for the fair market value of those  
24 services, as determined by the secretary of administration, regardless of whether the

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1 district was in existence at the time that the services were provided or whether the  
2 district authorized the provision of those services.

3 **(3) CERTIFICATION AND TRANSFERS.** If the secretary of administration determines  
4 that a district is liable for an amount under sub. (2) and that the liability remains  
5 unpaid, the secretary of administration shall certify to the department of revenue the  
6 amount of the unpaid liability. The certification shall apportion the unpaid liability  
7 between the appropriation account under s. 20.505 (1) (kc) and the capital  
8 improvement fund, based on the extent to which the expenditures made to provide  
9 the services giving rise to the liability were made from the appropriation account  
10 under s. 20.505 (1) (kc) or 20.867 (3) (w), respectively. The certification may provide  
11 for the unpaid liability to be repaid in a lump sum or in instalments. An amount  
12 equal to the amount of the lump sum or instalment certified under this subsection  
13 shall be transferred, on the date specified in the certification, from the appropriation  
14 account under s. 20.835 (4) (gb) to the appropriation account under s. 20.505 (1) (kc)  
15 or to the capital improvement fund, or both, in accordance with the apportionment  
16 made in the certification.

17 **SECTION 3289.** 230.047 (4) (b) of the statutes is amended to read:

18 230.047 (4) (b) Employees who are on detail are entitled to the same salary and  
19 benefits to which they would otherwise be entitled and shall remain employes of the  
20 sending agency for all purposes, including the payment of their salaries, and their  
21 continuous service benefits except that the supervision of their duties during the  
22 period of detail may be governed by agreement between the sending agency and the  
23 receiving agency, and except that a receiving agency ~~other than a receiving agency~~  
24 ~~of this state~~ may provide supplemental salary and benefits to the employe for the  
25 duration of the interchange.



**SENATE BILL 77****SECTION 3290**

1           **SECTION 3290.** 230.047 (6) (b) of the statutes is amended to read:

2           230.047 (6) (b) Employees who are detailed to the receiving agency shall not by  
3 virtue of such detail be considered to be employees thereof, ~~nor shall they.~~ Except as  
4 provided in sub. (4) (b), employees who are detailed to the receiving agency shall not  
5 be paid a salary or wage by the receiving agency during the period of their detail.  
6 The supervision of the duties of such employees during the period of detail may be  
7 governed by agreement between the sending agency and the receiving agency.

8           **SECTION 3291.** 230.05 (2) (a) of the statutes is amended to read:

9           230.05 (2) (a) ~~Except as provided under par.~~ Subject to pars. (b) and (c), the  
10 administrator may delegate, in writing, any of his or her functions set forth in this  
11 subchapter to an appointing authority, within prescribed standards if the  
12 administrator finds that the agency has personnel management capabilities to  
13 perform such functions effectively and has indicated its approval and willingness to  
14 accept such responsibility by written agreement. If the administrator determines  
15 that any agency is not performing such delegated function within prescribed  
16 standards, the administrator shall withdraw such delegated function. The  
17 administrator may order transfer to the division from the agency to which delegation  
18 was made such agency staff and other resources as necessary to perform such  
19 functions if increased staff was authorized to that agency as a consequence of such  
20 delegation or if the division reduced staff or shifted staff to new responsibilities as  
21 a result of such delegation subject to the approval of the joint committee on finance.  
22 Any delegatory action taken under this subsection by any appointing authority may  
23 be appealed to the personnel commission under s. 230.44 (1) (b). The administrator  
24 shall be a party in such appeal.

25           **SECTION 3292.** 230.05 (2) (c) of the statutes is created to read:

**SENATE BILL 77****SECTION 3292**

1           230.05 (2) (c) Subject to par. (b), at the request of the board of regents of the  
2 University of Wisconsin System, the administrator shall delegate to the board of  
3 regents any of his or her functions set forth in this subchapter relating to the  
4 recruitment, appointment, examination and certification of applicants for classified,  
5 nonprofessional positions in the University of Wisconsin System.

6           **SECTION 3293.** 230.08 (2) (e) 1. of the statutes is amended to read:

7           230.08 (2) (e) 1. Administration — ~~11~~ 12.

8           **SECTION 3294.** 230.08 (2) (e) 3g. of the statutes is renumbered 230.08 (2) (e) 9.  
9 and amended to read:

10          230.08 (2) (e) 9. ~~Education~~ Public instruction — 5.

11          **SECTION 3295.** 230.08 (2) (e) 4m. of the statutes is repealed.

12          **SECTION 3296.** 230.08 (2) (e) 5. of the statutes is amended to read:

13          230.08 (2) (e) 5. Health and family services — ~~5~~ 6.

14          **SECTION 3297.** 230.08 (2) (e) 6m. of the statutes is repealed.

15          **SECTION 3298.** 230.08 (2) (e) 8. of the statutes is amended to read:

16          230.08 (2) (e) 8. Natural resources — ~~4~~ 6.

17          **SECTION 3299.** 230.08 (2) (gm) of the statutes is repealed.

18          **SECTION 3300.** 230.08 (2) (L) 4. of the statutes is created to read:

19          230.08 (2) (L) 4. Higher educational aids board, created under s. 15.67.

20          **SECTION 3301.** 230.08 (2) (m) 2m. of the statutes is repealed.

21          **SECTION 3302.** 230.08 (2) (m) 3. of the statutes is repealed.

22          **SECTION 3303.** 230.08 (2) (mL) of the statutes is created to read:

23          230.08 (2) (mL) One executive assistant of each commissioner of the public  
24 service commission, created under s. 15.79.

25          **SECTION 3304.** 230.08 (2) (t) of the statutes is repealed.

**SENATE BILL 77****SECTION 3305**

1           **SECTION 3305.** 230.08 (2) (xe) of the statutes is created to read:

2           230.08 (2) (xe) The director of Indian gaming in the department of  
3 administration, and 3 employes in the department of administration, appointed  
4 under s. 569.015 (2).

5           **SECTION 3306.** 230.08 (2) (ym) of the statutes is repealed.

6           **SECTION 3307.** 230.08 (4) (a) of the statutes is amended to read:

7           230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
8 includes all administrator positions specifically authorized by law to be employed  
9 outside the classified service in each department, board or commission and the  
10 historical society. In this paragraph, "department" has the meaning given under s.  
11 15.01 (5), "board" means the educational communications board, investment board,  
12 public defender board, ~~gaming board~~ and technical college system board and  
13 "commission" means the public service commission. Notwithstanding sub. (2) (z), no  
14 division administrator position exceeding the number authorized in sub. (2) (e) may  
15 be created in the unclassified service.

16           **SECTION 3308.** 230.12 (1) (c) 1m. of the statutes is created to read:

17           230.12 (1) (c) 1m. The compensation plan shall provide for a supplemental  
18 salary increase of up to 10% of an employe's base salary for any employe who  
19 participates in the temporary interchange of employes program under s. 230.047, but  
20 only if the state agency to which the employe is assigned during the period of the  
21 interchange pays the cost of the supplemental salary increase.

22           **SECTION 3309.** 230.13 (1) (intro.) of the statutes is amended to read:

23           230.13 (1) (intro.) Except as provided in sub. (3) and s. 103.13, the secretary  
24 and the administrator may keep records of the following personnel matters closed to  
25 the public:

**SENATE BILL 77****SECTION 3310**

1           **SECTION 3310.** 230.13 (2) of the statutes is amended to read:

2           230.13 (2) Unless the name of an applicant is certified under s. 230.25, the  
3 secretary and the administrator shall keep records of the identity of an applicant for  
4 a position closed to the public, except as provided in sub. (3).

5           **SECTION 3311.** 230.13 (3) of the statutes is created to read:

6           230.13 (3) The secretary and the administrator shall provide to the department  
7 of industry, labor and job development any information requested under s. 49.22 (2m)  
8 that would otherwise be closed to the public under this section.

9           **SECTION 3312.** 230.19 (4) of the statutes is created to read:

10           230.19 (4) Notwithstanding s. 230.15 (1), for promotional appointments to  
11 vacant positions in the classified service at the University of Wisconsin System, any  
12 appointing authority at the University of Wisconsin System is not required to base  
13 promotional appointments on competitive examination and fill the positions from  
14 promotional registers when the position is to be filled by a person who, at the time  
15 of appointment, is employed in a permanent position in the classified service at the  
16 University of Wisconsin System. Nothing in this subsection shall affect the  
17 requirement that promotional appointments shall be made only according to merit  
18 and fitness.

19           **SECTION 3313.** 230.30 of the statutes is amended to read:

20           **230.30 Employing units; establishment and revision.** (1) Each agency  
21 shall constitute an employing unit for purposes of personnel transactions, except  
22 where appropriate functional, organizational or geographic breakdowns exist within  
23 the agency and except as provided in sub. (2). These breakdowns may constitute a  
24 separate employing unit for one or more types of personnel transactions under an  
25 overall employing unit plan if requested by the appointing authority of that agency

**SENATE BILL 77****SECTION 3313**

1 and approved by the administrator. If the administrator determines, after  
2 conferring with the appointing authority of the employing agency, that an employing  
3 unit is or has become inappropriate to carry out sound personnel management  
4 practices due to factors including, but not limited to, the size or isolated location of  
5 portions of the employing unit, the administrator may revise the employing unit  
6 structure of the agency to effect the remedy required.

7 **SECTION 3314.** 230.30 (2) of the statutes is created to read:

8 230.30 (2) The division of gaming in the department of administration shall  
9 constitute a separate employing unit for purposes of personnel transactions.

10 **SECTION 3315.** 230.36 (1) of the statutes is amended to read:

11 230.36 (1) If a conservation warden, conservation patrol boat captain,  
12 conservation patrol boat engineer, state forest ranger, conservation field employe of  
13 the department of natural resources who is subject to call for fire control duty,  
14 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
15 investigator employed by the department of revenue, special criminal investigation  
16 agent employed by the department of justice, special tax agent, state drivers' license  
17 examiner, state fair park police officer, University of Wisconsin System police officer  
18 and other state facilities police officer and patrol officer, security officer, watcher,  
19 engineer, engineering aide, building construction superintendent, fire fighter  
20 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
21 probation, community supervision and parole officer or any other employe whose  
22 duties include supervision and discipline of inmates or wards of the state at a state  
23 penal institution, including a secured correctional facility, as defined in s. 938.02  
24 (15m), or while on parole supervision or community supervision outside of the  
25 confines of the institutions, or supervision of persons placed on probation by a court

**SENATE BILL 77****SECTION 3315**

1 of record, or supervision and care of patients at a state mental institution, and the  
2 University of Wisconsin Hospitals and Clinics suffers injury while in the  
3 performance of his or her duties, as defined in subs. (2) and (3); or any other state  
4 employe who is not listed in this subsection and who is ordered by his or her  
5 appointing authority to accompany any employe listed in this subsection while the  
6 listed employe is engaged in the duties defined in sub. (3), or any other state employe  
7 who is not listed in this subsection and who is ordered by his or her appointing  
8 authority to perform the duties, when permitted, in lieu of the listed employe and  
9 while so engaged in the duties defined in sub. (3), suffers injury as defined in sub.  
10 (2) the employe shall continue to be fully paid by the employing agency upon the same  
11 basis as paid prior to the injury, with no reduction in sick leave credits, compensatory  
12 time for overtime accumulations or vacation and no reduction in the rate of earning  
13 sick leave credit or vacation. The full pay shall continue while the employe is unable  
14 to return to work as the result of the injury or until the termination of his or her  
15 employment upon recommendation of the appointing authority. At any time during  
16 the employe's period of disability the appointing authority may order physical or  
17 medical examinations to determine the degree of disability at the expense of the  
18 employing agency.

19 **SECTION 3316.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

20 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the  
21 University of Wisconsin Hospitals and Clinics or at a state penal or mental  
22 institution, including a secured correctional facility, as defined in s. 938.02 (15m),  
23 and a state probation, community supervision and parole officer, at all times while:

24 **SECTION 3317.** 230.36 (3) (c) 2. of the statutes is amended to read:

**SENATE BILL 77****SECTION 3317**

1           230.36 (3) (c) 2. In the process of restraining patients, inmates, probationers  
2   or, parolees or persons on community supervision and apprehending runaways or  
3   escapees, including probationers ~~and~~, parolees and persons on community  
4   supervision;

5           **SECTION 3318.** 230.36 (3) (c) 3. of the statutes is amended to read:

6           230.36 (3) (c) 3. When injury is occasioned as the result of an act by a patient,  
7   inmate, probationer or, parolee or person on community supervision;

8           **SECTION 3319.** 231.01 (5) (a) 1. of the statutes is amended to read:

9           231.01 (5) (a) 1. Any institution, place, building or agency required to be  
10   approved or licensed under either s. 50.02 or subch. II or III of ch. 50, and also means  
11   any such facility exempted from such approval or licensure when the secretary of  
12   health and family services attests that the exempted facility meets the statutory  
13   definition of a facility subject to approval or licensure.

14          **SECTION 3320.** 231.01 (5) (b) of the statutes is amended to read:

15          231.01 (5) (b) (intro.) "Health facility" does not include any:

16          1. Any institution, place or building used or to be used primarily for sectarian  
17   instruction or study or as a place for devotional activities or religious worship.

18          **SECTION 3321.** 231.01 (5) (b) 2. of the statutes is created to read:

19          231.01 (5) (b) 2. Any center, as defined in s. 134.70 (1) (ag).

20          **SECTION 3322.** 231.04 of the statutes is renumbered 231.04 (1).

21          **SECTION 3323.** 231.04 (2) of the statutes is created to read:

22          231.04 (2) Bond counsel services may be retained by the authority only on the  
23   basis of a competitive process approved by the secretary of administration.

24          **SECTION 3324.** 233.12 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3324**

1           233.12 (1) (a) Subject to ~~rules promulgated~~ procedures and standards  
2 prescribed by the department of administration under s. 16.611, the authority may  
3 transfer to or maintain in optical disk or electronic format any record in its custody  
4 and retain the record in that format only.

5           (b) Subject to ~~rules promulgated~~ procedures and standards prescribed by the  
6 department of administration under s. 16.611, the authority shall maintain  
7 procedures to ensure the authenticity, accuracy, reliability and accessibility of  
8 records transferred to or maintained in optical disk or electronic format under par.  
9 (a).

10           (c) Subject to ~~rules promulgated~~ procedures and standards prescribed by the  
11 department of administration under s. 16.611, if the authority transfers to or  
12 maintains in optical disk or electronic format any records in its custody, the authority  
13 shall ensure that the records stored in that format are protected from unauthorized  
14 destruction.

15           **SECTION 3325.** 233.12 (2) (a) 2. of the statutes is amended to read:

16           233.12 (2) (a) 2. The reproduction is on film which complies with the minimum  
17 standards of quality for microfilm reproductions, as established by rule of the public  
18 records board, or the optical disk or electronic copy and the copy generated from  
19 optical disk or electronic format comply with the minimum standards of quality for  
20 such copies, as ~~established by rule of~~ prescribed by the department of administration  
21 under s. 16.611.

22           **SECTION 3326.** 233.40 (4) (d) of the statutes is amended to read:

23           233.40 (4) (d) Any pupil referred to the ~~hospitals or their clinics by the secretary~~  
24 ~~of education~~ state superintendent of public instruction under s. 115.53 (4).





**SENATE BILL 77****SECTION 3332**

1           234.40 (4) The limitations established in ~~s. ss.~~ 234.18 (1) and (2), 234.50,  
2           234.60, 234.61, 234.65, and 234.66 ~~or~~ 234.70 are not applicable to bonds issued under  
3           the authority of this section. The authority may not have outstanding at any one  
4           time bonds for veterans housing loans in an aggregate principal amount exceeding  
5           \$61,945,000, excluding bonds being issued to refund outstanding bonds.

6           **SECTION 3333.** 234.50 (4) of the statutes is amended to read:

7           234.50 (4) The limitations established in ~~s. ss.~~ 234.18 (1) and (2), 234.40,  
8           234.60, 234.61, 234.65, and 234.66 ~~or~~ 234.70 are not applicable to bonds issued under  
9           the authority of this section. The authority may not have outstanding at any one  
10          time bonds for housing rehabilitation loans in an aggregate principal amount  
11          exceeding \$100,000,000, excluding bonds being issued to refund outstanding bonds.  
12          The authority shall consult with and coordinate the issuance of bonds with the  
13          building commission prior to the issuance of bonds.

14          **SECTION 3334.** 234.60 (2) of the statutes is amended to read:

15          234.60 (2) The limitations in ss. 234.18 (1) and (2), 234.40, 234.50, 234.61,  
16          234.65, and 234.66 ~~and~~ 234.70 do not apply to bonds or notes issued under this  
17          section.

18          **SECTION 3335.** 234.622 (intro.) of the statutes is amended to read:

19          **234.622 Definitions.** (intro.) In ~~this subchapter~~ ss. 234.621 to 234.626:

20          **SECTION 3336.** 234.65 (1) (b) of the statutes is amended to read:

21          234.65 (1) (b) The limits in ss. 234.18 (1) and (2), 234.40, 234.50, 234.60, 234.61  
22          and 234.66 ~~and~~ 234.70 do not apply to bonds or notes issued under this section.

23          **SECTION 3337.** 234.65 (1) (c) of the statutes is amended to read:

24          234.65 (1) (c) The authority may not issue more than \$200,000,000 in aggregate  
25          principal amount of bonds and notes under this section, excluding ~~bonds or notes~~

**SENATE BILL 77****SECTION 3337**

1     ~~secured by a capital reserve fund pursuant to sub. (6) (am) and excluding~~ bonds and  
2     notes issued to refund outstanding bonds or notes issued under this section.

3             **SECTION 3338.** 234.65 (1) (d) of the statutes is amended to read:

4             234.65 (1) (d) ~~Except as provided in sub. (6), s. Section~~ 234.15 does not apply  
5     to bonds or notes issued under this section, and any bond or note issued under this  
6     section shall contain on its face a statement to that effect.

7             **SECTION 3339.** 234.65 (1) (gm) of the statutes is amended to read:

8             234.65 (1) (gm) The authority may not grant a loan in an amount greater than  
9     4% of the amount of bonds and notes authorized under par. (c) for the benefit of a  
10    business that, together with all of its affiliates and subsidiaries and its parent  
11    company, has current gross annual sales in excess of \$5,000,000. ~~This paragraph~~  
12    ~~does not apply to an economic development loan to finance a project described in s.~~  
13    ~~234.01 (4n) (d).~~

14            **SECTION 3340.** 234.65 (1) (gp) of the statutes is amended to read:

15            234.65 (1) (gp) The authority may not refinance a loan to a business ~~which~~ that  
16    has been a participant in a tax incremental financing district. ~~This paragraph does~~  
17    ~~not apply to an economic development loan to finance a project described in s. 234.01~~  
18    ~~(4n) (d).~~

19            **SECTION 3341.** 234.65 (1) (h) of the statutes is repealed.

20            **SECTION 3342.** 234.65 (1) (hm) of the statutes is repealed.

21            **SECTION 3343.** 234.65 (3) (d) of the statutes is amended to read:

22            234.65 (3) (d) The business receiving the benefits of the loan proceeds, together  
23    with all of its affiliates and subsidiaries and its parent company, has current gross  
24    annual sales of \$35,000,000 or less. ~~This paragraph does not apply to an economic~~  
25    ~~development loan to finance a project described in s. 234.01 (4n) (d).~~

**SENATE BILL 77****SECTION 3344**

1           **SECTION 3344.** 234.65 (3) (e) of the statutes is amended to read:

2           234.65 (3) (e) The economic development loan will not be used to refinance  
3 existing debt, unless it is in conjunction with an expansion of the business or job  
4 creation. This paragraph does not apply to an economic development loan to finance  
5 an economic development project described under s. 234.01 (4n) (c) ~~or (d)~~.

6           **SECTION 3345.** 234.65 (5) (intro.) of the statutes is amended to read:

7           234.65 (5) (intro.) On or before July 1, ~~1985~~ 1998, and every July 1 thereafter,  
8 the ~~department of commerce~~ authority shall submit to the chief clerk of each house  
9 of the legislature, for distribution to the appropriate standing committees under s.  
10 13.172 (3), a report which shall address the effects of lending under this section in  
11 the following areas:

12           **SECTION 3346.** 234.65 (6) of the statutes is repealed.

13           **SECTION 3347.** 234.65 (7) of the statutes is repealed.

14           **SECTION 3348.** 234.65 (8) of the statutes is repealed.

15           **SECTION 3349.** 234.65 (10) of the statutes is repealed.

16           **SECTION 3350.** 234.66 (3) (b) of the statutes is amended to read:

17           234.66 (3) (b) The limits in ss. 234.18 (1) and (2), 234.40, 234.50, 234.60, 234.61  
18 and 234.65 and 234.70 do not apply to bonds or notes issued under this section.

19           **SECTION 3351.** 234.66 (3) (c) of the statutes is amended to read:

20           234.66 (3) (c) The authority may not issue more than ~~\$10,000,000~~ \$17,500,000  
21 in aggregate principal amount of bonds and notes under this section, excluding bonds  
22 and notes issued to refund outstanding bonds and notes issued under this section.

23           **SECTION 3352.** 234.67 of the statutes is repealed.

24           **SECTION 3353.** 234.68 of the statutes is repealed.

25           **SECTION 3354.** 234.69 of the statutes is repealed.

**SENATE BILL 77****SECTION 3355**

1           **SECTION 3355.** 234.70 of the statutes is renumbered 234.61.

2           **SECTION 3356.** 234.75 of the statutes is repealed.

3           **SECTION 3357.** 234.76 of the statutes is repealed.

4           **SECTION 3358.** 234.765 of the statutes is repealed.

5           **SECTION 3359.** 234.80 of the statutes is repealed.

6           **SECTION 3360.** 234.802 of the statutes is renumbered 234.92.

7           **SECTION 3361.** 234.82 of the statutes is repealed.

8           **SECTION 3362.** 234.83 (title) of the statutes is amended to read:

9           **234.83 (title) Targeted Small business development loan guarantee**  
10 **program.**

11           **SECTION 3363.** Subchapter II (title) of chapter 234 [precedes 234.83] of the  
12 statutes is created to read:

13   **CHAPTER 234**

14   **SUBCHAPTER II**

15   **LOAN GUARANTEE PROGRAMS**

16           **SECTION 3364.** 234.83 (1) (c) of the statutes is amended to read:

17           234.83 (1) (c) The lender ~~is a financial institution that~~ enters into an agreement  
18 under s. 234.93 (2) (a).

19           **SECTION 3365.** 234.83 (2) (a) of the statutes is renumbered 234.83 (2) (a) (intro.)  
20 and amended to read:

21           234.83 (2) (a) (intro.) A business, as defined in s. 560.60 (2)-, to which all of the  
22 following apply:

23           **SECTION 3366.** 234.83 (2) (a) 1. to 3. of the statutes are created to read:

24           234.83 (2) (a) 1. The owner of the business is actively engaged in the business.

25           2. The business employs 50 or fewer employees on a full-time basis.

**SENATE BILL 77****SECTION 3366**

1           3. The authority has not received a certification under s. 49.855 (7) that the  
2 owner of the business is delinquent in making child support or maintenance  
3 payments.

4           **SECTION 3367.** 234.83 (3) (a) (intro.) of the statutes is renumbered 234.83 (3)  
5 (intro.).

6           **SECTION 3368.** 234.83 (3) (a) 1. of the statutes is renumbered 234.83 (3) (a)  
7 (intro.) and amended to read:

8           234.83 (3) (a) (intro.) The borrower uses the loan proceeds for a business  
9 development project ~~in a targeted area~~. Loan proceeds may be used for direct or  
10 related expenses associated with any of the following:

11           1. The expansion or acquisition of a business, including the purchase or  
12 improvement of land, buildings, machinery, equipment or inventory.

13           **SECTION 3369.** 234.83 (3) (a) 2. to 9. of the statutes are renumbered 234.83 (3)  
14 (b) to (i), and 234.83 (3) (b), (d), (e), (f), (g), (h) and (i), as renumbered, are amended  
15 to read:

16           234.83 (3) (b) Loan proceeds are not used to refinance existing debt or for  
17 ~~operating or~~ entertainment expenses, expenses related to the production of an  
18 agricultural commodity, as defined in s. 94.67 (2), or expenses related to a  
19 community-based residential facility.

20           (d) The loan term does not extend beyond 15 years after the date on which the  
21 ~~financial institution lender~~ disburses the loan unless the loan is extended by the  
22 authority agrees to an extension of the loan term.

23           (e) The total principal amount of all loans to the borrower that are guaranteed  
24 under this section does not exceed ~~\$250,000~~ \$750,000.

**SENATE BILL 77****SECTION 3369**

1 (f) The ~~financial institution~~ lender obtains a security interest in the physical  
2 plant, equipment, machinery or other assets.

3 (g) The ~~financial institution~~ lender believes that it is reasonably likely that the  
4 borrower will be able to repay the loan in full with interest.

5 (h) The ~~financial institution~~ lender agrees to the percentage of guarantee  
6 established for the loan by the authority.

7 (i) The authority believes that the loan will have a positive ~~economic~~ impact on  
8 ~~the targeted area~~ in terms of job creation and or retention.

9 **SECTION 3370.** 234.83 (3) (a) 2. of the statutes is created to read:

10 234.83 (3) (a) 2. The start-up, expansion or acquisition of a day care business,  
11 including the purchase or improvement of land, buildings, machinery, equipment or  
12 inventory.

13 **SECTION 3371.** 234.83 (3) (b) of the statutes is repealed.

14 **SECTION 3372.** 234.83 (4) (title) and (a) of the statutes are amended to read:

15 234.83 (4) (title) GUARANTEE OF COLLECTION REPAYMENT. (a) Subject to par. (b),  
16 the authority ~~shall~~ may guarantee ~~collection~~ repayment of a percentage, ~~not~~  
17 ~~exceeding 90%,~~ portion of the principal of any loan eligible for a guarantee under sub.  
18 (1). That portion may not exceed 80% of the principal of the loan or \$200,000,  
19 whichever is less. The authority shall establish the ~~percentage~~ portion of the  
20 principal of an eligible loan that will be guaranteed, using the procedures described  
21 in the agreement under s. 234.93 (2) (a). The authority may establish a single  
22 percentage portion for all guaranteed loans that do not exceed \$250,000 and a single  
23 portion for all guaranteed loans that exceed \$250,000 or establish on an individual  
24 basis different ~~percentages~~ portions for eligible loans ~~on an individual basis~~ that do  
25 not exceed \$250,000 and different portions for eligible loans that exceed \$250,000.

**SENATE BILL 77****SECTION 3373**

1           **SECTION 3373.** 234.83 (4) (b) of the statutes is amended to read:

2           234.83 (4) (b) Except as provided in s. 234.93 (3), the total outstanding  
3 guaranteed principal amount of all loans that the authority may guarantee under  
4 par. (a) may not exceed ~~\$10,000,000~~ \$28,750,000.

5           **SECTION 3374.** 234.85 of the statutes is renumbered 234.35.

6           **SECTION 3375.** 234.86 of the statutes is created to read:

7           **234.86 Drinking water loan guarantee program. (1) DEFINITIONS.** In this  
8 section:

9           (a) "Community water system" means a public water system that serves at  
10 least 15 service connections used by year-round residents or that regularly serves  
11 at least 25 year-round residents.

12           (b) "Department" means the department of natural resources.

13           (c) "Local governmental unit" has the meaning given in s. 281.61 (1) (a).

14           (d) "Noncommunity water system" means a public water system that is not a  
15 community water system.

16           (e) "Public water system" has the meaning given in s. 281.61 (1) (c).

17           **(2) GUARANTEE REQUIREMENTS.** The authority may use money from the  
18 Wisconsin drinking water reserve fund under s. 234.933 to guarantee a loan under  
19 this section if all of the following apply:

20           (a) The borrower is not a local governmental unit and is one of the following:

21           1. The owner of a community water system.

22           2. The owner of a noncommunity water system and is not operated for profit.

23           (b) The loan qualifies as an eligible loan under sub. (3).

24           (c) The lender is a financial institution that enters into an agreement under s.  
25 234.933 (3) (a).



**SENATE BILL 77****SECTION 3375**

1           **(3) ELIGIBLE LOANS.** A loan is an eligible loan if all of the following apply:

2           (a) The department determines that the loan will facilitate compliance with  
3 national primary drinking water regulations under 42 USC 300g-1 or otherwise  
4 significantly further the health protection objectives of the Safe Drinking Water Act,  
5 42 USC 300f to 300j-26.

6           (b) The department determines that the loan satisfies the requirements under  
7 s. 281.62 (2).

8           **(4) GUARANTEE OF COLLECTION.** (a) Subject to par. (b), the authority may  
9 guarantee collection of a percentage, not exceeding 80%, of the principal of any loan  
10 eligible for a guarantee under this section. The authority shall establish the  
11 percentage of the unpaid principal of an eligible loan that will be guaranteed using  
12 the procedures described in the guarantee agreement under s. 234.933 (3) (a). The  
13 authority may establish a single percentage for all guaranteed loans or establish  
14 different percentages for eligible loans on an individual basis.

15           (b) Except as provided in s. 234.933 (4), the total outstanding principal amount  
16 of all guaranteed loans under par. (a) may not exceed \$3,000,000.

17           **SECTION 3376.** 234.87 of the statutes is repealed.

18           **SECTION 3377.** 234.88 of the statutes is created to read:

19           **234.88 Brownfields redevelopment loan guarantee program. (1)**

20           DEFINITIONS. In this section:

21           (a) "Brownfields" means abandoned, idle or underused industrial or  
22 commercial facilities or sites, the expansion or redevelopment of which is adversely  
23 affected by actual or perceived environmental contamination.

24           (b) "Guaranteed loan" means a loan for which the authority guarantees  
25 repayment under sub. (3).

**SENATE BILL 77****SECTION 3377**

1 (c) "Participating lender" means a bank, savings bank, credit union, credit  
2 association, savings and loan association or other person that makes loans and that  
3 has entered into an agreement with the authority under s. 234.93 (2) (a).

4 (d) "Security interest" means an interest in property or other assets that  
5 secures payment or other performance of a guaranteed loan.

6 **(2) ELIGIBLE LOANS.** A loan made by a participating lender is eligible for  
7 guarantee of repayment from the Wisconsin development reserve fund under s.  
8 234.93 if all of the following apply:

9 (a) The borrower is a business in this state.

10 (b) The borrower uses the loan proceeds for direct or related expenses, as  
11 determined by the authority, that are associated with the redevelopment of  
12 brownfields and related environmental remediation activities.

13 (c) The loan proceeds are not applied to the outstanding balance of any other  
14 loan.

15 (d) The authority approves the interest rate on the loan, including any  
16 origination fees or other charges.

17 (e) The participating lender obtains a security interest in any equipment,  
18 machinery, physical plant or other assets to secure repayment of the loan.

19 (f) The loan term does not extend beyond 15 years after the date on which the  
20 participating lender disburses the loan unless the authority agrees to an extension  
21 of the loan term.

22 (g) The participating lender considers the borrower's assets, cash flow and  
23 managerial ability sufficient to preclude voluntary or involuntary liquidation for the  
24 loan term granted by the participating lender.

**SENATE BILL 77****SECTION 3377**

1 (h) The participating lender agrees to the percentage of guarantee established  
2 for the loan by the authority.

3 **(3) GUARANTEE OF REPAYMENT.** (a) Subject to par. (b), beginning on July 1, 1998,  
4 the authority may guarantee repayment of a percentage, not exceeding 80%, of the  
5 principal of any loan eligible for a guarantee under sub. (2). The authority shall  
6 establish the percentage of the unpaid principal of an eligible loan that will be  
7 guaranteed by using the procedures described in the guarantee agreement under s.  
8 234.93 (2) (a). The authority may establish a single percentage for all guaranteed  
9 loans or establish different percentages for eligible loans on an individual basis.

10 (b) Except as provided in s. 234.93 (3), the total outstanding principal amount  
11 of all guaranteed loans under par. (a) may not exceed \$500,000.

12 **SECTION 3378.** 234.905 of the statutes is repealed.

13 **SECTION 3379.** 234.93 (1) (e) of the statutes is created to read:

14 234.93 (1) (e) To be used for guaranteeing loans under s. 234.88, moneys  
15 appropriated to the authority under s. 20.490 (5) (t).

16 **SECTION 3380.** 234.93 (2) (a) (intro.) of the statutes is amended to read:

17 234.93 (2) (a) (intro.) The authority shall may enter into a guarantee  
18 agreement with any bank, production credit association, credit union, savings bank,  
19 savings and loan association or other person who wishes to participate in a loan  
20 program guaranteed by the Wisconsin development reserve fund. The authority may  
21 determine all of the following, consistent with the terms of the specific loan  
22 guarantee program:

23 **SECTION 3381.** 234.93 (2) (bm) of the statutes is created to read:

24 234.93 (2) (bm) A guarantee agreement between the authority and a bank,  
25 production credit association, credit union, savings and loan association or other

**SENATE BILL 77****SECTION 3381**

1 person under par. (a) with respect to a loan guaranteed under s. 234.67, 1995 stats.,  
2 s. 234.68, 1995 stats., s. 234.69, 1995 stats., s. 234.765, 1995 stats., s. 234.82, 1995  
3 stats., s. 234.83, 1995 stats., s. 234.87, 1995 stats., or s. 234.935, 1995 stats., that is  
4 in effect immediately before the effective date of this paragraph .... [revisor inserts  
5 date], shall continue in full force and effect until the termination or expiration of the  
6 agreement according to its terms.

7 **SECTION 3382.** 234.93 (4) (a) 2. of the statutes is amended to read:

8 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by  
9 funds from the Wisconsin development reserve fund, except for the program under  
10 s. 234.935, 1995 stats., at a ratio of \$1 of reserve funding to \$4 \$4.50 of total  
11 outstanding principal and outstanding guaranteed principal that the authority may  
12 guarantee under all of those programs.

13 **SECTION 3383.** 234.93 (4) (a) 3. of the statutes is created to read:

14 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1995  
15 stats., at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding  
16 guaranteed principal that the authority may guarantee under that program.

17 **SECTION 3384.** 234.93 (4) (b) (intro.) of the statutes is amended to read:

18 234.93 (4) (b) (intro.) Annually on ~~June 30~~ August 31, the executive director  
19 of the authority shall provide to the secretary of administration and to the joint  
20 committee on finance a signed statement that includes all of the following:

21 **SECTION 3385.** 234.932 (3) (d) of the statutes is amended to read:

22 234.932 (3) (d) The authority shall ensure that the cash balance in the  
23 Wisconsin job training reserve fund is sufficient to ~~fund guarantees under the job~~  
24 ~~training loan guarantee program at a ratio of \$1 of reserve funding to \$4 of total~~  
25 ~~outstanding guaranteed principal that the authority may guarantee under the~~

**SENATE BILL 77****SECTION 3385**

1 ~~program and~~ to pay all outstanding claims under the job training loan guarantee  
2 program. The authority shall regularly monitor the cash balance in the Wisconsin  
3 job training reserve fund to ensure that the cash balance is sufficient for the purposes  
4 specified in this paragraph.

5 **SECTION 3386.** 234.932 (4m) of the statutes is created to read:

6 234.932 (4m) BALANCE TRANSFER. Annually on August 31, until no balance  
7 remains, the authority shall transfer to the general fund any balance remaining in  
8 the Wisconsin job training reserve fund on that date, after deducting an amount  
9 sufficient to pay all outstanding claims under the job training loan guarantee  
10 program.

11 **SECTION 3387.** 234.933 of the statutes is created to read:

12 **234.933 Wisconsin drinking water reserve fund. (1) DEFINITION.** In this  
13 section, "drinking water loan guarantee program" means the program under s.  
14 234.86.

15 **(2) ESTABLISHMENT OF FUND.** There is established under the jurisdiction and  
16 control of the authority, for the purpose of providing funds for guaranteeing loans  
17 under s. 234.86, a Wisconsin drinking water reserve fund, consisting of all of the  
18 following:

19 (a) Moneys transferred to the authority from the appropriation accounts under  
20 s. 20.320 (2) (s) and (x) or received by the authority for the Wisconsin drinking water  
21 reserve fund from any other source.

22 (b) Any income from investment of money in the Wisconsin drinking water  
23 reserve fund by the authority under s. 234.03 (18).

24 **(3) PROGRAM ADMINISTRATION.** (a) The authority shall enter into a guarantee  
25 agreement with any bank, production credit association, credit union, savings bank,

**SENATE BILL 77****SECTION 3387**

1 savings and loan association or other person who wishes to participate in the  
2 drinking water loan guarantee program. The authority may determine all of the  
3 following, consistent with the terms of the loan guarantee program:

4 1. The form of the agreement.

5 2. Any conditions upon which the authority may refuse to enter into such an  
6 agreement.

7 3. Any procedures required to carry out the agreement, including default  
8 procedures and procedures for determining the guaranteed percentage of each loan.

9 (b) The authority may not use any moneys other than those in the Wisconsin  
10 drinking water reserve fund for the drinking water loan guarantee program, and  
11 may not use moneys in the Wisconsin drinking water reserve fund for any programs  
12 other than the drinking water loan guarantee program.

13 (c) The authority may establish an eligibility criteria review panel, consisting  
14 of experts in finance and in the subject area of the drinking water loan guarantee  
15 program, to provide advice about lending requirements and issues related to the  
16 drinking water loan guarantee program.

17 (d) The authority shall ensure that the cash balance in the Wisconsin drinking  
18 water reserve fund is sufficient to fund guarantees under the drinking water loan  
19 guarantee program at a ratio of \$1 of reserve funding to \$4 of total outstanding  
20 guaranteed principal that the authority may guarantee under the program and to  
21 pay all outstanding claims under the program. The authority shall regularly  
22 monitor the cash balance in the Wisconsin drinking water reserve fund to ensure  
23 that the cash balance is sufficient for the purposes specified in this paragraph.

24 **(4) INCREASES OR DECREASES IN LOAN GUARANTEES.** The authority may request  
25 the joint committee on finance to take action under s. 13.10 to permit the authority

**SENATE BILL 77****SECTION 3387**

1 to increase or decrease the total outstanding guaranteed principal amount of loans  
2 that it may guarantee under the drinking water loan guarantee program. Included  
3 with its request, the authority shall provide a projection, for the next June 30, that  
4 compares the amounts required on that date to pay outstanding claims and to fund  
5 guarantees under the drinking water loan guarantee program, and the balance  
6 remaining in the Wisconsin drinking water reserve fund on that date after deducting  
7 such amounts, if the increase or decrease is approved, with such amounts and the  
8 balance remaining, if the increase or decrease is not approved.

9 (5) ANNUAL REPORT. Annually, the authority shall report on the number and  
10 total dollar amount of guaranteed loans under the drinking water loan guarantee  
11 program, the default rate on the loans and any other information on the program that  
12 the authority determines is significant.

13 (6) MORAL OBLIGATION. Recognizing its moral obligation, the legislature  
14 expresses its expectation that, if called upon to do so, it shall make an appropriation  
15 to meet all demands for funds guaranteed by the Wisconsin drinking water reserve  
16 fund.

17 **SECTION 3388.** 234.935 of the statutes is repealed.

18 **SECTION 3389.** Subchapter III (title) of chapter 234 [precedes 234.94] of the  
19 statutes is created to read:

20 **CHAPTER 234**

21 **SUBCHAPTER III**

22 **COMMUNITY DEVELOPMENT**

23 **FINANCE COMPANY**

24 **SECTION 3390.** 234.94 (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3390**

1           **234.94** (title) ~~Community development finance company~~ Definitions.

2 (intro.) In ss. ~~234.94 to 234.98~~ this subchapter:

3           **SECTION 3391.** 236.02 (4) of the statutes is amended to read:

4           236.02 (4) "Department" means the department of ~~commerce~~ administration.

5           **SECTION 3392.** 236.12 (2) (a) of the statutes is amended to read:

6           236.12 (2) (a) Two copies for each of the state agencies required to review the  
7 plat to the department which shall examine the plat for compliance with ss. ~~236.13~~  
8 ~~(1) (d) and (2m)~~, 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision  
9 abuts or adjoins a state trunk highway or connecting highway, the department shall  
10 transmit 2 copies to the department of transportation so that agency may determine  
11 whether it has any objection to the plat on the basis of its rules as provided in s.  
12 ~~236.13. If the subdivision is not served by a public sewer and provision for that~~  
13 service has not been made, the department shall transmit 2 copies to the department  
14 of commerce so that that agency may determine whether it has any objection to the  
15 plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure the  
16 agencies may designate local officials to act as their agents in examining the plats  
17 for compliance with the statutes or their rules by filing a written delegation of  
18 authority with the approving body.

19           **SECTION 3393.** 236.13 (1) (d) of the statutes is amended to read:

20           236.13 (1) (d) The rules of the department of commerce relating to lot size and  
21 lot elevation necessary for proper sanitary conditions in a subdivision not served by  
22 a public sewer, where provision for public sewer service has not been made;

23           **SECTION 3394.** 250.04 (3m) of the statutes is created to read:

24           250.04 (3m) The department may charge a reasonable fee for the analysis and  
25 provision of data under this section.



**SENATE BILL 77****SECTION 3395**

1           **SECTION 3395.** 250.041 of the statutes is created to read:

2           **250.041 Denial, nonrenewal and suspension of registration, license,**  
3           **certification, approval, permit and certificate based on certain**  
4           **delinquency in payment. (1)** The department shall require each applicant to  
5           provide the department with the applicant's social security number, if the applicant  
6           is an individual, as a condition of issuing or renewing any of the following:

7           (a) A registration under s. 250.05 (5).

8           (b) A license under s. 252.23 (2) or 252.24 (2).

9           (c) A certification under s. 254.176 (1) or (3) or 254.20 (2), (3) or (4).

10          (d) An approval under s. 254.178 (2) (a).

11          (e) A permit under s. 254.47 (1), 254.64 (1) (a) or (b) or 255.08 (2).

12          (f) A certificate under s. 254.71 (2).

13          **(2)** The department may not disclose any information received under sub. (1)  
14          to any person except to the department of industry, labor and job development for the  
15          purpose of making certifications required under s. 49.857.

16          **(3)** The department shall deny an application for the issuance or renewal of a  
17          registration, license, certification, approval, permit or certificate specified in sub. (1)  
18          or may, under a memorandum of understanding under s. 49.857 (2), suspend or  
19          restrict a registration, license, certification, approval, permit or certificate specified  
20          in sub. (1) if the department of industry, labor and job development certifies under  
21          s. 49.857 that the applicant for a holder of the registration, license, certification,  
22          approval, permit or certificate is delinquent in the payment of court-ordered  
23          payments of child or family support, maintenance, birth expenses, medical expenses  
24          or other expenses related to the support of a child or former spouse.

25          **SECTION 3396.** 250.05 (5) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3396**

1           250.05 (5) REGISTRATION. ~~The Except as provided in s. 250.041, the~~ department,  
2 upon application on forms prescribed by it and payment of the prescribed fee, shall  
3 register as a sanitarian any person who has presented evidence satisfactory to the  
4 department that standards and qualifications of the department, as established by  
5 rule, have been met.

6           **SECTION 3397.** 250.05 (6) of the statutes is amended to read:

7           250.05 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. A  
8 fee fixed by rule of the department shall accompany the application under sub. (5)  
9 and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every registered  
10 sanitarian who desires to continue registration. The amounts of the fees may be  
11 adjusted by the department by rule. All certificates of registration shall expire on  
12 December 31 in each odd-numbered year. ~~The Except as provided in s. 250.041, the~~  
13 department may renew registrations upon application made after January 1 of each  
14 even-numbered year if it is satisfied that the applicant has good cause for not  
15 making application in December of the immediately preceding year and upon  
16 payment of the biennial fee and any additional fees prescribed by the department.

17           **SECTION 3398.** 250.05 (8) of the statutes is amended to read:

18           250.05 (8) REVOCATION OF REGISTRATION. The department may, after a hearing  
19 held in conformance with ch. 227, revoke or suspend under this section the  
20 registration of any sanitarian for practice of fraud or deceit in obtaining the  
21 registration or any gross professional negligence, incompetence or misconduct.

22           **SECTION 3399.** 250.08 of the statutes is repealed.

23           **SECTION 3400.** 250.10 of the statutes is amended to read:

24           **250.10 Grant for dental services.** From the appropriation under s. 20.435  
25 ~~(4)~~ (5) (de), the department shall provide funding in each fiscal year to the Marquette

**SENATE BILL 77****SECTION 3400**

1 University School of Dentistry for the provision of dental services by the Marquette  
2 University School of Dentistry in correctional centers in Milwaukee County and  
3 clinics in the city of Milwaukee.

4 **SECTION 3401.** 252.04 (8) of the statutes is amended to read:

5 252.04 (8) The department shall provide the vaccines without charge, if federal  
6 ~~or state~~ funds are available for the vaccines, upon request of a school district or a local  
7 health department. The department shall provide the necessary professional  
8 consultant services to carry out an immunization program, under the requirements  
9 of sub. (9), in the jurisdiction of the requesting local health department. Persons  
10 immunized may not be charged for vaccines furnished by the department.

11 **SECTION 3402.** 252.10 (6) (g) of the statutes is amended to read:

12 252.10 (6) (g) The reimbursement by the state under pars. (a) to (f) shall apply  
13 only to funds that the department allocates for the reimbursement under the  
14 appropriation under s. 20.435 ~~(1)~~ (5) (e).

15 **SECTION 3403.** 252.10 (7) of the statutes is amended to read:

16 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis  
17 shall be purchased by the department from the appropriation under s. 20.435 ~~(1)~~ (5)  
18 (e) and dispensed to patients through the public health dispensaries or through  
19 health care providers, as defined in s. 146.81 (1), other than social workers, marriage  
20 and family therapists or professional counselors certified under ch. 457,  
21 speech-language pathologists or audiologists licensed under subch. II of ch. 459,  
22 speech and language pathologists licensed by the department of ~~education~~ public  
23 instruction or, on or after July 1, 1995, and no later than June 30, 1999, dietitians  
24 certified under subch. IV of ch. 448.

25 **SECTION 3404.** 252.12 (2) (a) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3404**

1           252.12 (2) (a) *Acquired immunodeficiency syndrome services.* (intro.) From the  
2 appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute  
3 funds for the provision of services to individuals with or at risk of contracting  
4 acquired immunodeficiency syndrome, as follows:

5           **SECTION 3405.** 252.12 (2) (a) 8. of the statutes is amended to read:

6           252.12 (2) (a) 8. 'Life care and early intervention services.' The department  
7 shall award not more than \$1,647,700 in each year in grants to applying  
8 organizations for the provision of needs assessments; assistance in procuring  
9 financial, medical, legal, social and pastoral services; counseling and therapy;  
10 homecare services and supplies; advocacy; and case management services. These  
11 services shall include early intervention services. The department shall also award  
12 not more than \$74,000 in each year from the appropriation under s. 20.435 (7) (md)  
13 for the services under this subdivision. The state share of payment for case  
14 management services that are provided under s. 49.45 (25) (be) to recipients of  
15 medical assistance shall be paid from the appropriation under s. 20.435 ~~(1)~~ (5) (am).

16           **SECTION 3406.** 252.12 (2) (b) of the statutes is repealed.

17           **SECTION 3407.** 252.12 (2) (c) (intro.) of the statutes is amended to read:

18           252.12 (2) (c) *HIV prevention grants.* (intro.) From the appropriation under  
19 s. 20.435 ~~(7)~~ (3) (md), the department shall award to applying nonprofit corporations  
20 or public agencies up to \$75,000 in each fiscal year, on a competitive basis, as grants  
21 for services to prevent HIV. Criteria for award of the grants shall include all of the  
22 following:

23           **SECTION 3408.** 252.14 (1) (ar) 8. of the statutes is amended to read:

**SENATE BILL 77****SECTION 3408**

1           252.14 (1) (ar) 8. A speech-language pathologist or audiologist licensed under  
2           subch. II of ch. 459 or a speech and language pathologist licensed by the department  
3           of education public instruction.

4           **SECTION 3409.** 252.16 (title) of the statutes is amended to read:

5           **252.16** (title) ~~Continuation coverage~~ **Health insurance premium**  
6           **subsidies.**

7           **SECTION 3410.** 252.16 (1) (a) of the statutes is repealed.

8           **SECTION 3411.** 252.16 (1) (ar) of the statutes is created to read:

9           252.16 (1) (ar) “Dependent” has the meaning given in s. 635.02 (3c).

10          **SECTION 3412.** 252.16 (1) (b) of the statutes is amended to read:

11          252.16 (1) (b) “Group health plan” means an insurance policy or a partially or  
12          wholly uninsured plan or program, that provides hospital, medical or other health  
13          coverage to members of a group, whether or not dependents of the members are also  
14          covered. The term includes a medicare supplement policy, as defined in s. 600.03  
15          (28r), but does not include a medicare replacement policy, as defined in s. 600.03  
16          (28p), or a long-term care insurance policy, as defined in s. 600.03 (28g).

17          **SECTION 3413.** 252.16 (1) (c) of the statutes is created to read:

18          252.16 (1) (c) “Individual health policy” means an insurance policy or a  
19          partially or wholly uninsured plan or program, that provides hospital, medical or  
20          other health coverage to an individual on an individual basis and not as a member  
21          of a group, whether or not dependents of the individual are also covered. The term  
22          includes a medicare supplement policy, as defined in s. 600.03 (28r), but does not  
23          include a medicare replacement policy, as defined in s. 600.03 (28p), or a long-term  
24          care insurance policy, as defined in s. 600.03 (28g).

25          **SECTION 3414.** 252.16 (1) (d) of the statutes is created to read:

**SENATE BILL 77****SECTION 3414**

1           252.16 (1) (d) "Medicare" has the meaning given in s. 49.498 (1) (f).

2           **SECTION 3415.** 252.16 (2) of the statutes is amended to read:

3           252.16 (2) SUBSIDY PROGRAM. From the appropriation under s. 20.435 (1) (5)  
4 (am), the department shall distribute funding in each fiscal year to subsidize the  
5 premium costs under s. 252.17 (2) and, under this subsection, the premium costs for  
6 ~~continuation~~ health insurance coverage available to an individual who has HIV  
7 infection and who is unable to continue his or her employment or must reduce his or  
8 her hours because of an illness or medical condition arising from or related to HIV  
9 infection.

10          **SECTION 3416.** 252.16 (3) (b) of the statutes is amended to read:

11          252.16 (3) (b) Has a family income, as defined by rule under sub. (6), that does  
12 not exceed ~~200%~~ 300% of the federal poverty line, as defined under 42 USC 9902 (2),  
13 for a family the size of the individual's family.

14          **SECTION 3417.** 252.16 (3) (d) of the statutes is repealed.

15          **SECTION 3418.** 252.16 (3) (dm) of the statutes is created to read:

16          252.16 (3) (dm) Has, or is eligible for, health insurance coverage under a group  
17 health plan or an individual health policy.

18          **SECTION 3419.** 252.16 (3) (e) 1. of the statutes is amended to read:

19          252.16 (3) (e) 1. Contact the individual's employer or former employer or the  
20 administrator of the group health plan under which the individual is covered, health  
21 insurer to verify the individual's eligibility for ~~continuation~~ coverage under the group  
22 health plan or individual health policy and the premium and any other conditions  
23 of coverage, to make premium payments as provided in sub. (4) and for other  
24 purposes related to the administration of this section.

25          **SECTION 3420.** 252.16 (3) (e) 1m. of the statutes is created to read:

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1           252.16 (3) (e) 1m. Contact the individual's employer or former employer to  
2 verify that the individual's employment has been terminated or that his or her hours  
3 have been reduced and for other purposes related to the administration of this  
4 section.

5           **SECTION 3421.** 252.16 (3) (e) 2. of the statutes is amended to read:

6           252.16 (3) (e) 2. Make any necessary disclosure to the individual's employer or  
7 former employer or ~~the administrator of the group health plan under which the~~  
8 ~~individual is covered~~ health insurer regarding the individual's HIV status.

9           **SECTION 3422.** 252.16 (3) (f) of the statutes is repealed.

10          **SECTION 3423.** 252.16 (3) (g) of the statutes is repealed.

11          **SECTION 3424.** 252.16 (3) (h) of the statutes is repealed.

12          **SECTION 3425.** 252.16 (4) (a) of the statutes is amended to read:

13          252.16 (4) (a) Except as provided in pars. (b) and ~~(e)~~ (d), if an individual satisfies  
14 sub. (3), the department shall pay the full amount of each premium payment for  
15 continuation coverage that is due from the individual under s. 632.897 (2) (d), 29 USC  
16 ~~1162 (3) or 42 USC 300bb-2 (3), whichever is applicable~~ the individual's health  
17 insurance coverage under the group health plan or individual health policy under  
18 sub. (3) (dm), on or after the date on which the individual becomes eligible for a  
19 subsidy under sub. (3). ~~The~~ Except as provided in pars. (b) and (d), the department  
20 ~~may not refuse to~~ shall pay the full amount of each premium payment because the  
21 continuation coverage that is available to the individual who satisfies sub. (3)  
22 regardless of whether the individual's health insurance coverage under sub. (3) (dm)  
23 includes coverage of the individual's spouse and dependents. Except as provided in  
24 par. (b), the department shall terminate the payments under this section when the  
25 individual's ~~continuation~~ health insurance coverage ceases, or when the individual

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1 no longer satisfies sub. (3) ~~or upon the expiration of 29 months after the continuation~~  
2 ~~coverage began~~, whichever occurs first. The department may not make payments  
3 under this section for premiums for a ~~conversion policy or plan that is available to~~  
4 ~~an individual under s. 632.897 (4) or (6), 29 USC 1162 (5) or 42 USC 300bb-2 (5)~~  
5 medicare.

6 **SECTION 3426.** 252.16 (4) (b) of the statutes is amended to read:

7 252.16 (4) (b) The obligation of the department to make payments under this  
8 section is subject to the availability of funds in the appropriation under s. 20.435 (1)  
9 (5) (am).

10 **SECTION 3427.** 252.16 (4) (c) of the statutes is repealed.

11 **SECTION 3428.** 252.16 (4) (d) of the statutes is created to read:

12 252.16 (4) (d) For an individual who satisfies sub. (3) and who has a family  
13 income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed  
14 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the  
15 size of the individual's family, the department shall pay a portion of the amount of  
16 each premium payment for the individual's health insurance coverage. The portion  
17 that the department pays shall be determined according to a schedule established  
18 by the department by rule under sub. (6) (c). The department shall pay the portion  
19 of the premium determined according to the schedule regardless of whether the  
20 individual's health insurance coverage under sub. (3) (dm) includes coverage of the  
21 individual's dependents.

22 **SECTION 3429.** 252.16 (5) of the statutes is amended to read:

23 252.16 (5) APPLICATION PROCESS. The department may establish, by rule, a  
24 procedure under which an individual who does not satisfy sub. (3) (b), (c) 2. or ~~(d)~~ (dm)  
25 may submit to the department an application for a premium subsidy under this



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1 section that the department shall hold until the individual satisfies each  
2 requirement of sub. (3), if the department determines that the procedure will assist  
3 the department to make premium payments in a timely manner once the individual  
4 satisfies each requirement of sub. (3). If an application is submitted by an employed  
5 individual under a procedure established by rule under this subsection, the  
6 department may not contact the individual's employer or ~~the administrator of the~~  
7 ~~group health plan under which the individual is covered,~~ health insurer unless the  
8 individual authorizes the department, in writing, to make that contact and to make  
9 any necessary disclosure to the individual's employer or ~~the administrator of the~~  
10 ~~group health plan under which the individual is covered~~ health insurer regarding the  
11 individual's HIV status.

12 **SECTION 3430.** 252.16 (6) (b) of the statutes is amended to read:

13 252.16 (6) (b) Establish a procedure for making payments under this section  
14 that ensures that the payments are actually used to pay premiums for ~~continuation~~  
15 health insurance coverage available to individuals who satisfy sub. (3).

16 **SECTION 3431.** 252.16 (6) (c) of the statutes is created to read:

17 252.16 (6) (c) Establish a premium contribution schedule for individuals who  
18 have a family income, as defined by rule under par. (a), that exceeds 200% but does  
19 not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for  
20 a family the size of the individual's family. In establishing the schedule under this  
21 paragraph, the department shall take into consideration both income level and  
22 family size.

23 **SECTION 3432.** 252.17 (2) of the statutes is amended to read:

24 252.17 (2) SUBSIDY PROGRAM. The department shall establish and administer  
25 a program to subsidize, from the appropriation under s. 20.435 (1) ~~(5)~~ (am), as

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1 provided in s. 252.16 (2), the premium costs for coverage under a group health plan  
2 that are paid by an individual who has HIV infection and who is on unpaid medical  
3 leave from his or her employment because of an illness or medical condition arising  
4 from or related to HIV infection.

5 **SECTION 3433.** 252.17 (4) (b) of the statutes is amended to read:

6 252.17 (4) (b) The obligation of the department to make payments under this  
7 section is subject to the availability of funds in the appropriation under s. 20.435 (1)  
8 (5) (am).

9 **SECTION 3434.** 252.23 (2) of the statutes is amended to read:

10 252.23 (2) DEPARTMENT; DUTY. The Except as provided in s. 250.041, the  
11 department shall provide uniform, statewide licensing and regulation of tattooists  
12 and uniform, statewide licensing and regulation of tattoo establishments under this  
13 section. The department shall inspect a tattoo establishment once before issuing a  
14 license for the tattoo establishment under this section and may make additional  
15 inspections that the department determines are necessary.

16 **SECTION 3435.** 252.23 (4) (a) of the statutes is amended to read:

17 252.23 (4) (a) Standards Except as provided in s. 250.041, standards and  
18 procedures, including fee payment to offset the cost of licensing tattooists and tattoo  
19 establishments, for the annual issuance of licenses as tattooists or as tattoo  
20 establishments to applicants under this section.

21 **SECTION 3436.** 252.24 (2) of the statutes is amended to read:

22 252.24 (2) DEPARTMENT; DUTY. The Except as provided in s. 250.041, the  
23 department shall provide uniform, statewide licensing and regulation of body  
24 piercers and uniform, statewide licensing and regulation of body-piercing  
25 establishments under this section. The department shall inspect a body-piercing

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1 establishment once before issuing a license for the body-piercing establishment  
2 under this section and may make additional inspections that the department  
3 determines are necessary.

4 **SECTION 3437.** 252.24 (4) (a) of the statutes is amended to read:

5 252.24 (4) (a) Standards Except as provided in s. 250.041, standards and  
6 procedures, including fee payment to offset the cost of licensing body piercers and  
7 body-piercing establishments, for the annual issuance of licenses as body piercers  
8 or as body-piercing establishments to applicants under this section.

9 **SECTION 3438.** 253.06 of the statutes is renumbered 253.06 (2) and amended  
10 to read:

11 253.06 (2) From the appropriation under s. 20.435 ~~(1)~~ (5) (em), the department  
12 shall supplement the provision of supplemental foods, nutrition education and other  
13 services, including nutritional counseling, to low-income women, infants and  
14 children who meet the eligibility criteria under the federal special supplemental food  
15 program for women, infants and children authorized under 42 USC 1786. To the  
16 extent that funds are available under this section and to the extent that funds are  
17 available under 42 USC 1786, the department shall provide the supplemental food,  
18 nutrition education and other services authorized under this section and shall  
19 administer that provision in every county. The department may enter into contracts  
20 for this purpose.

21 **SECTION 3439.** 253.06 (1) of the statutes is created to read:

22 253.06 (1) DEFINITIONS. In this section:

23 (a) "Authorized food" means food identified by the department in accordance  
24 with 7 CFR 246.10 as acceptable for use under the federal special supplemental food  
25 program for women, infants and children under 42 USC 1786.

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1 (b) "Authorized vendor" means a vendor that has been authorized by the  
2 department to accept drafts from participants and have the drafts redeemed by the  
3 department.

4 (c) "Draft" means the negotiable instrument distributed by the department for  
5 use by a participant to purchase authorized food.

6 (cm) "Food distribution center" means an entity, other than a vendor, that is  
7 under contract with the department under sub. (3m) to distribute authorized food to  
8 participants.

9 (d) "Participant" means a person who is eligible for services under this section  
10 and who receives services under this section.

11 (dm) "Proxy" means a person who has been designated in writing by a  
12 participant or by the department to obtain and exchange drafts for authorized food  
13 on behalf of the participant.

14 (e) "Vendor" means a grocery store or pharmacy that sells authorized food.

15 (f) "Vendor stamp" means a rubber stamp provided to a vendor or food  
16 distribution center by the department for the purpose of validating drafts.

17 **SECTION 3440.** 253.06 (2) (title) of the statutes is created to read:

18 253.06 (2) (title) USE OF FUNDS.

19 **SECTION 3441.** 253.06 (3) of the statutes is created to read:

20 253.06 (3) AUTHORIZATION OF VENDORS. (a) The department may authorize a  
21 vendor to accept drafts only if the vendor meets all of the following conditions:

22 1. The vendor submits to the department a completed application.

23 2. The vendor meets the minimum requirements for authorization, as  
24 established by the department by rule under sub. (5) (a) 1.

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1           3. The vendor does not have any outstanding fines, forfeitures, recoupment  
2 assessments or enforcement assessments that were levied against that vendor for a  
3 violation of this section or for a violation of rules promulgated under this section.  
4 This subdivision does not apply if the vendor has contested the fine, forfeiture,  
5 recoupment assessment or enforcement assessment and has not exhausted  
6 administrative or judicial review.

7           4. The vendor is fit and qualified, as determined by the department. In  
8 determining whether a vendor is fit and qualified, the department shall consider any  
9 relevant conviction of the vendor or any of the vendor's employes for civil or criminal  
10 violations substantially related to the operation of a grocery store or pharmacy.

11           (bg) The department may limit the number of vendors that it authorizes under  
12 this subsection if the department determines that the number of vendors already  
13 authorized under this subsection is sufficient to permit participants to obtain  
14 authorized food conveniently.

15           (bm) The department shall approve or deny initial authorization within 90  
16 days after the receipt of a completed application. If the application is denied, the  
17 department shall give the applicant reasons, in writing, for the denial and shall  
18 inform the applicant of the right to appeal that decision under sub. (6).

19           (c) The department may not redeem drafts submitted by a person who is not  
20 an authorized vendor except as provided in sub. (3m).

21           **SECTION 3442.** 253.06 (3m) of the statutes is created to read:

22           253.06 **(3m)** FOOD DISTRIBUTION CENTERS. (a) The department may contract for  
23 an alternative system of authorized food distribution with an entity other than a  
24 vendor only if the entity meets all of the following requirements:

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1           1. The entity meets the minimum requirements established by the department  
2 by rule under sub. (5) (a) 1.

3           2. The entity does not have any outstanding fines, forfeitures, recoupment  
4 assessments or enforcement assessments that were levied against that entity for a  
5 violation of this section or for a violation of rules promulgated under this section.  
6 This subdivision does not apply if the entity has contested the fine, forfeiture,  
7 recoupment assessment or enforcement assessment and has not exhausted  
8 administrative or judicial review.

9           3. The entity is fit and qualified, as determined by the department.

10          (b) The department shall redeem valid drafts submitted by a food distribution  
11 center.

12          **SECTION 3443.** 253.06 (4) of the statutes is created to read:

13          253.06 (4) PROHIBITED PRACTICES. (a) No person may do any of the following:

14           1. Accept drafts or submit drafts to the department for redemption without  
15 authorization.

16           2. Provide cash or commodities, other than authorized food, in exchange for  
17 drafts or in exchange for authorized food purchased with a draft.

18           3. Accept a draft other than in exchange for authorized food that is provided  
19 by the person.

20           3m. Provide authorized food or other commodities to a participant or proxy in  
21 exchange for a draft accepted by a 3rd party.

22           4. Enter on a draft a dollar amount that is higher than the actual retail price  
23 of the item for which the draft was used.

24           5. Require a participant or proxy to sign a draft before entering the dollar  
25 amount on the draft in permanent ink.

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- 1           6. Accept a draft except during the period specified on the draft.
- 2           7. Provide materially false information to the department or fail to provide in  
3 a timely manner material information that the department requests.
- 4           8. Duplicate a vendor stamp or use a stamp other than a vendor stamp for any  
5 purpose for which a vendor stamp is required.
- 6           9. Submit for redemption a draft to someone other than the department.
- 7           10. Accept a draft from someone other than a participant or proxy, except that  
8 the department shall accept for redemption valid drafts from vendors and food  
9 distribution centers.
- 10           (b) A person who violates any provision of this subsection may be fined not more  
11 than \$10,000 or imprisoned for not more than 2 years, or both, for the first offense  
12 and may be fined not more than \$10,000 or imprisoned for not more than 5 years, or  
13 both, for the 2nd or subsequent offense.
- 14           (c) 1. Whenever a court imposes a fine, forfeiture or recoupment for a violation  
15 of this subsection or imposes a forfeiture or recoupment for a violation of rules  
16 promulgated under sub. (5), the court shall also impose an enforcement assessment  
17 in an amount of 50% of the fine, forfeiture or recoupment imposed. If multiple  
18 offenses are involved, the court shall base the enforcement assessment upon the total  
19 fine, forfeiture and recoupment amounts for all offenses. When a fine, forfeiture or  
20 recoupment is suspended in whole or in part, the court shall reduce the enforcement  
21 assessment in proportion to the suspension.
- 22           2. If a fine or forfeiture is imposed by a court of record, after a determination  
23 by the court of the amount due, the clerk of the court shall collect and transmit such  
24 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer  
25 shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

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1           **SECTION 3444.** 253.06 (5) of the statutes is created to read:

2           253.06 (5) RULES AND PENALTIES. (a) The department shall promulgate rules  
3 to establish all of the following:

4           1. Minimum qualification standards for the authorization of vendors and for  
5 the awarding of a contract to an entity under sub. (3m).

6           2. Standards of operation for authorized vendors and food distribution centers,  
7 including prohibited practices.

8           3. Minimum requirements for participants, including prohibited practices.

9           4. Procedures for approving or denying an application to be a participant,  
10 including appeal procedures.

11           (b) A person who violates any rule promulgated under this subsection may be  
12 subject to any of the following:

13           1. Denial of the application to be a participant or authorized vendor.

14           2. Suspension or termination of authorization for an authorized vendor or, in  
15 the case of a food distribution center, termination of the contract.

16           3. Disqualification from the program under this section for a participant.

17           4. Forfeiture of not less than \$10 nor more than \$1,000.

18           5. Recoupment.

19           (c) Whenever the department imposes a forfeiture or recoupment for a violation  
20 of rules promulgated under this subsection, the department shall also impose an  
21 enforcement assessment in an amount of 50% of the forfeiture or recoupment  
22 imposed. If multiple offenses are involved, the department shall base the  
23 enforcement assessment upon the total forfeiture and recoupment amounts for all  
24 offenses. When a forfeiture or recoupment is suspended in whole or in part, the



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1 department shall reduce the enforcement assessment in proportion to the  
2 suspension.

3 (d) The department may directly assess a forfeiture provided for under par. (b)  
4 4., recoupment provided for under par. (b) 5. and an enforcement assessment  
5 provided for under par. (c). If the department determines that a forfeiture,  
6 recoupment or enforcement assessment should be levied, or that authorization or  
7 eligibility should be suspended or terminated, for a particular violation or for failure  
8 to correct it, the department shall send a notice of assessment, suspension or  
9 termination to the vendor, food distribution center or participant. The notice shall  
10 inform the vendor, food distribution center or participant of the right to a hearing  
11 under sub. (6) and shall specify all of the following:

- 12 1. The amount of the forfeiture assessed, if any.
- 13 2. The amount of the recoupment assessed, if any.
- 14 3. The amount of the enforcement assessment, if any.
- 15 4. The violation.
- 16 5. The statute or rule alleged to have been violated.
- 17 6. If applicable, that the suspension or termination of authorization of the  
18 vendor or eligibility of the participant is effective beginning on the 15th day after  
19 receipt of the notice of suspension or termination.

20 (e) The suspension or termination of authorization of a vendor or eligibility of  
21 a participant shall be effective beginning on the 15th day after receipt of the notice  
22 of suspension or termination. All forfeitures, recoupments and enforcement  
23 assessments shall be paid to the department within 15 days after receipt of notice  
24 of assessment or, if the forfeiture, recoupment or enforcement assessment is  
25 contested under sub. (6), within 10 days after receipt of the final decision after

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1 exhaustion of administrative review, unless the final decision is adverse to the  
2 department or unless the final decision is appealed and the decision is stayed by  
3 court order under sub. (7). The department shall remit all forfeitures paid to the  
4 state treasurer for deposit in the school fund. The department shall deposit all  
5 enforcement assessments in the appropriation under s. 20.435 (1) (gr).

6 (f) The attorney general may bring an action in the name of the state to collect  
7 any forfeiture or recoupment imposed under par. (b) or enforcement assessment  
8 imposed under par. (c), if the forfeiture, recoupment or enforcement assessment has  
9 not been paid following the exhaustion of all administrative and judicial reviews.  
10 The only issue that may be contested in any such action is whether the forfeiture or  
11 enforcement assessment has been paid.

12 **SECTION 3445.** 253.06 (6) of the statutes is created to read:

13 253.06 (6) APPEAL PROCEDURE. (a) Any hearing under s. 227.42 granted by the  
14 department under this section may be conducted before the division of hearings and  
15 appeals in the department of administration.

16 (b) A person may contest an assessment of forfeiture, recoupment or  
17 enforcement assessment, a denial, suspension or termination of authorization or a  
18 suspension or termination of eligibility by sending a written request for hearing  
19 under s. 227.44 to the division of hearings and appeals in the department of  
20 administration within 10 days after the receipt of the notice issued under sub. (3)  
21 (bm) or (5) (d). The administrator of the division of hearings and appeals may  
22 designate a hearing examiner to preside over the case and recommend a decision to  
23 the administrator under s. 227.46. The decision of the administrator of the division  
24 of hearings and appeals shall be the final administrative decision. The division of  
25 hearings and appeals shall commence the hearing and issue a final decision within

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1 60 days after receipt of the request for hearing unless all of the parties consent to a  
2 later date. Proceedings before the division of hearings and appeals are governed by  
3 ch. 227. In any petition for judicial review of a decision by the division of hearings  
4 and appeals, the department, if not the petitioner who was in the proceeding before  
5 the division of hearings and appeals, shall be the named respondent.

6 **SECTION 3446.** 253.06 (7) of the statutes is created to read:

7 253.06 (7) INJUNCTION PROCEDURE. No injunction may be issued in any  
8 proceeding for review under ch. 227 of a decision of the division of hearings and  
9 appeals under sub. (6), suspending or staying the decision except upon application  
10 to the circuit court or presiding judge thereof, notice to the department and any other  
11 party and hearing. No injunction that delays or prevents a decision of the division  
12 of hearings and appeals from becoming effective may be issued in any other  
13 proceeding or action in any court unless the parties to the proceeding before the  
14 division of hearings and appeals in which the order was made are also parties to the  
15 proceeding or action before the court.

16 **SECTION 3447.** 253.06 (8) of the statutes is created to read:

17 253.06 (8) INSPECTION OF PREMISES. The department may visit and inspect each  
18 authorized vendor and each food distribution center, and for such purpose shall be  
19 given unrestricted access to the premises described in the authorization or contract.

20 **SECTION 3448.** 253.07 (4) (intro.) of the statutes is amended to read:

21 253.07 (4) FAMILY PLANNING SERVICES. (intro.) From the appropriation under  
22 s. 20.435 ~~(1)~~ (5) (f), the department shall allocate funds in the following amounts, for  
23 the following services:

24 **SECTION 3449.** 253.08 of the statutes is amended to read:

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1           **253.08 Pregnancy counseling services.** The department shall make grants  
2 from the appropriation under s. 20.435 (1) (5) (eg) to individuals and organizations  
3 to provide pregnancy counseling services. For a program to be eligible under this  
4 section, an applicant must demonstrate that moneys provided in a grant under s.  
5 20.435 (1) (5) (eg) will not be used to perform an abortion.

6           **SECTION 3450.** 253.085 (2) of the statutes is amended to read:

7           253.085 (2) In addition to the amounts appropriated under s. 20.435 (1) (5) (ev),  
8 the department shall allocate \$250,000 for each fiscal year from moneys received  
9 under the maternal and child health services block grant program, 42 USC 701 to  
10 709, for the outreach program under this section.

11           **SECTION 3451.** 253.10 (3) (c) 2. c. of the statutes is amended to read:

12           253.10 (3) (c) 2. c. That the woman has a legal right to continue her pregnancy  
13 and to keep the child, ~~place the child in foster care, place the child with a relative for~~  
14 ~~adoption or petition the court for placement of the child for adoption in the home of~~  
15 ~~a person who is not a relative; to place the child in a foster home or treatment foster~~  
16 home for 6 months or to petition a court for placement of the child in a foster home,  
17 treatment foster home or group home or with a relative; or to place the child for  
18 adoption under a process that involves court approval both of the voluntary  
19 termination of parental rights and of the adoption.

20           **SECTION 3452.** 253.10 (3) (d) (intro.) of the statutes is amended to read:

21           253.10 (3) (d) *Printed information.* (intro.) By the date that is 60 days after  
22 May 16, 1996, the department shall cause to be published in English, Spanish, and  
23 other languages spoken by a significant number of state residents, as determined by  
24 the department, materials that are in an easily comprehensible format and are  
25 printed in type of not less than 12-point size. The department shall distribute a

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1 reasonably adequate number of the materials to county departments as specified  
2 under s. 46.245 (1) and upon request, annually review the materials for accuracy and  
3 exercise reasonable diligence in providing materials that are accurate and current.  
4 ~~The department may charge a fee not to exceed the actual cost of the preparation and~~  
5 ~~distribution of the materials.~~ The materials shall be all of the following:

6 **SECTION 3453.** 253.10 (3) (d) 1. of the statutes is amended to read:

7 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform  
8 a woman about public and private agencies, including adoption agencies, and  
9 services that are available to provide ultrasound imaging services, to assist her if she  
10 has received a diagnosis that her unborn child has a disability or if her pregnancy  
11 is the result of sexual assault or incest and to assist her through pregnancy, upon  
12 childbirth and while the child is dependent. The materials shall include a  
13 comprehensive list of the agencies available, a description of the services that they  
14 offer and a description of the manner in which they may be contacted, including  
15 telephone numbers and addresses, or, at the option of the department, the materials  
16 shall include a toll-free, 24-hour telephone number that may be called to obtain an  
17 oral listing of available agencies and services in the locality of the caller and a  
18 description of the services that the agencies offer and the manner in which they may  
19 be contacted. The materials shall provide information on the availability of  
20 governmentally funded programs that serve pregnant women and children. Services  
21 identified for the woman shall include aid to families with dependent children under  
22 s. 49.19, medical assistance for pregnant women and children under s. 49.47 (4) (am),  
23 the job opportunities and basic skills program under s. 49.193, the availability of  
24 family or medical leave under s. 103.10, child care services, child support laws and  
25 programs and the credit for expenses for household and dependent care and services

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1 necessary for gainful employment under section 21 of the internal revenue code. The  
2 materials shall state that it is unlawful for ~~any person to coerce a woman to undergo~~  
3 ~~an abortion~~ to perform an abortion for which consent has been coerced, that any  
4 physician who performs or induces an abortion without obtaining the woman's  
5 voluntary and informed consent is liable to her for damages in a civil action and is  
6 subject to a civil penalty, that the father of a child is liable for assistance in the  
7 support of the child, even in instances in which the father has offered to pay for an  
8 abortion, and that adoptive parents may pay the costs of prenatal care, childbirth  
9 and neonatal care. The materials shall include information, for a woman whose  
10 pregnancy is the result of sexual assault or incest, on legal protections available to  
11 the woman and her child if she wishes to oppose establishment of paternity or to  
12 terminate the father's parental rights. The materials shall state that fetal  
13 ultrasound imaging and auscultation of fetal heart tone services are obtainable by  
14 pregnant women who wish to use them and shall describe the services.

15 **SECTION 3454.** 253.12 of the statutes is repealed.

16 **SECTION 3455.** 254.151 (intro.) of the statutes is amended to read:

17 **254.151 Lead poisoning or lead exposure prevention grants.** (intro.)

18 From the appropriation under s. 20.435 (1) (5) (ef), the department shall award the  
19 following grants under criteria that the department shall establish in rules  
20 promulgated under this section:

21 **SECTION 3456.** 254.176 (1) of the statutes is amended to read:

22 254.176 (1) Except as provided in sub. (2) and s. 250.041, the department may  
23 establish by rule certification requirements for any person who performs lead hazard  
24 reduction or a lead management activity or who supervises the performance of any  
25 lead hazard reduction or lead management activity.

**SENATE BILL 77****SECTION 3457**

1           **SECTION 3457.** 254.176 (3) (intro.) of the statutes is amended to read:

2           254.176 (3) (intro.) The Except as provided in s. 250.041, the department may  
3 promulgate rules establishing certification requirements for persons required to be  
4 certified under this section. Any rules promulgated under this section:

5           **SECTION 3458.** 254.176 (3) (a) of the statutes is amended to read:

6           254.176 (3) (a) Shall include requirements and procedures for issuing,  
7 renewing, revoking and suspending under this section certifications issued under  
8 this section.

9           **SECTION 3459.** 254.178 (1) (b) of the statutes is amended to read:

10          254.178 (1) (b) No Except as provided in s. 250.041, no person may function as  
11 an instructor of a lead training course accredited under this section unless the person  
12 is approved by the department under this section.

13          **SECTION 3460.** 254.178 (2) (intro.) of the statutes is amended to read:

14          254.178 (2) (intro.) The department shall promulgate rules establishing  
15 requirements, except as provided in s. 250.041, for accreditation of lead training  
16 courses and approval of lead instructors. These rules:

17          **SECTION 3461.** 254.178 (2) (a) of the statutes is amended to read:

18          254.178 (2) (a) Shall Except as provided in s. 250.041, shall include  
19 requirements and procedures for granting, renewing, revoking and suspending  
20 under this section lead training course accreditations and lead instructor approvals.

21          **SECTION 3462.** 254.178 (4) of the statutes is amended to read:

22          254.178 (4) After notice and opportunity for hearing, the department may  
23 revoke, suspend, deny or refuse to renew under this section any accreditation or  
24 approval issued under this section in accordance with the procedures set forth in ch.  
25 227.

**SENATE BILL 77****SECTION 3463**

1           **SECTION 3463.** 254.20 (2) (d) of the statutes is amended to read:

2           254.20 (2) (d) The Except as provided in s. 250.041, the department may  
3 establish by rule certification requirements for any person not certified under pars.  
4 (a) to (c) who performs any asbestos abatement activity or asbestos management  
5 activity or who supervises the performance of any asbestos abatement activity or  
6 asbestos management activity.

7           **SECTION 3464.** 254.20 (3) (a) of the statutes is amended to read:

8           254.20 (3) (a) The Except as provided in s. 250.041, the department may  
9 establish by rule eligibility requirements for persons applying for a certification card  
10 required under sub. (2). Any training required by the department under this  
11 paragraph may be approved by the department or provided by the department under  
12 sub. (8).

13           **SECTION 3465.** 254.20 (3) (b) of the statutes is amended to read:

14           254.20 (3) (b) The Except as provided in s. 250.041, the department shall  
15 establish the procedure for issuing certification cards under this subsection. In  
16 establishing that procedure, the department shall prescribe an application form and  
17 establish an examination procedure and may require applicants to provide  
18 photographic identification.

19           **SECTION 3466.** 254.20 (4) of the statutes is amended to read:

20           254.20 (4) RENEWAL. A certification card issued under sub. (3) is valid for one  
21 year. The Except as provided in s. 250.041, the department may establish  
22 requirements for renewing such a card, including but not limited to additional  
23 training.

24           **SECTION 3467.** 254.20 (6) of the statutes is amended to read:



**SENATE BILL 77****SECTION 3467**

1           254.20 (6) SUSPENSION OR REVOCATION. The department may, under this section,  
2           suspend or revoke a certification card issued under sub. (3) if it determines that the  
3           holder of the card is not qualified to be certified.

4           **SECTION 3468.** 254.20 (7) of the statutes is amended to read:

5           254.20 (7) APPEALS. Any Except as provided in s. 250.041, any suspension,  
6           revocation or nonrenewal of a certification card required under sub. (2) or any denial  
7           of an application for such a certification card is subject to judicial review under ch.  
8           227.

9           **SECTION 3469.** 254.34 (4) of the statutes is amended to read:

10          254.34 (4) The department shall develop standards of performance for the  
11          regional radon centers and, from the appropriation under s. 20.435 (1) ~~(5)~~ (ed), the  
12          department shall allocate funds based on compliance with the standards to provide  
13          radon protection information dissemination from the regional radon centers.

14          **SECTION 3470.** 254.47 (1) of the statutes is amended to read:

15          254.47 (1) The Except as provided in s. 250.041, the department or a local  
16          health department granted agent status under s. 254.69 (2) shall issue permits to  
17          and regulate campgrounds and camping resorts, recreational and educational camps  
18          and public swimming pools. No person or state or local government who has not been  
19          issued a permit under this section may conduct, maintain, manage or operate a  
20          campground and camping resort, recreational camp and educational camp or public  
21          swimming pool, as defined by departmental rule.

22          **SECTION 3471.** 254.47 (2m) of the statutes is amended to read:

23          254.47 (2m) The Except as provided in s. 250.041, the initial issuance, renewal  
24          or continued validity of a permit issued under this section may be conditioned upon  
25          the requirement that the permittee correct a violation of this section, rules

**SENATE BILL 77****SECTION 3471**

1 promulgated by the department under this section or ordinances adopted under s.  
2 254.69 (2) (g), within a period of time that is specified. If the condition is not met  
3 within the specified period of time, the permit is void.

4 **SECTION 3472.** 254.47 (3) of the statutes is amended to read:

5 254.47 (3) Anyone who violates this section or any rule of the department under  
6 this section shall be fined not less than \$25 nor more than \$250. Anyone who fails  
7 to comply with an order of the department shall forfeit \$10 for each day of  
8 noncompliance after the order is served upon or directed to him or her. The  
9 department may also, after a hearing under ch. 227, refuse to issue a permit under  
10 this section or suspend or revoke a permit under this section for violation of this  
11 section or any rule or order the department issues to implement this section.

12 **SECTION 3473.** 254.52 (2) (intro.) of the statutes is amended to read:

13 254.52 (2) (intro.) The department, in consultation with the department of  
14 ~~education~~ public instruction, the department of natural resources and the  
15 department of agriculture, trade and consumer protection, shall do all of the  
16 following:

17 **SECTION 3474.** 254.64 (1) (c) of the statutes is amended to read:

18 254.64 (1) (c) No Except as provided in s. 250.041, no permit may be issued  
19 under this section until all applicable fees have been paid. If the payment is by check  
20 or other draft drawn upon an account containing insufficient funds, the permit  
21 applicant shall, within 15 days after receipt of notice from the department of the  
22 insufficiency, pay by cashier's check or other certified draft, money order or cash the  
23 fees, late fees and processing charges that are specified by rules promulgated by the  
24 department. If the permit applicant fails to pay all applicable fees, late fees and  
25 processing charges within 15 days after the applicant receives notice of the

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1 insufficiency, the permit is void. In an appeal concerning voiding of a permit under  
2 this paragraph, the burden is on the permit applicant to show that the entire  
3 applicable fees, late fees and processing charges have been paid. During any appeal  
4 process concerning payment dispute, operation of the establishment in question is  
5 deemed to be operation without a permit.

6 **SECTION 3475.** 254.64 (1p) of the statutes is amended to read:

7 254.64 (1p) The Except as provided in s. 250.041, the department may  
8 condition the initial issuance, renewal or continued validity of a permit issued under  
9 this section on correction by the permittee of a violation of this subchapter, rules  
10 promulgated by the department under this subchapter or ordinances or regulations  
11 adopted under s. 254.69 (2) (g), within a specified period of time. If the permittee fails  
12 to meet the condition within the specified period of time, the permit is void.

13 **SECTION 3476.** 254.71 (2) of the statutes is amended to read:

14 254.71 (2) The Except as provided in s. 250.041, the department may issue a  
15 certificate of food protection practices to an individual who satisfactorily completes  
16 a written examination, approved by the department, that demonstrates the  
17 individual's basic knowledge of food protection practices or who has achieved  
18 comparable compliance.

19 **SECTION 3477.** 254.71 (3) of the statutes is amended to read:

20 254.71 (3) Each certificate is valid for 5 years from the date of issuance and,  
21 except as provided in s. 250.041, may be renewed by the holder of the certificate if  
22 he or she satisfactorily completes a recertification training course approved by the  
23 department.

24 **SECTION 3478.** 254.71 (6) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3478**

1           254.71 (6) (c) Establishing procedures for issuance, except as provided in s.  
2           250.041, of certificates of food protection practices, including application submittal  
3           and review.

4           **SECTION 3479.** 255.05 (2) of the statutes is amended to read:

5           255.05 (2) From the appropriation under s. 20.435 (1) (5) (cc), the department  
6           shall allocate up to \$400,000 in each fiscal year to provide grants to applying  
7           individuals, institutions or organizations for the conduct of projects on cancer control  
8           and prevention. Funds shall be awarded on a matching basis, under which, for each  
9           grant awarded, the department shall provide 50%, and the grantee 50%, of the total  
10          grant funding.

11          **SECTION 3480.** 255.06 (2) (intro.) of the statutes is amended to read:

12          255.06 (2) BREAST CANCER SCREENING PROGRAM. (intro.) From the appropriation  
13          under s. 20.435 (1) (5) (cc), the department shall administer a breast cancer screening  
14          program and shall, in each fiscal year, do all of the following:

15          **SECTION 3481.** 255.07 (2) of the statutes is amended to read:

16          255.07 (2) From the appropriation under s. 20.435 (1) (5) (cc), the department  
17          shall distribute not more than \$25,000 in each fiscal year to applying organizations  
18          for the provision of specialized training of nurse practitioners to perform, in rural  
19          areas, colposcopic examinations and follow-up activities for treatment of cervical  
20          cancer.

21          **SECTION 3482.** 255.075 of the statutes is created to read:

22          **255.075 Health screening for low-income women.** From the  
23          appropriation account under s. 20.435 (5) (cb), the department shall on a regional  
24          basis award funds, as determined by the department, to applicants to provide health

**SENATE BILL 77****SECTION 3482**

1 care screening, referral, follow-up and patient education to low-income,  
2 underinsured and uninsured women.

3 **SECTION 3483.** 255.08 (2) of the statutes is amended to read:

4 255.08 (2) PERMITS. (a) No person may operate a tanning facility without a  
5 permit issued by that the department may, except as provided in s. 250.041, issue  
6 under this subsection. The holder of a permit issued under this subsection shall  
7 display the permit in a conspicuous place at the tanning facility for which the permit  
8 is issued.

9 (b) Permits issued under this subsection shall expire annually on June 30. ~~A~~  
10 Except as provided in s. 250.041, a permit applicant shall submit an application for  
11 a permit to the department on a form provided by the department with a permit fee  
12 established by the department by rule. The application shall include the name and  
13 complete mailing address and street address of the tanning facility and any other  
14 information reasonably required by the department for the administration of this  
15 section.

16 **SECTION 3484.** 255.08 (13) of the statutes is amended to read:

17 255.08 (13) DENIAL, SUSPENSION OR REVOCATION OF PERMITS. The department  
18 may under this section, after a hearing under ch. 227, deny issuance of a permit to  
19 an applicant or suspend or revoke any permit issued under sub. (2) if the applicant  
20 or permit holder or his or her employe violates sub. (2), (3), (4), (5), (6), (7), (9) or (11)  
21 or any rule promulgated thereunder.

22 **SECTION 3485.** 255.30 (4) of the statutes is amended to read:

23 255.30 (4) ~~The department of education~~ state superintendent of public  
24 instruction shall prepare and circulate to each public and private educational

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1 institution in this state instructions and recommendations for implementing the eye  
2 safety provisions of this section.

3 **SECTION 3486.** 280.13 (4) of the statutes is amended to read:

4 280.13 (4) No order revoking a permit under sub. (2) shall be made until after  
5 a public hearing to be held before the department in the county where the permittee  
6 has his or her place of business. If the permittee is a nonresident, the hearing shall  
7 be at such place as the department designates. At least 10 days prior to the hearing  
8 the department shall send written notice of the time and place of the hearing to the  
9 permittee and to the permittee's attorney or agent of record by mailing the notice to  
10 the last-known address of such persons. The testimony presented and proceedings  
11 had at the hearing shall be recorded and preserved as the records of the department.  
12 The department shall as soon thereafter as possible make its findings and  
13 determination and send a copy to each interested party.

14 **SECTION 3487.** 280.97 of the statutes is amended to read:

15 **280.97 Penalties.** Any person, firm or corporation who engages in or follows  
16 the business or occupation of, or advertises or holds himself, herself or itself out as  
17 or acts temporarily or otherwise as a well driller or pump installer without having  
18 first secured the required permit or certificate of registration or renewal thereof, or  
19 who otherwise violates any provision of this chapter, shall be fined not less than \$10  
20 or more than \$100 or imprisoned not less more than 30 days, or both. Each day  
21 during which a violation continues shall constitute a separate and distinct offense,  
22 and may be punished separately.

23 **SECTION 3488.** 281.17 (3) of the statutes is amended to read:

24 281.17 (3) The department shall promulgate rules establishing an examining  
25 program for the certification of operators of water systems, wastewater treatment

**SENATE BILL 77****SECTION 3488**

1 plants and septage servicing vehicles operated under a license issued under s. 281.48  
2 (3), setting such standards as the department finds necessary to accomplish the  
3 purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
4 continuing education. The department may charge applicants a fee for certification.  
5 All moneys collected under this subsection for the certification of operators of water  
6 systems, wastewater treatment plants and septage servicing vehicles shall be  
7 credited to the appropriation under s. 20.370 ~~(2)~~ (4) (bL). No person may operate a  
8 water systems, wastewater treatment plant or septage servicing vehicle without a  
9 valid certificate issued under this subsection. The department may suspend or  
10 revoke a certificate issued under this subsection for a violation of any statute or rule  
11 relating to the operation of a water system or wastewater treatment plant or to  
12 septage servicing, for failure to fulfill the continuing education requirements or as  
13 provided under s. 145.245 (3). The owner of any wastewater treatment plant shall  
14 be, or shall employ, an operator certified under this subsection who shall be  
15 responsible for plant operations, unless the department by rule provides otherwise.  
16 In this subsection, "wastewater treatment plant" means a system or plant used to  
17 treat industrial wastewater, domestic wastewater or any combination of industrial  
18 wastewater and domestic wastewater.

19 **SECTION 3489.** 281.17 (8) of the statutes is amended to read:

20 281.17 (8) The department may establish, administer and maintain a safe  
21 drinking water program no less stringent than the requirements of the safe drinking  
22 water act of 1974, P.L. 93-523, 88 Stat. 1660, 42 USC 300f to 300j-26.

23 **SECTION 3490.** 281.17 (9) of the statutes is created to read:

24 281.17 (9) The department may require owners of water systems to  
25 demonstrate the technical, managerial and financial capacity to comply with

**SENATE BILL 77****SECTION 3490**

1 national primary drinking water regulations under 42 USC 300g-1 and may assist  
2 owners of water systems to develop that capacity.

3 **SECTION 3491.** 281.19 (2) (a) of the statutes is amended to read:

4 281.19 (2) (a) The department may issue special orders directing particular  
5 owners to remedy violations of the safe drinking water program under s. 281.17 (8)  
6 and (9) or to secure such operating results toward the control of pollution of the  
7 waters of the state as the department prescribes, within a specified time. Pending  
8 efforts to comply with any order, the department may permit continuance of  
9 operations on such conditions as it prescribes. If any owner cannot comply with an  
10 order within the time specified, the owner may, before the date set in the order,  
11 petition the department to modify the order. The department may modify the order,  
12 specifying in writing the reasons therefor. If any order is not complied with within  
13 the time period specified, the department shall immediately notify the attorney  
14 general of this fact. Within 30 days thereafter, the attorney general shall forthwith  
15 commence an action under s. 299.95.

16 **SECTION 3492.** 281.22 (2m) of the statutes is created to read:

17 281.22 (2m) FEE FOR EXPEDITED SERVICE. (a) The department, by rule, may  
18 charge a supplemental fee for a determination under sub. (1) that is in addition to  
19 the fee charged under sub. (1) if all of the following apply:

20 1. The applicant requests in writing that the determination be issued within  
21 a time period that is shorter than the time limit promulgated under par. (b) for the  
22 determination.

23 2. The department verifies that it will be able to comply with the request.

24 (b) If the department promulgates a rule under par. (a), the rule shall contain  
25 for a time limit for making determinations under sub. (1).



**SENATE BILL 77****SECTION 3493**

1           **SECTION 3493.** 281.48 (3) (a) of the statutes is amended to read:

2           281.48 (3) (a) *License; application.* Every person before engaging in servicing  
3 in this state shall submit an application for a license on forms prepared by the  
4 department. If Except as provided in ss. 299.07 and 299.08, if the department, after  
5 investigation, is satisfied that the applicant has the qualifications, experience,  
6 understanding of proper servicing practices, as demonstrated by the successful  
7 completion of an examination given by the department, and equipment to perform  
8 the servicing in a manner not detrimental to public health it shall issue the license.  
9 The license fee shall accompany all applications.

10           **SECTION 3494.** 281.48 (4s) (d) of the statutes is amended to read:

11           281.48 (4s) (d) In addition to the license fee under par. (a) 1. or 2., the  
12 department shall collect from each licensee a groundwater fee of \$50 if the license  
13 period begins before July 1, 1997, and \$100 if the license period begins after June 30,  
14 1997. The moneys collected under this paragraph shall be credited to the  
15 environmental fund for groundwater environmental management.

16           **SECTION 3495.** 281.48 (5) (b) of the statutes is amended to read:

17           281.48 (5) (b) The department may not reissue a license for a period of one year  
18 after revocation under par. (a).

19           **SECTION 3496.** 281.58 (1) (ai) of the statutes is created to read:

20           281.58 (1) (ai) "Clean water fund program" means the program administered  
21 under this section with financial management provided under s. 281.59.

22           **SECTION 3497.** 281.58 (1) (cg) of the statutes is amended to read:

23           281.58 (1) (cg) "Market interest rate" means the interest at the effective rate  
24 of a revenue obligation issued by the state to fund a project loan or a portion of a  
25 project loan under this section and s. 281.59 the clean water fund program.

**SENATE BILL 77****SECTION 3498**

1           **SECTION 3498.** 281.58 (2m) (a) of the statutes is amended to read:

2           281.58 **(2m)** (a) Administer its responsibilities under ~~this section and s. 281.59~~  
3 the clean water fund program.

4           **SECTION 3499.** 281.58 (3m) (a) of the statutes is amended to read:

5           281.58 **(3m)** (a) A list of wastewater treatment projects that the department  
6 estimates will apply for financial assistance under ~~this section and s. 281.59~~ the  
7 clean water fund program during the next biennium.

8           **SECTION 3500.** 281.58 (6) (a) (intro.) of the statutes is amended to read:

9           281.58 **(6)** (a) (intro.) The department may determine whether a municipality  
10 is eligible for financial assistance under ~~this section and s. 281.59~~ the clean water  
11 fund program for any of the following:

12           **SECTION 3501.** 281.58 (6) (b) (intro.) of the statutes is amended to read:

13           281.58 **(6)** (b) (intro.) The following methods of providing financial assistance  
14 may be used under ~~this section and s. 281.59~~ the clean water fund program:

15           **SECTION 3502.** 281.58 (6) (b) 8. of the statutes is amended to read:

16           281.58 **(6)** (b) 8. Providing payments to the board of commissioners of public  
17 lands to reduce principal or interest payments, or both, on loans made to  
18 municipalities under subch. II of ch. 24 by the board of commissioners of public lands  
19 for projects that are eligible for financial assistance under ~~this section and s. 281.59~~  
20 the clean water fund program.

21           **SECTION 3503.** 281.58 (7) (a) of the statutes is amended to read:

22           281.58 **(7)** (a) The department shall, by rule, establish criteria for determining  
23 which applicants and which projects are eligible to receive financial assistance under  
24 ~~this section and s. 281.59~~ the clean water fund program. The primary criteria for  
25 eligibility shall be water quality and public health. The rules for clean water fund

**SENATE BILL 77****SECTION 3503**

1 projects funded from the account under s. 25.43 (2) (a) shall be consistent with 33  
2 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated  
3 thereunder. The rules for clean water fund projects funded from the account under  
4 s. 25.43 (2) (b) may be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387  
5 and the regulations promulgated thereunder.

6 **SECTION 3504.** 281.58 (7) (b) (intro.) of the statutes is amended to read:

7 281.58 (7) (b) (intro.) The department may determine whether a municipality  
8 is eligible for financial assistance under ~~this section and s. 281.59~~ the clean water  
9 fund program for any of the following types of projects:

10 **SECTION 3505.** 281.58 (8) (a) (intro.) of the statutes is amended to read:

11 281.58 (8) (a) (intro.) The following are not eligible for financial assistance from  
12 the clean water fund ~~under this section and s. 281.59~~ program:

13 **SECTION 3506.** 281.58 (8) (d) of the statutes is amended to read:

14 281.58 (8) (d) An unsewered municipality that is not constructing a treatment  
15 work and will be disposing of wastewater in the treatment work of another  
16 municipality is not eligible for financial assistance under ~~this section and s. 281.59~~  
17 the clean water fund program until it executes an agreement under s. 66.30 with  
18 another municipality to receive, treat and dispose of the wastewater of the  
19 unsewered municipality.

20 **SECTION 3507.** 281.58 (8) (g) of the statutes is amended to read:

21 281.58 (8) (g) The sum of all of the financial assistance to a municipality  
22 approved under ~~this section and s. 281.59~~ the clean water fund program for a project  
23 may not result in the municipality paying less than 30% of the cost of the project.

24 **SECTION 3508.** 281.58 (8) (i) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3508**

1           281.58 (8) (i) After June 30, 1991, no municipality may receive for projects in  
2 a biennium an amount that exceeds 35.2% of the amount approved by the legislature  
3 under s. 281.59 ~~(3)(d)~~ (3e) (b) for that biennium.

4           **SECTION 3509.** 281.58 (8) (L) (intro.) of the statutes is amended to read:

5           281.58 (8) (L) (intro.) The total amount of capital cost loans made under ~~this~~  
6 ~~section and s. 281.59~~ the clean water fund program may not exceed \$120,000,000,  
7 and no capital cost loan funds may be released under ~~this section and s. 281.59~~ the  
8 clean water fund program until the secretary of administration has found in writing  
9 that all of the following facts have occurred:

10           **SECTION 3510.** 281.58 (8m) (a) of the statutes is amended to read:

11           281.58 (8m) (a) A municipality shall submit notice to the department of its  
12 intent to apply for financial assistance under this section and s. 281.59 ~~in a year no~~  
13 ~~later than December 31 of the preceding year.~~ A municipality shall submit the notice  
14 at least 6 months before the beginning of the fiscal biennium in which it will request  
15 to receive financial assistance. The notice shall be in a form prescribed by the  
16 department and the department of administration.

17           **SECTION 3511.** 281.58 (8m) (b) of the statutes is repealed.

18           **SECTION 3512.** 281.58 (8m) (c) of the statutes is amended to read:

19           281.58 (8m) (c) The department may waive par. (a) ~~or (b)~~ upon the written  
20 request of a municipality.

21           **SECTION 3513.** 281.58 (9) (a) of the statutes is amended to read:

22           281.58 (9) (a) After the department approves a municipality's facility plan  
23 submitted under sub. (8s), the municipality shall submit an application for  
24 participation to the department. The application shall be in such form and include  
25 such information as the department and the department of administration prescribe

**SENATE BILL 77****SECTION 3513**

1 and shall include design plans and specifications that are approvable by the  
2 department under this chapter. The department shall review applications for  
3 participation in the clean water fund program ~~under this section and s. 281.59~~. The  
4 department shall determine which applications meet the eligibility requirements  
5 and criteria under subs. (6), (7), (8), (8m) and (13).

6 **SECTION 3514.** 281.58 (9) (am) of the statutes is amended to read:

7 281.58 (9) (am) A municipality may not submit more than one application  
8 under par. (a) for any single project in any 12-month period except that this  
9 paragraph does not apply to applications for financial assistance for additional costs  
10 of an approved project.

11 **SECTION 3515.** 281.58 (9) (b) of the statutes is amended to read:

12 281.58 (9) (b) A municipality seeking financial assistance, except for a  
13 municipality seeking a capital cost loan, for a project ~~under this section and s. 281.59~~  
14 the clean water fund program shall complete an environmental analysis sequence  
15 as required by the department by rule.

16 **SECTION 3516.** 281.58 (9) (c) of the statutes is amended to read:

17 281.58 (9) (c) If a municipality is serviced by more than one sewerage district  
18 for wastewater pollution abatement, each service area of the municipality shall be  
19 considered a separate municipality for purposes of obtaining financial assistance  
20 ~~under this section and s. 281.59~~ the clean water fund program.

21 **SECTION 3517.** 281.58 (9) (e) of the statutes is amended to read:

22 281.58 (9) (e) If the governor's recommendation, as set forth in the executive  
23 budget bill, for the amount under s. 281.59 ~~(3) (d)~~ (3e) (b), the amount available under  
24 s. 20.866 (2) (tc) or the amount available under s. 281.59 (4) (f) for a biennium is 85%  
25 or less of the amount of present value subsidy, general obligation bonding authority

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1 or revenue bonding authority, respectively, requested for that biennium in the  
2 biennial finance plan submitted under s. 281.59 (3) (bm) 1., the department shall  
3 inform municipalities that, if the governor's recommendations are approved, clean  
4 water fund program assistance during a fiscal year of that biennium will only be  
5 available to municipalities that submit financial assistance applications by the June  
6 30 preceding that fiscal year.

7 **SECTION 3518.** 281.58 (9) (f) of the statutes is amended to read:

8 281.58 (9) (f) The fees collected under par. (d) shall be credited to the clean  
9 water environmental improvement fund.

10 **SECTION 3519.** 281.58 (9m) (c) of the statutes is amended to read:

11 281.58 (9m) (c) The department may approve an application under par. (a) in  
12 a year only after the amount under s. 281.59 (3) ~~(d)~~ (3e) (b) for the biennium in which  
13 that year falls has been approved by the legislature under s. 281.59 (3) ~~(d)~~ (3e) (b).

14 **SECTION 3520.** 281.58 (9m) (d) of the statutes is amended to read:

15 281.58 (9m) (d) The department may not approve an application under par. (a)  
16 for a project that is not on the priority list under sub. (8e) unless the department has  
17 granted a waiver under sub. (8m) (c) for the project.

18 **SECTION 3521.** 281.58 (9m) (e) of the statutes is amended to read:

19 281.58 (9m) (e) 1. Except as provided under par. (f) and sub. (13), if a sufficient  
20 amount of subsidy is available under s. 281.59 (3) ~~(d)~~ (3e) (b) for the municipality's  
21 project, based on the calculation under s. 281.59 (3) ~~(i)~~ (3e) (f), when the department  
22 approves the application under par. (a), the department of administration shall  
23 allocate that amount to the project.

24 2. If a sufficient amount of subsidy is not available under s. 281.59 (3) ~~(d)~~ (3e)  
25 (b) for the municipality's project when the department approves the application

**SENATE BILL 77****SECTION 3521**

1 under subd. 1., the department shall place the project on a list for allocation when  
2 additional subsidy becomes available.

3 **SECTION 3522.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

4 281.58 **(9m)** (f) (intro.) If the amount approved under s. 281.59 ~~(3) (d)~~ (3e) (b),  
5 the amount available under s. 20.866 (2) (tc) or the amount available under s. 281.59  
6 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general  
7 obligation bonding authority or revenue bonding authority, respectively, requested  
8 for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1.,  
9 all of the following apply:

10 **SECTION 3523.** 281.58 (9m) (g) of the statutes is amended to read:

11 281.58 **(9m)** (g) In allocating subsidy under this subsection, the department of  
12 administration shall adhere to the amount approved by the legislature for each  
13 biennium under s. 281.59 ~~(3) (d)~~ (3e) (b).

14 **SECTION 3524.** 281.58 (12) (a) of the statutes is repealed and recreated to read:

15 281.58 **(12)** (a) 1. Except as modified under par. (f) and except as restricted by  
16 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and  
17 2. is 55% of market interest rate.

18 2. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c),  
19 (f) or (h), the interest rate for projects specified in sub. (7) (b) 5. is 65% of market  
20 interest rate.

21 3. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c),  
22 (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is 70% of market  
23 interest rate.

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1           4. The interest rate for projects specified in sub. (7) (b) 6. and 7. and for those  
2 portions of projects under subd. 1. that are restricted by sub. (8) (b), (c), (f) or (h) is  
3 market interest rate.

4           5. The interest rate for a planning and design project specified in sub. (7) (b)  
5 3. shall be determined under subd. 1., 2., 3. or 4. based on the type of project for which  
6 the planning and design are undertaken.

7           **SECTION 3525.** 281.58 (12) (c) (intro.), 1. and 2. of the statutes are repealed.

8           **SECTION 3526.** 281.58 (12) (c) 3. of the statutes is renumbered 281.58 (12) (c)  
9 and amended to read:

10           281.58 (12) (c) The department, ~~in establishing percentage of market interest~~  
11 ~~rates, and the department of administration~~ shall attempt to ensure that those rates  
12 do not result in any all of the following:

13           1. ~~Beginning in fiscal year 1991, That~~ increases in all state water pollution  
14 abatement general obligation debt service costs ~~greater than~~ do not exceed 4%  
15 annually in the fiscal year in which the rates are established and in the following  
16 fiscal year.

17           2. State That state water pollution abatement general obligation debt service  
18 costs are not greater than 50% of all general obligation debt service costs in the any  
19 fiscal year ~~in which the rates are established and in any of the following 3 fiscal years.~~

20           **SECTION 3527.** 281.58 (12) (f) of the statutes is amended to read:

21           281.58 (12) (f) The department and the department of administration jointly  
22 may request the joint committee on finance to take action under s. 13.101 (11) to  
23 modify the percentage of market interest rates established by rule for tier 1 and tier  
24 ~~2~~ projects in par. (a) 1. to 3.

25           **SECTION 3528.** 281.58 (13) (b) (intro.) of the statutes is amended to read:



**SENATE BILL 77****SECTION 3528**

1           281.58 (13) (b) (intro.) A municipality with an application that is approved  
2           under sub. (9m) is eligible for financial hardship assistance for the project costs that  
3           are eligible under ~~this section and s. 281.59~~ the clean water fund program, except for  
4           costs to which sub. (8) (b), (c), (f) or (h) applies, if the municipality meets all of the  
5           following criteria:

6           **SECTION 3529.** 281.58 (13m) of the statutes is amended to read:

7           281.58 (13m) MINORITY BUSINESS DEVELOPMENT AND TRAINING PROGRAM. (a) The  
8           department shall make grants to projects that are eligible for financial assistance  
9           under ~~this section and s. 281.59~~ the clean water fund program and that are identified  
10          as being part of the minority business development and training program under s.  
11          66.905 (2) (b).

12          (b) Grants provided under this subsection are not included for the purposes of  
13          determining under sub. (8) (i) the amount that a municipality may receive for  
14          projects under ~~this section and s. 281.59~~ the clean water fund program. Grants  
15          awarded under this subsection are not considered for the purposes of sub. (9m) (e)  
16          or s. 281.59 (3) (d) (3e) (b).

17          **SECTION 3530.** 281.58 (14) (b) (intro.) of the statutes is amended to read:

18          281.58 (14) (b) (intro.) As a condition of receiving financial assistance under  
19          ~~this section and s. 281.59~~ the clean water fund program, a municipality shall do all  
20          of the following:

21          **SECTION 3531.** 281.59 (title) of the statutes is amended to read:

22          **281.59 (title) ~~Clean water~~ Environmental improvement fund program;**  
23          **financial management.**

24          **SECTION 3532.** 281.59 (1) (a) of the statutes is renumbered 281.59 (1) (am).

25          **SECTION 3533.** 281.59 (1) (ag) of the statutes is created to read:

**SENATE BILL 77****SECTION 3533**

1           281.59 (1) (ag) “Clean water fund program” means the program administered  
2 under s. 281.58, with financial management provided under this section.

3           **SECTION 3534.** 281.59 (1) (as) of the statutes is created to read:

4           281.59 (1) (as) “Land recycling loan program” means the program  
5 administered under s. 281.60, with financial management provided under this  
6 section.

7           **SECTION 3535.** 281.59 (1) (b) of the statutes is amended to read:

8           281.59 (1) (b) “Market interest rate” means the interest at the effective rate of  
9 a revenue obligation issued by the state to fund a ~~project~~ loan or a portion of a ~~project~~  
10 loan ~~under this section and s. 281.58~~ for a project under the clean water fund  
11 program.

12           **SECTION 3536.** 281.59 (1) (cm) of the statutes is created to read:

13           281.59 (1) (cm) “Safe drinking water loan program” means the program  
14 administered under s. 281.61, with financial management provided under this  
15 section.

16           **SECTION 3537.** 281.59 (1) (d) of the statutes is amended to read:

17           281.59 (1) (d) “Subsidy” means the amounts provided ~~by the clean water from~~  
18 the environmental improvement fund to clean water fund program, safe drinking  
19 water loan program and land recycling loan program projects ~~receiving financial~~  
20 assistance ~~under this section and s. 281.58~~ for the following purposes:

21           1. To reduce the interest rate of clean water fund program, safe drinking water  
22 loan program and land recycling loan program loans from market rate to a subsidized  
23 rate.

24           2. ~~To~~ For the clean water fund program only, to provide for financial hardship  
25 assistance, including grants.

**SENATE BILL 77****SECTION 3538**

1           **SECTION 3538.** 281.59 (1m) of the statutes is created to read:

2           281.59 **(1m)** ESTABLISHMENT OF PROGRAMS. (a) There is established a clean  
3 water fund program, administered under s. 281.58, with financial management  
4 provided under this section.

5           (b) There is established a safe drinking water loan program, administered  
6 under s. 281.61, with financial management provided under this section.

7           **SECTION 3539.** 281.59 (2) (a) of the statutes is amended to read:

8           281.59 **(2)** (a) Administer its responsibilities under this section and ~~s. ss.~~  
9 281.58, 281.60 and 281.61.

10          **SECTION 3540.** 281.59 (2) (b) of the statutes is amended to read:

11          281.59 **(2)** (b) Cooperate with the department in administering the clean water  
12 fund program, the safe drinking water loan program and the land recycling loan  
13 program.

14          **SECTION 3541.** 281.59 (2) (c) of the statutes is amended to read:

15          281.59 **(2)** (c) Accept and hold any letter of credit from the federal government  
16 through which the state receives federal capitalization grant payments and  
17 disbursements to the ~~clean water~~ environmental improvement fund.

18          **SECTION 3542.** 281.59 (2m) (title) of the statutes is amended to read:

19          281.59 **(2m)** (title) INVESTMENT MANAGEMENT; ~~CLEAN WATER~~ ENVIRONMENTAL  
20 IMPROVEMENT FUND.

21          **SECTION 3543.** 281.59 (2m) (a) 1. of the statutes is amended to read:

22          281.59 **(2m)** (a) 1. Subject to par. (b), direct the investment board under s. 25.17  
23 (2) (d) to make any investment of the ~~clean water~~ environmental improvement fund,  
24 or in the collection of the principal and interest of all moneys loaned or invested from  
25 such that fund.

**SENATE BILL 77****SECTION 3544**

1           **SECTION 3544.** 281.59 (2m) (b) 1. of the statutes is amended to read:

2           281.59 **(2m)** (b) 1. The action provides a financial benefit to the clean water  
3 environmental improvement fund.

4           **SECTION 3545.** 281.59 (2m) (b) 2. of the statutes is amended to read:

5           281.59 **(2m)** (b) 2. The action does not contradict or weaken the purposes of the  
6 clean water environmental improvement fund.

7           **SECTION 3546.** 281.59 (3) (a) 1. of the statutes is amended to read:

8           281.59 **(3)** (a) 1. An estimate of the wastewater treatment, safe drinking water  
9 and land recycling project needs of the state for ~~the 4 fiscal years of the next 2 biennia~~  
10 biennium.

11           **SECTION 3547.** 281.59 (3) (a) 2. of the statutes is amended to read:

12           281.59 **(3)** (a) 2. The total amount of financial assistance planned to be provided  
13 or committed to municipalities for projects under subd. 1. during ~~the 4 fiscal years~~  
14 of the next 2 biennia biennium.

15           **SECTION 3548.** 281.59 (3) (a) 4. of the statutes is repealed and recreated to read:

16           281.59 **(3)** (a) 4. A chart showing detailed projected sources and uses of funds  
17 for projects under subd. 1. during the next biennium.

18           **SECTION 3549.** 281.59 (3) (a) 5. of the statutes is amended to read:

19           281.59 **(3)** (a) 5. ~~Audited~~ The most recent available audited financial  
20 statements of the ~~past operations and activities of the program under this section~~  
21 and s. 281.58, the estimated fund capital available in each of the next 4 fiscal years,  
22 and the ~~projected clean water fund balance for each of the next 20 years given~~  
23 ~~existing obligations and financial conditions~~ clean water fund program, the safe  
24 drinking water loan program and the land recycling loan program.

25           **SECTION 3550.** 281.59 (3) (a) 5m. of the statutes is amended to read:

**SENATE BILL 77****SECTION 3550**

1           281.59 (3) (a) 5m. The ~~estimated spending level and~~ percentage of market  
2 interest rate for the ~~types of projects specified under s. 281.58 (7) (b) 1. to 3.~~ under  
3 subd. 1.

4           **SECTION 3551.** 281.59 (3) (a) 6. of the statutes is amended to read:

5           281.59 (3) (a) 6. An amount equal to the estimated present value of subsidies  
6 for all clean water fund program loans and grants expected to be made for the  
7 wastewater treatment projects listed in the biennial needs list under s. 281.58 (3m),  
8 discounted at a rate of 7% per year to the first day of the biennium for which the  
9 biennial finance plan is prepared.

10          **SECTION 3552.** 281.59 (3) (a) 6e. of the statutes is created to read:

11          281.59 (3) (a) 6e. An amount equal to the estimated present value of subsidies  
12 for all loans under the land recycling loan program to be made during the biennium  
13 for which the biennial finance plan is prepared, discounted at a rate of 7% per year  
14 to the first day of that biennium.

15          **SECTION 3553.** 281.59 (3) (a) 6m. of the statutes is created to read:

16          281.59 (3) (a) 6m. An amount equal to the estimated present value of subsidies  
17 for all loans under the safe drinking water loan program to be made during the  
18 biennium for which the biennial finance plan is prepared, discounted at a rate of 7%  
19 per year to the first day of that biennium.

20          **SECTION 3554.** 281.59 (3) (a) 7. of the statutes is amended to read:

21          281.59 (3) (a) 7. A discussion of the assumptions made in calculating the  
22 ~~amount~~ amounts under subd. subds. 6., 6e. and 6m.

23          **SECTION 3555.** 281.59 (3) (a) 8. of the statutes is amended to read:

24          281.59 (3) (a) 8. The amount and description of any service fee expected to be  
25 charged during the next biennium under this section ~~to an applicant.~~

**SENATE BILL 77****SECTION 3556**

1           **SECTION 3556.** 281.59 (3) (b) of the statutes is amended to read:

2           281.59 (3) (b) The department of administration and the department shall  
3 consider as a guideline in preparing the portion of the biennial finance plan for the  
4 clean water fund program that all state water pollution abatement general  
5 obligation debt service costs should not exceed 50% of all general obligation debt  
6 service costs to the state.

7           **SECTION 3557.** 281.59 (3) (c), (d), (dm), (e), (f) and (i) of the statutes are  
8 renumbered 281.59 (3e) (a), (b), (c), (d), (e) and (f) and amended to read:

9           281.59 (3e) (a) No moneys ~~from the clean water fund~~ may be expended for the  
10 clean water fund program in a biennium until the legislature reviews and approves  
11 all of the following as part of the biennial budget act for the biennium:

12           1. An amount of present value of the subsidy for the clean water fund program  
13 that is specified for that biennium under par. (d) (b) and is based on the amount  
14 included in the biennial finance plan under ~~par. sub. (3) (a) 6.~~

15           2. The amount of public debt, authorized under s. 20.866 (2) (tc), that the state  
16 may contract for the purposes of ~~s. 281.58 and this section~~ the clean water fund  
17 program.

18           3. The amount of revenue obligations, authorized under sub. (4) (f), that may  
19 be issued for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program.

20           (b) The amount of present value of the subsidy for the clean water fund program  
21 that is required to be specified under par. (e) (a) 1. and approved by the legislature  
22 under this paragraph is as follows:

23           1. Equal to ~~\$83,400,000~~ \$82,400,000 during the ~~1995-97~~ 1997-99 biennium.

24           3. Equal to \$1,000 for any biennium after the ~~1995-97~~ 1997-99 biennium.

**SENATE BILL 77****SECTION 3557**

1 (c) The department of administration may allocate amounts approved under  
2 par. ~~(d)~~ (b) as the present value of subsidies for financial assistance under ~~this section~~  
3 ~~and s. 281.58~~ the clean water fund program, including financial hardship assistance  
4 and assistance for the additional costs of approved projects. The department of  
5 administration may allocate amounts from the amount approved under par. ~~(d)~~ (b)  
6 for a biennium until December 30 of the fiscal year immediately following the  
7 biennium for projects for which complete applications under s. 281.58 (9) (a) are  
8 submitted before the end of the biennium.

9 (d) The department may expend, for financial assistance in a biennium other  
10 than financial hardship assistance under s. 281.58 (13) (e), an amount up to 85% of  
11 the amount approved by the legislature under par. ~~(d)~~ (b). The department may  
12 expend such amount only from the percentage of the amount approved under par. ~~(d)~~  
13 (b) that is not available under par. ~~(f)~~ (e) for financial hardship assistance.

14 (e) The department may expend, for financial hardship assistance in a  
15 biennium under s. 281.58 (13) (e), an amount up to 15% of the amount approved by  
16 the legislature under par. ~~(d)~~ (b) for that biennium. The department may expend  
17 such amount only from the percentage of the amount approved by the legislature  
18 under par. ~~(d)~~ (b) that is not available under par. ~~(e)~~ (d) for financial assistance.

19 (f) Using the amount approved under par. ~~(d)~~ (b) as a base, the department of  
20 administration shall calculate the present value of the actual subsidy of each clean  
21 water fund program loan or grant to be made for those projects in each biennium that  
22 are approved for financial assistance by the 2 departments. The present value shall  
23 be discounted as provided under ~~par. sub. (3)~~ (3) (a) 6.

24 **SECTION 3558.** 281.59 (3) (j) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3558**

1           281.59 (3) (j) No later than November 1 of each odd-numbered year, the  
2 department of administration and the department jointly shall submit a report, to  
3 the building commission and committees as required under par. (bm), on the  
4 implementation of the amount established under ~~par. (d)~~ sub. (3e) (b) as required  
5 under s. 281.58 (9m) (e), and on the operations and activities of the clean water fund  
6 program, the safe drinking water loan program and the land recycling loan program  
7 for the previous biennium.

8           **SECTION 3559.** 281.59 (3e) (title) of the statutes is created to read:

9           281.59 (3e) (title) CLEAN WATER FUND PROGRAM EXPENDITURES.

10          **SECTION 3560.** 281.59 (3m) of the statutes is created to read:

11          281.59 (3m) LAND RECYCLING LOAN PROGRAM EXPENDITURES. (a) No moneys may  
12 be expended for the land recycling loan program in a biennium until the legislature  
13 reviews and approves, as part of the biennial budget act for the biennium, an amount  
14 of present value of the subsidy for the land recycling loan program that is specified  
15 for that biennium under par. (b) and is based on the amount included in the biennial  
16 finance plan under sub. (3) (a) 6e.

17          (b) The amount of present value of the subsidy for the land recycling loan  
18 program that is approved by the legislature under this paragraph is as follows:

- 19           1. Equal to \$4,500,000 during the 1997-99 biennium.
- 20           2. Equal to \$1,000 for any biennium after the 1997-99 biennium.

21          (c) The department of administration may allocate amounts approved under  
22 par. (b) as the present value of subsidies for financial assistance under the land  
23 recycling program.

24          (d) Using the amount approved under par. (b) as a base, the department of  
25 administration shall calculate the present value of the actual subsidy of each land



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1 recycling loan made for those projects in each biennium that are approved for  
2 financial assistance. The present value shall be discounted as provided under sub.  
3 (3) (a) 6e.

4 **SECTION 3561.** 281.59 (3s) of the statutes is created to read:

5 281.59 (3s) SAFE DRINKING WATER LOAN PROGRAM EXPENDITURES. (a) No moneys  
6 may be expended for the safe drinking water loan program in a biennium until the  
7 legislature reviews and approves all of the following as part of the biennial budget  
8 act for the biennium:

9 1. An amount of present value of the subsidy for the safe drinking water loan  
10 program that is specified for that biennium under par. (b) and is based on the amount  
11 included in the biennial finance plan under sub. (3) (a) 6m.

12 2. The amount of public debt, authorized under s. 20.866 (2) (td), that the state  
13 may contract for the purposes of the safe drinking water loan program.

14 (b) The amount of present value of the subsidy for the safe drinking water loan  
15 program that is approved by the legislature under this paragraph is as follows:

16 1. Equal to \$18,000,000 during the 1997-99 biennium.

17 2. Equal to \$1,000 for any biennium after the 1997-99 biennium.

18 (c) The department of administration may allocate amounts approved under  
19 par. (b) as the present value of subsidies for financial assistance under the safe  
20 drinking water program.

21 (d) Using the amount approved under par. (b) as a base, the department of  
22 administration shall calculate the present value of the actual subsidy of each safe  
23 drinking water loan made for those projects in each biennium that are approved for  
24 financial assistance. The present value shall be discounted as provided under sub.  
25 (3) (a) 6m.

**SENATE BILL 77****SECTION 3562**

1           **SECTION 3562.** 281.59 (4) (am) of the statutes is amended to read:

2           281.59 (4) (am) Deposits, appropriations or transfers to the ~~clean water~~  
3 environmental improvement fund for the purposes ~~specified in s. 25.43 (3) of the~~  
4 clean water fund program may be funded with the proceeds of revenue obligations  
5 issued subject to and in accordance with subch. II of ch. 18 or in accordance with  
6 subch. IV of ch. 18 if designated a higher education bond.

7           **SECTION 3563.** 281.59 (4) (c) of the statutes is amended to read:

8           281.59 (4) (c) The building commission may pledge any portion of revenues  
9 received or to be received in the fund established in par. (b) or the ~~clean water~~  
10 environmental improvement fund to secure revenue obligations issued under this  
11 subsection. The pledge shall provide for the transfer to the ~~clean water~~  
12 environmental improvement fund of all pledged revenues, including any interest  
13 earned on the revenues, which are in excess of the amounts required to be paid under  
14 s. 20.320 (1) (c) and (u) for the purposes ~~specified in s. 25.43 (3) of the clean water fund~~  
15 program. The pledge shall provide that the transfers be made at least twice yearly,  
16 that the transferred amounts be deposited in the ~~clean water~~ environmental  
17 improvement fund and that the transferred amounts are free of any prior pledge.

18           **SECTION 3564.** 281.59 (9) (a), (am) and (b) (intro.) and 1. of the statutes are  
19 amended to read:

20           281.59 (9) (a) A loan approved under ~~this section and s. 281.58~~ the clean water  
21 fund program, the safe drinking water loan program or the land recycling loan  
22 program shall be for no longer than 20 years, as determined by the department of  
23 administration, be fully amortized not later than 20 years after the original date of  
24 the note, and require the repayment of principal and interest, if any, to begin not later

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1 than 12 months after the expected date of completion of the project that it funds, as  
2 determined by the department of administration.

3 (am) The department of administration, in consultation with the department,  
4 may establish those terms and conditions of a financial assistance agreement that  
5 relate to its financial management, including what type of municipal obligation, as  
6 set forth under s. 66.36, is required for the repayment of the financial assistance.  
7 Any terms and conditions established under this paragraph by the department of  
8 administration shall comply with the requirements of this section and s. 281.58,  
9 281.60 or 281.61. In setting such ~~the~~ terms and conditions, the department of  
10 administration may consider factors that the department of administration finds are  
11 relevant, including the type of ~~municipal~~ obligation evidencing the loan, the pledge  
12 of security for the ~~municipal~~ obligation and the ~~municipality's~~ applicant's  
13 creditworthiness.

14 (b) (intro.) As a condition of receiving financial assistance under ~~this section~~  
15 ~~and s. 281.58~~, a ~~municipality~~ the clean water fund program, the safe drinking water  
16 loan program or the land recycling loan program, an applicant shall do all of the  
17 following:

18 1. Pledge the security, if any, required by the rules promulgated by the  
19 department of administration under this section and s. 281.58, 281.60 or 281.61.

20 **SECTION 3565.** 281.59 (11) of the statutes is amended to read:

21 281.59 (11) FINANCIAL ASSISTANCE PAYMENTS. (a) The department of natural  
22 resources and the department of administration may enter into a financial  
23 assistance agreement with a ~~municipality~~ an applicant for which the department of  
24 administration has allocated subsidy under s. 281.58 (9m), 281.60 (8) or 281.61 (8)

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1 if the ~~municipality~~ applicant meets the conditions under sub. (9) ~~and s. 281.58~~ (14)  
2 and the other requirements under this section and s. 281.58, 281.60 or 281.61.

3 (am) The department of administration shall make the financial assistance  
4 payments to ~~a municipality which~~ an applicant that has entered into a financial  
5 assistance agreement under par. (a) or to the ~~municipality's~~ applicant's designated  
6 agent.

7 (b) If a municipality fails to make a principal repayment or interest payment  
8 after its due date, the department of administration shall place on file a certified  
9 statement of all amounts due under this section and s. 281.58, 281.60 or 281.61.  
10 After consulting the department, the department of administration may collect all  
11 amounts due by deducting those amounts from any state payments due the  
12 municipality or may add a special charge to the amount of taxes apportioned to and  
13 levied upon the county under s. 70.60. If the department of administration collects  
14 amounts due, it shall remit those amounts to the fund to which they are due and  
15 notify the department of that action.

16 (c) The department of administration may retain the last payment under a  
17 financial assistance agreement until the department of natural resources and the  
18 department of administration determine that the project is completed and meets the  
19 applicable requirements of this section and s. 281.58, 281.60 or 281.61 and that the  
20 conditions of the financial assistance agreement are met.

21 **SECTION 3566.** 281.59 (13m) of the statutes is amended to read:

22 281.59 (13m) LEGISLATIVE MORAL OBLIGATION. The building commission may, at  
23 the time the loan is made, by resolution designate a loan made under ~~this section and~~  
24 ~~s. 281.58~~ the clean water fund program as one to which this subsection applies. If  
25 at any time the payments received or expected to be received from a municipality on

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1 any loan so designated are pledged to secure revenue obligations of the state issued  
2 pursuant to subch. II of ch. 18 and are insufficient to pay when due principal of and  
3 interest on such loan, the department of administration shall certify the amount of  
4 such insufficiency to the secretary of administration, the governor and the joint  
5 committee on finance. If the certification is received by the secretary of  
6 administration in an even-numbered year before the completion of the budget under  
7 s. 16.43, the secretary of administration shall include the certified amount in the  
8 budget compilation. In any event, the joint committee on finance shall introduce in  
9 either house, in bill form, an appropriation of the amount so requested for the  
10 purpose of payment of the revenue obligation secured thereby. Recognizing its moral  
11 obligation to do so, the legislature hereby expresses its expectation and aspiration  
12 that, if ever called upon to do so, it shall make the appropriation.

13 **SECTION 3567.** 281.59 (13s) of the statutes is amended to read:

14 281.59 (13s) POWERS. The department of administration may audit, or contract  
15 for audits of, projects receiving financial assistance under ~~this section and s. 281.58~~  
16 the clean water fund program, the safe drinking water loan program and the land  
17 recycling loan program.

18 **SECTION 3568.** 281.59 (14) of the statutes is amended to read:

19 281.59 (14) RULES. The department of administration shall promulgate rules  
20 that are necessary for the proper execution of this section and of its responsibilities  
21 under s. ss. 281.58, 281.60 and 281.61.

22 **SECTION 3569.** 281.60 of the statutes is created to read:

23 **281.60 Land recycling loan program. (1) DEFINITIONS.** In this section:

24 (a) "Landfill" has the meaning given in s. 289.01 (20).

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1 (b) "Land recycling loan program" means the program administered under this  
2 section with financial management provided under s. 281.59.

3 (c) "Market interest rate" means the interest at the effective rate of a revenue  
4 obligation issued by this state to fund a loan or portion of a loan for a clean water fund  
5 program project under s. 281.58.

6 (d) "Political subdivision" means a city, village, town or county.

7 (e) "Site or facility" has the meaning given in s. 292.35 (1) (f).

8 **(2) GENERAL.** The department and the department of administration may  
9 administer a program to provide financial assistance to political subdivisions for  
10 projects to remedy environmental contamination of sites or facilities at which  
11 environmental contamination has affected groundwater or surface water or  
12 threatens to affect groundwater or surface water. The department and the  
13 department of administration may provide financial assistance under this section to  
14 a political subdivision only if the political subdivision owns the contaminated site or  
15 facility. The department and the department of administration may not provide  
16 financial assistance under this section to remedy environmental contamination at  
17 a site or facility that is not a landfill if the political subdivision caused the  
18 environmental contamination.

19 **(2r) METHODS OF PROVIDING FINANCIAL ASSISTANCE.** The following methods of  
20 providing financial assistance may be used under the land recycling loan program:

21 (a) Making loans below the market interest rate for projects described in sub.  
22 (2).

23 (b) Purchasing or refinancing the obligation of a political subdivision if the  
24 obligation was incurred to finance the cost of a project described in sub. (2) and the  
25 obligation was initially incurred after May 17, 1988.

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1 (c) Guaranteeing, or purchasing insurance for, obligations incurred to finance  
2 the cost of projects described in sub. (2) if the guarantee or insurance will provide  
3 credit market access or reduce interest rates.

4 (d) Providing payments to the board of commissioners of public lands to reduce  
5 principal or interest payments, or both, on loans made to political subdivisions under  
6 subch. II of ch. 24 by the board of commissioners of public lands for projects that are  
7 eligible for financial assistance under the land recycling loan program.

8 **(3) NOTICE OF INTENT TO APPLY.** (a) A political subdivision shall submit notice  
9 of its intent to apply for financial assistance under the land recycling loan program.  
10 A political subdivision shall submit the notice at least 6 months before the beginning  
11 of the fiscal biennium in which it will request to receive funding. The notice shall  
12 be in a form prescribed by the department and the department of administration.

13 (b) The department may waive par. (a) upon the written request of a political  
14 subdivision.

15 **(5) APPLICATION.** After submitting a notice of intent to apply under sub. (3) (a)  
16 or obtaining a waiver under sub. (3) (b), a political subdivision shall submit an  
17 application for land recycling loan program financial assistance to the department.  
18 The applicant shall submit the application before the April 30 preceding the  
19 beginning of the fiscal year in which the applicant is requesting to receive the  
20 financial assistance. The application shall be in the form and include the  
21 information required by the department and the department of administration. An  
22 applicant may not submit more than one application per project per year.

23 **(6) PRIORITY LIST.** The department shall establish a priority list that ranks each  
24 land recycling loan program project. The department shall promulgate rules for  
25 determining project rankings based on the potential of projects to reduce

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1 environmental pollution and threats to human health and, for sites and facilities  
2 that are not landfills, the extent to which projects will prevent the development of  
3 undeveloped land by making land available for redevelopment after a cleanup is  
4 conducted. Before the department establishes the priority list, the department shall  
5 consider the recommendations of the department of administration and the  
6 department of commerce.

7 **(7) APPROVAL OF APPLICATION.** The department shall approve an application  
8 received under sub. (5) after all of the following occur:

9 (a) The project is ranked on the priority list under sub. (6).

10 (b) The department determines that the project meets the eligibility  
11 requirements under this section.

12 (c) The department of administration determines that the political subdivision  
13 will meet the requirements of s. 281.59 (9) (b).

14 (d) The legislature has approved an amount under s. 281.59 (3m) (b) for the  
15 biennium.

16 **(8) FUNDING LIST; ALLOCATION OF FUNDING.** (a) The department shall establish  
17 a funding list for each fiscal year that ranks projects of political subdivisions that  
18 submit approvable applications under sub. (5) before the April 30 preceding the  
19 beginning of the fiscal year in the same order that they appear on the priority list  
20 under sub. (6). If sufficient funds are not available to fund all approved applications  
21 for financial assistance, the department of administration shall allocate funding to  
22 projects that are approved under sub. (7) in the order that they appear on the funding  
23 list, except as follows:

24 1. The department of administration may not allocate more than 40% of the  
25 available funds in each fiscal year to projects to remedy contamination at landfills.



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1           2. In any biennium, no political subdivision may receive more than 25% of the  
2 amount established under s. 281.59 (3m) (b) for that biennium.

3           (b) In allocating subsidy under this subsection, the department of  
4 administration shall adhere to the amount approved by the legislature for each  
5 biennium under s. 281.58 (3m) (b).

6           **(8m) CONDITIONS OF FINANCIAL ASSISTANCE.** As a condition of receiving financial  
7 assistance under the land recycling loan program, a political subdivision shall do all  
8 of the following:

9           (a) Establish a dedicated source of revenue for the repayment of the financial  
10 assistance.

11           (b) Comply with those provisions of 33 USC 1381 to 1387, this chapter, and the  
12 rules and regulations promulgated under those provisions, that the department  
13 specifies.

14           (c) Allow access to the project by representatives of the department for the  
15 purpose of making inspections.

16           **(9) FINANCIAL ASSISTANCE COMMITMENTS.** The department and the department  
17 of administration may, at the request of a political subdivision, issue a notice of  
18 financial assistance commitment after the political subdivision's application for land  
19 recycling loan program financial assistance has been approved and funding has been  
20 allocated under sub. (8) for the political subdivision's project. The notice of financial  
21 assistance commitment shall specify the conditions that the political subdivision  
22 must meet to secure financial assistance and shall include the estimated repayment  
23 schedules and other terms of financial assistance.

24           **(10) DEADLINE FOR CLOSING.** If funding is allocated to a project under sub. (8)  
25 for a loan and the loan is not closed before April 30 of the year following the year in

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1 which funding is allocated, the department of administration shall release the  
2 funding allocated to the project.

3 (11) LOAN INTEREST RATES. The interest rate on a land recycling loan program  
4 loan shall be 55% of market interest rate.

5 (11m) SERVICE FEE. The department and the department of administration  
6 shall jointly charge and collect an annual service fee for reviewing and acting upon  
7 land recycling loan program applications and servicing financial assistance  
8 agreements. The fee shall be in addition to interest payments at the rate under sub.  
9 (11). For the 1997-99 fiscal biennium, the service fee shall be 0.5% of the loan  
10 balance. Fee amounts for later biennia shall be established in the biennial finance  
11 plan under s. 281.59 (3) (a) 8. The department and the department of administration  
12 shall specify in the biennial finance plan a fee designed to cover the costs of reviewing  
13 and acting upon land recycling loan program applications and servicing financial  
14 assistance agreements.

15 (12) SALE OF SITE OR FACILITY. (a) A political subdivision may not sell a site or  
16 facility, or portion of a site or facility, for which the political subdivision has received  
17 a loan under this section, while the loan is outstanding, for less than fair market  
18 value.

19 (b) If a political subdivision sells a site or facility, or portion of a site or facility,  
20 for which the political subdivision has received a loan under this section, the political  
21 subdivision shall do the following:

22 1. If the sale proceeds are less than or equal to the remaining loan balance, pay  
23 the sale proceeds to the department of administration to repay all or a portion of the  
24 loan.

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1           2. If the sale proceeds are greater than the remaining loan balance but less than  
2 or equal to the cost of the land plus the cost of the cleanup, pay an amount equal to  
3 the remaining loan balance to the department of administration and retain the  
4 remainder of the sale proceeds.

5           3. If the sale proceeds are greater than the cost of the land plus the cost of the  
6 cleanup, pay to the department of administration an amount equal to the remaining  
7 loan balance plus the lesser of 75% of the amount by which the sale proceeds exceed  
8 the cost of the land plus the cost of the cleanup or the amount of subsidy incurred for  
9 the project and retain the remainder of the sale proceeds.

10           **(13) DUTIES OF THE DEPARTMENT.** The department shall do all of the following:

11           (a) Seek approval of the federal environmental protection agency for the use  
12 of funds under 33 USC 1381 to 1387 for the land recycling loan program.

13           (b) Promulgate rules establishing eligibility criteria for applicants and projects  
14 under this section.

15           (c) Promulgate rules that are necessary for the execution of its responsibilities  
16 under the land recycling loan program.

17           (d) Cooperate with the department of administration in administering the land  
18 recycling loan program.

19           (e) Submit a biennial budget request under s. 16.42 for the land recycling loan  
20 program.

21           (f) Have the lead role with the federal environmental protection agency  
22 concerning the land recycling loan program.

23           (g) Have the lead role with political subdivisions in providing land recycling  
24 loan program information, and cooperate with the department of administration in  
25 providing that information to political subdivisions.

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1 (h) Periodically inspect land recycling loan program projects to determine  
2 project compliance with the requirements of this section.

3 (i) By May 1 of each even-numbered year, prepare and submit to the  
4 department of administration a biennial needs list that includes all of the following  
5 information:

6 1. A list of land recycling loan program projects that the department estimates  
7 will apply for financial assistance under the land recycling loan program during the  
8 next biennium.

9 2. The estimated cost and estimated construction schedule of each project on  
10 the list under subd. 1., and the total of the estimated costs of all projects on the list  
11 under subd. 1.

12 3. The estimated rank of each project on the priority list under sub. (6).

13 **SECTION 3570.** 281.61 of the statutes is created to read:

14 **281.61 Safe drinking water loan program. (1) DEFINITIONS.** In this section:

15 (a) "Local governmental unit" means a city, village, town, county, town sanitary  
16 district, public inland lake protection and rehabilitation district or municipal water  
17 district.

18 (b) "Market interest rate" means the interest at the effective rate of a revenue  
19 obligation issued by this state to fund a loan or portion of a loan for a clean water fund  
20 program project under s. 281.58.

21 (c) "Public water system" means a water system providing piped water to the  
22 public for human consumption if the water system has at least 15 service connections  
23 or regularly serves an average of at least 25 individuals daily for at least 60 days each  
24 year.

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1 (d) "Safe drinking water loan program" means the program administered  
2 under this section, with financial management provided under s. 281.59.

3 **(2) GENERAL.** The department and the department of administration shall  
4 administer a program to provide financial assistance to local governmental units for  
5 projects for the planning, designing, construction or modification of public water  
6 systems, if the projects will facilitate compliance with national primary drinking  
7 water regulations under 42 USC 300g-1 or otherwise significantly further the health  
8 protection objectives of the Safe Drinking Water Act, 42 USC 300f to 300j-26.

9 **(2g) INELIGIBLE PROJECTS.** A local governmental unit is not eligible for financial  
10 assistance under this section if the local governmental unit does not have the  
11 technical, managerial or financial capacity to ensure compliance with the Safe  
12 Drinking Water Act, 42 USC 300f to 300j-26, or the public water system operated by  
13 the local governmental unit is in significant noncompliance with any requirement  
14 of a primary drinking water regulation or variance under 42 USC 300g-1 unless the  
15 financial assistance will ensure compliance with the Safe Drinking Water Act.

16 **(2r) METHODS OF PROVIDING FINANCIAL ASSISTANCE.** The following methods of  
17 providing financial assistance may be used under the safe drinking water loan  
18 program:

19 (a) Making loans below the market interest rate for projects described in sub.  
20 (2).

21 (b) Purchasing or refinancing the obligation of a local governmental unit if the  
22 obligation was incurred to finance the cost of a project described in sub. (2) and the  
23 obligation was initially incurred after July 1, 1993.

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1 (c) Guaranteeing, or purchasing insurance for, obligations incurred to finance  
2 the cost of projects described in sub. (2) if the guarantee or insurance will provide  
3 credit market access or reduce interest rates.

4 (d) Providing payments to the board of commissioners of public lands to reduce  
5 principal or interest payments, or both, on loans made to local governmental units  
6 under subch. II of ch. 24 by the board of commissioners of public lands for projects  
7 that are eligible for financial assistance under the safe drinking water loan program.

8 **(3) NOTICE OF INTENT TO APPLY.** (a) A local governmental unit shall submit notice  
9 of its intent to apply for financial assistance under the safe drinking water loan  
10 program at least 6 months before the beginning of the fiscal biennium in which it  
11 intends to receive the financial assistance. The notice shall be in a form prescribed  
12 by the department and the department of administration.

13 (b) If a local governmental unit does not apply for financial assistance by April  
14 30 of the 2nd year following the year in which it submitted notice under par. (a), the  
15 local governmental unit shall submit a new notice under par. (a).

16 (c) The department may waive par. (a) or (b) upon the written request of a local  
17 governmental unit.

18 **(4) ENGINEERING REPORT.** A local governmental unit seeking financial  
19 assistance for a project under this section shall submit an engineering report, as  
20 required by the department by rule.

21 **(5) APPLICATION.** After the department approves a local governmental unit's  
22 engineering report submitted under sub. (4), the local governmental unit shall  
23 submit an application for safe drinking water financial assistance to the department.  
24 The applicant shall submit the application before the April 30 preceding the  
25 beginning of the fiscal year in which the applicant wishes to receive the financial

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1 assistance. The application shall be in the form and include the information required  
2 by the department and the department of administration and shall include plans and  
3 specifications that are approvable by the department under this section. An  
4 applicant may not submit more than one application per project per year.

5 **(6) PRIORITY LIST.** The department shall establish a priority list that ranks each  
6 safe drinking water loan program project. The department shall promulgate rules  
7 for determining project rankings that, to the extent possible, give priority to projects  
8 that address the most serious risks to human health, that are necessary to ensure  
9 compliance with the Safe Drinking Water Act, 42 USC 300f to 300j-26, and that  
10 assist local governmental units that are most in need on a per household basis,  
11 according to affordability criteria specified in the rules.

12 **(7) APPROVAL OF APPLICATION.** The department shall approve an application  
13 received under sub. (5) after all of the following occur:

14 (a) The project is ranked on the priority list under sub. (6).

15 (b) The department determines that the project meets the eligibility  
16 requirements under this section.

17 (c) The department of administration determines that the local governmental  
18 unit will meet the requirements of s. 281.59 (9) (b).

19 (d) The legislature has approved an amount under s. 281.59 (3s) (b) 1. for the  
20 biennium.

21 **(8) FUNDING LIST; ALLOCATION OF FUNDING.** (a) The department shall establish  
22 a funding list for each fiscal year that ranks projects of local governmental units that  
23 submit approvable applications under sub. (5) in the same order that they appear on  
24 the priority list under sub. (6). If sufficient funds are not available to fund all  
25 approved applications for financial assistance, the department of administration

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1 shall allocate funding to projects that are approved under sub. (7) in the order that  
2 they appear on the funding list, except as follows:

3 1. The department of administration shall allocate to projects for public water  
4 systems that regularly serve fewer than 10,000 persons 15% of the available funds  
5 in each fiscal year or such lesser amount that fully funds the eligible projects for  
6 those public water systems.

7 2. In any biennium, no local governmental unit may receive more than 25% of  
8 the amount established under s. 281.59 (3s) (b) for that biennium.

9 (b) In allocating subsidy under this subsection, the department of  
10 administration shall adhere to the amount approved by the legislature for each  
11 biennium under s. 281.59 (3s) (b).

12 **(8m)** CONDITIONS OF FINANCIAL ASSISTANCE. As a condition of receiving financial  
13 assistance under the safe drinking water loan program, a local governmental unit  
14 shall do all of the following:

15 (a) Establish a dedicated source of revenue for the repayment of the financial  
16 assistance.

17 (b) Comply with those provisions of 42 USC 300f to 300j-26 and this chapter  
18 and the regulations and rules promulgated under those provisions that the  
19 department specifies.

20 (c) Develop and adopt a program of water conservation as required by the  
21 department.

22 (d) Develop and adopt a program of systemwide operation and maintenance of  
23 the public water system, including the training of personnel, as required by the  
24 department.

25 (e) Develop and adopt a user fee system.



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1           **(9) FINANCIAL ASSISTANCE COMMITMENTS.** The department and the department  
2 of administration may, at the request of a local governmental unit, issue a notice of  
3 financial assistance commitment after the local governmental unit's application for  
4 safe drinking water financial assistance has been approved under sub. (7) and  
5 funding has been allocated under sub. (8) for the local governmental unit's project.  
6 The notice of financial assistance commitment shall specify the conditions that the  
7 local governmental unit must meet to secure financial assistance and shall include  
8 the estimated repayment schedules and other terms of the financial assistance.

9           **(10) DEADLINE FOR CLOSING.** If funding is allocated to a project under sub. (8)  
10 for a loan and the loan is not closed before April 30 of the year following the year in  
11 which funding is allocated, the department of administration shall release the  
12 funding allocated to the project.

13           **(11) LOAN INTEREST RATES.** (a) Except as provided under par. (b), the interest  
14 rate on a safe drinking water loan program loan shall be as follows:

15           1. For a local governmental unit that does not meet financial eligibility criteria  
16 established by the department by rule, 55% of market interest rate.

17           2. For a local governmental unit that meets financial eligibility criteria  
18 established by the department by rule, 33% of market interest rate.

19           (b) The department and the department of administration jointly may request  
20 the joint committee on finance to take action under s. 13.101 (11) to modify the  
21 percentage of market interest rate under par. (a) 1. or 2.

22           **(12) DUTIES OF THE DEPARTMENT.** The department shall do all of the following:

23           (a) Promulgate rules establishing eligibility criteria for applicants and projects  
24 under this section.

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1 (b) Promulgate rules that are necessary for the execution of its responsibilities  
2 under the safe drinking water loan program.

3 (c) Cooperate with the department of administration in administering the safe  
4 drinking water loan program.

5 (d) By May 1 of each even-numbered year, prepare and submit to the  
6 department of administration a biennial needs list that includes all of the following  
7 information:

8 1. A list of drinking water projects that the department estimates will apply  
9 for financial assistance under the safe drinking water loan program during the next  
10 biennium.

11 2. The estimated cost and estimated construction schedule of each project on  
12 the list, and the total of the estimated costs of all projects on the list.

13 3. The estimated rank of each project on the priority list under sub. (6).

14 (e) Submit a biennial budget request under s. 16.42 for the safe drinking water  
15 loan program.

16 (f) Have the lead state role with the federal environmental protection agency  
17 concerning the safe drinking water loan program.

18 (g) Have the lead state role with local governmental units in providing safe  
19 drinking water loan program information, and cooperate with the department of  
20 administration in providing that information to local governmental units.

21 (h) Inspect periodically safe drinking water loan program project construction  
22 to determine project compliance with construction plans and specifications approved  
23 by the department and the requirements of the safe drinking water loan program.

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1           **(13)** CAPITALIZATION GRANT. The department may enter into an agreement  
2 under 42 USC 300j-12 (a), with the federal environmental protection agency to  
3 receive a capitalization grant for the safe drinking water loan program.

4           **SECTION 3571.** 281.62 of the statutes is created to read:

5           **281.62 Other drinking water quality activities. (1)** In this section:

6           (a) “Community water system” means a public water system that serves at  
7 least 15 service connections used by year-round residents of the area served by the  
8 public water system or that regularly serves at least 25 year-round residents.

9           (b) “Noncommunity water system” means a public water system that is not a  
10 community water system.

11           (c) “Public water system” has the meaning given in s. 281.61 (1) (c).

12           **(2)** (a) With the approval of the department of administration, the department  
13 may expend funds from the appropriation accounts under s. 20.320 (2) (s) and (x) for  
14 any of the following:

15           1. Providing a loan to the owner of a community water system or a nonprofit  
16 noncommunity water system to acquire land or a conservation easement from a  
17 willing seller or grantor to protect the source water of the water system from  
18 contamination and to ensure compliance with national primary drinking water  
19 regulations under 42 USC 300g-1.

20           2. Providing a loan to the owner of a community water system to do any of the  
21 following:

22           a. Implement voluntary source water protection measures in areas delineated  
23 as provided in 42 USC 300j-13 in order to facilitate compliance with national  
24 primary drinking water regulations under 42 USC 300g-1 or otherwise significantly

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1 further the health protection objectives of the Safe Drinking Water Act, 42 USC 300f  
2 to 300j-26.

3 b. Implement a program for source water quality protection partnerships as  
4 provided in 42 USC 300j-14.

5 3. Assisting the owner of a public water system to develop the technical,  
6 managerial and financial capacity to comply with national primary drinking water  
7 regulations under 42 USC 300g-1.

8 4. Delineating or assessing source water protection areas as provided under 42  
9 USC 300j-13.

10 5. Protecting wellhead areas from contamination as provided in 42 USC  
11 300h-7.

12 (b) In any fiscal year, the department may not expend under par. (a) more than  
13 15% of the funds provided under 42 USC 300j-12 in that fiscal year. In any fiscal  
14 year, the department may not expend under par. (a) 1., 2., 3., 4. or 5. more than 10%  
15 of the funds provided under 42 USC 300j-12 in that fiscal year.

16 **(3)** (a) With the approval of the department of administration, the department  
17 may expend funds from the appropriation accounts under s. 20.320 (2) (s) and (x) for  
18 any of the following:

19 1. Public water system supervision as provided in 42 USC 300j-2 (a).

20 2. Technical assistance concerning source water protection.

21 3. Developing and implementing a capacity development strategy required  
22 under 42 USC 300g-9 (c).

23 4. Operator certification required under 42 USC 300g-8.

24 (b) In any fiscal year, the department may not expend under par. (a) more than  
25 10% of the funds provided under 42 USC 300j-12 in that fiscal year.

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1           (4) With the approval of the department of administration, the department  
2 may expend funds from the appropriation accounts under s. 20.320 (2) (s) and (x) to  
3 provide technical assistance to public water systems serving 10,000 or fewer persons.  
4 In any fiscal year, the department may not expend under this subsection more than  
5 2% of the funds provided under 42 USC 300j-12 in that fiscal year.

6           **SECTION 3572.** 281.625 of the statutes is created to read:

7           **281.625 Drinking water loan guarantee program.** (1) In this section:

8           (a) "Community water system" means a public water system that serves at  
9 least 15 service connections used by year-round residents or that regularly serves  
10 at least 25 year-round residents.

11           (b) "Local governmental unit" has the meaning given in s. 281.61 (1) (a).

12           (c) "Noncommunity water system" means a public water system that is not a  
13 community water system.

14           (d) "Public water system" has the meaning given in s. 281.61 (1) (c).

15           (2) The department, in consultation with the department of administration,  
16 shall promulgate rules for determining whether a loan is an eligible loan under s.  
17 234.86 (3) for a loan guarantee under s. 234.86. The rules shall be consistent with  
18 42 USC 300j-12.

19           (3) The department shall determine whether a loan to the owner of a  
20 community water system or the nonprofit owner of a noncommunity water system  
21 is an eligible loan under s. 234.86 (3) for the purposes of the loan guarantee program  
22 under s. 234.86.

23           (4) With the approval of the department of administration, the department of  
24 natural resources may transfer funds from the appropriation accounts under s.

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1 20.320 (2) (s) and (x) to the Wisconsin drinking water reserve fund under s. 234.933  
2 to guarantee loans under s. 234.86.

3 **SECTION 3573.** 281.65 (1) (d) of the statutes is amended to read:

4 281.65 (1) (d) Focus limited technical and financial resources in critical  
5 geographic locations through the selection of priority lakes ~~identified under sub. (4)~~  
6 ~~(ed)~~ and priority watersheds where nonpoint source related water quality problems  
7 are the most severe and control is most feasible.

8 **SECTION 3574.** 281.65 (2) (a) of the statutes is amended to read:

9 281.65 (2) (a) "Best management practices" means practices, techniques or  
10 measures, except for ~~dredgings~~ dredging, identified in areawide water quality  
11 management plans, which are determined to be ~~the most~~ effective means of  
12 preventing or reducing pollutants generated from nonpoint sources, or from the  
13 sediments of inland lakes polluted by nonpoint sources, to a level compatible with  
14 water quality objectives established under this section and which do not have an  
15 adverse impact on fish and wildlife habitat. The practices, techniques or measures  
16 include land acquisition, storm sewer rerouting and the removal of structures  
17 necessary to install structural urban best management practices, facilities for the  
18 handling and treatment of milkhouse wastewater, repair of fences built using grants  
19 under this section and measures to prevent or reduce pollutants generated from  
20 mine tailings disposal sites for which the department has not approved a plan of  
21 operation under s. 289.30.

22 **SECTION 3575.** 281.65 (2) (be) of the statutes is amended to read:

23 281.65 (2) (be) "Priority lake" means any lake or group of lakes that are  
24 identified under sub. (3) (am) ~~or (4) (em)~~.

25 **SECTION 3576.** 281.65 (3) (a) of the statutes is amended to read:

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1           281.65 (3) (a) Review the lists submitted under sub. (4) (c) and (cd) and reports  
2 submitted under sub. (4) (c), ~~(ed)~~ and (cg).

3           **SECTION 3577.** 281.65 (3) (am) of the statutes is amended to read:

4           281.65 (3) (am) ~~Designate~~ Identify priority watersheds and priority lakes  
5 ~~based on reports submitted under sub. (4) (e) and (ed)~~ as provided in sub. (3m).

6           **SECTION 3578.** 281.65 (3m) of the statutes is created to read:

7           281.65 (3m) (a) 1. No later than July 1, 1998, the board shall identify priority  
8 watersheds based on the list submitted under sub. (4) (c) and recommendations by  
9 the department and the department of agriculture, trade and consumer protection  
10 without regard to any priority watershed designations made before the board acts  
11 under this subdivision, except for priority watershed designations under sub. (4)  
12 (cm). The department and the department of agriculture, trade and consumer  
13 protection shall limit the number of watersheds that they recommend to the board  
14 to the number that they determine will enable the department to comply with sub.  
15 (4) (g) 9., assuming that the level of funding for the program under this section  
16 remains the same as on the effective date of this subdivision .... [revisor inserts date].

17           2. If a watershed is designated as a priority watershed before the board acts  
18 under subd. 1. and the board does not identify the watershed as a priority watershed  
19 under subd. 1., the board shall terminate the watershed's designation as a priority  
20 watershed. This subdivision does not apply to priority watershed designations made  
21 under sub. (4) (cm).

22           (b) 1. No later than July 1, 1998, the board shall identify priority lakes based  
23 on the list submitted under sub. (4) (cd) and recommendations by the department  
24 and the department of agriculture, trade and consumer protection without regard to  
25 any priority lake designations made before the board acts under this subdivision.

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1           2. If a lake is designated as a priority lake before the board acts under subd.  
2           1. and the board does not identify the lake as a priority lake under subd. 1., the board  
3           shall terminate the lake's designation as a priority lake.

4           (c) If the board terminates a priority watershed or priority lake designation  
5           under this subsection, the board shall review the status of the project in the priority  
6           watershed or priority lake area and direct the department to continue, modify or  
7           eliminate funding for the project.

8           **SECTION 3579.** 281.65 (4) (c) of the statutes is repealed and recreated to read:

9           281.65 (4) (c) Prepare a list of the watersheds in this state in order of the level  
10          of impairment of the waters in each watershed caused by nonpoint source pollution,  
11          taking into consideration the location of impaired water bodies that the department  
12          has identified to the federal environmental protection agency under 33 USC 1313 (d)  
13          (1) (A), and submit the list to the board no later than January 1, 1998.

14          **SECTION 3580.** 281.65 (4) (cd) of the statutes is repealed and recreated to read:

15          281.65 (4) (cd) Prepare a list of the lakes in this state in order of the level of  
16          impairment of the waters in the lakes caused by nonpoint source pollution, taking  
17          into consideration the location of impaired water bodies that the department has  
18          identified to the federal environmental protection agency under 33 USC 1313 (d) (1)  
19          (A), and submit the list to the board no later than January 1, 1998.

20          **SECTION 3581.** 281.65 (4) (dm) of the statutes is amended to read:

21          281.65 (4) (dm) Establish water quality objectives for each water basin and for  
22          each priority watershed and priority lake and identify the best management  
23          practices to achieve the water quality objectives.

24          **SECTION 3582.** 281.65 (4) (e) of the statutes is amended to read:



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1           281.65 (4) (e) Promulgate rules, in consultation with the department of  
2 agriculture, trade and consumer protection, as are necessary for the proper  
3 execution and administration of the program under this section. Before  
4 promulgating rules under this paragraph, the department shall submit the rules to  
5 the land and water conservation board for review under sub. (3) (at). The rules shall  
6 include standards and specifications concerning best management practices which  
7 are required for eligibility for cost-sharing grants under this section. The  
8 department may waive the standards and specifications in exceptional cases. The  
9 rules shall specify which best management practices are cost-effective best  
10 management practices. Only persons involved in the administration of the program  
11 under this section, persons who are grant recipients or applicants and persons who  
12 receive notices of intent to issue orders under s. 281.20 (1) (b) are subject to the rules  
13 promulgated under this paragraph. Any rule promulgated under this paragraph  
14 which relates or pertains to agricultural practices relating to animal waste handling  
15 and treatment is subject to s. 13.565.

16           **SECTION 3583.** 281.65 (4) (em) of the statutes is created to read:

17           281.65 (4) (em) In identifying best management practices under pars. (dm) and  
18 (g) 4., identify cost-effective best management practices, as specified under par. (e),  
19 except in situations in which the use of a cost-effective best management practice  
20 will not contribute to water quality improvement or will cause a water body to  
21 continue to be impaired as identified to the federal environmental protection agency  
22 under 33 USC 1313 (d) (1) (A).

23           **SECTION 3584.** 281.65 (4) (g) (intro.) of the statutes is amended to read:

24           281.65 (4) (g) (intro.) In cooperation with the department of agriculture, trade  
25 and consumer protection and the appropriate governmental unit, prepare priority

**SENATE BILL 77****SECTION 3584**

1 watershed and priority lakes plans to implement nonpoint source water pollution  
2 abatement projects and storm water control activities described in sub. (8c) in  
3 priority watersheds and priority lake areas, ~~as designated under sub. (3) (am) or (4)~~  
4 ~~(em)~~. In preparing the plans, the department shall:

5 **SECTION 3585.** 281.65 (4) (L) of the statutes is created to read:

6 281.65 (4) (L) Before September 1 of each year, in consultation with the  
7 department of agriculture, trade and consumer protection, submit a budget report  
8 to the board that includes anticipated expenditures for projects under this section  
9 during the next year, criteria for ending projects under this section and, if anticipated  
10 expenditures exceed anticipated funding, a plan for reducing expenditures.

11 **SECTION 3586.** 281.65 (4c) of the statutes is created to read:

12 281.65 (4c) (a) Beginning on July 1, 1998, a governmental unit may request  
13 funding for a priority watershed project, a priority lake project or a nonpoint source  
14 water pollution abatement project that is not in a priority watershed or a priority  
15 lake area by submitting an application to the board. An application shall be  
16 submitted before July 15 to be considered for initial funding in the following year.

17 (b) The department, in consultation with the department of agriculture, trade  
18 and consumer protection, shall use the system approved under par. (e) to determine  
19 the score of each project for which the board receives an application under par. (a)  
20 and shall inform the board of the scores no later than September 1 of each year.

21 (c) After receiving project scores under par. (b) and before November 1 of each  
22 year, the board shall select projects for funding under this section in the following  
23 year. To the extent practicable, within the requirements of this section, the board  
24 shall select projects so that projects are distributed evenly around this state.

**SENATE BILL 77****SECTION 3586**

1 (d) No later than April 1, 1998, the department, in consultation with the  
2 department of agriculture, trade and consumer protection, shall propose to the board  
3 a scoring system for ranking nonpoint source water pollution abatement projects for  
4 which applications are submitted under par. (a). The criteria on which the scoring  
5 system is based shall include all of the following:

6 1. The extent to which the application proposes to use the cost-effective and  
7 appropriate best management practices to achieve water quality goals.

8 2. The existence in the project area of an impaired water body that the  
9 department has identified to the federal environmental protection agency under 33  
10 USC 1313 (d) (1) (A).

11 3. The extent to which the project will result in the attainment of established  
12 water quality objectives.

13 4. The local interest in and commitment to the project.

14 5. The inclusion of a strategy to evaluate the progress toward reaching project  
15 goals, including the monitoring of water quality improvements resulting from  
16 project activities.

17 (e) The board shall review the scoring system proposed under par. (d) and shall  
18 approve the system as submitted or shall modify and approve the system. The board  
19 shall review the system at least once every 2 years and may require the department  
20 to submit a revised system after a review.

21 **SECTION 3587.** 281.65 (4g) of the statutes is amended to read:

22 281.65 (4g) The department may contract with any person from the  
23 ~~appropriations~~ appropriation account under s. 20.370 (6) ~~(aa)~~ and (4) (at) for services  
24 to administer or implement this section, including information and education and  
25 training services.

**SENATE BILL 77****SECTION 3588**

1           **SECTION 3588.** 281.65 (5) (b) of the statutes is amended to read:

2           281.65 (5) (b) Prepare sections of the priority watershed or priority lake plan  
3 relating to farm-specific implementation schedules, requirements under ss. 92.104  
4 and 92.105, animal waste management and selection of agriculturally related best  
5 management practices and submit those sections to the department for inclusion  
6 under sub. (4m) (b). The best management practices shall be cost-effective best  
7 management practices, as specified under sub. (4) (e), except in situations in which  
8 the use of a cost-effective best management practice will not contribute to water  
9 quality improvement or will cause a water body to continue to be impaired as  
10 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)  
11 (A).

12           **SECTION 3589.** 281.65 (8) (cm) of the statutes is amended to read:

13           281.65 (8) (cm) Grants may be provided ~~from the appropriations under s.~~  
14 ~~20.370 (6) (aa) and (aq)~~ to applicants for projects affecting priority lakes if the  
15 projects are in conformance with areawide water quality management plans and the  
16 purposes specified under sub. (1).

17           **SECTION 3590.** 281.65 (8) (e) of the statutes is amended to read:

18           281.65 (8) (e) Except as provided in sub. (8c), grants may only be used for  
19 implementing best management practices. Grants for implementing best  
20 management practices may only be used for implementing cost-effective best  
21 management practices specified under sub. (4) (e) unless an applicant demonstrates  
22 that the use of a cost-effective best management practice will not contribute to water  
23 quality improvement or will cause a water body to continue to be impaired as  
24 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)  
25 (A).

**SENATE BILL 77****SECTION 3591**

1           **SECTION 3591.** 281.65 (8) (f) of the statutes is repealed and recreated to read:

2           281.65 (8) (f) A cost-sharing grant shall equal the percentage of the cost of  
3 implementing the best management practice that is determined by the  
4 governmental unit submitting the application under sub. (4c) (a) and is approved by  
5 the board, except as provided under par. (jm) and except that a cost-sharing grant  
6 may not exceed 70% of the cost of implementing the best management practice.

7           **SECTION 3592.** 281.65 (8) (g) of the statutes is repealed.

8           **SECTION 3593.** 281.65 (8) (gm) of the statutes is repealed.

9           **SECTION 3594.** 281.65 (8) (h) of the statutes is repealed.

10          **SECTION 3595.** 281.65 (8) (hm) of the statutes is repealed.

11          **SECTION 3596.** 281.65 (8) (i) of the statutes is repealed.

12          **SECTION 3597.** 281.65 (8) (j) of the statutes is repealed.

13          **SECTION 3598.** 281.65 (8) (jm) of the statutes is amended to read:

14          281.65 (8) (jm) Notwithstanding ~~pars. par. (f) to (h)~~, after cost-sharing grants  
15 have been available in a priority watershed or priority lake area for 36 months only  
16 a reduced grant, which may not exceed a percentage established by the department  
17 by rule of the cost of implementing the best management practice, may be provided  
18 to the owner or operator of a site designated as a critical site in a priority watershed  
19 plan under sub. (5m) or in a modification to such a plan under sub. (5s).

20          **SECTION 3599.** 281.65 (8) (m) of the statutes is amended to read:

21          281.65 (8) (m) The department may recognize the value of a conservation  
22 easement created under s. 700.40 (2) and donated to the department, or to any person  
23 approved by the department, as constituting all or a portion of the landowner's or  
24 operator's share of a cost-sharing grant as determined under ~~pars. par. (f) to (h)~~.

25          **SECTION 3600.** 281.75 (16) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3600**

1           281.75 (16) (d) The state is subrogated to the rights of a claimant who obtains  
2 an award under this section in an amount equal to the award. All moneys recovered  
3 under this paragraph shall be credited to the environmental fund for environmental  
4 repair management.

5           **SECTION 3601.** 281.85 (intro.) of the statutes is amended to read:

6           **281.85 Great Lakes protection fund share.** (intro.) The department may  
7 use moneys from the appropriation under s. 20.370 ~~(2)~~ (4) (ah) for any of the following  
8 purposes:

9           **SECTION 3602.** 281.98 of the statutes is amended to read:

10           **281.98 Penalties. (1)** Except as provided in ss. 281.47 (1) (d) ~~and~~, 281.75 (19)  
11 and 281.99 (2), any person who violates this chapter or any rule promulgated or any  
12 plan approval, license or special order issued under this chapter shall forfeit not less  
13 than \$10 nor more than \$5,000 for each violation. Each day of continued violation  
14 is a separate offense. While an order is suspended, stayed or enjoined, this penalty  
15 does not accrue.

16           **(2)** In addition to the penalties provided under sub. (1) or s. 281.99 (2), the court  
17 may award the department of justice the reasonable and necessary expenses of the  
18 investigation and prosecution of the a violation of this chapter, including attorney  
19 fees. The department of justice shall deposit in the state treasury for deposit into the  
20 general fund all moneys that the court awards to the department or the state under  
21 this subsection. Ten percent of the money deposited in the general fund that was  
22 awarded under this subsection for the costs of investigation and the expenses of  
23 prosecution, including attorney fees, shall be credited to the appropriation account  
24 under s. 20.455 (1) (gh).

25           **SECTION 3603.** 281.99 of the statutes is created to read:

**SENATE BILL 77****SECTION 3603****1           281.99 Administrative forfeitures for safe drinking water violations.**

2           **(1)** The department may directly assess forfeitures in the amounts provided under  
3           sub. (2) for violations of the safe drinking water program under s. 281.17 (8) or (9).  
4           If the department determines that a forfeiture should be assessed for a particular  
5           violation, it shall issue an order under s. 281.19 (2) (a) to the person alleged to have  
6           committed the violation. The order shall specify the amount of the forfeiture  
7           assessed, the violation, the rule alleged to have been violated and shall inform the  
8           licensee of the right to a hearing under sub. (3).

9           **(2)** (a) The amount of forfeitures that the department may assess under this  
10          section are as follows:

11           1. For water systems that serve a population of more than 10,000 persons, not  
12          less than \$10 and not more than \$1,000 for each day of violation, but not more than  
13          \$25,000 in one order.

14           2. For water systems that serve a population of 10,000 persons or less, not less  
15          than \$10 and not more than \$500 for each day of violation, but not more than \$25,000  
16          in one order.

17           (b) The department, in determining the amount of forfeiture that it assesses  
18          under this section, shall consider the following factors, as appropriate:

19           1. The gravity of the violation, including the probability of harm to persons  
20          served by the water system.

21           2. Good faith exercised by the water system owner or operator, including past  
22          or ongoing efforts to correct problems or achieve compliance with the safe drinking  
23          water program.

24           3. Any previous violations committed by the owner or operator.

25           4. The financial benefit to the owner or operator of continuing the violation.

**SENATE BILL 77****SECTION 3603**

1           5. Any other relevant factors.

2           (c) While an order issued under this section is suspended, stayed or enjoined,  
3 any forfeiture under this section does not accrue.

4           **(3)** A person may contest an assessment of forfeiture under sub. (1) using the  
5 procedure under s. 281.19 (8).

6           **(4)** All forfeitures shall be paid to the department within 10 days after receipt  
7 of the order or, if the forfeiture is contested under sub. (3), within 10 days after receipt  
8 of the final decision after exhaustion of administrative review, unless the final  
9 decision is appealed and the order is stayed by court order. The department shall  
10 remit all forfeitures paid to the state treasurer for deposit in the school fund.

11           **(5)** The attorney general may bring an action in the name of the state to collect  
12 any forfeiture imposed under this section if the forfeiture has not been paid following  
13 the exhaustion of all administrative and judicial reviews. The only issue to be  
14 contested in the action shall be whether the forfeiture has been paid.

15           **(6)** Section 893.80 does not apply to actions commenced under this section.

16           **SECTION 3604.** 283.31 (7) of the statutes is amended to read:

17           283.31 **(7)** The holder of a permit under this section shall pay \$100 to the  
18 department as a groundwater fee on January 1 if the permittee discharges effluent  
19 on land or if the permittee produces sludge from a treatment work which is disposed  
20 of on land. If the permittee discharges effluent on land and disposes of sludge from  
21 a treatment work on land, the permittee shall pay \$200 to the department as a  
22 groundwater fee on January 1. The moneys collected under this subsection shall be  
23 credited to the environmental fund for groundwater environmental management.

24           **SECTION 3605.** 283.33 (9) (c) of the statutes is amended to read:



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1           283.33 **(9)** (c) All moneys collected under par. (a) shall be credited to the  
2 appropriation under s. 20.370 ~~(2)~~ (4) (bj).

3           **SECTION 3606.** 283.84 of the statutes is created to read:

4           **283.84 Trading of water pollution credits. (1)** The department shall  
5 administer at least one pilot project to evaluate the trading of water pollution credits.  
6 A pilot project may authorize a person required to obtain a permit to increase the  
7 discharge of pollutants above levels that would otherwise be authorized in the permit  
8 if the person does one of the following:

9           (a) Reaches an agreement with another person who is required to obtain a  
10 permit under which the other person agrees to reduce the discharge of pollutants in  
11 the project area below the levels that would otherwise be authorized in the other  
12 person's permit.

13           (b) Reaches an agreement with another person who is not required to obtain  
14 a permit under which the other person agrees to reduce the amount of water  
15 pollution that it causes in the project area below the levels of water pollution that it  
16 causes in the project area when the agreement is reached.

17           (c) Reaches an agreement with the department or a local governmental unit,  
18 as defined in s. 16.97 (7), under which the person pays money to the department or  
19 local governmental unit and the department or local governmental unit uses the  
20 money to reduce water pollution in the project area.

21           **(2)** The department may select a watershed or water basin as a project area  
22 under this section only if all of the following apply:

23           (a) The watershed or water basin contains at least one impaired water body  
24 that the department has identified to the federal environmental protection agency  
25 under 33 USC 1313 (d) (1) (A).

**SENATE BILL 77****SECTION 3606**

1 (b) The watershed or water basin includes both agricultural and municipal  
2 sources of water pollution and both point sources and nonpoint sources.

3 (c) Potential participants located in the watershed or water basin exhibit an  
4 interest in participating in a pilot project.

5 (3) 1. The department shall appoint a local committee for each pilot project to  
6 advise the department concerning the pilot project. The local committee shall  
7 include a representative of each person in the project area who holds a permit.

8 2. A committee appointed under s. 281.65 (4) (dr) satisfies the requirement  
9 under subd. 1. if it includes the members required under subd. 1.

10 (4) The department shall amend the permits of persons entering into  
11 agreements under sub. (1) to enable the agreements to be implemented.

12 (5) Beginning no later than September 1, 1998, and annually thereafter, the  
13 department shall report to the governor, the secretary of administration and the land  
14 and water conservation board on the progress and status of each pilot project in  
15 achieving water quality goals and coordinating state and local efforts to improve  
16 water quality.

17 **SECTION 3607.** 285.30 (5) (i) of the statutes is amended to read:

18 285.30 (5) (i) A farm truck as defined in s. 340.01 (18) (a). ~~This paragraph does~~  
19 ~~not apply after June 30, 1996.~~

20 **SECTION 3608.** 285.31 (5) of the statutes is repealed.

21 **SECTION 3609.** 285.59 (1) of the statutes is renumbered 285.59 (1) (intro.) and  
22 amended to read:

23 285.59 (1) (title) ~~DEFINITION DEFINITIONS.~~ In this section, ~~“ozone-depleting:~~

24 ~~(a) “Ozone-depleting refrigerant”~~ has the meaning given in s. 100.45 (1) (d).

25 **SECTION 3610.** 285.59 (1) (b) of the statutes is created to read:

**SENATE BILL 77****SECTION 3610**

1           285.59 (1) (b) "State agency" means any office, department, agency, institution  
2 of higher education, association, society or other body in state government created  
3 or authorized to be created by the constitution or any law which is entitled to expend  
4 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
5 Housing and Economic Development Authority, the Bradley Center Sports and  
6 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
7 Authority and the Wisconsin Health and Educational Facilities Authority.

8           **SECTION 3611.** 285.59 (2) (intro.) of the statutes is amended to read:

9           285.59 (2) SALVAGING REFRIGERATION EQUIPMENT. (intro.) After June 30, 1992,  
10 except as provided in sub. (3), no person, including a state agency, ~~as defined in s.~~  
11 ~~234.75 (10)~~, may perform salvaging or dismantling of mechanical vapor compression  
12 refrigeration equipment in the course of which ozone-depleting refrigerant is or may  
13 be released or removed unless the person certifies all of the following to the  
14 department:

15           **SECTION 3612.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

16           285.69 (2) (c) (intro.) The fees collected under par. (a) shall be credited to the  
17 appropriations under s. 20.370 (2) (bg) ~~and, (3) (bg),~~ (8) (mg) and (9) (mh) for the  
18 following:

19           **SECTION 3613.** 285.69 (3) of the statutes is amended to read:

20           285.69 (3) ASBESTOS INSPECTION FEES. The department may promulgate rules  
21 for the payment and collection of fees for inspecting nonresidential asbestos  
22 demolition and renovation projects regulated by the department. The fees under this  
23 subsection may not exceed \$200 per project. The fees collected under this subsection  
24 shall be credited to the appropriation under s. 20.370 (2) ~~(ei)~~ (bi) for the direct and

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1 indirect costs of conducting inspections of nonresidential asbestos demolition and  
2 inspection projects regulated by the department.

3 **SECTION 3614.** 287.09 (3) (b) of the statutes is amended to read:

4 287.09 (3) (b) Adopt an ordinance to enforce the program established under  
5 sub. (2) (a). The ordinance may include a schedule of forfeitures to be imposed for  
6 violations of that ordinance. The ordinance may authorize the responsible unit or  
7 person designated under par. (a) to refuse to accept solid waste at the recycling  
8 facility or site if the solid waste is a container for an industrial pesticide, as defined  
9 in s. 94.681 (1) (b), or a nonhousehold pesticide, as defined in s. 94.68 (3) (a) 2. 94.681  
10 (1) (c), is contaminated or is otherwise in a condition that makes recycling infeasible.  
11 The ordinance may require a person to use a facility for the recycling of solid waste  
12 or for the recovery of resources from solid waste, as defined in s. 287.13 (1) (d), only  
13 as provided under s. 287.13.

14 **SECTION 3615.** 287.23 (5) (c) 1. of the statutes is repealed.

15 **SECTION 3616.** 287.23 (5) (c) 2. of the statutes is amended to read:

16 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other  
17 responsible units, the amount of the grant for 1993 through ~~1997~~ 1999 equals either  
18 66% of the difference between eligible expenses and avoided disposal costs or \$8  
19 times the population of the responsible unit, whichever is less.

20 **SECTION 3617.** 287.23 (5) (c) 3. of the statutes is repealed.

21 **SECTION 3618.** 287.23 (5) (c) 4. of the statutes is repealed.

22 **SECTION 3619.** 287.23 (5) (c) 5. of the statutes is amended to read:

23 287.23 (5) (c) 5. If the amount calculated under subd. ~~1., 2., 3. or 4.~~ is less than  
24 33% of eligible expenses, the grant equals 33% of eligible expenses.

25 **SECTION 3620.** 287.23 (5e) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3620**

1           287.23 **(5e)** PRORATION. If available funds are insufficient, under sub. (5) (c) 2.,  
2           ~~3. or 4.~~, to pay \$8 times the population of all of the responsible units that are entitled  
3           to that amount, the department shall distribute the funds so that each responsible  
4           unit that would be entitled to \$6 times its population if the per person amount in sub.  
5           (5) (c) 2., ~~3. or 4.~~ were \$6 receives \$6 times its population and shall prorate the  
6           remaining funds.

7           **SECTION 3621.** 287.41 (3) of the statutes is amended to read:

8           287.41 **(3)** The board shall submit quarterly progress reports to the appropriate  
9           standing committees of the legislature, as determined by the presiding officer of each  
10          house, under s. 13.172 (3), describing the board's progress in implementing the  
11          strategic plan and how the board's technical assistance, awarding of financial  
12          assistance and other activities conform to the strategic plan.

13          **SECTION 3622.** 287.42 (2s) of the statutes is repealed.

14          **SECTION 3623.** 287.42 (5) of the statutes is amended to read:

15          287.42 **(5)** ~~In consultation with the council on recycling, annually~~ Annually  
16          establish a list of materials recovered from solid waste for which financial assistance  
17          may be provided under this subchapter, which shall include the materials specified  
18          in s. 287.07 (3), based on the board's analysis of current and future markets for  
19          materials recovered from solid waste.

20          **SECTION 3624.** 287.44 (1) of the statutes is amended to read:

21          287.44 **(1)** Provide Award financial assistance under s. 287.46.

22          **SECTION 3625.** 287.44 (2) of the statutes is amended to read:

23          287.44 **(2)** ~~Fund~~ Award funding for research concerning markets for recovered  
24          materials and the development of markets for recovered materials to maintain  
25          present markets or to create new or expanded markets.

**SENATE BILL 77****SECTION 3626**

1           **SECTION 3626.** 287.44 (3) of the statutes is amended to read:

2           287.44 (3) Fund Award funding for research to improve the recovery,  
3 processing or distribution of a recovered material.

4           **SECTION 3627.** 287.46 (1) of the statutes is amended to read:

5           287.46 (1) The board may provide award financial assistance, directly or in  
6 cooperation with another person, to a governmental entity or a business entity to  
7 assist waste generators in the marketing of recovered materials or to develop  
8 markets for recovered materials. Forms of financial assistance ~~provided~~ awarded by  
9 the board, and by a recipient of financial assistance ~~from~~ awarded by the board, may  
10 include grants, loans and manufacturing rebates.

11           **SECTION 3628.** 287.46 (3) of the statutes is amended to read:

12           287.46 (3) If the board awards assistance under sub. (1) that results in a loan  
13 being made by the recipient to another person, the board may direct that the  
14 repayments of the loan's principal and any interest either be repaid to the recipient  
15 for use in a revolving loan fund or ~~returned to the board~~ be repaid to the department  
16 of commerce. The ~~board~~ department of commerce shall credit any funds received  
17 under this subsection to the appropriation account under s. 20.143 (1) (L).

18           **SECTION 3629.** 287.46 (4) of the statutes is renumbered 287.46 (4) (b) and  
19 amended to read:

20           287.46 (4) (b) In any biennium, the ~~board~~ department of commerce may not  
21 expend more than 10% of the amount appropriated under s. 20.143 (1) (tm) for that  
22 biennium for contracts with and financial assistance to responsible units and other  
23 local units of government.

24           **SECTION 3630.** 287.46 (4) (a) of the statutes is created to read:

**SENATE BILL 77****SECTION 3630**

1           287.46 (4) (a) From the appropriations under s. 20.143 (1) (L) and (tm), the  
2 department of commerce shall provide financial assistance awarded by the board  
3 under this subchapter. Subject to par. (b), from the appropriation under s. 20.143 (1)  
4 (tm), the department of commerce shall pay contracts entered into by the board  
5 under s. 287.42 (3).

6           **SECTION 3631.** 287.48 of the statutes is repealed.

7           **SECTION 3632.** 287.49 of the statutes is repealed.

8           **SECTION 3633.** 289.41(3) (c) of the statutes is amended to read:

9           289.41 (3) (c) *Changes.* The owner or operator may change from one standard  
10 method of establishing proof of financial responsibility under par. (a) to another or  
11 to a ~~net worth~~ method of establishing proof of financial responsibility under sub. (3m)  
12 or (4).

13           **SECTION 3634.** 289.41 (3m) of the statutes is created to read:

14           289.41 (3m) FISCAL CAPACITY METHOD OF ESTABLISHING PROOF OF FINANCIAL  
15 RESPONSIBILITY FOR POLITICAL SUBDIVISIONS. (a) *Definition.* In this subsection,  
16 “political subdivision” means a city, village, town or county.

17           (b) *Criteria for fiscal capacity method.* A political subdivision may establish  
18 proof of financial responsibility required under sub. (2) (a), (c) or (d) by applying to  
19 the department and meeting all of the following criteria:

20           1. The aggregate amount of indebtedness of the political subdivision is less  
21 than the maximum indebtedness allowed under s. 67.03 (1), by an amount that is at  
22 least 6 times the estimated total costs of compliance with the closure and any  
23 long-term care requirements specified in the plan of operation or the approved plan  
24 under s. 291.29 plus 6 times the costs of any corrective action required under s.  
25 291.37.

**SENATE BILL 77****SECTION 3634**

1           2. The estimated annual cost of compliance with the closure and any long-term  
2 care requirements specified in the plan of operation or the approved plan under s.  
3 291.29 plus the costs of any corrective action required under s. 291.37, if paid entirely  
4 by property tax revenues, will not require a property tax levy of more than 10 cents  
5 per \$1,000 of the value of taxable property located in the political subdivision as  
6 equalized for state purposes.

7           3. In the most recent bond ratings before the determination under par. (d) is  
8 made, the political subdivision has not received a bond rating of less than "A" from  
9 the Moody's Investor Service, Inc., or less than "A" from Standard and Poor's  
10 Corporation.

11           (c) *Application.* A political subdivision that seeks to establish proof of financial  
12 responsibility utilizing the fiscal capacity method shall submit an application to the  
13 department as a part of the initial license application and annually thereafter, that  
14 includes all information necessary to demonstrate compliance with par. (b).

15           (d) *Department determination under fiscal capacity method.* 1. If the  
16 department determines that a political subdivision complies with the criteria in par.  
17 (b), then the department shall find that the political subdivision satisfies the  
18 requirements for proof of financial responsibility for the year.

19           2. If the department determines that the political subdivision does not comply  
20 with par. (b), the department shall issue findings of fact to support this  
21 determination and provide the political subdivision with an opportunity for a  
22 hearing.

23           3. In order to continue to meet the fiscal capacity requirements each year, a  
24 political subdivision shall reapply under par. (c). Subsequent determinations by the  
25 department shall take into consideration any changes in the plan of operation and



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1 adjustments to the estimated total cost of compliance with closure and any  
2 long-term care or corrective action requirements because of inflation or other  
3 changes.

4 4. Whenever the department has reason to believe that a political subdivision  
5 no longer satisfies the fiscal capacity requirements, it may require the political  
6 subdivision to submit information and materials to show compliance.

7 5. If a political subdivision does not comply with the criteria in par. (b) during  
8 the annual review or at any special review, the political subdivision shall establish  
9 proof of financial responsibility utilizing one of the standard methods under sub. (3)  
10 within 90 days after the department issues its findings.

11 (e) *Variances*. The department may not grant a variance to any requirement  
12 of this subsection.

13 (f) *Joint ownership*. If a solid waste disposal facility or hazardous waste facility  
14 is owned or operated by more than one political subdivision, any of the political  
15 subdivisions may seek to establish proof of financial responsibility under this  
16 subsection. The requirements of this subsection apply to each political subdivision  
17 in proportion to its interest in the facility.

18 **SECTION 3635.** 289.41 (11) (a) 5. of the statutes is created to read:

19 289.41 (11) (a) 5. And if the owner or operator received approval to use the fiscal  
20 capacity method of proving financial responsibility under sub. (3m), the department  
21 shall notify the department of administration of the amount, as determined under  
22 sub. (3m), necessary to pay for the costs of complying with the closure and long-term  
23 care requirements of the plan of operation or approved plan under s. 291.29 After  
24 receiving notice from the department of natural resources, the department of  
25 administration shall collect the amounts due by deducting those amounts from any

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1 state payments due the political subdivision or may add a special charge to the  
2 amount of taxes apportioned to and levied upon the county under s. 70.60. The  
3 department of administration shall deposit those amounts in the waste management  
4 fund. The amounts collected under this subdivision from state payments due the  
5 political subdivision shall be collected from the amount of payments due after  
6 collection of any principal repayment or interest payments under s. 281.59 (11) (b).

7 **SECTION 3636.** 289.41 (11) (am) 5. of the statutes is created to read:

8 289.41 (11) (am) 5. And if the owner or operator received approval to use the  
9 fiscal capacity method of proving financial responsibility under sub. (3m), the  
10 department of natural resources shall determine the amounts necessary to pay for  
11 the costs of complying with corrective action requirements under s. 291.37 and shall  
12 notify the department of administration of those amounts. After receiving notice  
13 from the department of natural resources, the department of administration shall  
14 collect the amounts due by deducting those amounts from any state payments due  
15 the political subdivision or may add a special charge to the amount of taxes  
16 apportioned to and levied upon the county under s. 70.60. The department of  
17 administration shall deposit those amounts in the waste management fund. The  
18 amounts collected under this subdivision from state payments due the political  
19 subdivision shall be collected from the amount of payments due after collection of any  
20 principal repayment or interest payments under s. 281.59 (11) (b).

21 **SECTION 3637.** 289.43 (7) (e) 3. of the statutes is amended to read:

22 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the  
23 ~~appropriation~~ appropriations under s. 20.370 (2) (dg) and (9) (mj).

24 **SECTION 3638.** 289.62 (1) (g) of the statutes is amended to read:

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1           289.62 (1) (g) *Use of tonnage fees.* Tonnage fees paid by a nonapproved facility  
2 shall be paid into the environmental fund for environmental ~~repair~~ management.

3           **SECTION 3639.** 289.63 (3) (b) of the statutes is amended to read:

4           289.63 (3) (b) The well compensation fee imposed under sub. (1) for solid waste  
5 or hazardous waste, excluding prospecting or mining waste, is ~~one cent~~ 4 cents per  
6 ton.

7           **SECTION 3640.** 289.63 (8) of the statutes is amended to read:

8           289.63 (8) USE OF GROUNDWATER, SOLID WASTE CAPACITY AND WELL COMPENSATION  
9 FEES. The groundwater fees collected under sub. (2) shall be credited to the  
10 environmental fund for ~~groundwater~~ environmental management. The well  
11 compensation and solid waste capacity fees collected under sub. (2) shall be credited  
12 to the environmental fund for environmental ~~repair~~ management.

13           **SECTION 3641.** 289.67 (1) (h) of the statutes is amended to read:

14           289.67 (1) (h) *Use of environmental repair fee.* The fees collected under par. (b)  
15 shall be credited to the environmental fund for environmental ~~repair~~ management.

16           **SECTION 3642.** 289.67 (2) (c) 5. of the statutes is created to read:

17           289.67 (2) (c) 5. Hazardous wastes that are collected by a county under a  
18 program for the collection and disposal of chemicals that are used for agricultural  
19 purposes, including pesticides, as defined in s. 94.67 (25).

20           **SECTION 3643.** 289.67 (2) (e) of the statutes is amended to read:

21           289.67 (2) (e) All moneys received under this subsection shall be credited to the  
22 environmental fund for environmental ~~repair~~ management.

23           **SECTION 3644.** 289.67 (3) (c) of the statutes is amended to read:

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1           289.67 (3) (c) *Use of environmental repair base fees.* Environmental repair base  
2 fees shall be credited to the environmental fund for environmental repair  
3 management.

4           **SECTION 3645.** 289.67 (4) (c) of the statutes is amended to read:

5           289.67 (4) (c) *Use of environmental repair surcharge.* Environmental repair  
6 surcharges shall be credited to the environmental fund for environmental repair  
7 management.

8           **SECTION 3646.** 291.15 (2) (d) of the statutes is amended to read:

9           291.15 (2) (d) *Use of confidential records.* Except as provided under par. (c) and  
10 this paragraph the department or the department of justice may use records and  
11 other information granted confidential status under this subsection only in the  
12 administration and enforcement of this chapter. The department or the department  
13 of justice may release for general distribution records and other information granted  
14 confidential status under this subsection if the owner or operator expressly agrees  
15 to the release. The department or the department of justice may release on a limited  
16 basis records and other information granted confidential status under this  
17 subsection if the department or the department of justice is directed to take this  
18 action by a judge or hearing examiner under an order which protects the  
19 confidentiality of the records or other information. The department or the  
20 department of justice may release to the U.S. environmental protection agency or its  
21 authorized representative records and other information granted confidential status  
22 under this subsection if the department or the department of justice includes in each  
23 release of records or other information a request to the U.S. environmental  
24 protection agency or its authorized representative to protect the confidentiality of  
25 the records or other information. The department or the department of justice shall

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1 release to the department of industry, labor and job development records and other  
2 information granted confidential status under this subsection if requested by the  
3 department of industry, labor and job development under s. 49.22 (2m).

4 **SECTION 3647.** 291.97 (2) (b) (intro.) of the statutes is amended to read:

5 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall  
6 be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than  
7 ~~5~~ 7 years and 6 months or both:

8 **SECTION 3648.** 291.97 (2) (c) of the statutes is amended to read:

9 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall  
10 be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than  
11 ~~one year in the Wisconsin state prisons~~ 2 years or both.

12 2. For a 2nd or subsequent violation under par. (b), a person shall be fined not  
13 less than \$5,000 nor more than \$150,000 or imprisoned for not more than ~~10~~ 15 years  
14 or both.

15 **SECTION 3649.** 292.01 (18) of the statutes is amended to read:

16 292.01 (18) "Site or facility" means, except in ~~ss. s.~~ s. 292.35 and ~~292.61~~, an  
17 approved facility, an approved mining facility, a nonapproved facility or a waste site.

18 **SECTION 3650.** 292.11 (6) (c) 1. of the statutes is amended to read:

19 292.11 (6) (c) 1. Reimbursements to the department under sub. (7) (b) shall be  
20 credited to the environmental fund for environmental ~~repair~~ management.

21 **SECTION 3651.** 292.11 (7) (d) of the statutes is created to read:

22 292.11 (7) (d) The department may negotiate and enter into an agreement  
23 containing a schedule for conducting the actions required under sub. (3) with a  
24 person who possessed or controlled a hazardous substance that was discharged or

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1 who caused the discharge of a hazardous substance if the discharge does not  
2 endanger public health.

3 **SECTION 3652.** 292.11 (7) (e) of the statutes is created to read:

4 292.11 (7) (e) If a person violates an order under par. (c) or an agreement under  
5 par. (d), the department may refer the matter to the department of justice for  
6 enforcement under s. 299.95.

7 **SECTION 3653.** 292.11 (8m) of the statutes is created to read:

8 292.11 (8m) DELAY FOR CERTAIN PERSONS. (a) A person who discovers a discharge  
9 of a hazardous substance on property owned by the person as a result of conducting  
10 an environmental investigation of the property may delay taking the actions  
11 required under sub. (3) if all of the following apply:

12 1. The person provides the department with a legal description of the property  
13 and a summary of the environmental investigation.

14 2. The department determines that the discharge does not pose an immediate  
15 and direct threat to human health or the environment.

16 3. The person does not take any action that increases the rate of migration of  
17 the hazardous substance or that otherwise worsens the effect of the discharge on  
18 human health or the environment.

19 4. The person negotiates with the department concerning an agreement  
20 containing a schedule for conducting the actions required under sub. (3) and enters  
21 into the agreement within 3 years of conducting the environmental investigation,  
22 except that a person who is a voluntary party, as defined in s. 292.15 (1) (f), is not  
23 required to enter into the agreement until 6 years after conducting the  
24 environmental investigation.

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1 (b) The department may not issue an order under sub. (7) (c), and sub. (7) (b)  
2 does not apply, to a person to whom par. (a) applies unless the person violates the  
3 agreement under par. (a) 4.

4 (c) The department may charge fees, in accordance with rules that it  
5 promulgates, to offset the costs that it incurs reviewing investigations submitted  
6 under par. (a) 1, making determinations under par. (a) 2. and negotiating agreements  
7 under par. (a) 4.

8 **SECTION 3654.** 292.11 (9) (e) 1. of the statutes is repealed and recreated to read:

9 292.11 (9) (e) 1. "Local governmental unit" means a municipality, a  
10 redevelopment authority created under s. 66.431 or a public body designated by a  
11 municipality under s. 66.435 (4).

12 **SECTION 3655.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended to read:

13 292.11 (9) (e) 1m. (intro.) A ~~municipality~~ local governmental unit is exempt  
14 from subs. (3), (4) and (7) (b) and (c) with respect to property acquired by the  
15 ~~municipality~~ local governmental unit before, on or after May 13, 1994, in any of the  
16 following ways:

17 **SECTION 3656.** 292.11 (9) (e) 1m. b. of the statutes is amended to read:

18 292.11 (9) (e) 1m. b. From a ~~municipality~~ local governmental unit that acquired  
19 the property under a method described in subd. 1m. a.

20 **SECTION 3657.** 292.11 (9) (e) 1s. of the statutes is created to read:

21 292.11 (9) (e) 1s. An economic development corporation described in section 501  
22 (c) of the Internal Revenue Code, as defined in s. 71.22 (4), that is exempt from federal  
23 taxation under section 501 (a) of the Internal Revenue Code, or an entity wholly  
24 owned and operated by such a corporation, is exempt from subs. (3), (4) and (7) (b)  
25 and (c) with respect to property acquired before, on or after the effective date of this

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1 subdivision .... [revisor inserts date], if the property is acquired to further the  
2 economic development purposes that qualify the corporation as exempt from federal  
3 taxation.

4 **SECTION 3658.** 292.11 (9) (e) 2. of the statutes is amended to read:

5 292.11 (9) (e) 2. ~~Subdivision 1. does~~ Subdivisions 1m. and 1s. do not apply to  
6 a discharge of a hazardous substance caused by any of the following:

7 a. An action taken by the ~~municipality~~ local governmental unit or corporation.

8 b. A failure of the ~~municipality~~ local governmental unit or corporation to take  
9 appropriate action to restrict access to the property in order to minimize costs or  
10 damages that may result from unauthorized persons entering the property.

11 c. A failure of the ~~municipality~~ local governmental unit or corporation to sample  
12 and analyze unidentified substances in containers stored aboveground on the  
13 property.

14 d. A failure of the ~~municipality~~ local governmental unit or corporation to  
15 remove and properly dispose of, or to place in a different container and properly store,  
16 any hazardous substance stored aboveground on the property in a container that is  
17 leaking or is likely to leak.

18 **SECTION 3659.** 292.11 (9) (e) 3. of the statutes is created to read:

19 292.11 (9) (e) 3. Subdivisions 1m. and 1s. do not apply if the discharge is a  
20 discharge of a hazardous substance from an underground storage tank that is  
21 regulated under 42 USC 6991 to 6991i.

22 **SECTION 3660.** 292.11 (9) (e) 4. of the statutes is created to read:

23 292.11 (9) (e) 4. Subdivisions 1m. and 1s. do not apply if, after considering the  
24 intended development and use of the property, the department determines that  
25 action is necessary to reduce to acceptable levels any substantial threat to public



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1 health or safety when the property is developed or put to that intended use, the  
2 department directs the local governmental unit to take that necessary action and the  
3 local governmental unit does not take that action as directed.

4 **SECTION 3661.** 292.13 of the statutes is created to read:

5 **292.13 Property affected by off-site discharge. (1) EXEMPTION FROM**  
6 **LIABILITY.** A person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect  
7 to the existence of a hazardous substance in the soil or groundwater on property  
8 owned by the person if all of the following apply:

9 (a) The discharge of the hazardous substance originated from a source on  
10 property that is owned by another.

11 (b) The person did not possess or control the hazardous substance on the  
12 property on which the discharge originated or cause the original discharge.

13 **(2) DETERMINATIONS CONCERNING LIABILITY.** The department shall, upon request,  
14 issue a written determination that, based on information available to the  
15 department, a person owning property on which a hazardous substance exists in the  
16 soil or groundwater is exempt from s. 292.11 (3), (4) and (7) (b) and (c) if all of the  
17 following apply:

18 (a) The department determines that the person is exempt from liability under  
19 sub. (1).

20 (b) The person agrees to allow the department and any authorized  
21 representatives of the department to enter the property to take action under s. 292.11  
22 (7) (a) to respond to the discharge.

23 (c) The person agrees to avoid any interference with action under s. 292.11 (7)  
24 (a) undertaken by, or at the direction of, the department and to avoid actions that  
25 worsen the discharge.

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1 (d) The person agrees to any other condition that the department determines  
2 is reasonable and necessary to ensure that the department can adequately respond  
3 under s. 292.11 (7) (a) to the discharge.

4 (3) FEES. The department may, in accordance with rules that it promulgates,  
5 assess and collect fees to offset the costs of issuing determinations under sub. (2).

6 **SECTION 3662.** 292.15 (title) of the statutes is amended to read:

7 **292.15** (title) **Remediated property; purchaser Voluntary party**  
8 **remediation and exemption from liability.**

9 **SECTION 3663.** 292.15 (1) (c) (intro.) of the statutes is repealed.

10 **SECTION 3664.** 292.15 (1) (c) 1. of the statutes is renumbered 292.15 (1) (f) 3.

11 **SECTION 3665.** 292.15 (1) (c) 2. of the statutes is repealed.

12 **SECTION 3666.** 292.15 (1) (c) 3. of the statutes is renumbered 292.15 (1) (f) 1.  
13 and amended to read:

14 292.15 (1) (f) 1. The person did not otherwise cause the release discharge of a  
15 hazardous substance on the property.

16 **SECTION 3667.** 292.15 (1) (f) (intro.) of the statutes is created to read:

17 292.15 (1) (f) (intro.) “Voluntary party” means a person to whom all of the  
18 following apply:

19 **SECTION 3668.** 292.15 (1) (f) 2. of the statutes is created to read:

20 292.15 (1) (f) 2. The person did not control, prior to its discharge, a hazardous  
21 substance that was discharged on the property.

22 **SECTION 3669.** 292.15 (2) (a) of the statutes is amended to read:

23 292.15 (2) (a) ~~A purchaser~~ Except as provided in sub. (6), a voluntary party is  
24 exempt from the provisions of s. ss. 289.05 (1), (2) and (4), 289.42 (1), 289.67, 291.25  
25 (1) to (5), 291.37, 291.85 (2), 291.87 (1m), 292.11 (3), (4) and (7) (b) and (c) and 292.31

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1 (8), and rules promulgated under those provisions, with respect to the existence of  
2 a hazardous substance on the property the release of which occurred prior to the date  
3 of acquisition of the property, if all of the following occur at any time before or after  
4 the date of acquisition:

5 1. ~~The purchaser conducts a thorough~~ An environmental investigation of the  
6 property is conducted that is approved by the department ~~or the person from whom~~  
7 ~~the purchaser acquires the property conducts a thorough environmental~~  
8 ~~investigation of the property under a contract with the purchaser and the~~  
9 ~~investigation is approved by the department.~~

10 2. Except as provided in sub. (4), ~~the purchaser cleans up the property~~ is  
11 cleaned up by restoring the environment to the extent practicable and minimizing  
12 the harmful effects from a release discharge of a the hazardous substance in  
13 accordance with rules promulgated by the department and any contract entered into  
14 under those rules.

15 3. ~~The purchaser~~ voluntary party obtains a certification certificate of  
16 completion from the department that the property has been satisfactorily restored  
17 to the extent practicable and that the harmful effects from a release discharge of a  
18 hazardous substance have been minimized.

19 4. ~~The purchaser~~ voluntary party maintains and monitors the property as  
20 required under rules promulgated by the department and any contract entered into  
21 under those rules.

22 5. ~~The purchaser~~ voluntary party does not engage in activities that are  
23 inconsistent with the maintenance of the property.

24 6. ~~The purchaser~~ voluntary party has not obtained the certification under subd.  
25 3. by fraud or misrepresentation, by the knowing failure to disclose material

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1 information or under circumstances in which the purchaser voluntary party knew  
2 or should have known about more ~~environmental pollution~~ discharges of hazardous  
3 substances than was were revealed by the investigation conducted under subd. 1.

4 **SECTION 3670.** 292.15 (2) (am) of the statutes is created to read:

5 292.15 (2) (am) The department may approve a partial cleanup and issue a  
6 certificate of completion as provided in par. (a) that states that not all of the property  
7 has been satisfactorily restored or that not all of the harmful effects from a discharge  
8 of a hazardous substance have been minimized. Approval of a partial cleanup  
9 exempts a voluntary party from ss. 291.37 (2) and 292.11 (3), (4) and (7) (b) and (c)  
10 with respect to the portion of the property or hazardous substances cleaned up under  
11 this paragraph. In addition to meeting the requirements of par. (a), a certificate for  
12 a partial cleanup under this paragraph may be issued only if:

13 1. Public health, safety or the environment will not be endangered by any  
14 hazardous substances remaining on the property after the partial cleanup, given the  
15 manner in which the property will be developed and used and any other factors that  
16 the department considers relevant to the endangerment of public health, safety or  
17 the environment.

18 2. The activities associated with any proposed use or development of the  
19 property will not aggravate or contribute to the discharge of a hazardous substance  
20 and will not unduly interfere with, or increase the costs of, restoring the property and  
21 minimizing the harmful effects of the discharge of a hazardous substance.

22 3. The owner of the property agrees to cooperate with the department to  
23 address problems caused by hazardous substances remaining on the property. Such  
24 cooperation shall include allowing access to the property or allowing the department

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1 or its agents to undertake activities on the property, including placement of borings,  
2 equipment and structures on the property.

3 **SECTION 3671.** 292.15 (2) (ar) of the statutes is created to read:

4 292.15 (2) (ar) The department may require the owner of the property to grant  
5 an easement or other interest in the property for any of the purposes specified in par.  
6 (am) as a condition of issuing a certificate under par. (am).

7 **SECTION 3672.** 292.15 (2) (b) (intro.) of the statutes is amended to read:

8 292.15 (2) (b) (intro.) The ~~exemption~~ exemptions provided in ~~par.~~ pars. (a)  
9 ~~continues~~ and (am) continue to apply after the date of certification by the department  
10 under par. (a) 3., or approval by the department under par. (am), notwithstanding  
11 the occurrence of any of the following:

12 **SECTION 3673.** 292.15 (2) (b) 1. to 3. of the statutes are amended to read:

13 292.15 (2) (b) 1. Statutes, rules or regulations are created or amended that  
14 would impose greater responsibilities on the ~~purchaser~~ voluntary party than those  
15 imposed under par. (a) 2.

16 2. The ~~purchaser~~ voluntary party fully complies with the rules promulgated by  
17 the department and any contract entered into under those rules under par. (a) 2. but  
18 it is discovered that the cleanup fails to fully restore the environment and minimize  
19 the effects from a ~~release~~ discharge of a hazardous substance.

20 3. The contamination from a hazardous substance that is the subject of the  
21 cleanup under par. (a) 2. is discovered to be more extensive than anticipated by the  
22 ~~purchaser~~ voluntary party and the department.

23 **SECTION 3674.** 292.15 (2) (c) of the statutes is amended to read:

24 292.15 (2) (c) The department of justice may not commence an action under 42  
25 USC 9607 against any ~~purchaser~~ voluntary party meeting the criteria of this

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1 subsection to recover costs for which the ~~purchaser~~ voluntary party is exempt under  
2 pars. (a), ~~(am)~~ and (b).

3 **SECTION 3675.** 292.15 (2) (d) of the statutes is created to read:

4 292.15 (2) (d) This subsection does not apply to a municipal waste landfill, as  
5 defined in s. 289.01 (22), or to an approved facility.

6 **SECTION 3676.** 292.15 (3) of the statutes is amended to read:

7 292.15 (3) SUCCESSORS AND ASSIGNS. The exemption provided in sub. (2) applies  
8 to any successor or assignee of the ~~purchaser~~ voluntary party who qualifies as a  
9 voluntary party and who complies with the provisions of sub. (2) (a) 4. and 5. unless  
10 the successor or assignee knows that a ~~certification~~ certificate under sub. (2) (a) 3.  
11 or (am) was obtained by any of the means or under any of the circumstances specified  
12 in sub. (2) (a) 6.

13 **SECTION 3677.** 292.15 (4) of the statutes is amended to read:

14 292.15 (4) LIMITED RESPONSIBILITY. The responsibility of a ~~purchaser~~ voluntary  
15 party under sub. (2) (a) 2. may be monetarily limited by agreement between the  
16 ~~purchaser~~ voluntary party and the department if the ~~purchaser~~ voluntary party  
17 purchased the property from a municipality that acquired the property in a way  
18 described in s. 292.11 (9) (e) 1m. a. or b. The agreement shall stipulate all of the  
19 following:

20 (a) That the ~~purchaser~~ voluntary party may cease the cleanup when the cost  
21 of the cleanup equals 125% of the anticipated expense of the cleanup.

22 (b) That the ~~purchaser~~ voluntary party will continue to receive the benefit of  
23 the exemption under sub. (2) (a) after cessation of the cleanup if the ~~purchaser~~  
24 voluntary party complies with sub. (2) (a) 4. and 5.

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1 (c) That, if the purchaser voluntary party ceases the cleanup, the purchaser  
2 voluntary party shall use reasonable efforts to sell the property in accordance with  
3 rules of the department that define “reasonable efforts” in a manner substantively  
4 equivalent to 40 CFR 300.1100 (d) (2) (i).

5 **SECTION 3678.** 292.15 (5) of the statutes is amended to read:

6 292.15 (5) FEES. The department may, in accordance with rules that it  
7 promulgates, assess and collect fees from a purchaser voluntary party to offset the  
8 cost of the department’s activities under subs. (2) and (4). The fees may include an  
9 advance deposit, from which the department shall return the amount in excess of the  
10 cost of the department’s activities under subs. (2) and (4).

11 **SECTION 3679.** 292.15 (6) of the statutes is created to read:

12 292.15 (6) LIENS. This section does not exempt property from any lien filed  
13 under s. 292.81 (3) for costs incurred by the department prior to the date that  
14 certification is issued under sub. (2) (a) 3.

15 **SECTION 3680.** 292.19 of the statutes is created to read:

16 **292.19 Responsibility of persons conducting investigations.** (1) For  
17 purposes of this chapter, a person who conducts an investigation of property to  
18 determine the existence of, or to obtain information about, a discharge of a hazardous  
19 substance does not possess or control the hazardous substance or cause the discharge  
20 of the hazardous substance as the result of conducting the investigation.

21 (2) Subsection (1) does not apply if the person who conducts the investigation  
22 physically causes a discharge or exacerbates an existing discharge.

23 **SECTION 3681.** 292.21 (1) (c) 1. d. of the statutes is amended to read:

24 292.21 (1) (c) 1. d. The lender conducts an environmental assessment of the real  
25 property in accordance with subd. 2. at any time, but not more than 90 days after the

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1 date the lender acquires title to, or possession or control of, the real property and  
2 files. The lender shall file a complete copy of the environmental assessment with the  
3 department not more than 180 days after the date the lender acquires title to, or  
4 possession or control of, the real property. If an environmental assessment is  
5 conducted more than one year before the date on which the lender acquires title to,  
6 or possession or control of, the real property, the exemption under this subd. 1. d.  
7 applies only if the lender does all of the following: visually inspects the property in  
8 accordance with subd. 2. a. and b. after the date on which the lender acquires title  
9 to, or possession or control of, the real property to verify the environmental  
10 assessment; submits a complete copy of the environmental assessment and the  
11 results of the visual inspection to the department not later than 90 days after the  
12 lender acquires title to, or possession or control of, the real property; receives notice  
13 from the department that the department determines that the environmental  
14 assessment is adequate or that the department directs the lender to address any  
15 inadequacies in the environmental assessment; corrects, to the satisfaction of the  
16 department, any inadequacies of an environmental assessment; and reimburses the  
17 department for the cost to the department of reviewing materials submitted under  
18 this subd. 1. d.

19 **SECTION 3682.** 292.21 (1) (c) 1. g. of the statutes is created to read:

20 292.21 (1) (c) 1. g. The lender permits reasonable access to the property to the  
21 department and to any party who may have possessed or controlled a hazardous  
22 substance that is discharged, or who may have caused the discharge of a hazardous  
23 substance, on the property.

24 **SECTION 3683.** 292.24 of the statutes is created to read:



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1           **292.24 Civil immunity; lenders and voluntary parties.** Any person who  
2 is entitled to an exemption under s. 292.15 (2) or 292.21 is immune from any civil  
3 liability related to a hazardous substance released on real property that the person  
4 holds title to, or has possession or control of, if the hazardous substance was released  
5 on the property before the date that the person acquired title to, or possession or  
6 control of, the property and the person acquired title to, or possession or control of,  
7 the property after the effective date of this section .... [revisor inserts date]. This  
8 section does not provide any immunity from liability under a contract.

9           **SECTION 3684.** 292.31 (2) (f) of the statutes is repealed.

10          **SECTION 3685.** 292.31 (7) (c) 4. of the statutes is amended to read:

11           292.31 (7) (c) 4. All moneys received under this paragraph shall be credited to  
12 the environmental fund for environmental ~~repair~~ management.

13          **SECTION 3686.** 292.31 (8) (g) of the statutes is amended to read:

14           292.31 (8) (g) *Disposition of funds.* If the original expenditure was made from  
15 the environmental repair fund, under s. 25.46, 1987 stats., or the environmental  
16 fund, the net proceeds of the recovery shall be paid into the environmental fund for  
17 environmental ~~repair~~ management. If the original expenditure was made from the  
18 investment and local impact fund, the net proceeds of the recovery shall be paid into  
19 the investment and local impact fund.

20          **SECTION 3687.** 292.35 (title) of the statutes is amended to read:

21           **292.35** (title) ~~Political subdivision~~ Local governmental unit  
22 **negotiation and cost recovery.**

23          **SECTION 3688.** 292.35 (1) (bm) of the statutes is created to read:

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1           292.35 (1) (bm) “Local governmental unit” means a municipality, a  
2 redevelopment authority created under s. 66.431 or a public body designated by a  
3 municipality under s. 66.435 (4).

4           **SECTION 3689.** 292.35 (1) (d) of the statutes is repealed.

5           **SECTION 3690.** 292.35 (1) (f) of the statutes is amended to read:

6           292.35 (1) (f) “Site or facility” ~~has the meaning given in s. 292.61 (1) (b)~~ means  
7 an approved facility, an approved mining facility, a nonapproved facility, a waste site  
8 or any site where a hazardous substance is discharged on or after May 21, 1978.

9           **SECTION 3691.** 292.35 (2) of the statutes is amended to read:

10           292.35 (2) APPLICABILITY. This section only applies to a site or facility if the site  
11 or facility is owned by a ~~political subdivision~~ local governmental unit. This section  
12 does not apply to a landfill until January 1, 1996.

13           **SECTION 3692.** 292.35 (2g) (a) of the statutes is amended to read:

14           292.35 (2g) (a) A ~~political subdivision~~ local governmental unit that intends to  
15 use the cost recovery procedures in this section shall attempt to identify all  
16 responsible parties. All information obtained by the ~~political subdivision~~ local  
17 governmental unit regarding responsible parties is a public record and may be  
18 inspected and copied under s. 19.35.

19           **SECTION 3693.** 292.35 (2g) (b) (intro.) of the statutes is amended to read:

20           292.35 (2g) (b) (intro.) Upon the request of an employe or authorized  
21 representative of the ~~political subdivision~~ local governmental unit, or pursuant to a  
22 special inspection warrant under s. 66.122, any person who generated, transported,  
23 treated, stored or disposed of a hazardous substance that may have been disposed  
24 of or discharged at the site or facility or who is or was an owner or operator shall

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1 provide the employe or authorized representative access to any records or documents  
2 in that person's custody, possession or control that relate to all of the following:

3 **SECTION 3694.** 292.35 (2g) (c) of the statutes is amended to read:

4 292.35 (2g) (c) The ~~political subdivision~~ local governmental unit shall maintain  
5 a single repository that is readily accessible to the public for all documents related  
6 to responsible parties, the investigation, the remedial action and plans for  
7 redevelopment of the property.

8 **SECTION 3695.** 292.35 (2r) (a) of the statutes is amended to read:

9 292.35 (2r) (a) The ~~political subdivision~~ local governmental unit shall, in  
10 consultation with the department, prepare a draft remedial action plan.

11 **SECTION 3696.** 292.35 (2r) (b) of the statutes is amended to read:

12 292.35 (2r) (b) Upon completion of the draft remedial action plan, the ~~political~~  
13 ~~subdivision~~ local governmental unit shall send written notice to all responsible  
14 parties identified by the ~~political subdivision~~ local governmental unit, provide public  
15 notice and conduct a public hearing on the draft remedial action plan. The notice to  
16 responsible parties shall offer the person receiving the notice an opportunity to  
17 provide information regarding the status of that person or any other person as a  
18 responsible party, notice and a description of the public hearing and a description of  
19 the procedures in this section. At the public hearing, the ~~political subdivision~~ local  
20 governmental unit shall solicit testimony on whether the draft remedial action plan  
21 is the least costly method of meeting the standards for remedial action promulgated  
22 by the department by rule. The ~~political subdivision~~ local governmental unit shall  
23 accept written comments for at least 30 days after the close of the public hearing.

24 **SECTION 3697.** 292.35 (2r) (c) of the statutes is amended to read:

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1           292.35 (2r) (c) Upon the conclusion of the period for written comment, the  
2 ~~political subdivision~~ local governmental unit shall prepare a preliminary remedial  
3 action plan, taking into account the written comments and comments received at the  
4 public hearing and shall submit the preliminary remedial action plan to the  
5 department for approval. The department may approve the preliminary remedial  
6 action plan as submitted or require modifications.

7           **SECTION 3698.** 292.35 (3) (a) (intro.) of the statutes is amended to read:

8           292.35 (3) (a) (intro.) Upon receiving the department's approval of the  
9 preliminary remedial action plan, the ~~political subdivision~~ local governmental unit  
10 shall serve an offer to settle regarding the contribution of funds for investigation and  
11 remedial action at the site or facility on each of the responsible parties identified by  
12 the ~~political subdivision~~ local governmental unit, using the procedure for service of  
13 a summons under s. 801.11 and shall notify the department that the offer to settle  
14 has been served. The ~~political subdivision~~ local governmental unit shall include in  
15 the offer to settle all of the following information:

16           **SECTION 3699.** 292.35 (3) (a) 2. of the statutes is amended to read:

17           292.35 (3) (a) 2. The names, addresses and contact persons, to the extent  
18 known, for all of the responsible parties identified by the ~~political subdivision~~ local  
19 governmental unit.

20           **SECTION 3700.** 292.35 (3) (a) 3. of the statutes is amended to read:

21           292.35 (3) (a) 3. The location and availability of documents that support the  
22 claim of the ~~political subdivision~~ local governmental unit against the responsible  
23 party.

24           **SECTION 3701.** 292.35 (3) (b) of the statutes is amended to read:

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1           292.35 (3) (b) The department shall maintain a list of competent and  
2           disinterested umpires qualified to perform the duties under subs. (4) to (6). None of  
3           the umpires may be employes of the department. Upon receiving notice from a  
4           ~~political subdivision~~ local governmental unit under par. (a), the secretary or his or  
5           her designee shall select an umpire from the list and inform the ~~political subdivision~~  
6           local governmental unit and responsible parties of the person selected.

7           **SECTION 3702.** 292.35 (3) (c) of the statutes is amended to read:

8           292.35 (3) (c) Within 10 days after receiving notice of the umpire selected by  
9           the department under par. (b), the ~~political subdivision~~ local governmental unit may  
10          notify the department that the umpire selected is unacceptable. Within 10 days after  
11          receiving notice of the umpire selected by the department under par. (b), a  
12          responsible party may notify the department that the umpire selected is  
13          unacceptable or that the responsible party does not intend to participate in the  
14          negotiation. Failure to notify the department that the umpire is unacceptable shall  
15          be considered acceptance. If all responsible parties identified by the ~~political~~  
16          ~~subdivision~~ local governmental unit indicate that they do not intend to participate  
17          in the negotiation, the department shall inform the ~~political subdivision~~ local  
18          governmental unit and the ~~political subdivision~~ local governmental unit shall cease  
19          further action under this section.

20          **SECTION 3703.** 292.35 (3) (d) of the statutes is amended to read:

21          292.35 (3) (d) Upon receiving notice under par. (c) that the selected umpire is  
22          unacceptable, the secretary or his or her designee shall select 5 additional umpires  
23          from the list and inform the ~~political subdivision~~ local governmental unit and  
24          responsible parties of the persons selected.

25          **SECTION 3704.** 292.35 (3) (e) of the statutes is amended to read:

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1           292.35 (3) (e) Within 10 days after receiving notice of the umpires selected by  
2 the department under par. (d), the ~~political subdivision~~ local governmental unit or  
3 a responsible party may notify the department that one or more of the umpires  
4 selected are unacceptable. Failure to notify the department shall be considered  
5 acceptance. The secretary or his or her designee shall select an umpire from among  
6 those umpires not identified as unacceptable by the ~~political subdivision~~ local  
7 governmental unit or a responsible party or, if all umpires are identified as  
8 unacceptable, the secretary or his or her designee shall designate a person to be  
9 umpire for the negotiation.

10           **SECTION 3705.** 292.35 (4) (a) of the statutes is amended to read:

11           292.35 (4) (a) The umpire, immediately upon being appointed, shall contact the  
12 department, the ~~political subdivision~~ local governmental unit and the responsible  
13 parties that received the offer to settle and shall schedule the negotiating sessions.  
14 The umpire shall schedule the first negotiating session no later than 20 days after  
15 being appointed. The umpire may meet with all parties to the negotiation, individual  
16 parties or groups of parties. The umpire shall facilitate a discussion between the  
17 ~~political subdivision~~ local governmental unit and the responsible parties to attempt  
18 to reach an agreement on the design and implementation of the remedial action plan  
19 and the contribution of funds by the ~~political subdivision~~ local governmental unit and  
20 responsible parties.

21           **SECTION 3706.** 292.35 (4) (d) of the statutes is amended to read:

22           292.35 (4) (d) The ~~political subdivision~~ local governmental unit and the  
23 responsible parties that participate in negotiations shall pay for the costs of the  
24 umpire, whether or not an agreement among the parties is reached under sub. (5) or  
25 the parties accept the recommendation of the umpire under sub. (6). The umpire

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1 shall determine an equitable manner of paying for the costs of the umpire, which is  
2 binding.

3 **SECTION 3707.** 292.35 (5) of the statutes is amended to read:

4 292.35 (5) AGREEMENT IN NEGOTIATION. The ~~political-subdivision~~ local  
5 governmental unit and any of the responsible parties may enter into any agreement  
6 in negotiation regarding the design and implementation of the remedial action plan  
7 and the contribution of funds by the ~~political-subdivision~~ local governmental unit and  
8 responsible parties for the investigation and remedial action. The portion of the  
9 agreement containing the design and implementation of the remedial action plan  
10 shall be submitted to the department for approval. The department may approve  
11 that portion of the agreement as submitted or require modifications.

12 **SECTION 3708.** 292.35 (6) (a) of the statutes is amended to read:

13 292.35 (6) (a) If the ~~political-subdivision~~ local governmental unit and any  
14 responsible parties are unable to reach an agreement under sub. (5) by the end of the  
15 period of negotiation, the umpire shall make a recommendation regarding the design  
16 and implementation of the remedial action plan and the contribution of funds for  
17 investigation and remedial action by the ~~political-subdivision~~ local governmental  
18 unit and all responsible parties that were identified by the ~~political-subdivision~~ local  
19 governmental unit and that did not reach an agreement under sub. (5), whether or  
20 not the responsible parties participated in negotiations under sub. (4). The umpire  
21 shall submit the recommendation to the department for its approval within 20 days  
22 after the end of the period of negotiation under sub. (4) (c). The department may  
23 approve the recommendation as submitted or require modifications. The umpire  
24 shall distribute a copy of the approved recommendation to the ~~political-subdivision~~

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1 local governmental unit and all responsible parties identified by the ~~political~~  
2 ~~subdivision~~ local governmental unit.

3 **SECTION 3709.** 292.35 (6) (b) of the statutes is amended to read:

4 292.35 (6) (b) The ~~political subdivision~~ local governmental unit and the  
5 responsible parties that did not reach an agreement under sub. (5) shall accept or  
6 reject the umpire's recommendation within 60 days after receiving it. Failure to  
7 accept or reject the recommendation within 60 days shall be considered rejection of  
8 the recommendation. If the ~~political subdivision~~ local governmental unit rejects the  
9 recommendation with respect to any responsible party, the recommendation does not  
10 apply to that responsible party. If a responsible party rejects the recommendation,  
11 it does not apply to that responsible party.

12 **SECTION 3710.** 292.35 (7) of the statutes is amended to read:

13 292.35 (7) RESPONSIBLE PARTIES SUBJECT TO AN AGREEMENT OR RECOMMENDATION.  
14 A responsible party that enters into an agreement under sub. (5) with a ~~political~~  
15 ~~subdivision~~ local governmental unit or that accepts the umpire's recommendation  
16 under sub. (6), if the ~~political subdivision~~ local governmental unit does not reject the  
17 recommendation, is required to comply with the agreement or recommendation.  
18 When the responsible party has complied with the agreement or recommendation,  
19 the responsible party is not liable to the state, including under s. 292.11 (7) (b) or  
20 292.31 (8), or to the ~~political subdivision~~ local governmental unit for any additional  
21 costs of the investigation or remedial action; the responsible party is not liable to any  
22 other responsible party for contribution to costs incurred by any other responsible  
23 party for the investigation or remedial action; and the responsible party is not subject  
24 to an order under s. 292.11 (7) (c) for the discharge that is the subject of the agreement  
25 or recommendation.



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1           **SECTION 3711.** 292.35 (8) (b) (intro.) of the statutes is amended to read:

2           292.35 (8) (b) (intro.) A ~~political subdivision~~ local governmental unit is entitled  
3 to recover litigation expenses and interest on the judgment against a responsible  
4 party if any of the following occurs:

5           **SECTION 3712.** 292.35 (8) (b) 1. of the statutes is amended to read:

6           292.35 (8) (b) 1. The ~~political subdivision~~ local governmental unit accepts the  
7 recommendation of an umpire under sub. (6), the responsible party rejects it and the  
8 ~~political subdivision~~ local governmental unit recovers a judgment under sub. (9)  
9 against that responsible party that equals or exceeds the amount of the umpire's  
10 recommendation.

11           **SECTION 3713.** 292.35 (8) (b) 2. of the statutes is amended to read:

12           292.35 (8) (b) 2. The ~~political subdivision~~ local governmental unit and the  
13 responsible party enter into an agreement under sub. (5) or accept the umpire's  
14 recommendation under sub. (6), the responsible party does not comply with the  
15 requirements of the agreement or recommendation and the ~~political subdivision~~  
16 local governmental unit recovers a judgment against that responsible party based  
17 on the agreement or recommendation.

18           **SECTION 3714.** 292.35 (8) (c) of the statutes is amended to read:

19           292.35 (8) (c) A responsible party is entitled to recover litigation expenses from  
20 a ~~political subdivision~~ local governmental unit if the responsible party accepts the  
21 recommendation of an umpire under sub. (6), the ~~political subdivision~~ local  
22 governmental unit rejects the recommendation of the umpire under sub. (6) with  
23 respect to the responsible party, the ~~political subdivision~~ local governmental unit  
24 institutes an action under sub. (9) against the responsible party and the ~~political~~  
25 ~~subdivision~~ local governmental unit recovers a judgment under sub. (9) against the

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1 responsible party that is equal to or less than the amount of the umpire's  
2 recommendation.

3 **SECTION 3715.** 292.35 (9) (b) 1. of the statutes is renumbered 292.35 (9) (b) and  
4 amended to read:

5 292.35 (9) (b) Except as provided in pars. (bm), (br) and (e), sub. (7) and s.  
6 292.21, a responsible party is liable for a portion of the costs, as determined under  
7 pars. (c) to (e), incurred by a ~~political subdivision~~ local governmental unit for  
8 remedial action in an agreement under sub. (5) or a recommendation under sub. (6)  
9 and for any related investigation. A right of action shall accrue to a ~~political~~  
10 ~~subdivision~~ local governmental unit against the responsible party for costs listed in  
11 this ~~subdivision~~ paragraph.

12 **SECTION 3716.** 292.35 (9) (b) 2. of the statutes is repealed.

13 **SECTION 3717.** 292.41 (6) (c) of the statutes is amended to read:

14 292.41 (6) (c) The department is entitled to recover moneys expended under  
15 this section from any person who caused the containers to be abandoned or is  
16 responsible for the containers. The funds recovered under this paragraph shall be  
17 deposited into the environmental fund for environmental ~~repair~~ management.

18 **SECTION 3718.** 292.41 (6) (d) of the statutes is repealed.

19 **SECTION 3719.** 292.51 (2) of the statutes is amended to read:

20 292.51 (2) The department may seek and receive voluntary contributions of  
21 funds from a municipality or any other public or private source for all or part of the  
22 costs of remedying environmental contamination if the activities being funded are  
23 part of a cooperative effort, by the department and the person providing the funds,  
24 to remedy that environmental contamination. All contributions received under this  
25 subsection shall be deposited in the environmental fund.

**SENATE BILL 77****SECTION 3720**

1           **SECTION 3720.** 292.55 of the statutes is created to read:

2           **292.55 Requests for liability clarification and technical assistance. (1)**

3           (a) The department may, upon request, assist a person to determine whether the  
4           person is or may become liable for the environmental pollution of a property.

5           (b) The department may, upon request, assist in, or supervise, the planning and  
6           implementation of an environmental investigation of a property or the  
7           environmental cleanup of a property.

8           (c) The department may determine whether further action is necessary to  
9           remedy environmental pollution of a property.

10          (d) The department may issue a letter to a person seeking assistance under this  
11          subsection concerning any of the following:

12           1. The liability of a person owning or leasing a property for environmental  
13          pollution of the property.

14           2. The type and extent of environmental pollution of a property.

15           3. The adequacy of an environmental investigation.

16           4. Any other matter related to the request for assistance under this subsection.

17          **(2)** The department may assess and collect fees from a person to offset the costs  
18          of providing assistance under sub. (1). The department shall promulgate rules for  
19          the assessment and collection of fees under this subsection. Fees collected under this  
20          subsection shall be credited to the appropriation account under s. 20.370 (2) (dh).

21          **SECTION 3721.** 292.61 of the statutes is repealed.

22          **SECTION 3722.** 292.75 of the statutes is created to read:

23          **292.75 Dry cleaning contamination study.** The department shall conduct  
24          a study of the extent and type of environmental contamination at dry cleaning  
25          facilities in this state. The department shall submit a report on its findings to the

**SENATE BILL 77****SECTION 3722**

1 legislature under s. 13.172 (2) and to the governor. The report shall include all of the  
2 following:

3 (1) An estimate of the cost of remedying the environmental contamination at  
4 dry cleaning facilities.

5 (2) Options for sources of revenue and types of assistance to address the costs  
6 of remedying contamination of dry cleaning facilities.

7 **SECTION 3723.** 292.81 (2) (a) (intro.) of the statutes is amended to read:

8 292.81 (2) (a) (intro.) Before incurring expenses under s. 292.11, or 292.31 (1),  
9 (3) or (7) ~~or 292.41 (4)~~ with respect to a property, the department shall provide to the  
10 current owner of the property and to any mortgagees of record a notice containing  
11 all of the following:

12 **SECTION 3724.** 292.81 (2) (a) 1. of the statutes is amended to read:

13 292.81 (2) (a) 1. A brief description of the property for which the department  
14 expects to incur expenses under s. 292.11, or 292.31 (1), (3) or (7) ~~or 292.41 (4)~~.

15 **SECTION 3725.** 292.81 (2) (a) 2. of the statutes is amended to read:

16 292.81 (2) (a) 2. A brief description of the types of activities that the department  
17 expects may be conducted at the property under s. 292.11, or 292.31 (1), (3) or (7) ~~or~~  
18 ~~292.41 (4)~~.

19 **SECTION 3726.** 292.81 (2) (d) of the statutes is amended to read:

20 292.81 (2) (d) No notice under this subsection is necessary in circumstances in  
21 which entry onto the property without prior notice is authorized under s. 292.11 (8)  
22 ~~or under s. 292.41 (5)~~.

23 **SECTION 3727.** 292.81 (3) of the statutes is amended to read:

24 292.81 (3) Any expenditures made by the department under s. 292.11 or 292.31  
25 (1), (3) or (7) ~~or, subject to s. 292.41 (6) (d), under s. 292.41 (4)~~ shall constitute a lien

**SENATE BILL 77****SECTION 3727**

1 upon the property for which expenses are incurred if the department files the lien  
2 with the register of deeds in the county in which the property is located. A lien under  
3 this section shall be superior to all other liens that are or have been filed against the  
4 property, except that if the property is residential property, as defined in s. 895.52  
5 (1) (i), the lien may not affect any valid prior lien on that residential property.

6 **SECTION 3728.** 293.45 (1) of the statutes is amended to read:

7 293.45 (1) The Except as provided in sub. (2) or s. 299.07, the department shall  
8 issue a prospecting permit under this section to an applicant within 60 days following  
9 the date of the completion of the hearing record if, on the basis of the application, the  
10 department's investigation and hearing and any written comments, it finds that the  
11 site is not unsuitable for prospecting or, absent a certification under sub. (1), surface  
12 mining, the department has approved the prospecting plan and the reclamation plan  
13 complies with ss. 293.13 (2) and 293.35 (2) and (3) and rules promulgated under ss.  
14 293.13 (2) and 293.35 (2) and (3). The department may modify any part of the  
15 application or reclamation plan and approve it as modified. Except as otherwise  
16 provided in this chapter, prospecting permits shall be valid for the life of the project,  
17 unless canceled under s. 293.83 (1) or (3) or 293.85 or revoked under s. 293.87 (2) or  
18 (3).

19 **SECTION 3729.** 293.49 (1) (a) 7. of the statutes is created to read:

20 293.49 (1) (a) 7. That proven technology exists to ensure that the proposed  
21 mining operation will operate without violating state groundwater or surface water  
22 statutes or rules due to acid drainage at the tailings site or at the mining site or due  
23 to the release of heavy metals.

24 **SECTION 3730.** 293.49 (1) (a) 8. of the statutes is created to read:

**SENATE BILL 77****SECTION 3730**

1           293.49 (1) (a) 8. That the proposed mining operation will use proven technology  
2 to ensure that the proposed mining operation will operate without violating state  
3 groundwater or surface water statutes or rules due to acid drainage at the tailings  
4 site or at the mining site or due to the release of heavy metals.

5           **SECTION 3731.** 295.11 (4) of the statutes is amended to read:

6           295.11 (4) “Nonmetallic mining reclamation” means the rehabilitation of a  
7 nonmetallic mining site to achieve a land use specified in an approved nonmetallic  
8 mining reclamation plan, including removal or reuse of nonmetallic mining refuse,  
9 grading of the nonmetallic mining site, removal, storage and replacement of topsoil,  
10 stabilization of soil conditions, ~~establishment~~ reestablishment of vegetative cover,  
11 control of surface water and groundwater, prevention of environmental pollution,  
12 ~~construction of fences where necessary and, if practical, restoration of plant, fish and~~  
13 ~~wildlife habitat.~~

14           **SECTION 3732.** 295.11 (5) of the statutes is amended to read:

15           295.11 (5) “Nonmetallic mining refuse” means waste soil, rock, mineral, ~~liquid~~  
16 ~~and vegetation~~ and other waste natural material resulting from nonmetallic mining.  
17 This term does not include ~~merchandise~~ marketable by-products resulting directly  
18 from or displaced by the nonmetallic mining.

19           **SECTION 3733.** 295.11 (6) (intro.), (a), (b), (c) and (d) of the statutes are  
20 renumbered 295.11 (6) (a) (intro.), 1., 2., 3. and 4., and 295.11 (6) (a) (intro.), 1. and  
21 2., as renumbered, are amended to read:

22           295.11 (6) (a) (intro.) “Nonmetallic mining site” means all of the following,  
23 except as provided in par. (b):

24           1. The location where nonmetallic mining is proposed or conducted, ~~including~~  
25 ~~all surface areas from which materials have been or will be removed.~~

**SENATE BILL 77****SECTION 3733**

1           2. Storage and processing areas related to the that are in or contiguous to areas  
2 excavated for nonmetallic mining.

3           **SECTION 3734.** 295.11 (6) (a) 5. of the statutes is created to read:

4           295.11 (6) (a) 5. Areas where grading or regrading is necessary to conduct  
5 nonmetallic mining or to achieve a land use specified in an approved nonmetallic  
6 mining reclamation plan.

7           **SECTION 3735.** 295.11 (6) (b) of the statutes is created to read:

8           295.11 (6) (b) "Nonmetallic mining site" does not include any area described in  
9 par. (a) 1. to 5. that is not used for nonmetallic mining or for purposes related to  
10 nonmetallic mining on or after the effective date of this paragraph .... [revisor inserts  
11 date].

12           **SECTION 3736.** 295.11 (6) (e) of the statutes is repealed.

13           **SECTION 3737.** 295.11 (9) of the statutes is amended to read:

14           295.11 (9) "Replacement of topsoil" means the replacement of the topsoil that  
15 was removed or disturbed by nonmetallic mining, or the provision of soil that is at  
16 ~~least as adequate as~~ material to substitute for the topsoil that was removed or  
17 disturbed, for the purposes of providing adequate vegetative cover and stabilization  
18 of soil conditions to achieve a land use specified in an approved nonmetallic mining  
19 reclamation plan.

20           **SECTION 3738.** 295.12 (1) (c) of the statutes is amended to read:

21           295.12 (1) (c) Uniform statewide standards requirements and procedures for  
22 the administration of a nonmetallic mining reclamation ~~ordinance~~ program by any  
23 county, city, village or town.

24           **SECTION 3739.** 295.12 (1) (d) of the statutes is repealed.

25           **SECTION 3740.** 295.12 (2) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3740**

1           295.12 (2) (a) The department shall establish nonmetallic mining reclamation  
2 standards under sub. (1) (a) that are applicable to activities related to nonmetallic  
3 mining reclamation both during nonmetallic mining and after the termination of  
4 nonmetallic mining.

5           **SECTION 3741.** 295.12 (2) (b) and (c) of the statutes are repealed.

6           **SECTION 3742.** 295.12 (2) (d) of the statutes is amended to read:

7           295.12 (2) (d) ~~Standards for those portions of a nonmetallic mining site that are~~  
8 ~~mined on or after the effective date of the ordinance~~ Nonmetallic mining reclamation  
9 standards under sub. (1) (a) shall be designed to encourage the development and  
10 reclamation of nonmetallic mining sites in existence on the effective date of this  
11 paragraph .... [revisor inserts date], and shall include requirements necessary to  
12 achieve a land use specified in an approved nonmetallic mining reclamation plan,  
13 including requirements related to the removal or reuse of nonmetallic mining refuse,  
14 removal of roads no longer in use, stabilization of soil conditions, grading the  
15 nonmetallic mining site, replacement of topsoil, establishment of vegetative cover,  
16 control of surface water flow and groundwater withdrawal, prevention of  
17 environmental pollution, ~~construction of fences where necessary~~ and, if practical,  
18 protection or restoration of plant, fish and wildlife habitat.

19           **SECTION 3743.** 295.12 (2) (e) of the statutes is repealed.

20           **SECTION 3744.** 295.12 (3) (intro.) of the statutes is amended to read:

21           295.12 (3) (title) ~~TEXT OF ORDINANCE~~ PROGRAM REQUIREMENTS. (intro.) The ~~text~~  
22 ~~of the nonmetallic mining reclamation ordinance under~~ rules required by sub. (1) (d)  
23 (c) shall include all of the following:

24           **SECTION 3745.** 295.12 (3) (a) and (b) of the statutes are repealed.

25           **SECTION 3746.** 295.12 (3) (c) of the statutes is amended to read:



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1           295.12 (3) (c) A requirement for the operator to submit a nonmetallic mining  
2           reclamation plan including maps, information about the nonmetallic mining site, a  
3           proposed land use for which the nonmetallic mining site will be rehabilitated after  
4           the nonmetallic mining is completed, a description of the proposed nonmetallic  
5           mining reclamation including methods and procedures to be used and a proposed  
6           timetable for completion of various stages of the nonmetallic mining reclamation.  
7           The reclamation plan shall be designed to ensure successful nonmetallic mining  
8           reclamation consistent with the standards under sub. (1) (a), to minimize the costs  
9           of nonmetallic mining reclamation and, to the extent practicable, to minimize the  
10          area disturbed by nonmetallic mining at one time and provide for nonmetallic mining  
11          reclamation of portions of the nonmetallic mining site while nonmetallic mining  
12          continues on other portions of the nonmetallic mining site.

13           **SECTION 3747.** 295.12 (3) (d) of the statutes is amended to read:

14           295.12 (3) (d) A requirement for the operator to obtain a nonmetallic mining  
15          reclamation permit in order to engage in nonmetallic mining or in nonmetallic  
16          mining reclamation; a requirement for a 5-year permit term unless a shorter permit  
17          term is requested by the applicant; standards equal to the period during which  
18          nonmetallic mining is conducted; procedures for the issuance, renewal, modification,  
19          suspension or revocation of the reclamation permit; a requirement for public notice  
20          and an opportunity for a public informational hearing before issuance, renewal,  
21          modification, suspension or revocation of the of a reclamation permit; a requirement  
22          to conduct a public hearing on the issuance, renewal or modification of a permit, if  
23          requested within 30 days after receipt of the nonmetallic mining operation and  
24          reclamation plan; a right for any person who meets the requirements of s. 227.42 (1)  
25          to obtain a contested case hearing under ch. 68 on the issuance, renewal,

**SENATE BILL 77****SECTION 3747**

1 ~~modification, suspension or revocation of a permit for a nonmetallic mine that is not~~  
2 ~~in operation before the date specified under par. (dm); a requirement for cooperative~~  
3 ~~issuance of a single reclamation permit if more than one county or municipality has~~  
4 ~~jurisdiction over the nonmetallic mining site; a requirement for issuance of a single~~  
5 ~~permit for all nonmetallic mining sites operated by the same person in a county or~~  
6 ~~municipality, with nonmetallic mining sites to be added or deleted by permit~~  
7 ~~modification and with separate permit conditions, fees and financial assurance for~~  
8 ~~each nonmetallic mining site; and a requirement that action approving, denying or~~  
9 ~~conditionally approving a reclamation permit be taken within 90 days after receipt~~  
10 ~~of the mining operation and mining reclamation plans plan or, if a public~~  
11 ~~informational hearing is held, within 60 days after the close of the public hearing.~~

12 **SECTION 3748.** 295.12 (3) (de) of the statutes is created to read:

13 295.12 (3) (de) Except as provided in par. (dm), a prohibition on issuance of a  
14 reclamation permit before approval of the nonmetallic mining reclamation plan  
15 under par. (c) by the county, city, village or town operating the program.

16 **SECTION 3749.** 295.12 (3) (dm) of the statutes is created to read:

17 295.12 (3) (dm) A requirement that, when an operator submits an application  
18 for a reclamation permit for a nonmetallic mine that is operating before a date  
19 specified by the department in the rule, the county, city, village or town issue the  
20 permit on the condition that the operator submit a nonmetallic mining reclamation  
21 plan under par. (c) that complies with the rules under par. (c) by a deadline  
22 established by the county, city, village or town. The deadline shall be from 1 to 3 years  
23 after the date of application.

24 **SECTION 3750.** 295.12 (3) (ds) of the statutes is created to read:

**SENATE BILL 77****SECTION 3750**

1           295.12 (3) (ds) A requirement that the county, city, village or town issue a  
2 reclamation permit on the condition that the operator submit proof of financial  
3 responsibility in accordance with par. (g) within a time specified by the rule.

4           **SECTION 3751.** 295.12 (3) (e) of the statutes is renumbered 295.12 (3) (e) 1., and  
5 295.12 (3) (e) 1. a. and b., as renumbered, are amended to read:

6           295.12 (3) (e) 1. a. The examination and approval of ~~operation plans and~~  
7 nonmetallic mining reclamation plans.

8           b. The inspection of ~~nonmetallic mining and~~ nonmetallic mining reclamation.

9           **SECTION 3752.** 295.12 (3) (e) 2. of the statutes is created to read:

10          295.12 (3) (e) 2. A prohibition on basing the fees under subd. 1. on any portion  
11 of a nonmetallic mining site that has been reclaimed when the fees are imposed.

12          **SECTION 3753.** 295.12 (3) (g) of the statutes is amended to read:

13          295.12 (3) (g) A requirement for the operator to provide a bond, deposit of funds,  
14 established escrow account, letter of credit, demonstration of financial responsibility  
15 by meeting net worth requirements or other form of financial assurance conditioned  
16 on the faithful performance of all of the requirements of ~~the nonmetallic mining~~  
17 reclamation ordinance rules promulgated under this section. The rules shall  
18 authorize a county, city, village or town to reduce the amount of financial assurance  
19 that an operator is required to provide based on nonmetallic mining reclamation that  
20 the operator performs while the nonmetallic mine continues to operate.

21          **SECTION 3754.** 295.12 (3) (h) of the statutes is amended to read:

22          295.12 (3) (h) Provisions to restrict ~~nonmetallic mining or restrict,~~ regulate or  
23 require certain activities in connection with ~~nonmetallic mining or~~ nonmetallic  
24 mining reclamation in order to ensure compliance with nonmetallic mining  
25 reclamation standards, ~~operation plans,~~ nonmetallic mining reclamation plans,

**SENATE BILL 77****SECTION 3754**

1 ~~licensing standards, financial assurance requirements and other requirements of~~  
2 ~~the nonmetallic mining reclamation ordinance. These restrictions, regulations and~~  
3 ~~requirements may include requirements for separations between excavations and~~  
4 ~~property boundaries, for depth of excavations and for segregation of topsoil rules~~  
5 ~~promulgated under this section.~~

6 **SECTION 3755.** 295.12 (3) (i) of the statutes is amended to read:

7 295.12 (3) (i) A prohibition on nonmetallic mining if a proposed nonmetallic  
8 mining site, ~~other than a nonmetallic mining site in existence before the effective~~  
9 ~~date of the ordinance,~~ cannot be reclaimed in compliance with the nonmetallic  
10 mining reclamation standards ~~in the ordinance~~ under sub. (1) (a).

11 **SECTION 3756.** 295.12 (3) (j) of the statutes is repealed.

12 **SECTION 3757.** 295.12 (3) (k) of the statutes is amended to read:

13 295.12 (3) (k) A provision for orders and penalties consistent with s. 295.19 (3).

14 **SECTION 3758.** 295.12 (3) (L) of the statutes is amended to read:

15 295.12 (3) (L) Standards Criteria and procedures for ~~granting exemptions and~~  
16 ~~variances from approving alternatives to the requirements of the nonmetallic~~  
17 ~~mining reclamation ordinance~~ standards under sub. (1) (a).

18 **SECTION 3759.** 295.13 of the statutes is amended to read:

19 **295.13 (title) Mandatory enactment and administration of ordinance**  
20 **by counties. (1) MANDATORY ENACTMENT AND ADMINISTRATION OF ORDINANCE.** (a)  
21 *Requirement to enact and administer ordinance.* Within 6 months after the effective  
22 date of the rules under s. 295.12 (1), each county shall enact and begin to administer  
23 a nonmetallic mining reclamation ordinance, ~~the text of which is in strict conformity~~  
24 ~~with the text of the ordinance established under s. 295.12 (1) (d)~~ that complies with

**SENATE BILL 77****SECTION 3759**

1 those rules, except as provided in ~~sub.~~ subs. (2) and (2m). This ordinance may be  
2 enacted separately from an ordinance enacted under s. 59.69.

3 **(2) PREEXISTING COUNTY ORDINANCES.** Any county with a nonmetallic mining  
4 reclamation ordinance in effect on June 1, 1993, may maintain and administer that  
5 ordinance if the department reviews the existing ordinance and determines that it  
6 is at least as restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~.  
7 If the department determines that any part of the existing ordinance is not as  
8 restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~, the county may  
9 amend the ordinance and submit the amended ordinance to the department for  
10 approval a determination of whether the amended ordinance is as restrictive as  
11 those rules. After obtaining the approval determination of the department under  
12 this subsection that an ordinance is as restrictive as the rules under s. 295.12 (1), the  
13 county may not amend the ordinance to make it more restrictive. ~~After obtaining the~~  
14 ~~approval of the department under this subsection, the~~ A county may not amend the  
15 a nonmetallic mining reclamation ordinance to make it less restrictive than the  
16 ~~ordinance established~~ requirements in the rules under s. 295.12 (1) ~~(d)~~.

17 **(3) APPLICABILITY OF COUNTY ORDINANCE.** ~~The~~ An ordinance under sub. (1) or (2)  
18 applies to the entire area of the county, except for cities, villages and towns that enact  
19 and administer a nonmetallic mining reclamation ordinance under s. 295.14.

20 **SECTION 3760.** 295.13 (2m) of the statutes is created to read:

21 295.13 **(2m)** OPTION FOR CERTAIN COUNTIES. In a county with a population of  
22 700,000 or more, if every city, village and town that contains a nonmetallic mining  
23 site has enacted an ordinance under s. 295.14 by the first day of the 4th month  
24 beginning after the effective date of the rules promulgated under s. 295.12 (1), the  
25 county is not required to enact an ordinance under this section.

**SENATE BILL 77****SECTION 3761**

1           **SECTION 3761.** 295.14 of the statutes is amended to read:

2           **295.14 Authority to enact and administer ordinance.** (1) AUTHORITY TO  
3 ENACT AND ADMINISTER ORDINANCE. A city, village or town may enact and administer  
4 a nonmetallic mining reclamation ordinance, ~~the text of which is in strict conformity~~  
5 ~~with the text of the ordinance~~ that complies with the rules under s. 295.12 (1) (d).  
6 Except as provided in sub. (2), a city, village or town may not administer a  
7 nonmetallic mining reclamation ordinance, ~~the text of which is not in strict~~  
8 ~~conformity with the text of the ordinance~~ that does not comply with the rules under  
9 s. 295.12 (1) (d).

10           (2) PREEXISTING MUNICIPAL ORDINANCES. A city, village or town with a  
11 nonmetallic mining reclamation ordinance in effect on June 1, 1993, may maintain  
12 and administer that ordinance if the department reviews the existing ordinance and  
13 determines that it is at least as restrictive as the ~~ordinance established~~ rules under  
14 s. 295.12 (1) (d). If the department determines that any part of the existing ordinance  
15 is not as restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) (d), the city,  
16 village or town may amend the ordinance and submit the amended ordinance to the  
17 department for ~~approval~~ a determination of whether the amended ordinance is as  
18 restrictive as those rules. After obtaining the ~~approval~~ determination of the  
19 department ~~under this subsection~~ that an ordinance is as restrictive as the rules  
20 under s. 295.12 (1), the city, village or town may not amend the ordinance to make  
21 it more restrictive. ~~After obtaining the approval of the department under this~~  
22 ~~subsection, the~~ A city, village or town may not amend the a nonmetallic mining  
23 reclamation ordinance to make it less restrictive than the ~~ordinance established~~  
24 rules under s. 295.12 (1) (d).

25           **SECTION 3762.** 295.16 (title) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3762**

1           **295.16** (title) **Applicability of ordinance and standards nonmetallic**  
2 **mining reclamation requirements.**

3           **SECTION 3763.** 295.16 (1) of the statutes is repealed and recreated to read:

4           **295.16 (1)** NONMETALLIC MINING FOR TRANSPORTATION PURPOSES. (a)  
5 Notwithstanding par. (b), any requirements of the department of transportation  
6 concerning the restoration of a nonmetallic mining site shall be consistent with the  
7 nonmetallic mining reclamation standards established under s. 295.12 (1) (a).

8           (b) A nonmetallic mining ordinance and the rules promulgated under s. 295.12  
9 (1) do not apply to nonmetallic mining to obtain stone, soil, sand or gravel for the  
10 construction, maintenance or repair of a highway, railroad, airport facility or any  
11 other transportation facility, if the nonmetallic mining is subject to the requirements  
12 of the department of transportation concerning the restoration of the nonmetallic  
13 mining site.

14           **SECTION 3764.** 295.16 (2) of the statutes is amended to read:

15           **295.16 (2)** NONMETALLIC MINING IN OR NEAR NAVIGABLE WATERWAYS. A nonmetallic  
16 mining reclamation ordinance, and requirements of this subchapter other than the  
17 standards established under s. 295.12 (1) (a), do not apply to any nonmetallic mining  
18 site or portion of a nonmetallic mining site that is subject to permit and reclamation  
19 requirements of the department under ss. 30.19, 30.195, 30.20, 30.30 and 30.31. The  
20 nonmetallic mining standards established under s. 295.12 (1) (a) do apply to a  
21 nonmetallic mining site that is subject to permit and reclamation requirements of  
22 the department under ss. 30.19, 30.195, 30.20, 30.30 and 30.31.

23           **SECTION 3765.** 295.16 (4) (b) of the statutes is amended to read:

24           **295.16 (4) (b)** Excavations or grading conducted for highway the construction  
25 purposes within the highway right-of-way, reconstruction, maintenance or repair

**SENATE BILL 77****SECTION 3765**

1 of a highway, railroad, airport facility or any other transportation facility if the  
2 excavation or grading is within the property boundaries of the transportation  
3 facility.

4 **SECTION 3766.** 295.16 (4) (g) of the statutes is amended to read:

5 295.16 (4) (g) Any activities ~~conducted at a solid waste or hazardous waste~~  
6 ~~disposal site~~ required to prepare, operate or close a solid waste disposal facility under  
7 subchs. II to IV of ch. 289 or a hazardous waste disposal facility under ch. 291 that  
8 are conducted on the property on which the facility is located, but a nonmetallic  
9 mining reclamation ordinance and the standards established under s. 295.12 (1) (a)  
10 apply to activities related to solid waste or hazardous waste disposal that are  
11 conducted at a nonmetallic mining site that is not ~~part of~~ on the property on which  
12 the solid waste or hazardous waste disposal facility is located such as activities to  
13 obtain nonmetallic minerals to be used for lining, capping, covering or constructing  
14 berms, dikes or roads.

15 **SECTION 3767.** 295.16 (4) (h) of the statutes is repealed.

16 **SECTION 3768.** 295.17 (1) of the statutes is amended to read:

17 295.17 (1) An agent of a county, city, village or town that has a ~~valid~~ nonmetallic  
18 mining reclamation ordinance that complies with s. 295.13 or 295.14 may enter a  
19 nonmetallic mining site in the performance of his or her official duties at any  
20 reasonable time in order to inspect those premises and to ascertain compliance with  
21 ~~the nonmetallic mining reclamation ordinance~~ this subchapter. No person may  
22 refuse entry or access to an agent of the county, city, village or town who requests  
23 entry for purposes of inspection, and who presents appropriate credentials. No  
24 person may obstruct, hamper or interfere with the inspection. The county, city,



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1 village or town shall furnish to the operator any report prepared by the county, city,  
2 village or town regarding the inspection.

3 **SECTION 3769.** 295.18 (1) (intro.) of the statutes is amended to read:

4 295.18 (1) REVIEW. (intro.) The department shall periodically review the  
5 nonmetallic mining reclamation program under this subchapter of each county and  
6 each city, village or town that exercises jurisdiction under this subchapter to  
7 ascertain compliance with this subchapter and the rules promulgated under this  
8 subchapter. This review shall include all of the following:

9 **SECTION 3770.** 295.18 (1) (c) of the statutes is amended to read:

10 295.18 (1) (c) A written determination by the department, issued ~~every 3~~ at  
11 least once every 10 years, of whether ~~or not~~ the county, city, village or town is in  
12 compliance with this subchapter and rules promulgated under this subchapter.

13 **SECTION 3771.** 295.18 (2) of the statutes is amended to read:

14 295.18 (2) NONCOMPLIANCE; HEARING. If the department determines under sub.  
15 (1) that a county, city, village or town is not in compliance with this subchapter and  
16 rules promulgated under this subchapter, the department shall notify the county,  
17 city, village or town of that determination. If the department determines that a  
18 county, city, village or town has not come into compliance after notification, the  
19 department shall consult with the nonmetallic mining council. If the department  
20 decides to pursue the matter, it shall conduct a hearing, after 30 days' notice, in the  
21 county, city, village or town. As soon as practicable after the hearing, the department  
22 shall issue a written decision regarding compliance with this subchapter and rules  
23 promulgated under this subchapter.

24 **SECTION 3772.** 295.18 (4) of the statutes is amended to read:

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1           295.18 (4) COUNTY NONCOMPLIANCE; CONSEQUENCES. If the department  
2 determines issues a written decision under sub. (2) that a county is not in compliance  
3 with this subchapter and rules promulgated under this subchapter, the department  
4 shall administer the nonmetallic mining reclamation program in that county,  
5 including the collection of fees, review and approval of plans, inspection of  
6 nonmetallic mining sites and enforcement, except that the department may not  
7 administer the nonmetallic mining reclamation program in a city, village or town  
8 that enacted an ordinance that complies with s. 295.14 before the department made  
9 its determination under sub. (2) and is administering that ordinance. The county  
10 may apply to the department at any time to resume administration of the  
11 nonmetallic mining reclamation program. The department, after a hearing, may  
12 approve the county request to administer the nonmetallic mining reclamation  
13 program if the county demonstrates the capacity to comply with this subchapter and  
14 rules promulgated under this subchapter. No city, village or town may enact an  
15 ordinance ~~under s. 295.14~~ for and begin to implement a nonmetallic mining  
16 reclamation program during the time that the department administers the  
17 nonmetallic mining reclamation program in the county in which the city, village or  
18 town is located.

19           **SECTION 3773.** 295.19 (1) (intro.), (a), (b) and (c) of the statutes are amended  
20 to read:

21           295.19 (1) ORDERS; ENFORCEMENT. (intro.) The governing body of a county, city,  
22 village or town that has a ~~valid~~ nonmetallic mining reclamation ordinance that  
23 complies with s. 295.13 or 295.14, or an agent designated by that governing body,  
24 may do any of the following:

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1           (a) ~~Issue a compliance order, suspension order or termination~~ an order as  
2 ~~authorized in requiring an operator to comply with, or to cease violating, this~~  
3 ~~subchapter, rules promulgated under this subchapter,~~ the nonmetallic mining  
4 reclamation ordinance, a nonmetallic mining reclamation permit or an approved  
5 nonmetallic mining reclamation plan.

6           (b) ~~Modify, suspend or revoke~~ Issue an order suspending or revoking a  
7 nonmetallic mining permit as authorized in the nonmetallic mining reclamation  
8 ordinance.

9           (c) ~~Issue a special~~ an order directing the immediate cessation of an operator to  
10 immediately cease an activity regulated under this subchapter, under rules  
11 promulgated under this subchapter or under the nonmetallic mining reclamation  
12 ordinance until the necessary nonmetallic mining reclamation plan approval is  
13 obtained ~~or until the nonmetallic mining site complies with the nonmetallic mining~~  
14 ~~reclamation ordinance.~~

15           **SECTION 3774.** 295.19 (2) of the statutes is amended to read:

16           295.19 (2) DEPARTMENT ORDERS. The department may issue ~~a special~~ an order  
17 directing the immediate cessation of an activity regulated under this subchapter  
18 until the nonmetallic mining site complies with the nonmetallic mining reclamation  
19 standards established under s. 295.12 (1) (a).

20           **SECTION 3775.** 295.19 (3) (b) 1. of the statutes is amended to read:

21           295.19 (3) (b) 1. Except for the violations enumerated in par. (a), any person  
22 who violates this subchapter or any rule promulgated or any plan approval, ~~license~~  
23 ~~or special order~~ issued under this subchapter shall forfeit not less than \$10 nor more  
24 than \$5,000 for each violation. Each day of continued violation is a separate offense.  
25 While ~~the~~ an order is suspended, stayed or enjoined, this penalty does not accrue.

**SENATE BILL 77****SECTION 3776**

1           **SECTION 3776.** 295.20 (title) of the statutes is amended to read:

2           **295.20** (title) **Preservation of certain marketable nonmetallic mineral**  
3 **deposits.**

4           **SECTION 3777.** 295.20 (1) of the statutes is renumbered 295.20 (1) (a) (intro.)  
5 and amended to read:

6           295.20 (1) (a) (intro.) ~~Beginning on June 1, 1994~~ the effective date of this  
7 paragraph .... [revisor inserts date], a landowner may register land owned by that  
8 person with each county in which the land is located if the under this section if all  
9 of the following apply:

10           1. The land has an economically viable a marketable nonmetallic mineral  
11 deposit, as evidenced by the certification of a professional geologist registered under  
12 s. 443.037 or a professional engineer registered under s. 443.04 and by any other  
13 information required under sub. (4).

14           (c) ~~The registration shall delineate the nonmetallic mineral deposit and the~~  
15 ~~necessary buffer areas under the nonmetallic mining reclamation ordinance. The~~  
16 ~~landowner, as a condition of registration, shall submit evidence that a notation of the~~  
17 ~~registration has been~~ is valid only if recorded in the office of the register of deeds in  
18 each county in which the nonmetallic mineral deposit ~~or buffer area~~ is located. ~~A-~~

19           (d) ~~Except as provided under sub. (4) (d), a registration under this subsection~~  
20 ~~may not be rescinded by the county or the landowner or his or her successors or~~  
21 ~~assigns~~ lasts for 10 years and may be renewed for one additional 10-year period as  
22 provided in the rules under sub. (4) (e).

23           **SECTION 3778.** 295.20 (1) (a) 2. and 3. of the statutes are created to read:

24           295.20 (1) (a) 2. The landowner notifies each county, city, village and town that  
25 has authority to zone the land of his or her intent to register the marketable

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1 nonmetallic mineral deposit. The notification shall include the evidence required  
2 under subd. 1.

3 3. Nonmetallic mining is a permitted or conditional use for the land that is  
4 proposed to be registered under any zoning that is in effect on the day on which the  
5 landowner makes the notification under subd. 2.

6 **SECTION 3779.** 295.20 (1) (b) of the statutes is created to read:

7 295.20 (1) (b) A governmental unit that receives notification under par. (a) 2.  
8 may contest registration under this subsection, in the circuit court for a county in  
9 which the land is located, on the grounds that there is not a marketable nonmetallic  
10 mineral deposit on the land or that par. (a) 3. is not satisfied. The governmental unit  
11 has the burden of proving, by a preponderance of the evidence, that one of those  
12 grounds exists.

13 **SECTION 3780.** 295.20 (1m) of the statutes is created to read:

14 295.20 (1m) PREVIOUSLY REGISTERED DEPOSITS. Land registered under sub. (1)  
15 before the effective date of this subsection .... [revisor inserts date], shall remain  
16 registered for 10 years after the initial date of registration. The registration may be  
17 renewed as provided under sub. (4) (f).

18 **SECTION 3781.** 295.20 (2) of the statutes is renumbered 295.20 (2) (a) and  
19 amended to read:

20 295.20 (2) (a) A county, city, village or town may not by zoning, rezoning,  
21 granting a variance, or other official action or inaction, permit the erection of  
22 permanent structures upon, or otherwise permit the use of, any registered  
23 nonmetallic mineral deposit or registered buffer area land, while a registration  
24 under this section is in effect for that land, in a manner that would permanently

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1 interfere with the present or future extraction of the nonmetallic mineral deposit or  
2 maintenance of the buffer area that is located on the land.

3 **SECTION 3782.** 295.20 (2) (b) of the statutes is created to read:

4 295.20 (2) (b) 1. A county, city, village or town may enact an ordinance changing  
5 the zoning of land that is registered under this section if the ordinance is necessary  
6 to implement a master plan, comprehensive plan or land use plan that was adopted  
7 at least one year before the rezoning.

8 2. A zoning change authorized by subd. 1. does not apply to the registered land  
9 during the registration period in effect when the zoning ordinance takes effect or  
10 during the 10-year renewal period under sub. (4) (e) or (f) if the land is eligible for  
11 that renewal.

12 3. A zoning change authorized by subd. 1. prevents the registration of the land  
13 after the period under subd. 2.

14 **SECTION 3783.** 295.20 (3) (a) and (b) of the statutes are amended to read:

15 295.20 (3) (a) A use of land permissible under a zoning ordinance in effect on  
16 the day before a mineral deposit or buffer area is registered under sub. (1).

17 (b) Acquisition of a registered nonmetallic mineral deposit or registered buffer  
18 area by a county, city, village or town or other governmental unit for a public purpose  
19 ~~if the use of the land does not permanently interfere with the extraction of~~  
20 ~~nonmetallic minerals or maintenance of the buffer area.~~

21 **SECTION 3784.** 295.20 (4) of the statutes is created to read:

22 295.20 (4) RULES. The department shall promulgate rules that contain all of  
23 the following:

24 (a) A definition of "marketable nonmetallic mineral deposit".

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1 (b) Procedures and requirements for registering marketable nonmetallic  
2 mineral deposits under sub. (1).

3 (c) Procedures and criteria for objecting to the proposed registration of a  
4 nonmetallic mineral deposit.

5 (d) Procedures for terminating the registration of land under this section when  
6 there is no longer a marketable nonmetallic mineral deposit on the land.

7 (e) Procedures and criteria for renewing the registration of land under sub. (1).  
8 The rules shall allow renewal for one 10-year period without review of the  
9 marketability of the deposit or the zoning of the land.

10 (f) Procedures and criteria for renewing the registration of land under sub.  
11 (1m).

12 **SECTION 3785.** 299.05 of the statutes is created to read:

13 **299.05 Permit guarantee program. (1)** The department shall promulgate  
14 rules under which the department refunds fees paid by an applicant for a license,  
15 permit or other approval that is issued under ss. 30.10 to 30.205 or 30.21 to 30.27 or  
16 chs. 280 to 295 and that is of a type specified in the rule if the department fails to  
17 make a determination on the application within the time limit specified in the rule  
18 for that type of license, permit or other approval.

19 **(2)** The department shall specify at least the following types of licenses,  
20 permits and other approvals in the rules under sub. (1):

21 (a) Permits and other approvals under ss. 30.10 to 30.205 and 30.21 to 30.27.

22 (b) Approvals under s. 281.17 (1).

23 (c) Permits under subch. IV of ch. 283.

24 (d) Permits under subch. VII of ch. 285.

25 (e) Licenses under subch. III of ch. 289.

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1 (f) Licenses issued under subch. IV of ch. 291.

2 **SECTION 3786.** 299.07 of the statutes is created to read:

3 **299.07 License denial, nonrenewal and revocation based on tax**  
4 **delinquency.** (1) (a) The department shall require each applicant to provide the  
5 department with the applicant's social security number, if the applicant is an  
6 individual, or the applicant's federal employer identification number, if the applicant  
7 is not an individual, as a condition of issuing or renewing any of the following:

8 1. A registration under s. 280.15.

9 2. A certification under s. 281.17 (3).

10 3. A license or certification under s. 281.48 (3).

11 4. A certification under s. 285.51 (2).

12 5. A certification under s. 289.42 (1).

13 6. A license under s. 291.23.

14 7. A license under s. 293.21.

15 8. A license under s. 293.25 (2).

16 9. A permit under s. 293.45.

17 10. A license under s. 295.33.

18 (b) The department may not disclose any information received under par. (a)  
19 to any person except as follows:

20 1. To the department of revenue for the purpose of requesting certifications  
21 under s. 73.0301.

22 2. If the department is required to obtain the information under s. 299.08 (1)  
23 (a), to the department of industry, labor and job development in accordance with a  
24 memorandum of understanding under s. 49.857.



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1           **(2)** The department shall deny an application for the issuance or renewal of a  
2 license, registration or certification specified in sub. (1) (a), or shall revoke a license,  
3 registration or certification specified in sub. (1) (a), if the department of revenue  
4 certifies under s. 73.0301 that the applicant or holder of the license, registration or  
5 certification is liable for delinquent taxes.

6           **SECTION 3787.** 299.08 of the statutes is created to read:

7           **299.08 License denial, nonrenewal, suspension or restriction based on**  
8 **failure to pay support.** **(1)** (a) The department shall require each applicant who  
9 is an individual to provide the department with the applicant's social security  
10 number as a condition of issuing or renewing any of the following:

- 11           1. A registration under s. 280.15.
- 12           2. A certification under s. 281.17 (3).
- 13           3. A license or certification under s. 281.48 (3).
- 14           4. A certification under s. 285.51 (2).
- 15           5. A certification under s. 289.42 (1).
- 16           6. A license under s. 291.23.
- 17           7. A license under s. 299.51 (3) (c).

18           (b) The department may not disclose any information received under par. (a)  
19 to any person except as follows:

20           1. To the department of industry, labor and job development in accordance with  
21 a memorandum of understanding under s. 49.857.

22           2. If the department is required to obtain the information under s. 299.07 (1)  
23 (a), to the department of revenue for the purpose of requesting certifications under  
24 s. 73.0301.

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1           (2) The department shall deny an application for the issuance or renewal of a  
2 license, registration or certification specified in sub. (1) (a), or shall suspend a license,  
3 registration or certification specified in sub. (1) (a) for failure to make court-ordered  
4 payments of child or family support, maintenance, birth expenses, medical expenses  
5 or other expenses related to the support of a child or former spouse, as required in  
6 a memorandum of understanding under s. 49.857.

7           **SECTION 3788.** 299.71 of the statutes is created to read:

8           **299.71 Environmental performance council.** (1) The environmental  
9 performance council shall advise the secretary of natural resources and the governor  
10 concerning all of the following:

11           (a) Ways to integrate this state's efforts related to environmental management  
12 systems with national and international activities related to environmental  
13 management systems.

14           (b) The development of incentives to promote superior environmental  
15 performance by businesses and local governments.

16           (c) Ways that the public sector and the private sector can work together to make  
17 the most effective use of resources to enhance environmental performance and the  
18 competitiveness of this state's businesses.

19           (d) Ways to ensure that this state's methods of environmental regulation  
20 comply with federal law.

21           (e) The development of a method for certifying environmental management  
22 systems that is compatible with standards issued by the International Organization  
23 for Standardization.

24           (f) The evaluation of projects designed to demonstrate the effectiveness of  
25 environmental management systems, efforts to provide the public with more

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1 information about environmental matters and granting environmental regulatory  
2 flexibility in improving environmental performance by businesses and local  
3 governments.

4 (g) State policies, rules and programs that would enhance the competitiveness  
5 of this state's businesses and opportunities for this state's businesses and residents  
6 through improvements in environmental performance and the quality of products.

7 (2) The department of administration, the department of commerce, the  
8 department of natural resources and the University of Wisconsin System may  
9 designate staff to support the activities of the environmental performance council.

10 (3) The environmental performance council shall submit a report on its  
11 activities annually to the legislature under s. 13.172 (2), to the secretary and to the  
12 governor.

13 **SECTION 3789.** 299.80 of the statutes is created to read:

14 **299.80 Environmental cooperation pilot program. (1) DEFINITIONS.** In  
15 this section:

16 (a) "Approval" means a permit, license or other approval issued by the  
17 department under chs. 280 to 295.

18 (b) "Cooperative agreement" means an agreement entered into under sub. (6).

19 (c) "Environmental management system" means an organized set of  
20 procedures implemented by the owner or operator of a facility to evaluate the  
21 environmental performance of the facility and to achieve measurable or noticeable  
22 improvements in that environmental performance through planning and changes in  
23 the facility's operations.

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1 (d) "Environmental performance" means the effects, whether regulated under  
2 chs. 280 to 295 or unregulated, of a facility on air, water, land, natural resources and  
3 human health.

4 (e) "Facility" means all buildings, equipment and structures located on a single  
5 parcel or on adjacent parcels that are owned or operated by the same person.

6 (f) "Interested person" means a person who is or may be affected by the  
7 activities at a facility that is covered or proposed to be covered by a cooperative  
8 agreement.

9 (g) "Performance evaluation" means a systematic, documented and objective  
10 review, conducted by or on behalf of the owner or operator of a facility, of the  
11 environmental performance of the facility, including an evaluation of compliance  
12 with the cooperative agreement covering the facility, approvals that are not replaced  
13 by the cooperative agreement and the provisions of chs. 280 to 295 and rules  
14 promulgated under those chapters for which a variance is not granted under sub. (4).

15 (h) "Pollutant" means any of the following:

16 1. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse,  
17 oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive  
18 substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt or  
19 industrial, municipal or agricultural waste discharged into water or onto land.

20 2. Any dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas,  
21 odorous substances or any combination of those things emitted into the air, but not  
22 uncombined water vapor.

23 (i) "Violation" means a violation of a cooperative agreement, of an approval that  
24 is not replaced by the cooperative agreement or of a provision of chs. 280 to 295 and

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1 rules promulgated under those chapters for which a participant has not received a  
2 variance under sub. (4).

3 (2) PILOT PROGRAM. The department shall administer a pilot program under  
4 which it enters into not more than 10 cooperative agreements to evaluate innovative  
5 environmental regulatory methods. In administering the program, the department  
6 shall do all of the following:

7 (a) Provide at least the same level of protection of public health and the  
8 environment as provided by the environmental regulatory methods under chs. 280  
9 to 295.

10 (b) Encourage facility owners and operators to systematically assess the  
11 pollution that they cause, directly and indirectly, to the air, water and land.

12 (c) Encourage facility owners and operators to implement efficient and cost-  
13 effective pollution reduction strategies for their facilities, while complying with  
14 verifiable and enforceable pollution limits.

15 (d) Encourage facility owners and operators to achieve superior environmental  
16 performance, both with respect to the effects of a facility that are regulated under  
17 chs. 280 to 295 and those effects that are unregulated, to reduce usage of natural  
18 resources and to reduce waste generation, while achieving a balance among the  
19 economic, social and environmental impacts of these efforts that is acceptable to the  
20 community in which the facility is located.

21 (e) Recognize and reward facility owners and operators who have  
22 demonstrated excellence and leadership in environmental stewardship or pollution  
23 prevention and who can achieve reductions in emissions and waste generation  
24 through implementation of innovative measures.

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1 (f) Encourage the transfer of information about methods for improving  
2 environmental performance and the adoption of these methods by others.

3 (g) Consolidate into a cooperative agreement environmental requirements  
4 relating to a facility owned or operated by a participant that are otherwise included  
5 in separate approvals to the extent that consolidation is practical and efficient.

6 (h) Grant the owners and operators of facilities greater operational flexibility  
7 than would otherwise be allowed under chs. 280 to 295 and rules promulgated under  
8 those chapters.

9 (i) Seek to reduce the time and money spent by government and owners and  
10 operators of facilities on paperwork and other administrative tasks that do not result  
11 in benefits to the environment.

12 (j) Encourage public participation, and consensus among interested persons,  
13 in the development of innovative environmental regulatory methods and in  
14 monitoring the environmental performance of projects under this section.

15 (k) Seek to improve the provision of useful information to the public about the  
16 environmental and human health impacts of facilities on communities.

17 (L) Provide public access to information about performance evaluations  
18 conducted by participants in the program under this section.

19 (m) Encourage facility owners and operators and communities to work together  
20 to reduce pollution to levels below the levels required under chs. 280 to 295.

21 (n) Seek to increase trust among government, facility owners and operators  
22 and the public through open communication and support of early and credible  
23 resolution of conflicts over issues concerning the environment and environmental  
24 regulation.

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1           **(3) CONTENT OF COOPERATIVE AGREEMENTS.** A cooperative agreement shall do all  
2 of the following:

3           (a) Identify the facility or facilities, the activities and the pollutants that are  
4 covered by the cooperative agreement.

5           (b) Specify any approvals and provisions of approvals that are replaced by the  
6 cooperative agreement.

7           (c) Commit the participant to implement an environmental management  
8 system that is based on the standards for environmental management systems  
9 issued by the International Organization for Standardization, or an alternative  
10 environmental management system that is acceptable to the department, at the  
11 covered facilities and commit the participant to documenting the environmental  
12 management system.

13           (d) Commit the participant to superior environmental performance, to  
14 reducing natural resource usage and to reducing waste generation, while achieving  
15 a balance among the economic, social and environmental impacts of these efforts that  
16 is acceptable to the community in which the facility is located.

17           (e) Specify waste reduction goals in measurable and verifiable terms.

18           (f) Identify changes in raw materials, in the design, methods of production,  
19 distribution or uses of products or in the reuse, recycling or disposal of materials that  
20 the participant will implement to achieve process efficiencies, to reduce the pollution  
21 of the air, water and land and to reduce water use, energy use or indoor chemical  
22 exposure.

23           (g) Contain pollution limits that are verifiable, enforceable and at least as  
24 stringent as the pollution limits under chs. 280 to 295 and rules promulgated under  
25 those chapters.

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1 (h) Describe the operational flexibility granted to the participant and any  
2 variances granted under sub. (4).

3 (i) Contain the requirements that would be included in any approvals that are  
4 replaced by the cooperative agreement, as modified under pars. (g) and (h).

5 (j) Require the participant to submit a baseline performance evaluation within  
6 180 days of the date that the cooperative agreement is entered into and to update the  
7 performance evaluation periodically.

8 (k) Require the participant to report any violations discovered during a  
9 performance evaluation as required in sub. (12).

10 (L) Ensure that members of the interested persons group, established as  
11 required under sub. (5) (b), have the opportunity to comment on the participant's  
12 environmental management system and are involved in reviewing the participant's  
13 performance under the cooperative agreement and require a process that seeks  
14 consensus between the participant and interested persons over issues concerning  
15 that performance.

16 (m) Require the participant to assist interested persons to understand the  
17 implementation of the cooperative agreement.

18 (n) Require the participant to provide information to the public about the  
19 participant's environmental performance and the results of the project, including  
20 environmental, social and economic impacts, and to meet with interested persons at  
21 least once every 6 months to discuss the implementation of the participant's  
22 environmental management system and to receive comments on the progress of the  
23 project.

24 (o) Describe how the participant will measure the opinions of its employees and  
25 the public concerning its participation in the program under this section.



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1           (p) Require the participant to assess the success of the project in reducing the  
2 time and money spent by the participant on paperwork and other administrative  
3 activities that do not directly benefit the environment.

4           (q) Specify that the term of the agreement is 5 years with the possibility of a  
5 renewal for up to 5 years if the department determines that renewal is consistent  
6 with sub. (2) and the participant agrees to renewal.

7           **(4) VARIANCES.** (a) If chs. 280 to 295 or rules promulgated under those chapters  
8 authorize the department to grant a variance from a requirement that would  
9 otherwise apply to a facility covered by a cooperative agreement and the participant  
10 qualifies under the standards provided in the statutes or rules for granting the  
11 variance, the department may grant a variance from that requirement.

12           (b) If a variance is not authorized under par. (a), the department may grant a  
13 participant a variance from a requirement in chs. 280 to 295 that would otherwise  
14 apply to a facility covered by a cooperative agreement if the variance is consistent  
15 with subs. (2) and (3) (g) and does one of the following:

16           1. Promotes the reduction in overall levels of pollution to below the levels  
17 required under chs. 280 to 295.

18           2. Provides for alternative monitoring, testing, record keeping, notification or  
19 reporting requirements that reduce the administrative burden on state agencies or  
20 the participant and that provide the information needed to ensure compliance with  
21 the cooperative agreement and the provisions of chs. 280 to 295 and rules  
22 promulgated under those chapters for which the cooperative agreement does not  
23 grant a variance.

24           **(5) APPLICATION.** The department shall solicit applications for participation in  
25 the program under this section. The owner or operator of a facility that is required

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1 to be covered by at least one approval under chs. 280 to 295 may apply to participate  
2 in the pilot program by submitting all of the following:

3 (a) A proposed cooperative agreement that satisfies sub. (3).

4 (b) A description of the process used by the applicant to establish an interested  
5 persons group that includes residents of the area in which the facility proposed to be  
6 covered by the agreement is located, a list of members of the interested persons group  
7 and a description of the involvement of the interested persons group in the  
8 development of the proposed cooperative agreement.

9 **(6) ENTERING INTO COOPERATIVE AGREEMENTS.** (a) The department shall review  
10 each proposed agreement submitted under sub. (5). Upon completion of that review,  
11 the department shall decide whether to enter into negotiations with the applicant.  
12 In determining whether to enter into negotiations and in selecting participants, the  
13 department shall seek to ensure participation by a variety of types, sizes and  
14 locations of facilities and shall consult with the federal environmental protection  
15 agency. A decision by the department not to enter into negotiations is not subject to  
16 review under ch. 227. If the department decides to enter into negotiations, it shall  
17 prepare a draft cooperative agreement and provide public notice of its decision in the  
18 manner provided in sub. (8) (d).

19 (b) During negotiations concerning a proposed cooperative agreement, the  
20 department may not modify or revoke any approval for a facility that would be  
21 replaced by the cooperative agreement if the applicant is not violating the approval.

22 (c) The department may terminate negotiations with an applicant concerning  
23 a proposed cooperative agreement and the decision to terminate negotiations is not  
24 subject to review under ch. 227.

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1 (d) Except as provided in par. (e), the department may enter into a cooperative  
2 agreement with an applicant if the department determines that the applicant's  
3 efforts described under sub. (4) (b) were adequate, that the cooperative agreement  
4 complies with sub. (3) and that entering into the agreement will assist the  
5 department to comply with sub. (2). The decision by the department to enter into a  
6 cooperative agreement is not subject to review under ch. 227.

7 (e) The department may not enter into an initial cooperative agreement after  
8 the first day of the 60th month beginning after the effective date of this paragraph  
9 .... [revisor inserts date].

10 **(6m) EXPIRATION OF COOPERATIVE AGREEMENT.** If a participant timely submits an  
11 application for an approval that is replaced by a cooperative agreement and submits  
12 any information requested by the department to enable the department to act on the  
13 application, but the department does not issue the approval before the cooperative  
14 agreement expires, sub. (9) (a) continues to apply and the provisions of the  
15 cooperative agreement continue to apply, except that the department and the  
16 participant may agree to interim requirements that do not allow pollution in excess  
17 of that allowed under chs. 280 to 295.

18 **(7) AMENDMENT, REVOCATION OF COOPERATIVE AGREEMENT.** (a) This subsection  
19 applies to the amendment or revocation of a cooperative agreement, notwithstanding  
20 any provisions of chs. 280 to 295 concerning the amendment or revocation of  
21 approvals.

22 (b) 1. The department may amend a cooperative agreement with the consent  
23 of the participant.

24 2. The department may, after an opportunity for a hearing, amend a  
25 cooperative agreement for cause, including any of the following:

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1 a. A change in federal or state environmental laws.

2 b. A violation of the cooperative agreement.

3 c. Obtaining a cooperative agreement by misrepresentation or failure to fully  
4 disclose all relevant information.

5 (c) 1. The department may revoke a cooperative agreement at the request of  
6 the participant.

7 2. The department may, after an opportunity for a hearing, revoke a cooperative  
8 agreement if it finds any of the following:

9 a. That the participant is in substantial noncompliance with the cooperative  
10 agreement, with an approval that is not replaced by the cooperative agreement or  
11 with a provision of chs. 280 to 295 or rules promulgated under those chapters for  
12 which the cooperative agreement does not grant a variance.

13 b. That the participant has refused the department's request to amend the  
14 cooperative agreement.

15 c. That the participant is unable, or has shown an unwillingness, to comply  
16 with pollution reduction goals that apply to the participant under the cooperative  
17 agreement.

18 d. That the participant has not satisfactorily addressed a substantive issue  
19 raised by a majority of the members of the interested persons group, established  
20 under sub. (5) (b), within a reasonable time after receiving notice of the issue.

21 3. If the department revokes a cooperative agreement, it shall do all of the  
22 following in a written revocation decision:

23 a. Delay any compliance deadlines established in the cooperative agreement  
24 if a delay is necessary to provide the participant with a reasonable amount of time

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1 to obtain approvals required under chs. 280 to 295 that were replaced by the  
2 cooperative agreement.

3 b. Establish practical interim requirements, that do not allow pollution in  
4 excess of that allowed under chs. 280 to 295 at the time that the cooperative  
5 agreement was entered into, to replace specified requirements of the cooperative  
6 agreement until the department issues the approvals required under chs. 280 to 295  
7 that were replaced by the cooperative agreement.

8 4. A participant shall comply with the department's revocation decision and  
9 with all requirements of the cooperative agreement for which the department does  
10 not establish interim requirements until the department issues the approvals  
11 required under chs. 280 to 295 that were replaced by the cooperative agreement.

12 (d) A final decision under par. (b) or (c) is subject to review under ch. 227.

13 **(8) PUBLIC NOTICE; MEETINGS.** (a) The department shall provide at least 30 days  
14 for public comment on the proposed issuance, amendment or revocation of a  
15 cooperative agreement.

16 (b) Before the start of the public comment period under par. (a), the department  
17 shall prepare a draft of the cooperative agreement, cooperative agreement  
18 amendment or notice of cooperative agreement revocation and a fact sheet that does  
19 all of the following:

20 1. Briefly describes the principal facts and the significant factual, legal,  
21 methodological and policy questions considered by the department.

22 2. Briefly describes how the proposed action is consistent with subs. (2) and (3).

23 3. Identifies any variances that would be granted under sub. (4) by the proposed  
24 action.

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1 (c) The department shall prepare a public notice of a proposed action under par.

2 (a) that does all of the following:

3 1. Briefly describes the facility that is the subject of the proposed action.

4 2. Identifies the proposed action and states whether any variances would be  
5 granted under sub. (4) by the proposed action.

6 3. Identifies an employe of the department and an employe of the applicant or  
7 participant who may be contacted for additional information about the proposed  
8 action.

9 4. States that the draft of the proposed action and the fact sheet under par. (b)  
10 are available upon request.

11 5. States that comments concerning the proposed action may be submitted to  
12 the department during the comment period and states the last date of the comment  
13 period.

14 6. Describes the procedures that the department will use to make a final  
15 decision on the proposed action, describes how persons may request public  
16 informational meetings, contested case hearings or public hearings and how persons  
17 may make requests to appear at those meetings and hearings.

18 (d) Before the start of the public comment period, the department shall mail  
19 the public notice under par. (c) to the applicant or participant, the federal  
20 environmental protection agency, the members of the interested persons group  
21 established under sub. (5) (b) and all persons who have asked to receive notice of  
22 proposed actions under par. (a). The department shall mail the public notice to any  
23 other person upon request. The department shall make a copy of the public notice  
24 available at the department's main office, at any other department office in the area  
25 of the facility subject to the proposed action and at public libraries in that area. The

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1 department shall circulate the public notice in the area of the facility subject to the  
2 proposed action by posting the notice in public buildings, publishing the notice in  
3 local newspapers and by any other methods that the department determines are  
4 effective.

5 (e) The department shall hold a public informational meeting on a proposed  
6 action under par. (a) if the comments received during the public comment period  
7 demonstrate considerable public interest in the proposed action.

8 **(9) EFFECT OF COOPERATIVE AGREEMENT.** (a) For the purposes of chs. 280 to 295,  
9 a cooperative agreement entered into under this section is considered to be an  
10 approval that is identified under sub. (3) (b) as being replaced by the cooperative  
11 agreement.

12 (b) A provision of an approval that is identified under sub. (3) (b) as being  
13 replaced by a cooperative agreement is superceded by the cooperative agreement.

14 **(10) FEES.** A participant shall pay the same fees under chs. 280 to 295 that it  
15 would be required to pay if it had not entered into a cooperative agreement.

16 **(11) REPORTING BY PARTICIPANTS.** (a) Reports submitted under a cooperative  
17 agreement fulfill the reporting requirements under chs. 280 to 295 relating to the  
18 facility, activities and pollutants that are covered by the cooperative agreement,  
19 except for any requirements for immediate reporting.

20 (b) A participant shall notify the department before it increases the amount of  
21 the discharge or emission of a pollutant from a covered facility and before it begins  
22 to discharge or emit a pollutant that it did not discharge or emit from a covered  
23 facility when the cooperative agreement was entered into. The notification shall  
24 describe any proposed facility expansion, production increase or process  
25 modification that would result in the increased or new discharge or emission and

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1 shall state the identity and quantity of the pollutant planned to be emitted or  
2 discharged. If the increased or new discharge or emission is not authorized under  
3 the cooperative agreement, the department may amend the cooperative agreement  
4 under sub. (7) in a manner consistent with subs. (2) and (3) or require the participant  
5 to obtain an approval if an approval is required under chs. 280 to 295.

6 **(12) REPORTS OF VIOLATIONS.** A participant shall submit a report to the  
7 department within 45 days after completion of a performance evaluation if the  
8 performance evaluation reveals violations at a facility covered by a cooperative  
9 agreement. The report shall contain all of the following:

10 (a) A description of the performance evaluation, including who conducted the  
11 performance evaluation, when it was completed, what activities and operations were  
12 examined and what was revealed by the performance evaluation.

13 (b) A description of all violations revealed by the performance evaluation.

14 (c) A description of the actions taken or proposed to be taken to correct the  
15 violations.

16 (d) A commitment to correct the violations within 90 days of submitting the  
17 report or within a compliance schedule approved by the department.

18 (e) If the participant proposes to take more than 90 days to correct the  
19 violations, a proposed compliance schedule that contains the shortest reasonable  
20 periods for correcting the violations, a statement that justifies the proposed  
21 compliance schedule, a description of measures that the participant will take to  
22 minimize the effects of the violations during the period of the compliance schedule  
23 and proposed stipulated penalties if the participant violates the compliance  
24 schedule.



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1 (f) A description of the measures that the participant has taken or will take to  
2 prevent future violations.

3 **(13) COMPLIANCE SCHEDULES.** (a) If the department receives a report under sub.  
4 (12) that contains a proposed compliance schedule under sub. (12) (e), the  
5 department shall review the proposed compliance schedule. The department may  
6 approve the compliance schedule as submitted or propose a different compliance  
7 schedule. If the participant does not agree to implement a compliance schedule  
8 proposed by the department, the department shall schedule a meeting with the  
9 participant to attempt to reach an agreement on a compliance schedule. If the  
10 department and the participant do not reach an agreement on a compliance  
11 schedule, the department shall initiate the procedure under sub. (7) (c) 2. to revoke  
12 the cooperative agreement. If the parties agree to a compliance schedule, the  
13 department shall amend the cooperative agreement to incorporate the compliance  
14 schedule.

15 (b) The department may not approve a compliance schedule that extends longer  
16 than 12 months beyond the date of approval of the compliance schedule. The  
17 department shall consider the following factors in determining whether to approve  
18 a compliance schedule:

- 19 1. The environmental and public health consequences of the violations.
- 20 2. The time needed to implement a change in raw materials or method of  
21 production if that change is an available alternative to other methods of correcting  
22 the violations.
- 23 3. The time needed to purchase any equipment or supplies that are needed to  
24 correct the violations.

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1           **(14) DEFERRED CIVIL ENFORCEMENT.** (a) 1. This state may not commence a civil  
2 action to collect forfeitures for violations at a facility covered by a cooperative  
3 agreement that are disclosed in a report that meets the requirements of sub. (12) for  
4 at least 90 days after the department receives the report.

5           2. If the participant corrects violations that are disclosed in a report that meets  
6 the requirements of sub. (12) within 90 days after the department receives a report  
7 that meets the requirements of sub. (12), this state may not commence a civil action  
8 to collect forfeitures for the violations.

9           3. This state may not commence a civil action to collect forfeitures for violations  
10 covered by a compliance schedule that is approved under sub. (13) during the period  
11 of the compliance schedule if the participant is not violating the compliance schedule.  
12 If the participant violates the compliance schedule, the department may collect the  
13 stipulated penalties in the compliance schedule or may revoke the cooperative  
14 agreement. After the department revokes a cooperative agreement, this state may  
15 commence civil action to collect forfeitures for the violations.

16           4. If the department approves a compliance schedule under sub. (13) and the  
17 participant corrects the violations according to the compliance schedule, this state  
18 may not commence a civil action to collect forfeitures for the violations.

19           (b) Notwithstanding par. (a), this state may at any time commence a civil action  
20 to collect forfeitures for violations if any of the following apply:

21           1. The violations present an imminent threat to public health or the  
22 environment or may cause serious harm to public health or the environment.

23           2. The department discovers the violations before submission of a report under  
24 sub. (12).

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1           **(15) ACCESS TO RECORDS.** (a) Except as provided in par. (b), the department shall  
2           make any record, report or other information obtained in the administration of this  
3           section available to the public.

4           (b) The department shall keep confidential any part of a record, report or other  
5           information obtained in the administration of this section, other than emission data,  
6           discharge data or information contained in a cooperative agreement, that the  
7           applicant or participant identifies as confidential and proprietary and that is  
8           entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

9           (c) If the department refuses to release information on the grounds that it is  
10          confidential under par. (b) and a person challenges that refusal, the department shall  
11          inform the applicant or participant of that challenge. Unless the applicant or  
12          participant authorizes the department to release the information, the applicant or  
13          participant shall pay the reasonable costs incurred by this state to defend the refusal  
14          to release the information.

15          (d) Paragraph (b) does not prevent the disclosure of any information to a  
16          representative of the department for the purpose of administering this section or to  
17          an officer, employe or authorized representative of the federal government for the  
18          purpose of administering federal law. When the department provides information  
19          that is confidential under par. (b) to the federal government, the department shall  
20          also provide a copy of the application for confidential status.

21          **(16) REPORTS CONCERNING THE PROGRAM UNDER THIS SECTION.** (a) Beginning not  
22          later than the first day of the 13th month beginning after the effective date of this  
23          paragraph .... [revisor inserts date], the secretary of natural resources shall submit  
24          an annual progress report on the program under this section to the governor, the

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1 environmental performance council and, under s. 13.172 (3), the standing  
2 committees of the legislature with jurisdiction over environmental matters.

3 (b) Not later than the first day of the 48th month beginning after the effective  
4 date of this paragraph .... [revisor inserts date], the secretary of natural resources  
5 shall submit a report to the governor, the environmental performance council and,  
6 under s. 13.172 (2) the legislature on the success of the program under this section.  
7 The report shall include recommendations concerning the continuation of the  
8 program under this section and any changes that should be made to the program.

9 **SECTION 3790.** 301.01 (4) of the statutes is amended to read:

10 301.01 (4) "State correctional institution" means a state prison under s. 302.01  
11 or a secured correctional facility, as defined in s. 938.02 (15m), other than the  
12 Mendota Juvenile Treatment Center.

13 **SECTION 3791.** 301.03 (2r) of the statutes is amended to read:

14 301.03 (2r) Conduct drug testing of prospective parolees or persons to be placed  
15 on community supervision who have undergone treatment while in state prison.

16 **SECTION 3792.** 301.03 (3) of the statutes is amended to read:

17 301.03 (3) Administer parole, community supervision and probation matters,  
18 except that the decision to grant or deny parole to inmates shall be made by the parole  
19 commission and the decision to revoke probation, community supervision or parole  
20 in cases in which there is no waiver of the right to a hearing shall be made by the  
21 division of hearings and appeals in the department of administration. The secretary  
22 may grant special action parole releases under s. 304.02. The department shall  
23 promulgate rules establishing a drug testing program for probationers and, parolees  
24 and persons placed on community supervision. The rules shall provide for

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1 assessment of fees upon probationers and, parolees and persons placed on  
2 community supervision to partially offset the costs of the program.

3 **SECTION 3793.** 301.03 (3b) of the statutes is created to read:

4 301.03 (3b) Establish, by rule, a program in which the department may require  
5 a probationer, parolee or person on community supervision, who has engaged in  
6 conduct that may be the basis for revocation of probation, parole or community  
7 supervision, to participate in a program designed as an alternative to the revocation  
8 of probation, parole or community supervision.

9 **SECTION 3794.** 301.03 (3g) of the statutes is amended to read:

10 301.03 (3g) Provide treatment for alcoholics and intoxicated persons on parole  
11 or community supervision.

12 **SECTION 3795.** 301.03 (6t) of the statutes is created to read:

13 301.03 (6t) By January 30 of each year, submit a report to the joint committee  
14 on finance and to the chief clerk of each house of the legislature, for distribution to  
15 the appropriate standing committees under s. 13.172 (3), establishing the statewide  
16 operating capacity of Type 1 prisons and the operating capacity of each Type 1 prison  
17 and reporting on the number of prisoners in each Type 1 prison.

18 **SECTION 3796.** 301.03 (10) (d) of the statutes is amended to read:

19 301.03 (10) (d) Administer the office of juvenile offender review program in the  
20 division of juvenile corrections in the department. The program office shall be  
21 responsible for decisions regarding case planning and, the release of juvenile  
22 offenders from juvenile correctional institutions to aftercare and ~~corrective sanctions~~  
23 placements and the transfer of juveniles to the Racine youthful offender correctional  
24 facility named in s. 302.01 as provided in s. 938.357 (4) (d).

25 **SECTION 3797.** 301.03 (10) (e) of the statutes is amended to read:

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1           301.03 (10) (e) Provide educational programs in all secured correctional  
2 facilities, as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment  
3 Center.

4           **SECTION 3798.** 301.03 (10) (f) of the statutes is amended to read:

5           301.03 (10) (f) Provide health services and psychiatric services for residents of  
6 all secured correctional facilities, as defined in s. 938.02 (15m), other than the  
7 Mendota Juvenile Treatment Center.

8           **SECTION 3799.** 301.03 (13) of the statutes is created to read:

9           301.03 (13) Annually notify each person who has been discharged from  
10 probation, parole or community supervision and who owed any supervision fees at  
11 the time of discharge of any supervision fees owed by the person to the department.

12           **SECTION 3800.** 301.03 (18) of the statutes is created to read:

13           301.03 (18) (a) Except as provided in s. 301.12 (14) (b) and (c), establish a  
14 uniform system of fees for juvenile delinquency-related services provided or  
15 purchased by the department or a county department under s. 46.215, 46.22 or 46.23,  
16 except for services provided to courts; outreach, information and referral services; or  
17 where, as determined by the department, a fee is administratively unfeasible or  
18 would significantly prevent accomplishing the purpose of the service. A county  
19 department under s. 46.215, 46.22 or 46.23 shall apply the fees that it collects under  
20 this program to cover the cost of such services.

21           (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for the services  
22 provided or purchased under par. (a) in the amount of the fee established under par.  
23 (a) any person receiving those services or the spouse of the person and, in the case  
24 of a minor, the parents of the person, and, in the case of a foreign child described in  
25 s. 48.839 (1) who became dependent on public funds for his or her primary support

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1 before an order granting his or her adoption, the resident of this state appointed  
2 guardian of the child by a foreign court who brought the child into this state for the  
3 purpose of adoption.

4 (c) Make collections from the person who in the opinion of the department is  
5 best able to pay, giving due regard to the present needs of the person or of his or her  
6 lawful dependents. The department may bring action in the name of the department  
7 to enforce the liability established under par. (b). This paragraph does not apply to  
8 the recovery of fees for the care and services specified under s. 301.12.

9 (d) Compromise or waive all or part of the liability for services received as it  
10 considers necessary to efficiently administer this subsection, subject to such  
11 conditions as the department considers appropriate. The sworn statement of the  
12 collection and deportation counsel appointed under s. 301.12 (7) or the department  
13 secretary, shall be evidence of the services provided and the fees charged for such  
14 services.

15 (e) Delegate to county departments under s. 46.215, 46.22 or 46.23 and other  
16 providers of care and services the powers and duties vested in the department by  
17 pars. (c) and (d) as it considers necessary to efficiently administer this subsection,  
18 subject to such conditions as the department considers appropriate.

19 (g) Return to county departments under s. 46.215, 46.22 or 46.23 50% of  
20 collections made by the department for delinquent accounts previously delegated  
21 under par. (e) and then referred back to the department for collections.

22 **SECTION 3801.** 301.033 of the statutes is created to read:

23 **301.033 Employment program.** The department may operate an  
24 employment program for prison inmates, probationers, parolees and persons on  
25 community supervision. Under this program, the department may contract with any

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1 public, private or voluntary agency for the employment of prison inmates,  
2 probationers, parolees and persons on community supervision and may subsidize  
3 any wage paid to the inmate, probationer, parolee or person on community  
4 supervision.

5 **SECTION 3802.** 301.046 (2) of the statutes is amended to read:

6 301.046 (2) ~~INMATE PRISONER~~, OFFICER AND EMPLOYE STATUS. Inmates Prisoners  
7 confined under sub. (1) are under the care and control of the institution, subject to  
8 its rules and discipline and subject to all laws pertaining to ~~inmates~~ prisoners of  
9 other correctional institutions. Courts may not directly commit persons to the  
10 institution under sub. (1). Officers and employes of the institution are subject to the  
11 same laws pertaining to other correctional institutions.

12 **SECTION 3803.** 301.046 (4) (d) of the statutes is amended to read:

13 301.046 (4) (d) The department shall design and prepare cards for any person  
14 specified in par. (b) to send to the department. The cards shall have space for any  
15 such person to provide his or her name and address, the name of the applicable  
16 prisoner and any other information the department determines is necessary. The  
17 department shall provide the cards, without charge, to district attorneys. District  
18 attorneys shall provide the cards, without charge, to persons specified in par. (b).  
19 These persons may send completed cards to the department. All department records  
20 or portions of records that relate to mailing addresses of these persons are not subject  
21 to inspection or copying under s. 19.35 (1), but the department shall provide  
22 information from records kept under this paragraph in response to a request for  
23 information made under s. 49.22 (2m).

24 **SECTION 3804.** 301.046 (5) of the statutes is amended to read:



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1           301.046 (5) (title) ~~ELECTRONIC SURVEILLANCE~~ MONITORING. The department  
2 shall monitor any prisoner's confinement under sub. (1) by the use of an electronic  
3 device worn continuously on the prisoner's person ~~or~~, by the confinement of the  
4 prisoner in supervised places designated by the department or by any other method  
5 the department considers appropriate. The department may permit the prisoner to  
6 leave confinement for employment, education or other rehabilitative activities.

7           **SECTION 3805.** 301.046 (7) of the statutes is created to read:

8           301.046 (7) SANCTIONS. The department may, by rule, establish sanctions for  
9 a prisoner who violates a rule or condition of confinement under sub. (1). The  
10 sanctions may include requiring a prisoner to perform community service.

11           **SECTION 3806.** 301.048 (1) (a) of the statutes is amended to read:

12           301.048 (1) (a) Punishment that is less costly than ordinary imprisonment and  
13 more restrictive than ordinary probation or parole supervision or community  
14 supervision.

15           **SECTION 3807.** 301.048 (2) (cm) of the statutes is created to read:

16           301.048 (2) (cm) A court or the department requires his or her participation in  
17 the program as a condition of community supervision under s. 302.113 (7) or 302.114  
18 (5) (d) or (8) or 973.01 (5).

19           **SECTION 3808.** 301.048 (2) (d) of the statutes is amended to read:

20           301.048 (2) (d) The department and the person agree to his or her participation  
21 in the program as an alternative to revocation of probation, community supervision  
22 or parole.

23           **SECTION 3809.** 301.048 (4) (a) of the statutes is amended to read:

24           301.048 (4) (a) A participant is in the custody and under the control of the  
25 department, subject to its rules and discipline. A participant entering the program

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1 under sub. (2) (a) or (b) is a prisoner. A participant entering the program under sub.  
2 (2) (c) is a prisoner, except that he or she is a parolee for purposes of revocation. A  
3 participant entering the program under sub. (2) (cm) is a prisoner, except that he or  
4 she remains a person on community supervision for purposes of revocation. A  
5 participant entering the program under sub. (2) (d) is a prisoner, except that he or  
6 she remains a probationer ~~or~~, parolee or person on community supervision,  
7 whichever is applicable, for purposes of revocation.

8 **SECTION 3810.** 301.048 (4) (am) of the statutes is amended to read:

9 301.048 (4) (am) A participant who is a parolee for purposes of revocation is  
10 subject to revocation for violation of any condition of parole or any rule or condition  
11 applicable because he or she is a program participant. A participant who is a person  
12 on community supervision for purposes of revocation is subject to revocation for  
13 violation of any condition of community supervision or any rule or condition  
14 applicable because he or she is a program participant. A participant who is a  
15 probationer for purposes of revocation is subject to revocation for violation of any  
16 condition of probation or any rule or condition applicable because he or she is a  
17 program participant.

18 **SECTION 3811.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

19 301.048 (4m) (b) (intro.) As soon as possible after a prisoner, probationer ~~or~~,  
20 parolee or person on community supervision who has violated s. 940.03, 940.05,  
21 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 enters the intensive  
22 sanctions program, the department shall make a reasonable effort to notify all of the  
23 following persons, if they can be found, in accordance with par. (c) and after receiving  
24 a completed card under par. (d):

25 **SECTION 3812.** 301.048 (4m) (b) 1. of the statutes is amended to read:

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1           301.048 (4m) (b) 1. The victim of the crime committed by the prisoner,  
2           probationer ~~or~~, parolee or person on community supervision or, if the victim died as  
3           a result of the crime, an adult member of the victim's family or, if the victim is younger  
4           than 18 years old, the victim's parent or legal guardian.

5           **SECTION 3813.** 301.048 (4m) (b) 2. of the statutes is amended to read:

6           301.048 (4m) (b) 2. Any witness who testified against the prisoner, probationer  
7           ~~or~~, parolee or person on community supervision in any court proceeding involving the  
8           offense.

9           **SECTION 3814.** 301.048 (4m) (d) of the statutes is amended to read:

10          301.048 (4m) (d) The department shall design and prepare cards for any person  
11          specified in par. (b) to send to the department. The cards shall have space for any  
12          such person to provide his or her name and address, the name of the applicable  
13          participant and any other information the department determines is necessary. The  
14          department shall provide the cards, without charge, to district attorneys. District  
15          attorneys shall provide the cards, without charge, to persons specified in par. (b).  
16          These persons may send completed cards to the department. All department records  
17          or portions of records that relate to mailing addresses of these persons are not subject  
18          to inspection or copying under s. 19.35 (1), but the department shall provide  
19          information from records kept under this paragraph in response to a request for  
20          information made under s. 49.22 (2m).

21          **SECTION 3815.** 301.048 (6) of the statutes is renumbered 301.048 (6) (a) and  
22          amended to read:

23          301.048 (6) (a) The Except as provided in par. (b), the department may  
24          discharge a participant from participation in the program and from departmental  
25          custody and control at any time.

**SENATE BILL 77****SECTION 3816**

1           **SECTION 3816.** 301.048 (6) (b) of the statutes is created to read:

2           301.048 **(6)** (b) The department may discharge a participant who is on  
3 community supervision under s. 302.113 from participation in the program at any  
4 time, but the person remains under departmental supervision under the terms of the  
5 person's bifurcated sentence imposed under s. 973.01 until the end of that sentence.

6           **SECTION 3817.** 301.048 (7) of the statutes is amended to read:

7           301.048 **(7)** REIMBURSEMENT. The department shall provide reimbursement to  
8 counties and others for the actual costs incurred under sub. (3), as authorized by the  
9 department, from the appropriations under s. 20.410 (1) (ab) and ~~(ai)~~ (b).

10          **SECTION 3818.** 301.049 (2) (a) 2. of the statutes is amended to read:

11          301.049 **(2)** (a) 2. On probation, community supervision or parole and who, if  
12 approved by the department under par. (b), would participate in the program as an  
13 alternative to revocation of probation, community supervision or parole.

14          **SECTION 3819.** 301.049 (3) (e) of the statutes is amended to read:

15          301.049 **(3)** (e) Prepare each mother to be able to live in a safe, lawful and stable  
16 manner in the community upon parole, community supervision or discharge.

17          **SECTION 3820.** 301.055 of the statutes is repealed.

18          **SECTION 3821.** 301.08 (1) (c) 1. of the statutes is repealed.

19          **SECTION 3822.** 301.08 (1) (c) 2. of the statutes is amended to read:

20          301.08 **(1)** (c) 2. Beginning on January 1, 1996, the department may contract  
21 with public, private or voluntary vendors for the supervision or for any component  
22 of the supervision of probationers ~~and~~, parolees and persons on community  
23 supervision who are under minimum supervision or administrative supervision.

24          The

**SENATE BILL 77****SECTION 3822**

1           3. Except as provided in subd. 3m., a contract under subd. 2. shall authorize  
2           any such a vendor to charge a fee to probationers and, parolees and persons on  
3           community supervision sufficient to cover the cost of supervision and administration  
4           of the contract.

5           4. If the department collects any moneys from a vendor under the a contract  
6           under subd. 2., the department shall credit those moneys to the appropriation  
7           account under s. 20.410 (1) (ge).

8           5. The department shall promulgate rules for fees, collections, reporting and  
9           verification regarding probationers and, parolees and persons on community  
10           supervision supervised by the a vendor who contracts with the department under  
11           subd. 2. and shall promulgate rules defining “administrative supervision” and  
12           “minimum supervision”.

13           **SECTION 3823.** 301.08 (1) (c) 3m. of the statutes is created to read:

14           301.08 (1) (c) 3m. A contract under subd. 2. shall permit the department to  
15           prohibit a vendor from charging a fee to a probationer, parolee or person on  
16           community supervision who is supervised under the contract if the probationer,  
17           parolee or person on community supervision demonstrates that he or she is unable  
18           to pay the fee because of any of the following:

19           a. The probationer, parolee or person on community supervision is undergoing  
20           treatment approved by the department and is unable to work.

21           b. The probationer, parolee or person on community supervision has a  
22           statement from a physician certifying to the department that the probationer,  
23           parolee or person on community supervision should be excused from working for  
24           medical reasons.

25           **SECTION 3824.** 301.08 (2) (d) 5. of the statutes is amended to read:

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1           301.08 (2) (d) 5. Charge a uniform schedule of fees established under s. 46.03  
2     301.03 (18) unless waived by the purchaser with approval of the department.  
3     Whenever providers recover funds attributed to the client, the funds shall offset the  
4     amount paid under the contract.

5           **SECTION 3825.** 301.12 of the statutes is repealed and recreated to read:

6           **301.12 Cost of care and maintenance, liability; collection and**  
7     **deportation counsel; collections; court actions; recovery. (1)** Liability and  
8     the collection and enforcement of such liability for the care, maintenance, services  
9     and supplies specified in this section is governed exclusively by this section, except  
10    in cases of child support ordered by a court under s. 938.183 (4), 938.355 (2) (b) 4.,  
11    938.357 (5m) or 938.363 (2) or ch. 767.

12           **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including  
13    but not limited to a person placed under s. 48.366, 938.183, 938.34 (4h) or (4m) or  
14    938.357 (4) or (5) (e), receiving care, maintenance, services and supplies provided by  
15    any institution in this state operated or contracted for by the department, in which  
16    the state is chargeable with all or part of the person's care, maintenance, services and  
17    supplies, and the person's property and estate, including the homestead, and the  
18    spouse of the person, and the spouse's property and estate, including the homestead,  
19    and, in the case of a minor child, the parents of the person, and their property and  
20    estates, including their homestead, and, in the case of a foreign child described in s.  
21    48.839 (1) who became dependent on public funds for his or her primary support  
22    before an order granting his or her adoption, the resident of this state appointed  
23    guardian of the child by a foreign court who brought the child into this state for the  
24    purpose of adoption, and his or her property and estate, including his or her  
25    homestead, shall be liable for the cost of the care, maintenance, services and supplies

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1 in accordance with the fee schedule established by the department under s. 301.03  
2 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully  
3 dependent upon the property for their support, the court shall release all or such part  
4 of the property and estate from the charges that may be necessary to provide for those  
5 persons. The department shall make every reasonable effort to notify the liable  
6 persons as soon as possible after the beginning of the maintenance, but the notice or  
7 the receipt thereof is not a condition of liability.

8 **(2m)** The liability specified in sub. (2) shall not apply to persons 17 and older  
9 receiving care, maintenance, services and supplies provided by prisons named in s.  
10 302.01.

11 **(3)** After investigation of the liable persons' ability to pay, the department shall  
12 make collection from the person who in the opinion of the department under all of  
13 the circumstances is best able to pay, giving due regard to relationship and the  
14 present needs of the person or of the lawful dependents. However, the liability of  
15 relatives for maintenance shall be in the following order: first, the spouse of the  
16 resident; then, in the case of a minor, the parent or parents.

17 **(4)** (a) If a person liable under sub. (2) fails to make payment or enter into or  
18 comply with an agreement for payment, the department may bring an action to  
19 enforce the liability or may issue an order to compel payment of the liability. Any  
20 person aggrieved by an order issued by the department under this paragraph may  
21 appeal the order as a contested case under ch. 227 by filing with the department a  
22 request for a hearing within 30 days after the date of the order.

23 (b) If judgment is rendered in an action brought under par. (a) for any balance  
24 that is 90 or more days past due, interest at the rate of 12% per year shall be  
25 computed by the clerk and added to the liable person's costs. That interest shall

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1 begin on the date on which payment was due and shall end on the day before the date  
2 of any interest that is computed under s. 814.04 (4).

3 (c) If the department issues an order to compel payment under par. (a), interest  
4 at the rate of 12% per year shall be computed by the department and added at the  
5 time of payment to the person's liability. That interest shall begin on the date on  
6 which payment was due and shall end on the day before the date of final payment.

7 (5) If any person named in an order to compel payment issued under sub. (4)  
8 (a) fails to pay the department any amount due under the terms of the order and no  
9 contested case to review the order is pending and the time for filing for a contested  
10 case review has expired, the department may present a certified copy of the order to  
11 the circuit court for any county. The circuit court shall, without notice, render  
12 judgment in accordance with the order. A judgment rendered under this subsection  
13 shall have the same effect and shall be entered in the judgment and lien docket and  
14 may be enforced in the same manner as if the judgment had been rendered in an  
15 action tried and determined by the circuit court.

16 (6) The sworn statement of the collection and deportation counsel, or of the  
17 secretary, shall be evidence of the fee and of the care and services received by the  
18 resident.

19 (7) The department shall administer and enforce this section. It shall appoint  
20 an attorney to be designated "collection and deportation counsel" and other  
21 necessary assistants. The department may delegate to such counsel such other  
22 powers and duties as it considers advisable. The collection or deportation counsel or  
23 any of the assistants may administer oaths, take affidavits and testimony, examine  
24 public records, subpoena witnesses and the production of books, papers, records, and  
25 documents material to any matter of proceeding relating to payments for the cost of



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1 maintenance. The department shall encourage agreements or settlements with the  
2 liable person, having due regard to ability to pay and the present needs of lawful  
3 dependents.

4 (8) The department may:

5 (a) Appear for the state in any and all collection and deportation matters  
6 arising in the several courts, and may commence suit in the name of the department  
7 to recover the cost of maintenance against the person liable therefor.

8 (b) Determine whether any residents are subject to deportation; and on behalf  
9 of this state enter into reciprocal agreements with other states for deportation and  
10 importation of persons who are public charges, upon such terms as will protect the  
11 state's interests and promote mutual amicable relations with other states.

12 (c) From time to time investigate the financial condition and needs of persons  
13 liable under sub. (2), their ability to presently maintain themselves, the persons  
14 legally dependent upon them for support, the protection of the property and  
15 investments from which they derive their living and their care and protection, for the  
16 purpose of ascertaining the person's ability to make payment in whole or in part.

17 (d) After due regard to the case and to a spouse and minor children who are  
18 lawfully dependent on the property for support, compromise or waive any portion of  
19 any claim of the state or county for which a person specified under sub. (2) is liable,  
20 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other  
21 3rd party.

22 (e) Make an agreement with a person who is liable under sub. (2), or who may  
23 be willing to assume the cost of maintenance of any resident, providing for the  
24 payment of such costs at a specified rate or amount.

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1 (f) Make adjustment and settlement with the several counties for their proper  
2 share of all moneys collected.

3 (i) Pay quarterly from the appropriation account under s. 20.410 (3) (gg) the  
4 collection moneys due county departments under ss. 46.215, 46.22 and 46.23.  
5 Payments shall be made as soon after the close of each quarter as is practicable.

6 **(9)** Any person who wilfully testifies falsely as to any material matter in an  
7 investigation or proceeding under this section shall be guilty of perjury. Banks,  
8 employers, insurers, savings banks, savings and loan associations, brokers and  
9 fiduciaries, upon request of the department, shall furnish in writing and duly  
10 certified, full information regarding the property, earnings or income or any funds  
11 deposited to the credit of or owing to any person liable under sub. (2). Such certified  
12 statement shall be admissible in evidence in any action or proceeding to compel  
13 payment under this section, and shall be evidence of the facts therein stated,  
14 provided a copy of such statement be served upon the party sought to be charged not  
15 less than 3 days before the hearing.

16 **(10)** The department shall make all reasonable and proper efforts to collect all  
17 claims for maintenance, to keep payments current, and to periodically review all  
18 unpaid claims.

19 **(11)** (a) Except as provided in par. (b), in any action to recover from a person  
20 liable under this section, the statute of limitations may be pleaded in defense.

21 (b) If a person who is liable under this section is deceased, a claim may be filed  
22 against the decedent's estate and the statute of limitations specified in s. 859.02 shall  
23 be exclusively applicable.

24 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in  
25 sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age

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1 in residential, nonmedical facilities such as group homes, foster homes, treatment  
2 foster homes, child caring institutions and juvenile correctional institutions is  
3 determined in accordance with the cost-based fee established under s. 301.03 (18).  
4 The department shall bill the liable person up to any amount of liability not paid by  
5 an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules  
6 which include formulas governing ability to pay promulgated by the department  
7 under s. 301.03 (18). Any liability of the resident not payable by any other person  
8 terminates when the resident reaches age 17, unless the liable person has prevented  
9 payment by any act or omission.

10 (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent  
11 specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's  
12 minor child who has been placed by a court order under s. 938.183, 938.355 or  
13 938.357 in a residential, nonmedical facility such as a group home, foster home,  
14 treatment foster home, child caring institution or juvenile correctional institution  
15 shall be determined by the court by using the percentage standard established by the  
16 department of industry, labor and job development under s. 49.22 (9) and by applying  
17 the percentage standard in the manner established by the department under par. (g).

18 (c) Upon request by a parent, the court may modify the amount of child support  
19 payments determined under par. (b), subject to par. (cm), if, after considering the  
20 following factors, the court finds by the greater weight of the credible evidence that  
21 the use of the percentage standard is unfair to the child or to either of the parents:

- 22 1. The needs of the child.
- 23 2. The physical, mental and emotional health needs of the child, including any  
24 costs for the child's health insurance provided by a parent.

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1           3. The standard of living and circumstances of the parents, including the needs  
2 of each parent to support himself or herself at a level equal to or greater than that  
3 established under 42 USC 9902 (2).

4           4. The financial resources of the parents.

5           5. The earning capacity of each parent, based on each parent's education,  
6 training and work experience and based on the availability of work in or near the  
7 parent's community.

8           6. The need and capacity of the child for education, including higher education.

9           7. The age of the child.

10          8. The financial resources and the earning ability of the child.

11          9. The needs of any person, including dependent children other than the child,  
12 whom either parent is legally obligated to support.

13          10. The best interests of the child, including, but not limited to, the impact on  
14 the child of expenditures by the family for improvement of any conditions in the home  
15 that would facilitate the reunification of the child with the child's family, if  
16 appropriate, and the importance of a placement that is the least restrictive of the  
17 rights of the child and the parents and the most appropriate for meeting the needs  
18 of the child and the family.

19          11. Any other factors that the court in each case determines are relevant.

20          (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child  
21 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the  
22 child for whom support is ordered, the amount of the child support payments  
23 determined under par. (b) or (c) may not exceed the amount of the adoption assistance  
24 payments.

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1           2. Subdivision 1. does not apply if, after considering the factors under par. (c)  
2           1. to 11., the court finds by the greater weight of the credible evidence that limiting  
3           the amount of the child support payments to the amount of the adoption assistance  
4           payments is unfair to the child or to either of the parents.

5           (d) If the court finds under par. (c) that use of the percentage standard is unfair  
6           to the minor child or either of the parents, the court shall state in writing or on the  
7           record the amount of support that would be required by using the percentage  
8           standard, the amount by which the court's order deviates from that amount, its  
9           reasons for finding that use of the percentage standard is unfair to the child or the  
10          parent, its reasons for the amount of the modification and the basis for the  
11          modification.

12          (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) or  
13          938.363 (2) for support determined under this subsection constitutes an assignment  
14          of all commissions, earnings, salaries, wages, pension benefits, benefits under ch.  
15          102 or 108 and other money due or to be due in the future to the county department  
16          under s. 46.215, 46.22 or 46.23 in the county where the order was entered or to the  
17          department, depending upon the placement of the child as specified by rules  
18          promulgated under subd. 5. The assignment shall be for an amount sufficient to  
19          ensure payment under the order.

20          2. Except as provided in subd. 3., for each payment made under the assignment,  
21          the person from whom the payer under the order receives money shall receive an  
22          amount equal to the person's necessary disbursements, not to exceed \$3, which shall  
23          be deducted from the money to be paid to the payer.

24          3. Benefits under ch. 108 may be assigned and withheld only in the manner  
25          provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for

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1 an amount certain. When money is to be withheld from these benefits, no fee may  
2 be deducted from the amount withheld and no fine may be levied for failure to  
3 withhold the money.

4 4. No employer may use an assignment under this paragraph as a basis for the  
5 denial of employment to a person, the discharge of an employe or any disciplinary  
6 action against an employe. An employer who denies employment or discharges or  
7 disciplines an employe in violation of this subdivision may be fined not more than  
8 \$500 and may be required to make full restitution to the aggrieved person, including  
9 reinstatement and back pay. Except as provided in this subdivision, restitution shall  
10 be in accordance with s. 973.20. An aggrieved person may apply to the district  
11 attorney or to the department of industry, labor and job development for enforcement  
12 of this subdivision.

13 5. The department shall promulgate rules for the operation and  
14 implementation of assignments under this paragraph.

15 (f) If the amount of the child support determined under this subsection is  
16 greater than the cost for the care and maintenance of the minor child in the  
17 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or  
18 otherwise dispose of any funds that are collected in excess of the cost of such care and  
19 maintenance in a manner that the assignee determines will serve the best interests  
20 of the minor child.

21 (g) For purposes of determining child support under par. (b), the department  
22 shall promulgate rules related to the application of the standard established by the  
23 department of industry, labor and job development under s. 49.22 (9) to a child  
24 support obligation for the care and maintenance of a child who is placed by a court  
25 order under s. 938.183, 938.355 or 938.357 in a residential, nonmedical facility. The

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1 rules shall take into account the needs of any person, including dependent children  
2 other than the child, whom either parent is legally obligated to support.

3 (16) The department shall delegate to county departments under ss. 46.215,  
4 46.22 and 46.23 or the local providers of care and services meeting the standards  
5 established by the department under s. 301.08, the responsibilities vested in the  
6 department under this section for collection of fees for services other than those  
7 provided at state facilities if such county departments or providers meet the  
8 conditions considered appropriate by the department. The department may delegate  
9 to county departments under ss. 46.215, 46.22 and 46.23 the responsibilities vested  
10 in the department under this section for collection of fees for services provided at the  
11 state facilities if the necessary conditions are met.

12 **SECTION 3826.** 301.132 (2) of the statutes is amended to read:

13 301.132 (2) The department may require, as a condition of probation ~~or~~, parole  
14 or community supervision, that a probationer ~~or~~, parolee or person on community  
15 supervision who is a sex offender submit to a lie detector test when directed to do so  
16 by the department.

17 **SECTION 3827.** 301.132 (3) of the statutes is amended to read:

18 301.132 (3) The department shall promulgate rules establishing a lie detector  
19 test program for probationers ~~and~~, parolees and persons on community supervision  
20 who are sex offenders. The rules shall provide for assessment of fees upon  
21 probationers ~~and~~, parolees and persons on community supervision to partially offset  
22 the costs of the program.

23 **SECTION 3828.** 301.16 (1p) of the statutes is renumbered 301.16 (1x).

24 **SECTION 3829.** 301.16 (1r) of the statutes is created to read:

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1           301.16 (1r) In addition to the institutions under sub. (1), the department shall  
2 establish a medium security correctional institution for persons 15 years of age or  
3 over, but not more than 23 years of age, who have been placed in a state prison under  
4 s. 302.01. The medium security correctional institution under this subsection shall  
5 be known as the Racine Youthful Offender Correctional Facility and shall be located  
6 at the intersection of Albert Street and North Memorial Drive in the city of Racine.

7           **SECTION 3830.** 301.18 (1) (by) of the statutes is created to read:

8           301.18 (1) (by) Provide the facilities necessary for the Racine Youthful Offender  
9 Correctional Facility under s. 301.16 (1r).

10          **SECTION 3831.** 301.21 (1) (h) of the statutes is amended to read:

11          301.21 (1) (h) Provisions concerning procedures for probation, parole,  
12 community supervision and discharge.

13          **SECTION 3832.** 301.22 of the statutes is created to read:

14          **301.22 Contracts with private persons for the transfer and**  
15 **confinement of Wisconsin prisoners in other states.** (1) The department may  
16 enter into one or more contracts with a private person for the transfer and  
17 confinement in another state of prisoners who have been committed to the custody  
18 of the department. Any such contract shall provide for all of the following:

19           (a) A termination date.

20           (b) Provisions concerning the costs of prisoner maintenance, extraordinary  
21 medical and dental expenses and any participation in or receipt by prisoners of  
22 rehabilitative or correctional services, facilities, programs or treatment, including  
23 those costs not reasonably included as part of normal maintenance.

24           (c) Provisions concerning any participation in programs of prisoner  
25 employment if any, the disposition or crediting of any payments received by prisoners



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1 on account of employment, and the crediting of proceeds from or disposal of any  
2 products resulting from employment.

3 (d) Delivery and retaking of prisoners.

4 (e) Regular reporting procedures concerning Wisconsin prisoners by the  
5 private person with which the department is contracting.

6 (f) Provisions concerning procedures for probation, parole, community  
7 supervision and discharge.

8 (g) The same standards of reasonable and humane care as the prisoners would  
9 receive in an appropriate Wisconsin institution.

10 (h) Any other matters as are necessary and appropriate to fix the obligations,  
11 responsibilities and rights of Wisconsin and the private person with which the  
12 department is contracting.

13 **(2)** While in an institution in another state covered by a contract under this  
14 section, Wisconsin prisoners are subject to all provisions of law and regulation  
15 concerning the confinement of persons in that institution under the laws of that  
16 state.

17 **(3)** Any hearing to consider parole to which a prisoner confined under a  
18 contract under this section may be entitled by the laws of Wisconsin shall be  
19 conducted by the Wisconsin parole commission under rules of the department.

20 **(4)** Sections 16.75 and 301.08 (2) do not apply to contracts entered into under  
21 this section.

22 **(5)** The provisions of any contract entered into under this section are severable.  
23 If any provision of such a contract is invalid, or if the application of a provision of the  
24 contract to any person or circumstance is invalid, the invalidity does not affect other

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1 provisions or applications which can be given effect without the invalid provision or  
2 application.

3 **SECTION 3833.** 301.26 (2) (b) of the statutes is amended to read:

4 301.26 (2) (b) Uniform fees collected or received by counties under s. 46.03  
5 301.03 (18) for services provided under this section shall be applied to cover the cost  
6 of the services.

7 **SECTION 3834.** 301.26 (3) (c) of the statutes is amended to read:

8 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd)  
9 and ~~(oo)~~ (ko), the department shall allocate funds to each county for services under  
10 this section.

11 **SECTION 3835.** 301.26 (4) (a) of the statutes is amended to read:

12 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of  
13 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)  
14 for the costs of care, services and supplies purchased or provided by the department  
15 of corrections for each person receiving services under s. 48.366, 938.183 ~~(2)~~ or 938.34  
16 or the department of health and family services for each person receiving services  
17 under s. 46.057 or 51.35 (3). The department of corrections may not bill a county for  
18 or deduct from a county's allocation the cost of care, services and supplies provided  
19 to a person subject to an order under s. 48.366 or 938.183 ~~(2)~~ after the person reaches  
20 18 years of age. Payment shall be due within 60 days after the billing date. If any  
21 payment has not been received within 60 days, the department of corrections may  
22 withhold aid payments in the amount due from the appropriation under s. 20.410 (3)  
23 (cd).

24 **SECTION 3836.** 301.26 (4) (b) of the statutes is amended to read:

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1           301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
2           the basis of the per person per day cost estimate specified in par. (d) ~~3m.~~ and 2. to 4.  
3           Except as provided in pars. (bm), (c) and (cm), liability shall apply to county  
4           departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising  
5           jurisdiction under chs. 48 and 938 for each person receiving services from the  
6           department of corrections under s. 48.366, 938.183 ~~(2)~~ or 938.34 or the department  
7           of health and family services under s. 46.057 or 51.35 (3). Except as provided in pars.  
8           (bm), (c) and (cm), in multicounty court jurisdictions, the county of residency within  
9           the jurisdiction shall be liable for costs under this subsection. Assessment of costs  
10          under par. (a) shall also be made according to the general placement type or level of  
11          care provided, as defined by the department, and prorated according to the ratio of  
12          the amount designated under sub. (3) (c) to the total applicable estimated costs of  
13          care, services and supplies provided by the department of corrections under ss.  
14          48.366, 938.183 ~~(2)~~ and 938.34 and the department of health and family services  
15          under s. 46.057 or 51.35 (3).

16           **SECTION 3837.** 301.26 (4) (c) of the statutes is amended to read:

17           301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of  
18          corrections shall pay, from the appropriation account under s. 20.410 (3) (hm), the  
19          costs of care, services and supplies provided for each person receiving services under  
20          s. 46.057, 48.366, 51.35 (3), 938.183 ~~(2)~~ or 938.34 who was under the guardianship  
21          of the department of health and family services pursuant to an order under ch. 48  
22          at the time that the person was adjudicated delinquent.

23           **SECTION 3838.** 301.26 (4) (cm) 3. of the statutes is amended to read:

24           301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile  
25          correctional services under this paragraph shall be equal to the per person daily cost

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1 assessment to counties under par. (d) ~~3m.~~ and 2. to 4. for juvenile correctional  
2 services.

3 **SECTION 3839.** 301.26 (4) (d) 1. of the statutes is amended to read:

4 301.26 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s.  
5 938.34, all payments and deductions made under this subsection and uniform fee  
6 collections made under s. ~~46.03~~ 301.03 (18) shall be ~~deposited in~~ credited to the  
7 appropriation account under s. 20.410 (3) (hm).

8 **SECTION 3840.** 301.26 (4) (d) 1m. of the statutes is amended to read:

9 301.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under ss.  
10 48.366 and 938.183 ~~(2)~~, all payments and deductions made under this subsection and  
11 uniform fee collections made under s. ~~46.03~~ 301.03 (18) shall be ~~deposited in~~ credited  
12 to the appropriation account under s. 20.410 (3) (hm).

13 **SECTION 3841.** 301.26 (4) (d) 2. of the statutes is created to read:

14 301.26 (4) (d) 2. Beginning on July 1, 1997, and ending on December 31, 1997,  
15 the per person daily cost assessment to counties shall be \$137.52 for care in a Type 1  
16 secured correctional facility, as defined in s. 938.02 (19), \$137.52 for care for juveniles  
17 transferred from a juvenile correctional institution under s. 51.35 (3), \$160.22 for  
18 care in a child caring institution, including a secured child caring institution, \$111.16  
19 for care in a group home, \$24.78 for care in a foster home, \$71.35 for care in a  
20 treatment foster home, \$77.75 for departmental corrective sanctions services and  
21 \$15.55 for departmental aftercare services.

22 **SECTION 3842.** 301.26 (4) (d) 3. of the statutes is created to read:

23 301.26 (4) (d) 3. In calendar year 1998, the per person daily cost assessment  
24 to counties shall be \$147.40 for care in a Type 1 secured correctional facility, as  
25 defined in s. 938.02 (19), \$147.40 for care for juveniles transferred from a juvenile

**SENATE BILL 77****SECTION 3842**

1 correctional institution under s. 51.35 (3), \$161.79 for care in a child caring  
2 institution, including a secured child caring institution, \$112.25 for care in a group  
3 home, \$25.02 for care in a foster home, \$72.05 for care in a treatment foster home,  
4 \$69.16 for departmental corrective sanctions services and \$15.25 for departmental  
5 aftercare services.

6 **SECTION 3843.** 301.26 (4) (d) 3m. of the statutes is repealed.

7 **SECTION 3844.** 301.26 (4) (d) 4. of the statutes is amended to read:

8 301.26 (4) (d) 4. Beginning on January 1, ~~1997~~ 1999, and ending on  
9 June 30, ~~1997~~ 1999, the per person daily cost assessment to counties shall be ~~\$133.82~~  
10 \$151.32 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),  
11 ~~\$133.82~~ \$151.32 for care for ~~children~~ juveniles transferred from a juvenile  
12 correctional institution under s. 51.35 (3), ~~\$157.08~~ \$163.36 for care in a child caring  
13 institution, including a secured child caring institution, ~~\$108.98~~ \$113.34 for care in  
14 a group home ~~for children~~, ~~\$24.29~~ \$25.26 for care in a foster home, ~~\$69.95~~ \$72.75 for  
15 care in a treatment foster home, ~~\$82.11~~ \$62.81 for departmental corrective sanctions  
16 services and ~~\$14.95~~ \$14.96 for departmental aftercare services.

17 **SECTION 3845.** 301.26 (4) (dt) of the statutes is amended to read:

18 301.26 (4) (dt) For serious juvenile offender services, all uniform fee collections  
19 under s. ~~46.03~~ 301.03 (18) shall be deposited in the appropriation account under s.  
20 20.410 (3) (hm).

21 **SECTION 3846.** 301.26 (4) (e) of the statutes is amended to read:

22 301.26 (4) (e) For foster care, treatment foster care, group home care and  
23 institutional child care to delinquent ~~children~~ juveniles under ss. 49.19 (10) (d),  
24 938.48 (4) and (14) and 938.52 all payments and deductions made under this

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1 subsection and uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be deposited  
2 ~~in~~ credited to the appropriation account under s. 20.410 (3) (ho).

3 **SECTION 3847.** 301.26 (4) (ed) of the statutes is amended to read:

4 301.26 (4) (ed) For foster care, treatment foster care, group home care and  
5 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48  
6 (4) and (14) and 938.52 all uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be  
7 deposited ~~in~~ credited to the appropriation account under s. 20.410 (3) (ho).

8 **SECTION 3848.** 301.26 (4) (eg) of the statutes is amended to read:

9 301.26 (4) (eg) For corrective sanctions services under s. 938.533 (2), all  
10 payments and deductions made under this subsection and uniform fee collections  
11 under s. ~~46.03~~ 301.03 (18) shall be deposited ~~in~~ credited to the appropriation account  
12 under s. 20.410 (3) (hr).

13 **SECTION 3849.** 301.26 (4) (g) of the statutes is amended to read:

14 301.26 (4) (g) For juvenile field and institutional aftercare services under ch.  
15 938 and for the office of juvenile offender review program, all payments and  
16 deductions made under this subsection and uniform fee collections under s. ~~46.03~~  
17 301.03 (18) shall be deposited in the general fund and shall be treated as a  
18 nonappropriated receipt.

19 **SECTION 3850.** 301.26 (6) (a) of the statutes is amended to read:

20 301.26 (6) (a) The intent of this subsection is to develop criteria to assist the  
21 legislature in allocating funding, excluding funding for base allocations, from the  
22 appropriations under s. 20.410 (3) (cd) and ~~(eo)~~ (ko) for purposes described in this  
23 section.

24 **SECTION 3851.** 301.26 (7) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 3851**

1           301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
2 of federal funds and of the appropriations under s. 20.410 (3) (cd) and ~~(ee)~~ (ko), the  
3 department shall allocate funds for community youth and family aids for the period  
4 beginning on July 1, ~~1996~~ 1997, and ending on June 30, ~~1997~~ 1998, as provided in  
5 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

6           **SECTION 3852.** 301.263 (title) of the statutes is renumbered 46.263 (title).

7           **SECTION 3853.** 301.263 (1) of the statutes is renumbered 46.263 (1) and  
8 amended to read:

9           46.263 (1) From the appropriation under s. ~~20.410~~ 20.435 (3) (f), the  
10 department shall distribute \$3,750,000 in each year to counties for early  
11 intervention services ~~for first offenders~~ and for intensive community-based  
12 intervention services ~~for seriously chronic offenders~~.

13           **SECTION 3854.** 301.263 (2) of the statutes is renumbered 46.263 (2).

14           **SECTION 3855.** 301.263 (3) of the statutes is renumbered 46.263 (3).

15           **SECTION 3856.** 301.265 (2) of the statutes is amended to read:

16           301.265 (2) From the appropriation under s. 20.410 (3) ~~(p)~~ (kp), the department  
17 ~~shall allocate~~ may not distribute more than \$300,000 in each fiscal year to the  
18 organization that it has contracted with under sub. (1) for alcohol and other drug  
19 abuse education and treatment services for participants in that organization's youth  
20 diversion program.

21           **SECTION 3857.** 301.32 (1) of the statutes is amended to read:

22           301.32 (1) PROPERTY DELIVERED TO STEWARD; CREDIT AND DEBIT. All money  
23 including wages and other property delivered to an officer or employe of any  
24 institution for the benefit of a prisoner or resident shall be delivered to the steward,  
25 who shall enter the property upon his or her books to the credit of the prisoner or

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1 resident. The property may be used only under the direction and with the approval  
2 of the superintendent or warden and for the crime victim and witness assistance  
3 surcharge under s. 973.045 (4), the delinquency victim and witness assistance  
4 surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid analysis surcharge  
5 under s. 973.046 or the benefit of the prisoner or resident. If the money remains  
6 uncalled for for one year after the prisoner's or resident's death or departure from the  
7 institution, the superintendent shall deposit it in the general fund. If any prisoner  
8 or resident leaves property, other than money, uncalled for at an institution for one  
9 year, the superintendent shall sell the property and deposit the proceeds in the  
10 general fund. If any person satisfies the department, within 5 years after the deposit,  
11 of his or her right to the deposit, the department shall direct the department of  
12 administration to draw its warrant in favor of the claimant and it shall charge the  
13 same to the appropriation made by s. 20.913 (3) (bm).

14 **SECTION 3858.** 301.32 (3) (a) of the statutes is amended to read:

15 301.32 (3) (a) All money or other property paid or delivered to a probation,  
16 community supervision and parole agent or other employe of the department by or  
17 for the benefit of any person on probation, community supervision or parole shall be  
18 immediately transmitted to the department and it shall enter the same upon its  
19 books to his or her credit. The property shall be used only under the direction of the  
20 department.

21 **SECTION 3859.** 301.32 (3) (b) of the statutes is amended to read:

22 301.32 (3) (b) If the person on probation, community supervision or parole  
23 absconds, the money shall be credited to the revolving fund created by s. 304.075; and  
24 other property if not called for within one year shall be sold by the department and  
25 the proceeds shall be credited to the fund.



**SENATE BILL 77****SECTION 3860**

1           **SECTION 3860.** 301.35 (2) (bm) of the statutes is created to read:

2           301.35 (2) (bm) A person on community supervision.

3           **SECTION 3861.** 301.38 (1) (am) of the statutes is amended to read:

4           301.38 (1) (am) "Prisoner" has the meaning given in s. 301.01 (2), but does not  
5 include any person in the intensive sanctions program under s. 301.048 or any person  
6 who is imprisoned as an alternative to the revocation of probation, community  
7 supervision or parole.

8           **SECTION 3862.** 301.38 (4) of the statutes is amended to read:

9           301.38 (4) The department shall design and prepare cards for any person  
10 specified in sub. (2) to send to the department. The cards shall have space for any  
11 such person to provide his or her name, telephone number and mailing address, the  
12 name of the applicable prisoner and any other information that the department  
13 determines is necessary. The department shall provide the cards, without charge,  
14 to district attorneys. District attorneys shall provide the cards, without charge, to  
15 persons specified in sub. (2). These persons may send completed cards to the  
16 department. All department records or portions of records that relate to telephone  
17 numbers and mailing addresses of these persons are not subject to inspection or  
18 copying under s. 19.35 (1), but the department shall provide information from  
19 records kept under this subsection in response to a request for information made  
20 under s. 49.22 (2m).

21           **SECTION 3863.** 301.45 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
22 440, is amended to read:

23           301.45 (1) (b) Is in prison, a secured correctional facility, as defined in s. 938.02  
24 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on  
25 probation, community supervision, parole, supervision or aftercare supervision on

**SENATE BILL 77****SECTION 3863**

1 or after December 25, 1993, for any violation, or for the solicitation, conspiracy or  
2 attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02  
3 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s.  
4 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent.

5 **SECTION 3864.** 301.45 (1) (bm) of the statutes, as created by 1995 Wisconsin Act  
6 440, is amended to read:

7 301.45 (1) (bm) Is in prison, a secured correctional facility, as defined in s.  
8 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
9 on probation, community supervision, parole, supervision or aftercare supervision  
10 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or  
11 attempt to commit a violation, of a law of this state that is comparable to s. 940.22  
12 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
13 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or  
14 940.31 if the victim was a minor and the person was not the victim's parent.

15 **SECTION 3865.** 301.45 (1) (dh) of the statutes, as created by 1995 Wisconsin Act  
16 440, is amended to read:

17 301.45 (1) (dh) Is on parole, community supervision or probation in this state  
18 from another state under s. 304.13 or 304.135 on or after December 25, 1993, for a  
19 violation, or for the solicitation, conspiracy or attempt to commit a violation, of the  
20 law of another state that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2)  
21 or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08,  
22 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim  
23 was a minor and the person was not the victim's parent.

24 **SECTION 3866.** 301.45 (2) (a) 4. b. of the statutes, as created by 1995 Wisconsin  
25 Act 440, is amended to read:

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1           301.45 (2) (a) 4. b. The date the person was or is to be released from  
2 confinement, whether on parole, community supervision or otherwise, or discharged  
3 or terminated from a sentence or commitment.

4           **SECTION 3867.** 301.45 (2) (e) 1. of the statutes, as created by 1995 Wisconsin  
5 Act 440, is amended to read:

6           301.45 (2) (e) 1. Within 10 days after the person being placed on parole,  
7 community supervision, probation, supervision, aftercare supervision, conditional  
8 release or supervised release.

9           **SECTION 3868.** 301.45 (2) (e) 2. of the statutes, as created by 1995 Wisconsin  
10 Act 440, is amended to read:

11           301.45 (2) (e) 2. If the person is on parole, community supervision or probation  
12 from another state under s. 304.13 or 304.135, within 10 days after the person enters  
13 this state.

14           **SECTION 3869.** 301.45 (3) (a) 1m. of the statutes, as created by 1995 Wisconsin  
15 Act 440, is amended to read:

16           301.45 (3) (a) 1m. If the person is on parole, community supervision or  
17 probation from another state under s. 304.13 or 304.135, he or she is subject to this  
18 subsection upon entering this state.

19           **SECTION 3870.** 301.45 (3) (a) 2. of the statutes, as affected by 1995 Wisconsin  
20 Act 440, is amended to read:

21           301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured  
22 correctional facility or a secured child caring institution, he or she is subject to this  
23 subsection upon being released on parole, community supervision or aftercare  
24 supervision.

**SENATE BILL 77****SECTION 3871**

1           **SECTION 3871.** 301.45 (3) (b) 2. of the statutes, as affected by 1995 Wisconsin  
2 Act 440, is amended to read:

3           301.45 (3) (b) 2. The department shall notify a person who is being released  
4 from prison because he or she has reached the expiration date of his or her sentence  
5 and who is covered under sub. (1) of the need to comply with this section. Also,  
6 probation, community supervision and parole agents, aftercare agents and agencies  
7 providing supervision shall notify any client who is covered under sub. (1) of the need  
8 to comply with this section at the time the client is placed on probation, community  
9 supervision, parole, supervision or aftercare supervision or, if the client is on  
10 probation, community supervision or parole from another state under s. 304.13 or  
11 304.135, when the client enters this state.

12           **SECTION 3872.** 301.45 (3) (b) 4. of the statutes, as affected by 1995 Wisconsin  
13 Act 440, is amended to read:

14           301.45 (3) (b) 4. Failure to receive notice under this paragraph from the  
15 department of health and family services, the department of corrections, a probation,  
16 community supervision and parole agent, an aftercare agent or an agency providing  
17 supervision is not a defense to liability under sub. (6).

18           **SECTION 3873.** 301.45 (5) (a) 1m. of the statutes, as created by 1995 Wisconsin  
19 Act 440, is amended to read:

20           301.45 (5) (a) 1m. If the person is on parole, community supervision or  
21 probation from another state under s. 304.13 or 304.135, 15 years after discharge  
22 from that parole, community supervision or probation.

23           **SECTION 3874.** 301.45 (7) (a) of the statutes, as affected by 1995 Wisconsin Act  
24 440, is amended to read:

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1           301.45 (7) (a) The department shall maintain information provided under sub.  
2           (2). The department shall keep the information confidential except as provided in  
3           s. 301.46 and, except as needed for law enforcement purposes and except to provide  
4           information in response to a request for information made under s. 49.22 (2m).

5           **SECTION 3875.** 301.46 (2) (b) 4. b. of the statutes, as created by 1995 Wisconsin  
6           Act 440, is amended to read:

7           301.46 (2) (b) 4. b. The date the person was released from confinement, whether  
8           on parole, community supervision or otherwise, or discharged or terminated from a  
9           sentence or commitment.

10          **SECTION 3876.** 301.46 (4) (a) 5. of the statutes, as created by 1995 Wisconsin  
11          Act 440, is amended to read:

12          301.46 (4) (a) 5. A shelter care facility licensed under s. ~~48.48~~ 938.22.

13          **SECTION 3877.** 301.46 (4) (a) 8. of the statutes is amended to read:

14          301.46 (4) (a) 8. An agency providing child welfare services under s. ~~48.48~~ (17)  
15          (b) or 48.57 (2).

16          **SECTION 3878.** 301.47 of the statutes is created to read:

17          **301.47 Criminal gang data bank; information regarding criminal**  
18          **gangs. (1) DEFINITIONS.** In this section:

19           (a) "Correctional authority" means any sheriff, superintendent, jailer or other  
20           person in charge of a jail, house of correction or other county or municipal  
21           correctional or detention facility. "Correctional authority" does not include the  
22           department.

23           (b) "Criminal gang" has the meaning given in s. 939.22 (9).

24           (c) "Criminal gang member" has the meaning given in s. 939.22 (9g).

25           (d) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

**SENATE BILL 77****SECTION 3878**

1           **(2) DUTIES OF DEPARTMENT; CRIMINAL GANG DATA BANK.** The department shall  
2 establish a criminal gang data bank for use by correctional authorities and law  
3 enforcement agencies in investigating, apprehending and prosecuting criminal gang  
4 members. In establishing a criminal gang data bank, the department shall do all of  
5 the following:

6           (a) Specify the information relating to criminal gangs and the arrest of criminal  
7 gang members that the criminal gang data bank will contain and obtain, compile and  
8 file that information.

9           (b) Furnish all correctional authorities and law enforcement agencies with  
10 forms and instructions which specify in detail the nature of the information required  
11 under par. (a) and any other matters which facilitate collection.

12           (c) As an alternative to requiring completion of the reporting forms furnished  
13 under par. (b), allow correctional authorities and law enforcement agencies to enter  
14 data directly into the criminal gang data bank using procedures established by the  
15 department.

16           (d) Provide correctional authorities and law enforcement agencies with access  
17 to the criminal gang data bank through the transaction information for the  
18 management of enforcement system or any other computerized or direct electronic  
19 data transfer system.

20           (e) Establish a method to confirm criminal gang membership and to ensure the  
21 timely and accurate entry of information into the criminal gang data bank.

22           (f) Conduct reviews of correctional authorities and law enforcement agencies  
23 that enter information directly into the criminal gang data bank under par. (c) to  
24 ensure that the correctional authorities and law enforcement agencies are complying  
25 with the methods established under par. (e).

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1 (g) Notify all correctional authorities and law enforcement agencies when the  
2 criminal gang data bank required under this subsection has become operational.

3 (h) Notify all correctional authorities and law enforcement agencies that may  
4 benefit from the criminal gang data bank of the existence of the criminal gang data  
5 bank.

6 **(3) DUTIES OF DEPARTMENT; NOTIFICATION OF NEW CRIMINAL GANG INFORMATION.**

7 The department shall develop and implement a policy for notifying correctional  
8 authorities and law enforcement agencies about changes in criminal gang names or  
9 identifying signs or symbols and about the emergence of newly organized gangs. The  
10 department may use the criminal gang data bank established under sub. (2) in  
11 carrying out its duties under this subsection.

12 **(3m) DUTIES OF THE DEPARTMENT; INFORMATION CONCERNING CRIMINAL GANG**

13 MEMBERS. (a) If the department identifies an individual who is in its custody to be  
14 a criminal gang member and the individual is not listed in the criminal gang data  
15 bank, the department shall enter into the criminal gang data bank the information  
16 required under sub. (2) (a).

17 (b) If an individual who is in the custody of the department is listed as a  
18 criminal gang member in the criminal gang data bank and the department  
19 determines that the information concerning the individual is not accurate or has not  
20 been updated, the department shall enter into the criminal gang data bank the  
21 correct or updated information.

22 **(4) DUTIES OF CORRECTIONAL AUTHORITIES.** (a) If a correctional authority

23 identifies an individual who is in its custody to be a criminal gang member and the  
24 individual is not listed in the criminal gang data bank, the correctional authority  
25 shall, using the forms provided under sub. (2) (b) or the direct data entry procedure

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1 under sub. (2) (c), notify the department that it has identified the individual to be a  
2 criminal gang member and provide the department with the information required  
3 under sub. (2) (a).

4 (b) If an individual who is in the custody of a correctional authority is listed as  
5 a criminal gang member in the criminal gang data bank and the correctional  
6 authority determines that the information concerning the individual is not accurate  
7 or has not been updated, the correctional authority shall, using the forms provided  
8 under sub. (2) (b) or the direct data entry procedure under sub. (2) (c), notify the  
9 department of the correct or updated information.

10 (c) Correctional authorities shall cooperate with the department in the  
11 planning and implementation of the criminal gang data bank under sub. (2).

12 **(5) DUTIES OF LAW ENFORCEMENT AGENCIES.** (a) If a law enforcement agency  
13 identifies as a criminal gang member an individual who the law enforcement agency  
14 has arrested and the individual is not listed in the criminal gang data bank, the law  
15 enforcement agency shall, using the forms provided under sub. (2) (b) or the direct  
16 data entry procedure under sub. (2) (c), notify the department that it has identified  
17 the individual to be a criminal gang member and provide the department with the  
18 information required under sub. (2) (a).

19 (b) If an individual who has been arrested by a law enforcement agency is listed  
20 as a criminal gang member in the criminal gang data bank and the law enforcement  
21 agency determines that the information concerning the individual is not accurate or  
22 has not been updated, the law enforcement agency shall, using the forms provided  
23 under sub. (2) (b) or the direct data entry procedure under sub. (2) (c), notify the  
24 department of the correct or updated information.



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1 (c) If an individual who is arrested by a law enforcement agency is charged with  
2 a crime and the law enforcement agency identifies the individual to be a criminal  
3 gang member or knows that the individual is listed in the criminal gang data bank,  
4 the law enforcement agency shall notify the prosecutor of the individual's criminal  
5 gang member status.

6 (d) Law enforcement agencies shall cooperate with the department in the  
7 planning and implementation of the criminal gang data bank under sub. (2).

8 **(6) DUTIES OF THE DEPARTMENT OF JUSTICE.** The department of justice shall  
9 cooperate with the department in the planning, implementation and operation of the  
10 criminal gang data bank under sub. (2).

11 **SECTION 3879.** 302.01 of the statutes is amended to read:

12 **302.01 State prisons named and defined.** The penitentiary at Waupun is  
13 named "Waupun Correctional Institution". The correctional treatment center at  
14 Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay  
15 is named "Green Bay Correctional Institution". The medium/maximum penitentiary  
16 at Portage is named "Columbia Correctional Institution". The medium security  
17 institution at Oshkosh is named "Oshkosh Correctional Institution". The medium  
18 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".  
19 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".  
20 The medium security penitentiary at Plymouth is named "Kettle Moraine  
21 Correctional Institution". The penitentiary at the village of Sturtevant in Racine  
22 county is named "Racine Correctional Institution". The medium security  
23 penitentiary at Racine is named "Racine Youthful Offender Correctional Facility".  
24 The resource facility at Oshkosh is named "Wisconsin Resource Center". The  
25 institutions named in this section, the correctional ~~institutions~~ institution

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1 authorized under s. 301.16 (1n) ~~or (1e)~~, correctional institution authorized under  
2 1997 Wisconsin Act ... (this act), section 9111 (2) (a), correctional institution  
3 authorized under s. 301.046 (1), correctional institution authorized under s. 301.048  
4 (4) (b), minimum security correctional institutions authorized under s. 301.13, and  
5 state-local shared correctional facilities when established under s. 301.14, are state  
6 prisons.

7 **SECTION 3880.** 302.02 (3t) of the statutes is amended to read:

8 302.02 (3t) (title) ~~OTHER STATES' INSTITUTIONS~~ INSTITUTIONS LOCATED IN OTHER  
9 STATES. For all purposes of discipline and for judicial proceedings, each institution  
10 of that is located in another state ~~or of a political subdivision of another state~~ and  
11 authorized for use under s. 301.21 or 301.22 and the precincts ~~thereof~~ of the  
12 institution shall be deemed to be in a county in which the institution is physically  
13 located, and the courts of that county shall have jurisdiction of any activity, wherever  
14 located, conducted by the institution.

15 **SECTION 3881.** 302.045 (1) of the statutes is amended to read:

16 302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
17 program for inmates selected to participate under sub. (2). The program shall  
18 provide participants with strenuous physical exercise, manual labor, personal  
19 development counseling, substance abuse treatment and education, military drill  
20 and ceremony and counseling in preparation for release on parole or community  
21 supervision. The department shall design the program to include not less than 50  
22 participants at a time and so that a participant may complete the program in not  
23 more than 180 days. The department may restrict participant privileges as  
24 necessary to maintain discipline.

25 **SECTION 3882.** 302.045 (3) of the statutes is amended to read:

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1           302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
2 determines that an inmate has successfully completed the challenge incarceration  
3 program, the parole commission shall parole the inmate under s. 304.06, regardless  
4 of the time the inmate has served, unless the person is serving a sentence imposed  
5 under s. 973.01. When the parole commission grants parole under this subsection,  
6 it must require the parolee to participate in an intensive supervision program for  
7 drug abusers as a condition of parole.

8           **SECTION 3883.** 302.11 (1) of the statutes is amended to read:

9           302.11 (1) The warden or superintendent shall keep a record of the conduct of  
10 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),  
11 (1m), (1z), (7) and (10), each inmate is entitled to mandatory release on parole by the  
12 department. The mandatory release date is established at two-thirds of the  
13 sentence. Any calculations under this subsection or sub. (2) (b) resulting in fractions  
14 of a day shall be rounded in the inmate's favor to a whole day.

15           **SECTION 3884.** 302.11 (1g) (am) of the statutes is amended to read:

16           302.11 (1g) (am) The mandatory release date established in sub. (1) is a  
17 presumptive mandatory release date for an inmate who is serving a sentence for a  
18 serious felony committed on or after April 21, 1994, but before July 1, 1998.

19           **SECTION 3885.** 302.11 (1i) of the statutes is amended to read:

20           302.11 (1i) ~~An~~ Except as provided in sub. (1z), an inmate serving a sentence to  
21 the intensive sanctions program is entitled to mandatory release. The mandatory  
22 release date under sub. (1) is established at two-thirds of the sentence under s.  
23 973.032 (3) (a).

24           **SECTION 3886.** 302.11 (1p) of the statutes is amended to read:

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1           302.11 (1p) An inmate serving a term subject to s. 961.49 (2) for a crime  
2 committed before July 1, 1998, is entitled to mandatory release, except the inmate  
3 may not be released before he or she has complied with s. 961.49 (2).

4           **SECTION 3887.** 302.11 (1z) of the statutes is created to read:

5           302.11 (1z) An inmate who is sentenced to a term of confinement in prison  
6 under s. 973.01 for a felony that is committed on or after July 1, 1998, is not entitled  
7 to mandatory release on parole under this section.

8           **SECTION 3888.** 302.11 (6) of the statutes is amended to read:

9           302.11 (6) Any inmate released on parole under sub. (1) or (1g) (b) or s. 304.02  
10 or 304.06 (1) is subject to all conditions and rules of parole until the expiration of the  
11 sentence or until he or she is discharged by the department. Except as provided in  
12 ch. 304, releases from prison shall be on the Tuesday or Wednesday preceding the  
13 release date. The department may discharge a parolee on or after his or her  
14 mandatory release date or after 2 years of supervision. Any inmate sentenced to the  
15 intensive sanctions program who is released on parole under sub. (1) or s. 304.02 or  
16 304.06 (1) remains in the program unless discharged by the department under s.  
17 301.048 (6) (a).

18           **SECTION 3889.** 302.11 (9) of the statutes is amended to read:

19           302.11 (9) Except as provided in ~~sub.~~ subs. (1g) (am) and (1z), this section  
20 applies to persons committing offenses occurring on or after June 1, 1984, or persons  
21 filing requests in accordance with 1983 Wisconsin Act 528, section 29 (2) or (3).

22           **SECTION 3890.** 302.113 of the statutes is created to read:

23           **302.113 Release to community supervision for felony offenders not**  
24 **serving life sentences.** (1) An inmate is subject to this section if he or she is  
25 serving a bifurcated sentence imposed under s. 973.01.

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1           **(2)** Except as provided in subs. (3) and (9), an inmate subject to this section is  
2 entitled to release to community supervision after he or she has served the term of  
3 confinement in prison portion of the sentence imposed under s. 973.01.

4           **(3)** (a) The warden or superintendent shall keep a record of the conduct of each  
5 inmate subject to this section, specifying each infraction of the rules. If an inmate  
6 subject to this section violates any regulation of the prison or refuses or neglects to  
7 perform required or assigned duties, the department may extend the term of  
8 confinement in prison portion of the inmate's bifurcated sentence as follows:

- 9           1. 10 days for the first offense.
- 10           2. 20 days for the 2nd offense.
- 11           3. 40 days for the 3rd or each subsequent offense.

12           (b) In addition to the sanctions under par. (a), if an inmate subject to this section  
13 is placed in adjustment, program or controlled segregation status, the department  
14 may extend his or her term of confinement in prison portion of the bifurcated  
15 sentence by a number of days equal to 50% of the number of days spent in segregation  
16 status. In administering this paragraph, the department shall use the definition of  
17 adjustment, program or controlled segregation status under departmental rules in  
18 effect at the time an inmate is placed in that status.

19           (c) No extension of a term of confinement in prison under this subsection may  
20 require an inmate to serve more days in prison than the total length of the bifurcated  
21 sentence imposed under s. 973.01.

22           (d) If the term of confinement in prison portion of a bifurcated sentence is  
23 increased under this subsection, the term of community supervision is reduced so  
24 that the total length of the bifurcated sentence does not change.

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1           **(4)** All consecutive sentences shall be computed as one continuous sentence.

2           The person shall serve any term of community supervision after serving all terms of  
3           confinement in prison.

4           **(5)** An inmate may waive entitlement to release to community supervision if  
5           the department agrees to the waiver.

6           **(6)** Before a person is released to community supervision under this section,  
7           the department shall notify the municipal police department and the county sheriff  
8           for the area where the person will be residing. The notification requirement does not  
9           apply if a municipal department or county sheriff submits to the department a  
10          written statement waiving the right to be notified. If applicable, the department  
11          shall also comply with s. 304.063.

12          **(7)** Any inmate released to community supervision under this section is subject  
13          to all conditions and rules of community supervision until the expiration of the term  
14          of community supervision portion of the bifurcated sentence. The department may  
15          set conditions of community supervision in addition to any conditions of community  
16          supervision set by the court under s. 973.01 (5) if the conditions set by the department  
17          do not conflict with the court's conditions.

18          **(8)** Releases to community supervision from prison shall be on the Tuesday or  
19          Wednesday preceding the date on which he or she completes the term of  
20          imprisonment.

21          **(9)** (a) If a person released to community supervision under this section violates  
22          a condition of community supervision, the division of hearings and appeals in the  
23          department of administration, upon proper notice and hearing, or the department  
24          of corrections, if the person on community supervision waives a hearing, may revoke  
25          the community supervision of the person and return the person to prison. If the

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1 person is returned to prison, he or she shall be returned to prison for any specified  
2 period of time that does not exceed the time remaining on the bifurcated sentence.  
3 The time remaining on the bifurcated sentence is the total length of the bifurcated  
4 sentence, less time served by the person in custody before release to community  
5 supervision. The revocation order shall provide the person on community  
6 supervision with credit in accordance with ss. 304.072 and 973.155.

7 (b) A person who is returned to prison after revocation of community  
8 supervision shall be incarcerated for the entire period of time specified by the  
9 department of corrections in the case of a waiver or by the division of hearings and  
10 appeals in the department of administration in the case of a hearing under par. (a).  
11 The period of time specified under par. (a) may be extended in accordance with sub.  
12 (3).

13 (c) A person who is subsequently released to community supervision after  
14 service of the period of time specified by the department of corrections in the case of  
15 a waiver or by the division of hearings and appeals in the department of  
16 administration in the case of a hearing under par. (a) is subject to all conditions and  
17 rules under sub. (7) until the expiration of the term of community supervision portion  
18 of the bifurcated sentence.

19 (10) The department may promulgate rules establishing guidelines and  
20 criteria for the exercise of discretion under this section.

21 **SECTION 3891.** 302.114 of the statutes is created to read:

22 **302.114 Petition for release and release to community supervision for**  
23 **felony offenders serving life sentences. (1)** An inmate is subject to this section  
24 if he or she is serving a life sentence imposed under s. 973.014 (1g) (a) 1. or 2. An

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1 inmate serving a life sentence under s. 939.62 (2m) or 973.014 (1g) (a) 3. is not eligible  
2 for release to community supervision under this section.

3 (2) Except as provided in subs. (3) and (9), an inmate subject to this section may  
4 petition the sentencing court for release to community supervision after he or she has  
5 served 20 years, if the inmate was sentenced under s. 973.014 (1g) (a) 1., or after he  
6 or she has reached the community supervision eligibility date set by the court, if the  
7 inmate was sentenced under s. 973.014 (1g) (a) 2.

8 (3) (a) The warden or superintendent shall keep a record of the conduct of each  
9 inmate subject to this section, specifying each infraction of the rules. If any inmate  
10 subject to this section violates any regulation of the prison or refuses or neglects to  
11 perform required or assigned duties, the department may extend the community  
12 supervision eligibility date set under s. 973.014 (1g) (a) 1. or 2., whichever is  
13 applicable, as follows:

- 14 1. 10 days for the first offense.
- 15 2. 20 days for the 2nd offense.
- 16 3. 40 days for the 3rd or each subsequent offense.

17 (b) In addition to the sanctions under par. (a), if an inmate subject to this section  
18 is placed in adjustment, program or controlled segregation status, the department  
19 may extend the community supervision eligibility date set under s. 973.014 (1g) (a)  
20 1. or 2., whichever is applicable, by a number of days equal to 50% of the number of  
21 days spent in segregation status. In administering this paragraph, the department  
22 shall use the definition of adjustment, program or controlled segregation status  
23 under departmental rules in effect at the time an inmate is placed in that status.



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1           (4) All consecutive sentences shall be computed as one continuous sentence.

2           An inmate subject to this section shall serve any term of community supervision after  
3           serving all terms of confinement in prison.

4           (5) (a) An inmate subject to this section who is seeking release to community  
5           supervision shall file a petition for release to community supervision with the court  
6           that sentenced him or her. An inmate may not file an initial petition under this  
7           paragraph earlier than 90 days before his or her community supervision eligibility  
8           date. If an inmate files an initial petition for release to community supervision at  
9           any time earlier than 90 days before his or her community supervision eligibility  
10          date, the court shall deny the petition without a hearing.

11          (am) The inmate shall serve a copy of a petition for release to community  
12          supervision on the district attorney's office that prosecuted him or her, and the  
13          district attorney shall file a written response to the petition within 45 days after the  
14          date he or she receives the petition.

15          (b) After reviewing a petition for release to community supervision and the  
16          district attorney's response to the petition, the court shall decide whether to hold a  
17          hearing on the petition or, if it does not hold a hearing, whether to grant or deny the  
18          petition without a hearing. If the court decides to hold a hearing under this  
19          paragraph, the hearing shall be before the court without a jury. The office of the  
20          district attorney that prosecuted the inmate shall represent the state at the hearing.

21          (c) Before deciding whether to grant or deny the inmate's petition, the court  
22          shall allow a victim or family member of a homicide victim to make a statement or  
23          submit a statement concerning the release of the inmate to community supervision.

24          The court may allow any other person to make or submit a statement under this

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1 paragraph. Any statement under this paragraph must be relevant to the release of  
2 the inmate to community supervision.

3 (cm) A court may not grant an inmate's petition for release to community  
4 supervision unless the inmate proves, by clear and convincing evidence, that he or  
5 she is not a danger to the public.

6 (d) If the court grants the inmate's petition for release to community  
7 supervision, the court may impose conditions on the term of community supervision.

8 (e) If the court denies the inmate's petition for release to community  
9 supervision, the court shall specify the date on which the inmate may file a  
10 subsequent petition under this section. An inmate may file a subsequent petition at  
11 any time on or after the date specified by the court, but if the inmate files a  
12 subsequent petition for release to community supervision before the date specified  
13 by the court, the court may deny the petition without a hearing.

14 (f) An inmate may appeal an order denying his or her petition for release to  
15 community supervision. In an appeal under this paragraph, the appellate court  
16 shall determine whether the court properly exercised its discretion in denying the  
17 petition for release to community supervision.

18 **(6)** (a) In this subsection:

19 1. "Member of the family" means spouse, child, sibling, parent or legal  
20 guardian.

21 2. "Victim" means a person against whom a crime has been committed.

22 (b) If an inmate petitions a court under sub. (5) or (9) (b) for release to  
23 community supervision under this section, the clerk of the circuit court in which the  
24 petition is filed shall send a copy of the petition and, if a hearing is scheduled, a notice  
25 of hearing to the victim of the crime committed by the inmate or, if the victim died

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1 as a result of the crime, an adult member of the victim's family or, if the victim is  
2 younger than 18 years old, the victim's parent or legal guardian, if the victim, adult  
3 family member or parent or legal guardian has submitted a card under par. (e)  
4 requesting notification.

5 (c) The notice under par. (b) shall inform the persons under par. (b) that they  
6 may appear at the hearing under sub. (5) or (9) (b), if a hearing is scheduled, and shall  
7 inform them of the manner in which they may provide written statements  
8 concerning the inmate's petition for release to community supervision.

9 (d) The clerk of the circuit court shall make a reasonable effort to send a copy  
10 of the inmate's petition to the last-known address of the persons under par. (b) within  
11 7 days of the date on which the petition is filed and shall make a reasonable effort  
12 to send the notice of hearing, if a hearing is scheduled, to the last-known address of  
13 the persons under par. (b), postmarked at least 10 days before the date of the hearing.

14 (e) The director of state courts shall design and prepare cards for a person  
15 specified under par. (b) to send to the clerk of the circuit court in which the inmate  
16 is convicted and sentenced. The cards shall have space for any such person to provide  
17 his or her name and address, the name of the applicable inmate and any other  
18 information the director of state courts determines is necessary. The director of state  
19 courts shall provide the cards, without charge, to clerks of circuit court. Clerks of  
20 circuit court shall provide the cards, without charge, to persons specified in par. (b).  
21 These persons may send completed cards to the clerk of the circuit court in which the  
22 inmate was convicted and sentenced. All court records or portions of records that  
23 relate to mailing addresses of these persons are not subject to inspection or copying  
24 under s. 19.35 (1), but the clerk of circuit court shall provide information from records

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1 kept under this paragraph in response to a request for information made under s.  
2 49.22 (2m).

3 (7) Before a person is released to community supervision under this section,  
4 the department shall notify the municipal police department and the county sheriff  
5 for the area where the person will be residing. The notification requirement does not  
6 apply if a municipal department or county sheriff submits to the department a  
7 written statement waiving the right to be notified. If applicable, the department  
8 shall also comply with s. 304.063.

9 (8) Any inmate released to community supervision under this section is subject  
10 to all conditions and rules of community supervision. The department may set  
11 conditions of community supervision in addition to any conditions of community  
12 supervision set by the court under sub. (5) (d) if the conditions set by the department  
13 do not conflict with the court's conditions.

14 (9) (a) If a person released to community supervision under this section violates  
15 a condition of community supervision, the division of hearings and appeals in the  
16 department of administration, upon proper notice and hearing, or the department  
17 of corrections, if the person on community supervision waives a hearing, may revoke  
18 the community supervision of the person and return the person to prison.

19 (b) A person who is returned to prison after revocation of community  
20 supervision under par. (a) shall be incarcerated for 5 years, subject to extension in  
21 accordance with sub. (3), after which period of time the person may, upon petition to  
22 the sentencing court, be released to community supervision. An inmate may not file  
23 a petition under this paragraph earlier than 90 days before the end of the 5-year  
24 period. If an inmate files a petition for release to community supervision under this  
25 paragraph at any time earlier than 90 days before the end of the 5-year period, the

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1 court shall deny the petition without a hearing. The procedures specified in sub. (5)  
2 (am) to (f) apply to a petition filed under this paragraph.

3 (c) A person who is subsequently released to community supervision under par.  
4 (b) is subject to all conditions and rules under sub. (8) until the expiration of the  
5 sentence.

6 **(10)** The department may promulgate rules establishing guidelines and  
7 criteria for the exercise of discretion under this section.

8 **SECTION 3892.** 302.115 (4) of the statutes is amended to read:

9 302.115 (4) The department shall design and prepare cards for any person  
10 specified in sub. (2) to send to the department. The cards shall have space for any  
11 such person to provide his or her name and address, the name of the applicable  
12 inmate and any other information the department determines is necessary. The  
13 department shall provide the cards, without charge, to district attorneys. District  
14 attorneys shall provide the cards, without charge, to persons specified in sub. (2).  
15 These persons may send completed cards to the department. All department records  
16 or portions of records that relate to mailing addresses of these persons are not subject  
17 to inspection or copying under s. 19.35 (1), but the department shall provide  
18 information from records kept under this subsection in response to a request for  
19 information made under s. 49.22 (2m).

20 **SECTION 3893.** 302.14 of the statutes is amended to read:

21 **302.14 (title) Property of deceased inmates, parolees ~~or~~, probationers**  
22 **or persons on community supervision, disposition.** When an inmate of a  
23 prison ~~or~~, a parolee of an institution, a person on community supervision or a person  
24 on probation to the department dies leaving an estate of \$150 or less in the trust of  
25 the warden, superintendent or secretary, the warden, superintendent or secretary

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1 shall try to determine whether or not the estate is to be probated. If probate  
2 proceedings are not commenced within 90 days, the warden, superintendent or  
3 secretary shall turn over the money or securities to the nearest of kin as evidenced  
4 by the records of the institution and the department.

5 **SECTION 3894.** 302.17 (2) of the statutes is amended to read:

6 302.17 (2) The department shall make entries on the register to reflect the  
7 progress made by each inmate while incarcerated and the inmate's release on parole  
8 or community supervision, condition at the time of release on parole or community  
9 supervision and progress made while on parole or community supervision. This  
10 subsection does not apply to inmates subject to an order under s. 48.366.

11 **SECTION 3895.** 302.25 (4) (c) of the statutes is amended to read:

12 302.25 (4) (c) Inmates confined in an institution pursuant to the terms of this  
13 compact shall at all times be subject to the jurisdiction of the sending state and may  
14 at any time be removed therefrom for transfer to a prison or other institution within  
15 the sending state, for transfer to another institution in which the sending state may  
16 have a contractual or other right to confine inmates, for release on probation,  
17 community supervision or parole, for discharge, or for any other purpose permitted  
18 by the laws of the sending state; provided, that the sending state shall continue to  
19 be obligated to such payments as may be required pursuant to the terms of any  
20 contract entered into under the terms of sub. (3).

21 **SECTION 3896.** 302.33 (2) (a) (intro.) of the statutes is amended to read:

22 302.33 (2) (a) (intro.) The department shall pay for the maintenance of persons  
23 in its custody who are placed in the county jail or other county facility, or in a tribal  
24 jail under s. 302.445, pending disposition of parole, community supervision or  
25 probation revocation proceedings subject to the following conditions:

**SENATE BILL 77****SECTION 3897**

1           **SECTION 3897.** 302.33 (2) (b) of the statutes is amended to read:

2           302.33 **(2)** (b) This subsection applies only to probationers ~~or~~, parolees or  
3 persons on community supervision who were placed on that status in connection with  
4 a conviction for a felony. This subsection applies only to confinements initiated after  
5 July 2, 1983.

6           **SECTION 3898.** 302.335 (title) of the statutes is amended to read:

7           **302.335** (title) **Restrictions on detaining probationers and, parolees**  
8 **and persons on community supervision in county or tribal jail.**

9           **SECTION 3899.** 302.335 (2) (intro.) of the statutes is amended to read:

10           302.335 **(2)** (intro.) If a probationer ~~or~~, parolee or person on community  
11 supervision is detained in a county jail or other county facility, or in a tribal jail under  
12 s. 302.445, pending disposition of probation ~~or~~, parole or community supervision  
13 revocation proceedings, the following conditions apply:

14           **SECTION 3900.** 302.335 (2) (a) (intro.) of the statutes is amended to read:

15           302.335 **(2)** (a) (intro.) The department shall begin a preliminary revocation  
16 hearing within 15 working days after the probationer ~~or~~, parolee or person on  
17 community supervision is detained in the county jail, other county facility or the  
18 tribal jail. The department may extend, for cause, this deadline by not more than  
19 5 additional working days upon written notice to the probationer ~~or~~, parolee or  
20 person on community supervision and the sheriff, the tribal chief of police or other  
21 person in charge of the county facility. This paragraph does not apply under any of  
22 the following circumstances:

23           **SECTION 3901.** 302.335 (2) (a) 1. of the statutes is amended to read:

24           302.335 **(2)** (a) 1. The probationer ~~or~~, parolee or person on community  
25 supervision has waived, in writing, the right to a preliminary hearing.

**SENATE BILL 77****SECTION 3902**

1           **SECTION 3902.** 302.335 (2) (a) 2. of the statutes is amended to read:

2           302.335 (2) (a) 2. The probationer ~~or~~, parolee or person on community  
3 supervision has given and signed a written statement that admits the violation.

4           **SECTION 3903.** 302.335 (2) (a) 3. of the statutes is amended to read:

5           302.335 (2) (a) 3. There has been a finding of probable cause in a felony criminal  
6 action and the probationer ~~or~~, parolee or person on community supervision is bound  
7 over for trial for the same or similar conduct that is alleged to be a violation of  
8 supervision.

9           **SECTION 3904.** 302.335 (2) (a) 5. of the statutes is created to read:

10          302.335 (2) (a) 5. The division offers to begin a final revocation hearing within  
11 30 calendar days after the probationer, parolee or person on community supervision  
12 is detained in the county jail, other county facility or tribal jail.

13          **SECTION 3905.** 302.335 (2) (b) of the statutes is amended to read:

14          302.335 (2) (b) The division shall begin a final revocation hearing within 50  
15 calendar days after the person is detained in the county jail, other county facility or  
16 the tribal jail. The department may request the division to extend this deadline by  
17 not more than 10 additional calendar days, upon notice to the probationer ~~or~~, parolee  
18 or person on community supervision, the sheriff, the tribal chief of police or other  
19 person in charge of the facility, and the division. The division may grant the request.  
20 This paragraph does not apply if the probationer ~~or~~, parolee or person on community  
21 supervision has waived the right to a final revocation hearing.

22          **SECTION 3906.** 302.335 (3) of the statutes is amended to read:

23          302.335 (3) If there is a failure to begin a hearing within the time requirements  
24 under sub. (2), the sheriff, the tribal chief of police or other person in charge of a



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1 county facility shall notify the department at least 24 hours before releasing a  
2 probationer ~~or~~, parolee or person on community supervision under this subsection.

3 **SECTION 3907.** 302.335 (4) of the statutes is amended to read:

4 302.335 (4) This section applies to probationers ~~or~~, parolees or persons on  
5 community supervision who begin detainment in a county jail, other county facility  
6 or a tribal jail on or after July 1, 1990, except that this section does not apply to any  
7 probationer ~~or~~, parolee or person on community supervision who is in the county jail,  
8 other facility or the tribal jail and serving a sentence.

9 **SECTION 3908.** 302.372 (2) (b) of the statutes is amended to read:

10 302.372 (2) (b) Before seeking any reimbursement under this section, the  
11 county shall provide a form to be used for determining the financial status of  
12 prisoners. The form shall provide for obtaining the social security number of the  
13 prisoner, the age and marital status of a prisoner, the number and ages of children  
14 of a prisoner, the number and ages of other dependents of a prisoner, the income of  
15 a prisoner, type and value of real estate owned by a prisoner, type and value of  
16 personal property owned by a prisoner, the prisoner's cash and financial institution  
17 accounts, type and value of the prisoner's investments, pensions and annuities and  
18 any other personalty of significant cash value owned by a prisoner. The county shall  
19 use the form whenever investigating the financial status of prisoners. The  
20 information on a completed form is confidential and not open to public inspection or  
21 copying under s. 19.35 (1), except that the county shall provide information from a  
22 form completed under this paragraph in response to a request for information made  
23 under s. 49.22 (2m).

24 **SECTION 3909.** 303.01 (2) (em) of the statutes is repealed and recreated to read:

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1           303.01 (2) (em) Lease space, with or without equipment, within the precincts  
2 of state prisons, as specified in s. 302.02, or within the confines of correctional  
3 institutions operated by the department for holding in secure custody persons  
4 adjudged delinquent, to not more than 11 private businesses to employ prison  
5 inmates and institution residents to manufacture products or components or to  
6 provide services for sale on the open market. The department shall comply with s.  
7 16.75 in selecting businesses under this paragraph. The department shall consult  
8 with appropriate trade organizations and labor unions prior to issuing requests for  
9 proposals and prior to selecting proposals under this paragraph. Each such private  
10 business may conduct its operations as a private business, subject to the wage  
11 standards under sub. (4), the disposition of earnings under sub. (8), the requirements  
12 for notification and hearing under sub. (1) (c), the requirement for prison industries  
13 board approval under s. 303.015 (1) (b) and the authority of the department to  
14 maintain security and control in its institutions. The private business and its  
15 operations are not a prison industry. Inmates employed by the private business are  
16 not subject to the requirements of inmates participating in prison industries, except  
17 as provided in this paragraph;

18           **SECTION 3910.** 303.01 (8) of the statutes is amended to read:

19           303.01 (8) DISPOSITION OF EARNINGS. The department has the authority to  
20 determine how much, if any, of the earnings of an inmate or resident may be spent  
21 and for what purposes they may be spent within the confines of the prison or  
22 institution. The department shall distribute earnings for the crime victim and  
23 witness assistance surcharge under s. 973.045 (4), for the delinquency victim and  
24 witness assistance surcharge under s. 938.34 (8d) (c), for the deoxyribonucleic acid  
25 analysis surcharge under s. 973.046 (4) and for compliance with s. 303.06 (2) and may

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1 distribute earnings for the support of the inmate's or resident's dependents and for  
2 other obligations either acknowledged by the inmate or resident in writing or which  
3 have been reduced to judgment that may be satisfied according to law. The  
4 department shall credit all moneys that it collects from earnings of inmates and  
5 residents under sub. (2) (em) to the appropriation account under s. 20.410 (1) (gi).

6 **SECTION 3911.** 303.065 (1) of the statutes is renumbered 303.065 (1) (a) and  
7 amended to read:

8 303.065 (1) (a) The Except as provided in par. (b), the department may grant  
9 work release privileges to any person incarcerated within the state prisons, except  
10 that no.

11 (b) 1. A person serving a life sentence, other than a life sentence specified in  
12 subd. 2., may be considered for work release until only after he or she has reached  
13 parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is  
14 applicable, and no or he or she has reached his or her community supervision  
15 eligibility date under s. 302.114 (9) (b) or 973.014 (1g) (a) 1. or 2., whichever is  
16 applicable.

17 2. A person serving a life sentence under s. 939.62 (2m) or 973.014 (1) (c) or (1g)  
18 (a) 3. may not be considered for work release.

19 **SECTION 3912.** 303.068 (4m) (d) of the statutes is amended to read:

20 303.068 (4m) (d) The department shall design and prepare cards for any person  
21 specified in par. (b) to send to the department. The cards shall have space for any  
22 such person to provide his or her name and address, the name of the applicable  
23 inmate and any other information the department determines is necessary. The  
24 department shall provide the cards, without charge, to district attorneys. District  
25 attorneys shall provide the cards, without charge, to persons specified in par. (b).

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1 These persons may send completed cards to the department. All department records  
2 or portions of records that relate to mailing addresses of these persons are not subject  
3 to inspection or copying under s. 19.35 (1), but the department shall provide  
4 information from records kept under this paragraph in response to a request for  
5 information made under s. 49.22 (2m).

6 **SECTION 3913.** 303.21 (1) (a) of the statutes is amended to read:

7 303.21 (1) (a) If an inmate of a state institution, in the performance of assigned  
8 work is injured so as to be permanently incapacitated or to have materially reduced  
9 earning power, the inmate may, upon being released from such institution, either  
10 upon release on parole or community supervision or upon final discharge, be allowed  
11 and paid such compensation as the department of industry, labor and job  
12 development finds the inmate entitled to. The inmate shall be compensated on the  
13 same basis as if the injury had been covered by ch. 102, except that the total paid to  
14 any inmate may not exceed \$10,000 and may be paid in instalments. If the injury  
15 results from employment in a prison industry, the payment shall be made from the  
16 revolving appropriation for its operation. If there is no revolving appropriation,  
17 payment shall be made from the general fund. In case of dispute, the procedure for  
18 hearing, award and appeal shall be as set forth in ss. 102.16 to 102.26.

19 **SECTION 3914.** 303.215 of the statutes is amended to read:

20 **303.215 Compensation to prisoners or residents injured in prison**  
21 **industries employment.** In accordance with s. 102.03 (2), for an inmate of a state  
22 institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06 (2),  
23 compensation under ch. 102 on being released from the applicable institution, on  
24 parole, on community supervision, on final discharge or in accordance with ch. 938,  
25 whichever is applicable, is the exclusive remedy against the department and any

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1 employe of the department for any injury sustained by the inmate or resident while  
2 performing service growing out of and incidental to that employment. The  
3 department shall make any payments required under this section from the revolving  
4 appropriation for the operation of prison industries or, if there is no revolving  
5 appropriation for the operation of prison industries, from the general fund.

6 **SECTION 3915.** 304.02 (3) (a) of the statutes is amended to read:

7 304.02 (3) (a) The prisoner population equals or exceeds the statewide prisoner  
8 population limit promulgated by rule under s. 301.055 operating capacity of Type 1  
9 prisons established in the report under s. 301.03 (6t).

10 **SECTION 3916.** 304.02 (3) (c) of the statutes is amended to read:

11 304.02 (3) (c) The institution social worker or the probation, community  
12 supervision and parole agent of record has reason to believe the prisoner will be able  
13 to maintain himself or herself in society without engaging in assaultive activity.

14 **SECTION 3917.** 304.02 (4) of the statutes is amended to read:

15 304.02 (4) If a person is sentenced under s. 973.032, he or she is eligible for a  
16 release to parole supervision under this section and remains in the intensive  
17 sanctions program unless discharged by the department under s. 301.048 (6) (a).

18 **SECTION 3918.** 304.02 (5) of the statutes is amended to read:

19 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life  
20 sentence under s. 939.62 (2m) or 973.014 (1) (c) or (1g) is not eligible for release to  
21 parole supervision under this section.

22 **SECTION 3919.** 304.02 (6) of the statutes is created to read:

23 304.02 (6) Notwithstanding subs. (1) to (3), a prisoner is not eligible for release  
24 to parole supervision under this section if he or she is serving a bifurcated sentence  
25 under s. 973.01.

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1           **SECTION 3920.** 304.06 (1) (b) of the statutes is amended to read:

2           304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),  
3           973.01 (6) or 973.0135, the parole commission may parole an inmate of the Wisconsin  
4           state prisons or any felon or any person serving at least one year or more in a county  
5           house of correction or a county reforestation camp organized under s. 303.07, when  
6           he or she has served 25% of the sentence imposed for the offense, or 6 months,  
7           whichever is greater. Except as provided in s. 939.62 (2m) or 973.014 (1) (b) or (c),  
8           (1g) or (2), the parole commission may parole an inmate serving a life term when he  
9           or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject  
10          to extension using the formulas under s. 302.11 (2). The person serving the life term  
11          shall be given credit for time served prior to sentencing under s. 973.155, including  
12          good time under s. 973.155 (4). The secretary may grant special action parole  
13          releases under s. 304.02. The department or the parole commission shall not provide  
14          any convicted offender or other person sentenced to the department's custody any  
15          parole eligibility or evaluation until the person has been confined at least 60 days  
16          following sentencing.

17          **SECTION 3921.** 304.06 (1) (f) of the statutes is amended to read:

18          304.06 (1) (f) The parole commission shall design and prepare cards for persons  
19          specified in par. (c) 3. to send to the commission. The cards shall have space for these  
20          persons to provide their names and addresses, the name of the applicable prisoner  
21          and any other information the parole commission determines is necessary. The  
22          parole commission shall provide the cards, without charge, to district attorneys.  
23          District attorneys shall provide the cards, without charge, to persons specified in par.  
24          (c) 3. These persons may send completed cards to the parole commission. All  
25          commission records or portions of records that relate to mailing addresses of these

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1 persons are not subject to inspection or copying under s. 19.35 (1), but the commission  
2 shall provide information from records kept under this paragraph in response to a  
3 request for information made under s. 49.22 (2m). Before any written statement of  
4 a person specified in par. (c) 3. is made a part of the documentary record considered  
5 in connection with a parole hearing under this section, the parole commission shall  
6 obliterate from the statement all references to the mailing addresses of the person.

7 **SECTION 3922.** 304.06 (1y) of the statutes is amended to read:

8 304.06 (1y) If a person is sentenced under s. 973.032, he or she is eligible for  
9 a release to parole supervision under this section and remains in the intensive  
10 sanctions program unless discharged by the department under s. 301.048 (6) (a).

11 **SECTION 3923.** 304.062 (title) of the statutes is amended to read:

12 **304.062 (title) Ordering parolees and persons on community**  
13 **supervision to perform community service work.**

14 **SECTION 3924.** 304.062 (1) of the statutes is amended to read:

15 304.062 (1) The department may order that a parolee or a person on community  
16 supervision perform community service work for a public agency or a nonprofit  
17 charitable organization. An order may apply only if agreed to by the parolee or the  
18 person on community supervision and the organization or agency. The department  
19 shall ensure that the parolee or the person on community supervision is provided a  
20 written statement of the terms of the community service order and shall monitor the  
21 parolee's compliance of the parolee or person on community supervision with the  
22 community service order.

23 **SECTION 3925.** 304.062 (2) of the statutes is amended to read:

24 304.062 (2) Any organization or agency acting in good faith to which a parolee  
25 or person on community supervision is assigned under an order under this section

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1 has immunity from any civil liability in excess of \$25,000 for acts or omissions by or  
2 impacting on the parolee or person on community supervision. The department has  
3 immunity from any civil liability for acts or omissions by or impacting on the parolee  
4 or person on community supervision regarding the assignment under this section.

5 **SECTION 3926.** 304.063 (title) of the statutes is amended to read:

6 **304.063 (title) Notification prior to release on community supervision**  
7 **or parole.**

8 **SECTION 3927.** 304.063 (2) (intro.) of the statutes is amended to read:

9 304.063 (2) (intro.) Before a prisoner is released on parole under s. 302.11,  
10 304.02 or 304.06 or on community supervision under s. 302.113 or 302.114, if  
11 applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1)  
12 or (2), 948.025, 948.06 or 948.07, the department shall make a reasonable effort to  
13 notify all of the following persons, if they can be found, in accordance with sub. (3)  
14 and after receiving a completed card under sub. (4):

15 **SECTION 3928.** 304.063 (3) of the statutes is amended to read:

16 304.063 (3) The department shall make a reasonable effort to send the notice,  
17 postmarked at least 7 days before a prisoner is released on parole or community  
18 supervision, to the last-known address of the persons under sub. (2).

19 **SECTION 3929.** 304.063 (4) of the statutes is amended to read:

20 304.063 (4) The department shall design and prepare cards for any person  
21 specified in sub. (2) to send to the department. The cards shall have space for any  
22 such person to provide his or her name and address, the name of the applicable  
23 prisoner and any other information the department determines is necessary. The  
24 department shall provide the cards, without charge, to district attorneys. District  
25 attorneys shall provide the cards, without charge, to persons specified in sub. (2).



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1 These persons may send completed cards to the department. All department records  
2 or portions of records that relate to mailing addresses of these persons are not subject  
3 to inspection or copying under s. 19.35 (1), but the department shall provide  
4 information from records kept under this subsection in response to a request for  
5 information made under s. 49.22 (2m).

6 **SECTION 3930.** 304.071 (2) of the statutes is amended to read:

7 304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m), 961.49  
8 (2), 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he or she is not eligible for parole  
9 under this section.

10 **SECTION 3931.** 304.072 (title) of the statutes is amended to read:

11 **304.072 (title) Period of probation, community supervision or parole**  
12 **tolled.**

13 **SECTION 3932.** 304.072 (1) of the statutes is amended to read:

14 304.072 (1) If the department of corrections in the case of a parolee ~~or,~~  
15 probationer or person on community supervision who is reinstated or waives a  
16 hearing or the division of hearings and appeals in the department of administration  
17 in the case of a hearing determines that a parolee ~~or,~~ probationer or person on  
18 community supervision has violated the terms of his or her supervision, the  
19 department or division may toll all or any part of the period of time between the date  
20 of the violation and the date an order of revocation or reinstatement is entered,  
21 subject to credit according to the terms of s. 973.155 for any time the parolee ~~or,~~  
22 probationer or person on community supervision spent confined in connection with  
23 the violation.

24 **SECTION 3933.** 304.072 (2) of the statutes is amended to read:

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1           304.072 (2) If a parolee ~~or~~, probationer or person on community supervision is  
2 alleged to have violated the terms of his or her supervision but the department or  
3 division determines that the alleged violation was not proven, the period between the  
4 alleged violation and the determination shall be treated as service of the  
5 probationary, community supervision or parole period.

6           **SECTION 3934.** 304.072 (3) of the statutes is amended to read:

7           304.072 (3) Except as provided in s. 973.09 (3) (b), the department preserves  
8 jurisdiction over a probationer ~~or~~, parolee or person on community supervision if it  
9 commences an investigation, issues a violation report or issues an apprehension  
10 request concerning an alleged violation prior to the expiration of the probationer's  
11 ~~or~~, parolee's or person's term of supervision.

12           **SECTION 3935.** 304.072 (4) of the statutes is amended to read:

13           304.072 (4) The sentence of a revoked parolee or person on community  
14 supervision resumes running on the day he or she is received at a correctional  
15 institution subject to sentence credit for the period of custody in a jail, correctional  
16 institution or any other detention facility pending revocation according to the terms  
17 of s. 973.155.

18           **SECTION 3936.** 304.073 (1) (a) of the statutes is amended to read:

19           304.073 (1) (a) "Administrative supervision" has the meaning given in rules  
20 promulgated under s. 301.08 (1) (c) ~~1. a.~~

21           **SECTION 3937.** 304.073 (1) (b) of the statutes is amended to read:

22           304.073 (1) (b) "Minimum supervision" has the meaning given in rules  
23 promulgated under s. 301.08 (1) (c) ~~1. b.~~

24           **SECTION 3938.** 304.073 (2) of the statutes is amended to read:

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1           304.073 (2) Beginning on January 1, 1996, the department shall charge a fee  
2 to any probationer ~~or~~, parolee or person on community supervision who is under  
3 minimum or administrative supervision and is supervised by the department. The  
4 fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c) 2.  
5 The department shall set the fee sufficient to cover the cost of supervision. The  
6 department shall collect moneys for the fee charged under this subsection and credit  
7 those moneys to the appropriation account under s. 20.410 (1) (ge).

8           **SECTION 3939.** 304.073 (2m) of the statutes is created to read:

9           304.073 (2m) (a) If a probationer, parolee or person on community supervision  
10 who owes unpaid fees to the department under sub. (2) is discharged from probation  
11 or from his or her sentence before the department collects the unpaid fees, the  
12 department shall, at the time of discharge, issue a notice to the probationer, parolee  
13 or person on community supervision that states that he or she owes unpaid fees  
14 under sub. (2) and that he or she is responsible for the payment of the unpaid fees.  
15 The notice under this paragraph shall be issued with the certificate of discharge  
16 required under s. 304.078 or 973.09 (5).

17           (b) The department may request the attorney general to bring a civil action to  
18 recover unpaid fees owed to the department under sub. (2) by a person who has been  
19 discharged from probation or from his or her sentence and who, at the time of  
20 discharge, owed the department unpaid fees under sub. (2). Before requesting the  
21 attorney general to bring a civil action under this paragraph, the department shall  
22 deduct any fees owed to the department that were inaccurately assessed against the  
23 person.

24           **SECTION 3940.** 304.073 (4) of the statutes is created to read:

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1           304.073 (4) The department may decide not to charge a fee under sub. (2) to  
2 any probationer, parolee or person on community supervision if the probationer,  
3 parolee or person on community supervision demonstrates that he or she is unable  
4 to pay the fee because of any of the following:

5           (a) The probationer, parolee or person on community supervision is undergoing  
6 treatment approved by the department and is unable to work.

7           (b) The probationer, parolee or person on community supervision has a  
8 statement from a physician certifying to the department that the probationer,  
9 parolee or person on community supervision should be excused from working for  
10 medical reasons.

11           **SECTION 3941.** 304.074 (title) of the statutes is amended to read:

12           **304.074 (title) Reimbursement fee for persons on probation and,**  
13 **parole, and community supervision.**

14           **SECTION 3942.** 304.074 (1) (a) of the statutes is amended to read:

15           304.074 (1) (a) "Administrative supervision" has the meaning given in rules  
16 promulgated under s. 301.08 (1) (c) ~~1. a.~~

17           **SECTION 3943.** 304.074 (1) (b) of the statutes is amended to read:

18           304.074 (1) (b) "Minimum supervision" has the meaning given in rules  
19 promulgated under s. 301.08 (1) (c) ~~1. b.~~

20           **SECTION 3944.** 304.074 (2) of the statutes is amended to read:

21           304.074 (2) Beginning on January 1, 1996, the department shall charge a fee  
22 to probationers and, parolees and persons on community supervision to partially  
23 reimburse the department for the costs of providing supervision and services. The  
24 department shall set varying rates for probationers and, parolees or persons on  
25 community supervision based on ability to pay and with the goal of receiving at least

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1     \$1 per day, if appropriate, from each probationer ~~and~~, parolee and person on  
2     community supervision. The department shall not charge a fee while the  
3     probationer ~~or~~, parolee or person on community supervision is exempt under sub. (3).  
4     The department shall collect moneys for the fees charged under this subsection and  
5     credit those moneys to the appropriation account under s. 20.410 (1) (gf).

6           **SECTION 3945.** 304.074 (3) (intro.) of the statutes is amended to read:

7           304.074 (3) (intro.) The department may decide not to charge a fee under sub.  
8     (2) to any probationer ~~or~~, parolee or person on community supervision while he or she  
9     meets any of the following conditions:

10          **SECTION 3946.** 304.074 (3) (d) of the statutes is amended to read:

11          304.074 (3) (d) Has a statement from a physician certifying to the department  
12     that the probationer ~~or~~, parolee or person on community supervision should be  
13     excused from working for medical reasons.

14          **SECTION 3947.** 304.074 (4) of the statutes is amended to read:

15          304.074 (4) The fee under sub. (2) does not apply to any probationer ~~or~~, parolee  
16     or person on community supervision who is under minimum or administrative  
17     supervision.

18          **SECTION 3948.** 304.074 (4m) of the statutes is created to read:

19          304.074 (4m) (a) If a probationer, parolee or person on community supervision  
20     who owes unpaid fees to the department under sub. (2) is discharged from probation  
21     or from his or her sentence before the department collects the unpaid fees, the  
22     department shall, at the time of discharge, issue a notice to the probationer, parolee  
23     or person on community supervision that states that he or she owes unpaid fees  
24     under sub. (2) and that he or she is responsible for the payment of the unpaid fees.

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1 The notice under this paragraph shall be issued with the certificate of discharge  
2 required under s. 304.078 or 973.09 (5).

3 (b) The department may request the attorney general to bring a civil action to  
4 recover unpaid fees owed to the department under sub. (2) by a person who has been  
5 discharged from probation or from his or her sentence and who, at the time of  
6 discharge, owed the department unpaid fees under sub. (2). Before requesting the  
7 attorney general to bring a civil action under this paragraph, the department shall  
8 deduct any fees owed to the department that were inaccurately assessed against the  
9 person.

10 **SECTION 3949.** 304.075 of the statutes is amended to read:

11 **304.075** (title) ~~Probationer and parolee loan~~ **Loan fund for**  
12 **probationers, parolees and persons on community supervision.** The  
13 department shall create a revolving fund out of any moneys in its hands belonging  
14 to probationers ~~and, parolees~~ or persons on community supervision who absconded,  
15 or whose whereabouts are unknown. The fund shall be used to defray the expenses  
16 of clothing, transportation, maintenance and other necessities for probationers ~~and,~~  
17 parolees and persons on community supervision who are without means to secure  
18 those necessities. All payments made from the fund shall be repaid by probationers  
19 ~~or, parolees~~ or persons on community supervision for whose benefit they are made  
20 whenever possible; and any moneys belonging to them so paid into the revolving fund  
21 shall be repaid to them in accordance with law, in case a claim therefor is filed with  
22 the department upon showing the legal right of the claimant to such money.

23 **SECTION 3950.** 304.13 (1) (intro.) of the statutes is amended to read:

24 304.13 (1) (intro.) That it shall be competent for the duly constituted judicial  
25 and administrative authorities of a sending state to permit any person convicted of

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1 an offense within the sending state and placed on probation or released on  
2 community supervision or parole to reside in any receiving state while on probation,  
3 community supervision or parole, if:

4 **SECTION 3951.** 304.13 (2) of the statutes is amended to read:

5 304.13 (2) That each receiving state will assume the duties of visitation of and  
6 supervision over probationers, persons on community supervision or parolees of any  
7 sending state and in the exercise of those duties will be governed by the same  
8 standards that prevail for its own probationers, persons on community supervision  
9 and parolees.

10 **SECTION 3952.** 304.13 (3) of the statutes is amended to read:

11 304.13 (3) That the duly accredited officers of a sending state may at all times  
12 enter a receiving state and there apprehend and retake any person on probation,  
13 community supervision or parole. For that purpose no formalities will be required  
14 other than establishing the authority of the officer and the identity of the person to  
15 be retaken. All legal requirements to obtain extradition of fugitives from justice are  
16 expressly waived on the part of states party hereto, as to such persons. The decision  
17 of the sending state to retake a person on probation, community supervision or parole  
18 shall be conclusive upon and not reviewable within the receiving state; provided,  
19 however, that if at the time when a state seeks to retake a probationer, person on  
20 community supervision or parolee there should be pending against that person  
21 within the receiving state any criminal charge, or that person should be suspected  
22 of having committed within such state a criminal offense, that person shall not be  
23 retaken without the consent of the receiving state until discharged from prosecution  
24 or from imprisonment for such offense.

25 **SECTION 3953.** 304.13 (7) of the statutes is amended to read:

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1           304.13 (7) That this compact shall continue in force and remain binding upon  
2 such ratifying state until renounced by it. The duties and obligations hereunder of  
3 a renouncing state shall continue as to parolees, persons on community supervision  
4 or probationers residing therein at the time of withdrawal or until finally discharged  
5 by the sending state. Renunciation of this compact shall be by the same authority  
6 which ratified it, by sending 6 months' notice in writing of its intention to withdraw  
7 the compact to the other states party thereto.

8           **SECTION 3954.** 304.13 (8) (b) of the statutes is amended to read:

9           304.13 (8) (b) "Sending state" means a party to this compact permitting its  
10 probationers, persons on community supervision and parolees to reside in a receiving  
11 state.

12           **SECTION 3955.** 304.135 of the statutes is amended to read:

13           **304.135** (title) **Out-of-state parolee supervision of parolees and**  
14 **persons on community supervision without compact.** The department may  
15 permit any person convicted of an offense within this state and placed on probation  
16 or released on community supervision or parole to reside in any other state not a  
17 party to the compact authorized by s. 304.13 whenever the authorities of the  
18 receiving state agree to assume the duties of visitation of and supervision over the  
19 probationer, person on community supervision or parolee, governed by the same  
20 standards that prevail for its own probationers, persons on community supervision  
21 and parolees, on the same terms as are provided in s. 304.13 (1) and (2) in the case  
22 of states signatory to the compact. Before permitting any probationer, person on  
23 community supervision or parolee to leave this state under this section, the  
24 department shall obtain from him or her a signed agreement to return to this state  
25 upon demand of the department and an irrevocable waiver of all procedure



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1 incidental to extradition. The department may, in like manner, receive for  
2 supervision probationers, persons on community supervision and parolees convicted  
3 in states not signatory to the compact, and shall have the same custody and control  
4 of those persons as it has over probationers, persons on community supervision and  
5 parolees of this state.

6 **SECTION 3956.** 304.137 of the statutes is amended to read:

7 **304.137 Determination concerning submission of human biological**  
8 **specimen.** If the department accepts supervision of a probationer, person on  
9 community supervision or parolee from another state under s. 304.13 or 304.135, the  
10 department shall determine whether the violation of law for which the person is on  
11 probation, community supervision or parole is comparable to a violation of s. 940.225  
12 (1) or (2), 948.02 (1) or (2) or 948.025. If the department determines that a person  
13 on probation, community supervision or parole from another state violated a law that  
14 is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the  
15 department shall direct the probationer, person on community supervision or  
16 parolee to provide a biological specimen under s. 165.76.

17 **SECTION 3957.** 304.14 of the statutes is amended to read:

18 **304.14 (title) Cooperative return of parole, community supervision and**  
19 **probation violators.** The secretary may deputize any person regularly employed  
20 by another state to act as an officer and agent of this state in effecting the return of  
21 any person who has violated the terms and conditions of parole, community  
22 supervision or probation as granted by this state. In any matter relating to the  
23 return of such person, any agent so deputized shall have all the powers of a police  
24 officer of this state. Any deputization pursuant to this section shall be in writing and

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1 any person authorized to act as an agent under this section shall carry formal  
2 evidence of the deputization and shall produce the same upon demand.

3 **SECTION 3958.** 340.01 (56) (a) 4. of the statutes is amended to read:

4 340.01 (56) (a) 4. Children as defined under s. 115.76 (2) with exceptional  
5 educational needs of a type specified under s. 115.76 (3) (a) to (L) to or from an  
6 educational program approved by the department of ~~education~~ public instruction.

7 **SECTION 3959.** 340.01 (58m) of the statutes is created to read:

8 340.01 (58m) "Snowplow" means a vehicle that is operated by a person  
9 employed by or on behalf of an authority in charge of the maintenance of a highway  
10 to perform highway winter maintenance snow and ice removal, including plowing,  
11 salting and sanding, during either a storm or cleanup following a storm.

12 **SECTION 3960.** 341.01 (2) of the statutes is renumbered 341.01 (2) (intro.) and  
13 amended to read:

14 341.01 (2) (intro.) In this chapter ~~notwithstanding~~:

15 (a) Notwithstanding s. 340.01 (24), "implement of husbandry" means a vehicle  
16 or piece of equipment or machinery designed for agricultural purposes, used  
17 exclusively in the conduct of agricultural operations and used principally off a  
18 highway, or a trailer-mounted bulk liquid fertilizer container.

19 **SECTION 3961.** 341.01 (2) (b) of the statutes is created to read:

20 341.01 (2) (b) Notwithstanding s. 340.01 (42), "owner" means, with respect to  
21 a vehicle that is leased to a lessee for a period of one year or more, the lessee of the  
22 vehicle for purposes of vehicle registration under this chapter.

23 **SECTION 3962.** 341.04 (1) (a) of the statutes is amended to read:

24 341.04 (1) (a) A vehicle may be operated by a private person after the date of  
25 purchase or commencement of the lease of such vehicle by such private person or

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1 after the date such person moved to this state if application for registration, except  
2 for registration under s. 341.30 or 341.305, and certificate of title has been made.

3 **SECTION 3963.** 341.04 (1) (c) of the statutes is created to read:

4 341.04 (1) (c) Notwithstanding any other provision of this chapter, if a vehicle  
5 is owned by a lessor of vehicles and is leased to a lessee for a period of one year or more  
6 and the vehicle was registered in the name of the lessor before the effective date of  
7 this paragraph ... [revisor inserts date], the department may renew the registration  
8 in the name of the lessor in lieu of registration of the vehicle by the lessee. This  
9 paragraph does not apply to any subsequent lease of the vehicle by a lessor.

10 **SECTION 3964.** 341.05 (19) of the statutes is amended to read:

11 341.05 (19) Is a ~~motor vehicle last previously registered in another jurisdiction~~  
12 ~~or a repaired salvage vehicle operated to or from a location where it is to be inspected~~  
13 as required by ~~ss. 342.06 (1) (g) and s.~~ 342.07, or an unregistered vehicle operated to  
14 or from a location where it is to be inspected as required by s. 110.20.

15 **SECTION 3965.** 341.05 (25) of the statutes is created to read:

16 341.05 (25) Is a mobile home that exceeds the statutory size under s. 348.07  
17 (2) (c).

18 **SECTION 3966.** 341.057 of the statutes is amended to read:

19 **341.057 All-terrain vehicles.** All-terrain vehicles are not required to be  
20 registered under this chapter but shall be registered under s. 23.33 (2) or (2g).

21 **SECTION 3967.** 341.08 (2) (a) of the statutes is amended to read:

22 341.08 (2) (a) The full name and residence or business address of the owner.

23 **SECTION 3968.** 341.08 (2) (am) of the statutes is created to read:

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1           341.08 (2) (am) If the owner under par. (a) is a lessor of vehicles and is leasing  
2 the vehicle to a lessee for a period of one year or more, the full name and residence  
3 or business address of the lessee.

4           **SECTION 3969.** 341.08 (2) (b) of the statutes is repealed.

5           **SECTION 3970.** 341.08 (2) (e) of the statutes is amended to read:

6           341.08 (2) (e) Such further information as the department may reasonably  
7 require to enable it to determine whether the vehicle is by law entitled to registration  
8 or to enable it to determine the proper applicant or registration fee for the vehicle.

9           **SECTION 3971.** 341.08 (4m) of the statutes is amended to read:

10          341.08 (4m) At least 30 days prior to the expiration of a vehicle's registration,  
11 the department shall mail to the last-known address of the registrant ~~or, if the~~  
12 ~~vehicle is subject to a lease agreement, of the lessee designated by the registrant, a~~  
13 notice of the date upon which the registration must be renewed and an application  
14 form for renewal of registration. The application form or an accompanying document  
15 shall include a list of any unpaid citations for nonmoving traffic violations or any  
16 judgments for violation of ch. 110, 194 or 341 to 350, an administrative rule of the  
17 department, or an ordinance enacted in accordance with s. 349.06, including parking  
18 violations, entered against the registrant which remain unpaid. The list of unpaid  
19 citations for nonmoving traffic violations shall be based on information obtained  
20 under s. 345.28 (4). The list of unpaid judgments shall be based on information  
21 obtained under s. 345.47 (1) (d). If there is a citation for any nonmoving traffic  
22 violation entered against the registrant ~~or designated lessee~~ which is unpaid, he or  
23 she shall be notified that the vehicle may not be registered until the citation is paid  
24 or the registrant ~~or designated lessee~~ appears in court to respond to the citation. If  
25 there is a judgment entered against the registrant ~~or designated lessee~~ which is

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1 unpaid, he or she shall be notified that the vehicle may not be registered until the  
2 judgment is paid.

3 **SECTION 3972.** 341.09 (2m) (a) of the statutes is amended to read:

4 341.09 (2m) (a) Upon request by a dealer licensed in this state, the department  
5 may issue any number of temporary operation plates to a dealer under sub. (2) at a  
6 fee of \$3 per plate. The dealer may issue the temporary operation plate at a fee of  
7 \$3 to any state resident who purchases or leases from the dealer any type of vehicle  
8 except buses, for-hire vehicles and vehicles which are subject to registration under  
9 the international registration plan if the state is a party to such plan or vehicles  
10 which are subject to registration under s. 341.41 (9). The department shall prescribe  
11 the manner in which a dealer shall keep records of temporary operation plates issued  
12 by the dealer.

13 **SECTION 3973.** 341.09 (4) of the statutes is amended to read:

14 341.09 (4) Upon receipt of an application and a fee of \$3, the department shall  
15 register a vehicle purchased or leased in this state by a nonresident for a period not  
16 to exceed 30 days. The department shall determine the size, color, design, form and  
17 specifications of a plate issued under this subsection. The plate may be similar or  
18 identical to a plate issued under sub. (2). The department may issue the plates to  
19 dealers at a fee of \$3 per plate in the manner and for the purpose provided in sub.  
20 (2m).

21 **SECTION 3974.** 341.10 (1) of the statutes is amended to read:

22 341.10 (1) The required state fee and any municipal vehicle registration fee  
23 imposed by the town, village or city in which the vehicle is customarily kept has not  
24 been paid for the specific vehicle, and the department may refuse registration of a  
25 vehicle if such fees for the current period or for any previous period for which

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1 payment of a registration fee is required by law have not been paid on any other  
2 vehicles owned ~~or leased~~ by the applicant for registration.

3 **SECTION 3975.** 341.10 (3) of the statutes is amended to read:

4 341.10 (3) A certificate of title is a prerequisite to registration of the vehicle  
5 and, ~~except for an applicant who is the lessee of a vehicle,~~ the applicant does not hold  
6 a valid certificate of title and is not entitled to the issuance of a certificate of title.

7 **SECTION 3976.** 341.10 (3) of the statutes, as affected by 1997 Wisconsin Act ...  
8 (this act), is repealed and recreated to read:

9 341.10 (3) A certificate of title is a prerequisite to registration of the vehicle  
10 and, except for an applicant who is the lessee of a vehicle, a valid certificate of title  
11 has not been issued to the applicant for the vehicle and the applicant is not entitled  
12 to the issuance of a certificate of title.

13 **SECTION 3977.** 341.14 (1q) of the statutes is amended to read:

14 341.14 (1q) If any employer who provides an automobile or station wagon, or  
15 a motor truck, dual purpose motor home or dual purpose farm truck which has a  
16 gross weight of not more than 8,000 pounds, a farm truck which has a gross weight  
17 of not more than 12,000 pounds or a motor home, ~~whether owned or leased by the~~  
18 ~~employer,~~ for an employe's use submits to the department a statement once every 4  
19 years, as determined by the department, from a physician licensed to practice  
20 medicine in any state, from an advanced practice nurse licensed to practice nursing  
21 in any state, from a physician assistant certified to practice in any state, from a  
22 chiropractor licensed to practice chiropractic in any state or from a Christian Science  
23 practitioner residing in this state and listed in the Christian Science journal  
24 certifying that the employe is a person with a disability that limits or impairs the  
25 ability to walk, the department shall issue and deliver to such employer plates of a

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1 special design in lieu of the plates which ordinarily would be issued for the vehicle,  
2 and shall renew the plates. The plates shall be so designed as to readily apprise law  
3 enforcement officers of the fact that the vehicle is operated by a disabled person and  
4 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition  
5 to the registration fee may be made for the issuance or renewal of the plates. The  
6 plates shall conform to the plates required in sub. (1a).

7 **SECTION 3978.** 341.14 (1r) (a) of the statutes is amended to read:

8 341.14 (1r) (a) If any resident of this state who is registering or has registered  
9 an automobile or station wagon, or a motor truck, dual purpose motor home or dual  
10 purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm  
11 truck which has a gross weight of not more than 12,000 pounds or a motor home  
12 submits a statement once every 4 years, as determined by the department, certifying  
13 to the department that the vehicle is leased to a person who qualifies for special  
14 plates under sub. (1) or (1a) together with the information required under sub. (1)  
15 or (1a), the department shall issue and deliver to the resident, plates of the  
16 appropriate special design under sub. (1) or (1a) in lieu of the plates which ordinarily  
17 would be issued for the vehicle, and shall renew the plates. No charge in addition  
18 to the registration fee shall be made for the issuance or renewal of the plates. No  
19 plates may be issued and delivered to a resident under this paragraph after  
20 December 31, 1997.

21 **SECTION 3979.** 341.14 (2) of the statutes is amended to read:

22 341.14 (2) Upon compliance with the laws relating to registration of  
23 automobiles, station wagons and motor homes; motor trucks, dual purpose motor  
24 homes and dual purpose farm trucks which have a gross weight of not more than  
25 8,000 pounds; and farm trucks which have a gross weight of not more than 12,000

**SENATE BILL 77****SECTION 3979**

1 pounds, including payment of the prescribed registration fees therefor plus an  
2 additional fee of \$10 \$15 when registration plates are issued accompanied by an  
3 application showing satisfactory proof that the applicant is the holder of an  
4 unexpired amateur radio station license issued by the federal communications  
5 commission, the department shall issue registration plates on which, in lieu of the  
6 usual registration number, shall be inscribed in large legible form the call letters of  
7 such the applicant as assigned by the federal communications commission. The fee  
8 for reissuance of a plate under this subsection shall be \$10 \$15.

9 **SECTION 3980.** 341.14 (2m) of the statutes is amended to read:

10 341.14 **(2m)** Upon compliance with laws relating to registration of motor  
11 vehicles, including payment of the prescribed fee, and an additional fee of \$5 \$15  
12 when the original or new registration plates are issued and accompanied by an  
13 application showing satisfactory proof that the applicant has a collector's  
14 identification number as provided in s. 341.266 (2) (d), the department shall issue  
15 registration plates on which, in lieu of the usual registration number, shall be  
16 inscribed the collector's identification number issued under s. 341.266 (2) (d). The  
17 words "VEHICLE COLLECTOR" shall be inscribed across the lower or upper portion  
18 of the plate at the discretion of the department. Additional registrations under this  
19 subsection by the same collector shall bear the same collector's identification number  
20 followed by a suffix letter for vehicle identification. Registration plates issued under  
21 this subsection shall expire annually.

22 **SECTION 3981.** 341.14 (6) (d) of the statutes is amended to read:

23 341.14 **(6)** (d) For each additional vehicle, a person who maintains more than  
24 one registration under this subsection at one time shall be charged a fee of \$10 \$15  
25 for issuance of the plates in addition to the annual registration fee for the vehicle.



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1 Except as provided in par. (c), a motor truck or dual purpose farm truck registered  
2 under this subsection shall be registered under this paragraph.

3 **SECTION 3982.** 341.14 (6) (e) of the statutes is amended to read:

4 341.14 (6) (e) The department shall charge a fee of \$10 \$15 for reissuance of  
5 any plate under par. (d).

6 **SECTION 3983.** 341.14 (6m) (a) of the statutes is amended to read:

7 341.14 (6m) (a) Upon application to register an automobile, station wagon or  
8 motor truck which has a gross weight of not more than 8,000 pounds by any person  
9 who is a resident of this state and a member or retired member of the national guard,  
10 the department shall issue to the person special plates whose colors and design shall  
11 be determined by the department, after consultation with the adjutant general, and  
12 which have the words "Wisconsin guard member" placed on the plates in the manner  
13 designated by the department. ~~An~~ The department shall charge an additional fee  
14 of ~~\$10 shall be charged~~ \$15 for the issuance of the plates. Registration plates issued  
15 under this subsection shall expire annually.

16 **SECTION 3984.** 341.14 (6m) (b) (intro.), 1. and 2. of the statutes are amended  
17 to read:

18 341.14 (6m) (b) (intro.) Except as provided in par. (c), if an individual in  
19 possession of special plates under this subsection or of personalized plates under s.  
20 341.145 (1) (b) does not maintain membership in the national guard during a year  
21 which is not a plate issuance year, the individual shall do all of the following:

- 22 1. Dispose of the special plates in a manner prescribed by the department;~~;~~  
23 2. In addition to the regular application fee, pay a \$4 fee for the issuance of  
24 replacement plates;~~and~~.

25 **SECTION 3985.** 341.14 (6m) (b) 3. of the statutes is repealed.

**SENATE BILL 77****SECTION 3986**

1           **SECTION 3986.** 341.14 (6r) (b) 2. of the statutes is amended to read:

2           341.14 **(6r)** (b) 2. ~~An~~ The department shall charge an additional fee of \$10 shall  
3 be charged \$15 for the issuance or reissuance of the plates for special groups  
4 specified under par. (f) ~~1. to 34., 48., 49. and 51.~~

5           **SECTION 3987.** 341.14 (6r) (b) 3. of the statutes is repealed.

6           **SECTION 3988.** 341.14 (6r) (b) 4. of the statutes is amended to read:

7           341.14 **(6r)** (b) 4. ~~An~~ The department shall charge an additional fee of \$20 that  
8 is in addition to the fee under subd. 2. ~~or 3. shall be charged~~ for the issuance or  
9 renewal of a plate issued on an annual basis for a special group specified under par.  
10 (f) 35. to 47. ~~An~~ The department shall charge an additional fee of \$40 that is in  
11 addition to the fee under subd. 2. ~~or 3. shall be charged~~ for the issuance or renewal  
12 of a plate issued on a biennial basis for a special group specified under par. (f) 35. to  
13 47. if the plate is issued or renewed during the first year of the biennial registration  
14 period or \$20 for the issuance or renewal if the plate is issued or renewed during the  
15 2nd year of the biennial registration period. The fee under this subdivision is  
16 deductible as a charitable contribution for purposes of the taxes under ch. 71.

17           **SECTION 3989.** 341.14 (6r) (bm) of the statutes, as affected by 1995 Wisconsin  
18 Act 445, section 14, is repealed.

19           **SECTION 3990.** 341.14 (6r) (g) (intro.) of the statutes is amended to read:

20           341.14 **(6r)** (g) (intro.) ~~Except as provided in par. (bm) 1., if~~ If an individual in  
21 possession of special plates under par. (f) 33., 34. or 48. or of personalized plates  
22 under s. 341.145 (1) (c) of the same color and design as special plates under par. (f)  
23 33., 34. or 48. does not maintain membership in the applicable authorized special  
24 group during a year which is not a plate issuance year, the individual shall:

**SENATE BILL 77****SECTION 3991**

1           **SECTION 3991.** 341.14 (6r) (g) (intro.) of the statutes, as affected by 1997  
2 Wisconsin Act .... (this act), is repealed and recreated to read:

3           341.14 **(6r)** (g) (intro.) If an individual in possession of special plates under par.  
4 (f) 33., 34. or 48. or of personalized plates under s. 341.145 (1) (c) of the same color  
5 and design as special plates under par. (f) 33., 34. or 48. does not maintain  
6 membership in the applicable authorized special group during a year which is not  
7 a plate issuance year, the individual shall do all of the following:

8           **SECTION 3992.** 341.14 (6r) (g) 1. and 2. of the statutes are amended to read:

9           341.14 **(6r)** (g) 1. Dispose of the special plates in a manner prescribed by the  
10 department;

11           2. In addition to the regular application fee, pay a \$4 fee for the issuance of  
12 replacement plates; and

13           **SECTION 3993.** 341.14 (6r) (g) 3. of the statutes is repealed.

14           **SECTION 3994.** 341.14 (7) of the statutes is amended to read:

15           341.14 **(7)** The department shall disseminate information to all applicants for  
16 registration plates under sub. (1), (1a), (1e), (1m), or (1q) ~~or (1r) (a)~~ relating to the  
17 parking privileges granted under s. 346.50 (2), (2a) or (3) and their right to request  
18 enforcement of s. 346.505.

19           **SECTION 3995.** 341.14 (8) of the statutes is amended to read:

20           341.14 **(8)** If a special plate for a group associated with a branch of the armed  
21 services or otherwise military in nature has been issued to a person under this  
22 section, upon application by the surviving spouse of the person, the department may  
23 permit the surviving spouse to retain the plate. If the plate has been returned to the  
24 department or surrendered to another state, the department may reissue the plate  
25 to the surviving spouse. The department shall charge an additional fee of \$10 \$15

**SENATE BILL 77****SECTION 3995**

1 to reissue the plate. This subsection does not apply to a special plate issued under  
2 s. 341.14 (1) or (1r).

3 **SECTION 3996.** 341.145 (1g) (c) of the statutes, as created by 1995 Wisconsin  
4 Act 350, is amended to read:

5 341.145 (1g) (c) The department may issue personalized registration plates  
6 under sub. (1) (d) to a person who qualifies for special plates under s. 341.14 (1) ~~or,~~  
7 ~~if in lieu of special plates under s. 341.14 (1), s. 341.14 (1r).~~

8 **SECTION 3997.** 341.145 (1g) (d) of the statutes, as created by 1995 Wisconsin  
9 Act 350, is amended to read:

10 341.145 (1g) (d) The department may issue personalized registration plates  
11 under sub. (1) (e) to a person who qualifies for special plates under s. 341.14 (1a), (1m)  
12 or (1q) ~~or, if in lieu of special plates under s. 341.14 (1a), s. 341.14 (1r).~~

13 **SECTION 3998.** 341.145 (4) of the statutes is amended to read:

14 341.145 (4) Each personalized registration plate issued shall be reserved for  
15 the recipient ~~or, in the case of a leased vehicle, for the lessee~~ in succeeding  
16 registration periods and shall not be duplicated for issuance to any other person if  
17 the recipient ~~or lessee~~ maintains the plate, unless the recipient ~~or, in the case of a~~  
18 ~~leased vehicle, the lessee~~ authorizes the issuance of the plate to another person. If  
19 the recipient ~~or, in the case of a leased vehicle, the lessee~~ does not maintain the plate  
20 for 2 successive years which are not plate issuance years or if the recipient ~~or lessee~~  
21 does not specifically request reissuance of the personalized registration plate by the  
22 end of the month in which the plate expires in a plate issuance year, the department  
23 may issue the personalized registration plate to another applicant.

24 **SECTION 3999.** 341.145 (5) (intro.), (a) and (b) of the statutes are amended to  
25 read:

**SENATE BILL 77****SECTION 3999**

1           341.145 (5) (intro.) If an individual in possession of a personalized registration  
2           plate does not maintain the personalized registration plate under sub. (3) during a  
3           year which is not a plate issuance year, the individual shall do all of the following:

4           (a) Dispose of the personalized plate in a manner prescribed by the  
5           department;

6           (b) In addition to the regular application fee, pay a \$4 fee for the issuance of  
7           replacement plates; ~~and.~~

8           **SECTION 4000.** 341.145 (5) (c) of the statutes is repealed.

9           **SECTION 4001.** 341.25 (1) (b) of the statutes is amended to read:

10          341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds  
11          or less, except a specially designed vehicle under s. 341.067, which is designed for the  
12          transportation of persons rather than property, a biennial fee of \$20 \$23.  
13          Registration plates issued under this paragraph expire on April 30 of  
14          even-numbered years.

15          **SECTION 4002.** 341.25 (1) (gg) of the statutes is repealed.

16          **SECTION 4003.** 341.25 (1) (i) of the statutes is amended to read:

17          341.25 (1) (i) For each mobile home ~~25 feet or less in length, a fee of \$12; for each~~  
18          ~~mobile home more than 25~~ not exceeding 45 feet in length, and for each camping  
19          trailer having a gross weight of more than 3,000 pounds, a fee of \$18 \$15.

20          **SECTION 4004.** 341.26 (2) (m) of the statutes is amended to read:

21          341.26 (2) (m) A motor vehicle ~~leased or~~ owned and operated by a voluntary  
22          nonprofit organization and used exclusively for rescue work. In this paragraph,  
23          “rescue work” means the rendering of first aid and emergency transportation to  
24          persons in need of immediate medical attention.

25          **SECTION 4005.** 341.26 (2m) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4005**

1           341.26 (2m) (a) In this subsection, “municipality” “local governmental unit”  
2 has the meaning given in s. 345.05 (1) (e) (bg), except that the term does not include  
3 a county.

4           **SECTION 4006.** 341.26 (2m) (am) of the statutes is amended to read:

5           341.26 (2m) (am) A fee of \$5 shall be paid to the department for the original  
6 issuance of a registration plate for any vehicle owned by this state or by any county  
7 or ~~municipality~~ local governmental unit or federally recognized Indian tribe or band  
8 in this state or leased to this state or to any county or ~~municipality~~ local  
9 governmental unit or federally recognized Indian tribe or band in this state, and  
10 operated exclusively, except for operation under s. 20.916 (7), in the public service by  
11 such state, county, ~~municipality~~ local governmental unit or Indian tribe or band. The  
12 registration shall be valid while the vehicle is owned and operated by the registrant  
13 or is leased to and operated by this state or by the county, ~~municipality~~ local  
14 governmental unit or Indian tribe or band, and the registrant complies with s. 110.20  
15 (6).

16           **SECTION 4007.** 341.26 (3) (b) of the statutes is amended to read:

17           341.26 (3) (b) For each farm trailer not coming within the provisions of s.  
18 341.264, an annual fee which is 25% of the fee prescribed by s. 341.25 (2) for a motor  
19 truck having the same gross weight, ~~except that a farm trailer used with a farm truck~~  
20 ~~tractor shall be registered at a fee of \$5.~~

21           **SECTION 4008.** 341.267 (1) (b) of the statutes is amended to read:

22           341.267 (1) (b) “School” means a public or nonpublic school having an approved  
23 driver education program as certified by the department of ~~education~~ public  
24 instruction or the technical college system board.

25           **SECTION 4009.** 341.267 (1m) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4009**

1           341.267 (1m) The department of education public instruction shall establish  
2 uniform marking standards for a motor vehicle which is used as a driver education  
3 vehicle. The markings shall be removed when the owned or leased vehicle is being  
4 operated for other than behind-the-wheel instruction or necessary maintenance  
5 and storage.

6           **SECTION 4010.** 341.267 (2) of the statutes is amended to read:

7           341.267 (2) A driver education vehicle shall be registered as provided in s.  
8 341.26 (2). If a driver education vehicle is replaced, reassignment of the plate to a  
9 replacement driver education vehicle shall be made by the department on request  
10 without payment of an additional fee. ~~The department shall issue plates of a~~  
11 ~~distinctive design upon the registration of a driver education vehicle.~~

12           **SECTION 4011.** 341.28 (2) (b) of the statutes is amended to read:

13           341.28 (2) (b) If the automobile which is the subject of the application was  
14 owned by the applicant at the time of and on or before the 15th day of the month in  
15 which the transfer, termination of the consumer lease, discontinuance of use on the  
16 highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) of the  
17 other automobile occurred and was not currently registered at the time of such  
18 transfer, termination of the consumer lease, discontinuance of use on the highways,  
19 junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a), the applicant shall  
20 pay a fee to be computed as provided in subs. (3) to (5) but shall receive a credit for  
21 the unused portion of the current registration. The credit shall be computed on the  
22 basis of one-twelfth of the annual fee paid for the vehicle from which the plates were  
23 removed multiplied by the number of months remaining in the registration period  
24 represented by the removed plates, including the month during which the applicant  
25 transferred, discontinued to use on the highways, junked or registered under s.

**SENATE BILL 77****SECTION 4011**

1 341.266 (2) (a) or 341.268 (2) (a) or terminated the consumer lease of the automobile  
2 from which the plates were removed if the transfer, termination of the consumer  
3 lease, discontinuance of use on the highways, junking or registration under s.  
4 341.266 (2) (a) or 341.268 (2) (a) occurred on or before the 15th day of the month.

5 **SECTION 4012.** 341.28 (7) (a) of the statutes is amended to read:

6 341.28 (7) (a) If the first operation of an automobile under circumstances  
7 making the owner liable for its registration in this state occurs on or before the 15th  
8 day of a given month, the registration period commences on the first day of such  
9 month. If the first operation occurs on or after the 16th day of a given month, the  
10 registration period commences on the first day of the following month. "First  
11 operation" means operation of an automobile for the first time after it was  
12 transferred or leased to the applicant or after it was registered in another state or  
13 after an active service refund or after the expiration of 12 months of nonoperation  
14 since expiration of the last registration in this state or after it was no longer used on  
15 the highways.

16 **SECTION 4013.** 341.28 (7) (b) of the statutes is amended to read:

17 341.28 (7) (b) In the case of an automobile which has not previously been  
18 registered or which has not been registered in this state by the present owner since  
19 the owner last acquired ownership of the automobile, the department shall assume  
20 that the date of first operation within the meaning of par. (a) is the date of the bill  
21 of sale evidencing the transfer of ownership to the applicant or, with respect to a  
22 leased vehicle, the date of commencement of the lease by the applicant, unless the  
23 applicant files with the department a statement that the automobile was not so  
24 operated until a later date, specifying the date of such first operation. In the case of  
25 at least 12 months of nonoperation of an automobile previously registered by the



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1 applicant, the applicant must file with the department a statement that he or she did  
2 not operate or consent to the operation of the automobile under circumstances  
3 making it subject to registration in this state during such 12-month period and must  
4 specify the date following such period when the automobile was first so operated.  
5 The department may refuse to accept a statement which projects the date of first  
6 operation into the future.

7 **SECTION 4014.** 341.305 (2) (bm) of the statutes is amended to read:

8 341.305 (2) (bm) A motor truck or truck tractor which is owned ~~or~~ leased by a  
9 retail lumberyard and used exclusively to transport building construction materials  
10 from that lumberyard to a building construction site.

11 **SECTION 4015.** 341.31 (1) (b) 2. of the statutes is amended to read:

12 341.31 (1) (b) 2. The vehicle was transferred or leased to the applicant after the  
13 expiration of the last registration in this state; or

14 **SECTION 4016.** 341.31 (1) (b) 5. of the statutes is amended to read:

15 341.31 (1) (b) 5. The vehicle is a motorcycle which has been transferred or  
16 leased to the applicant and for which current registration plates had been issued to  
17 the previous owner; or

18 **SECTION 4017.** 341.31 (1) (b) 6. of the statutes is amended to read:

19 341.31 (1) (b) 6. The vehicle which has been transferred to or leased by the  
20 applicant is a motor home or a motor truck, dual purpose motor home or dual purpose  
21 farm truck which had been registered by the previous owner at a gross weight of  
22 8,000 pounds or less or is a farm truck which had been registered by the previous  
23 owner at a gross weight of 12,000 pounds or less; or

24 **SECTION 4018.** 341.31 (2) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4018**

1           341.31 (2) (a) For vehicles registered under the conditions in sub. (1) (a), (b) or  
2 (d), the fee for the current registration period shall be computed on the basis of  
3 one-twelfth of the annual registration fee or one twenty-fourth of the biennial  
4 registration fee prescribed for the vehicle multiplied by the number of months of the  
5 current registration period which have not fully expired on the date the vehicle first  
6 is operated by or with the consent of the applicant under circumstances making it  
7 subject to registration in this state plus, in case of a quarterly registration, \$5. In  
8 the case of a vehicle which has not previously been registered or which has not been  
9 registered in this state by the present owner since the owner last acquired ownership  
10 of the vehicle, the department shall assume that the date of first operation is the date  
11 of the bill of sale evidencing transfer of ownership to the applicant or, with respect  
12 to a leased vehicle, the date of commencement of the lease by the applicant, unless  
13 he or she files with the department a statement that the vehicle was not so operated  
14 until a later date, specifying the date of such first operation. The department may  
15 refuse to accept any statement which projects the date of first operation into the  
16 future.

17           **SECTION 4019.** 341.31 (4) (a) of the statutes is amended to read:

18           341.31 (4) (a) The transferee or lessee of a vehicle registered as provided in s.  
19 341.29, 341.295 or 341.30 is not subject to the payment of any registration fee for the  
20 remainder of the period for which the vehicle is registered unless, by reason of his  
21 or her status or the use to which the vehicle is put, the fee prescribed by law is higher  
22 than that paid by the former owner. In such event, the fee shall be computed on the  
23 basis of one-twelfth of the difference between the 2 annual fees multiplied by the  
24 number of months of the current registration period which have not fully expired on  
25 the date, after the vehicle is acquired by the applicant, when such vehicle is first

**SENATE BILL 77****SECTION 4019**

1 operated by him or her or with his or her consent under circumstances making it  
2 subject to registration in this state.

3 **SECTION 4020.** 341.31 (4) (b) of the statutes is amended to read:

4 341.31 (4) (b) A person retaining a set of plates removed from a vehicle under  
5 s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and which was junked or transferred, is no  
6 longer leased to the person or used on the highways or has been registered as a  
7 special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street  
8 modified or homemade vehicle under s. 341.268 (2) (a) may receive credit for the  
9 unused portion of the registration fee paid when registering a replacement vehicle  
10 of the same type and gross weight.

11 **SECTION 4021.** 341.31 (5) of the statutes is amended to read:

12 341.31 (5) This section does not apply to vehicles registered at a fee of \$5 under  
13 s. 341.26. Such vehicles, whether registered for a full period or part thereof and  
14 whether or not previously registered, shall be registered at the full fee. If a person  
15 authorized to register a vehicle at a fee of \$5 under s. 341.26 transfers the vehicle to  
16 a person not so authorized or no longer leases the vehicle, the fee payable by the  
17 transferee shall be computed as for a vehicle not previously registered in this state.

18 **SECTION 4022.** 341.33 (3) of the statutes is amended to read:

19 341.33 (3) Upon request, the department shall refund 50% of a registration fee  
20 paid for a vehicle registered on a biennial basis if the person who registered the  
21 vehicle furnishes such proof as the department requires that the person has  
22 transferred his or her interest in the vehicle or terminated leasing the vehicle before  
23 the beginning of the 2nd year of the period for which the vehicle is registered or that  
24 the vehicle will not be operated in this state after the beginning of the 2nd year of  
25 the period for which the vehicle is registered. The department may require the

**SENATE BILL 77****SECTION 4022**

1 person to return the certificate of registration and registration plates for the vehicle  
2 to the department. Except as provided in sub. (1), the department may not refund  
3 more than 50% of the fee paid for the registration of a vehicle registered on a biennial  
4 basis.

5 **SECTION 4023.** 341.40 (2) of the statutes is amended to read:

6 341.40 (2) If the owner of any such vehicle moves to Wisconsin or if the vehicle  
7 is purchased by or leased to a Wisconsin resident, the vehicle immediately becomes  
8 subject to the laws of this state providing for the registration of vehicles.

9 **SECTION 4024.** 341.51 (4) (am) of the statutes is created to read:

10 341.51 (4) (am) If the applicant is an individual, the social security number of  
11 the individual.

12 **SECTION 4025.** 341.51 (4g) of the statutes is created to read:

13 341.51 (4g) (a) The department shall deny an application for the issuance or  
14 renewal of registration if an individual has not included his or her social security  
15 number in the application.

16 (b) The department of transportation may not disclose a social security number  
17 obtained under sub. (4) (am) to any person except to the department of industry, labor  
18 and job development for purposes of administering s. 49.22.

19 **SECTION 4026.** 341.51 (4m) of the statutes is created to read:

20 341.51 (4m) A registration shall be denied, restricted, limited or suspended  
21 if the applicant or licensee is an individual who is delinquent in making  
22 court-ordered payments of child or family support, maintenance, birth expenses,  
23 medical expenses or other expenses related to the support of a child or former spouse,  
24 as provided in a memorandum of understanding entered into under s. 49.857.

25 **SECTION 4027.** 341.605 (3) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4027**

1           341.605 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000  
2 or imprisoned for not more than 5 7 years and 6 months, or both, for each violation.

3           **SECTION 4028.** 341.65 (1) (am) of the statutes is created to read:

4           341.65 (1) (am) "Owner" has the meaning given in s. 340.01 (42) and, with  
5 respect to a vehicle that is registered, or required to be registered, by a lessee of the  
6 vehicle under this chapter, includes the lessee of the vehicle.

7           **SECTION 4029.** 342.01 (2) (a) of the statutes is renumbered 342.01 (2) (am).

8           **SECTION 4030.** 342.01 (2) (ag) of the statutes is created to read:

9           342.01 (2) (ag) "Deliver" includes electronic transmission.

10          **SECTION 4031.** 342.025 of the statutes is created to read:

11          **342.025 Applicability of chapter to mobile homes.** This chapter does not  
12 apply to a mobile home exceeding 45 feet in length unless a certificate of title has been  
13 issued for the mobile home before the effective date of this section .... [revisor inserts  
14 date].

15          **SECTION 4032.** 342.05 (1m) of the statutes is created to read:

16          342.05 (1m) A transferee of a mobile home that is exempt under s. 341.05 (25)  
17 from registration in this state and for which a certificate of title has been issued  
18 before the effective date of this subsection .... [revisor inserts date], shall make  
19 application under s. 342.15 for a certificate of title.

20          **SECTION 4033.** 342.06 (1) (intro.) of the statutes is amended to read:

21          342.06 (1) (intro.) An application for a certificate of title shall be made to the  
22 department upon a form or in an automated format prescribed by it and shall be  
23 accompanied by the required fee. Each application for certificate of title shall include  
24 the following information:

25          **SECTION 4034.** 342.06 (1) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4034**

1           342.06 (1) (a) The full name and residence or business address of the owner.

2           **SECTION 4035.** 342.06 (1) (g) of the statutes is amended to read:

3           342.06 (1) (g) If the vehicle is a used motor vehicle which was last previously  
4 registered in another jurisdiction, the applicant shall furnish any certificate of  
5 ownership issued by the other jurisdiction and a statement pertaining to the title  
6 history and ownership of such motor vehicle, such statement to be in the form the  
7 department prescribes, ~~and shall furnish a certification by a person designated by~~  
8 ~~the department by rule to the effect that the physical description of the motor vehicle~~  
9 ~~has been checked and conforms to the description given in the application.~~

10           **SECTION 4036.** 342.06 (1) (i) of the statutes is amended to read:

11           342.06 (1) (i) A place for an applicant who is a natural person to designate that  
12 the applicant's name, street address, post-office box number and 9-digit extended  
13 zip code may not be disclosed as provided in s. 341.17 (9), a statement indicating the  
14 effect of making such a designation and a place for an applicant who has made a  
15 designation under this paragraph to reverse the designation. The department may  
16 provide for these designations and statement on an alternative form or in an  
17 automated format.

18           **SECTION 4037.** 342.06 (1m) of the statutes is amended to read:

19           342.06 (1m) On the form or in the automated format for application for a  
20 certificate of title, the department may show the fee under s. 342.14 (3m) separately  
21 from the fee under s. 342.14 (1) or (3).

22           **SECTION 4038.** 342.06 (2) of the statutes is amended to read:

23           342.06 (2) Any person who knowingly makes a false statement in an  
24 application for a certificate of title may be fined not more than \$5,000 or imprisoned  
25 not more than ~~5~~ 7 years and 6 months or both.

**SENATE BILL 77****SECTION 4039**

1           **SECTION 4039.** 342.065 (4) (b) of the statutes is amended to read:

2           342.065 (4) (b) Any person who violates sub. (1) with intent to defraud may be  
3 fined not more than \$5,000 or imprisoned for not more than ~~5 7~~ years and 6 months  
4 or both.

5           **SECTION 4040.** 342.09 (1) of the statutes is renumbered 342.09 (1) (a) and  
6 amended to read:

7           342.09 (1) (a) The department shall maintain a record of each application for  
8 certificate of title received by it and, when satisfied as to its genuineness and  
9 regularity and that the applicant is entitled to the issuance of a certificate of title,  
10 shall issue and, except as provided in par. (b), deliver a certificate to the owner of the  
11 vehicle.

12           **SECTION 4041.** 342.09 (1) (b) of the statutes is created to read:

13           342.09 (1) (b) If there is a perfected security interest in a vehicle, the  
14 department shall deliver the certificate of title to the secured party having the  
15 primary perfected security interest in the vehicle.

16           **SECTION 4042.** 342.10 (6) of the statutes is created to read:

17           342.10 (6) A certificate of title may be issued by the department in an  
18 automated format.

19           **SECTION 4043.** 342.13 (1) of the statutes is amended to read:

20           342.13 (1) If a certificate of title is lost, stolen, mutilated or destroyed or  
21 becomes illegible, the owner or ~~legal representative of the owner named in person in~~  
22 possession of the certificate, as shown by the records of the department, shall  
23 promptly make application for and may obtain a replacement upon furnishing  
24 information satisfactory to the department. The replacement certificate of title shall  
25 contain the legend "This is a replacement certificate and may be subject to the rights

**SENATE BILL 77****SECTION 4043**

1 of a person under the original certificate”. If applicable under s. 346.65 (6), the  
2 replacement certificate of title shall include the notation “Per section 346.65 (6) of  
3 the Wisconsin statutes, ownership of this motor vehicle may not be transferred  
4 without prior court approval”.

5 **SECTION 4044.** 342.14 (1r) of the statutes is created to read:

6 342.14 (1r) Upon filing an application under sub. (1) for a new vehicle being  
7 registered for the first time, an environmental impact fee of \$5, by the person filing  
8 the application. All moneys collected under this subsection shall be credited to the  
9 environmental fund for environmental management.

10 **SECTION 4045.** 342.15 (1) (a) of the statutes is amended to read:

11 342.15 (1) (a) If an owner transfers an interest in a vehicle, other than by the  
12 creation of a security interest, the owner shall comply with the requirements of s.  
13 342.155 and, at the time of the delivery of the vehicle, execute an assignment and  
14 warranty of title to the transferee in the space provided therefor on the certificate,  
15 and the owner or person in possession of the certificate, as shown by the records of  
16 the department, shall cause the certificate to be mailed or delivered to the transferee,  
17 except that if the vehicle being transferred is a junk vehicle or has been junked, the  
18 owner shall return the certificate to the department in accordance with s. 342.34.

19 **SECTION 4046.** 342.15 (1) (c) of the statutes is amended to read:

20 342.15 (1) (c) If an owner transfers his or her interest in a salvage vehicle, the  
21 owner shall at the time of the delivery of the vehicle, execute an assignment and  
22 warranty of title to the transferee in the space provided therefor on the certificate,  
23 and the owner or person in possession of the certificate, as shown by the records of  
24 the department, shall cause the certificate to be mailed or delivered to the transferee.

25 **SECTION 4047.** 342.15 (5) of the statutes is amended to read:



**SENATE BILL 77****SECTION 4047**

1           342.15 (5) Any owner of a vehicle for which a certificate of title has been issued,  
2           who upon transfer of the vehicle fails to execute ~~and deliver~~ the assignment and  
3           warranty of title required by sub. (1), or the owner or person in possession of such  
4           certificate of title, as shown by the records of the department, who fails to deliver the  
5           assignment and warranty of title required by sub. (1), may be required to forfeit not  
6           more than \$500.

7           **SECTION 4048.** 342.155 (1) (b) of the statutes is amended to read:

8           342.155 (1) (b) The mileage disclosure statement required under par. (a) shall  
9           be made in the spaces provided on the certificate of title or on a form or in an  
10          automated format authorized by the department. The transferee shall print his or  
11          her name on the mileage disclosure statement, sign the statement and return a copy  
12          of the statement to the transferor. Except as authorized by rule of the department,  
13          no person may sign a mileage disclosure statement as both the transferor and  
14          transferee in the same transaction.

15          **SECTION 4049.** 342.155 (4) (b) of the statutes is amended to read:

16          342.155 (4) (b) Any person who violates this section with intent to defraud may  
17          be fined not more than \$5,000 or imprisoned for not more than 5 7 years and 6 months  
18          or both.

19          **SECTION 4050.** 342.156 (6) (b) of the statutes is amended to read:

20          342.156 (6) (b) Any person who violates this section with intent to defraud may  
21          be fined not more than \$5,000 or imprisoned for not more than 5 7 years and 6 months  
22          or both.

23          **SECTION 4051.** 342.17 (4) (b) 4. of the statutes is amended to read:

24          342.17 (4) (b) 4. The limit in subd. 3. does not apply if the surviving spouse is  
25          proceeding under s. 867.03 (1) (1g) and the total value of the decedent's solely owned

**SENATE BILL 77****SECTION 4051**

1 property in the state, including the vehicles transferred under this paragraph, does  
2 not exceed \$10,000.

3 **SECTION 4052.** 342.20 (1) of the statutes is amended to read:

4 342.20 (1) The owner shall immediately execute, in the space provided therefor  
5 on the certificate of title or on a separate form or in an automated format prescribed  
6 by the department, an application to name the secured party on the certificate,  
7 showing the name and address of the secured party, and the owner or person in  
8 possession of the owner's certificate, as shown by the records of the department, shall  
9 cause the certificate, application and the required fee to be delivered to the secured  
10 party.

11 **SECTION 4053.** 342.23 (2) (a) of the statutes is amended to read:

12 342.23 (2) (a) An owner or person in possession of the owner's certificate of title,  
13 as shown by the records of the department, shall promptly deliver the owner's  
14 certificate of title to any secured party who is named on it or who has a security  
15 interest in the vehicle described in it under any other applicable prior law of this  
16 state, upon receipt of a notice from such secured party that the security interest is  
17 to be assigned, extended or perfected.

18 **SECTION 4054.** 342.30 (1) of the statutes is renumbered 342.30 (1g).

19 **SECTION 4055.** 342.30 (1c) of the statutes is created to read:

20 342.30 (1c) In this section, "owner" includes the lessee of a vehicle if the vehicle  
21 is registered, or required to be registered, by the lessee under ch. 341.

22 **SECTION 4056.** 342.30 (3) (a) of the statutes is amended to read:

23 342.30 (3) (a) Any person who violates sub. (1) (1g) may be fined not more than  
24 \$5,000 or imprisoned for not more than 5 years or both.

**SENATE BILL 77****SECTION 4057**

1           **SECTION 4057.** 342.30 (3) (a) of the statutes, as affected by 1997 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           342.30 (3) (a) Any person who violates sub. (1g) may be fined not more than  
4 \$5,000 or imprisoned for not more than 7 years and 6 months or both.

5           **SECTION 4058.** 342.30 (4) (a) of the statutes is amended to read:

6           342.30 (4) (a) If a law enforcement agency finds a vehicle or part of a vehicle  
7 on which the identification number has been removed, altered or obliterated or made  
8 impossible to read, the law enforcement agency may seize the vehicle or part of a  
9 vehicle. If the identification number cannot be identified, the seized vehicle or  
10 vehicle part is presumed to be contraband. If the identification number can be  
11 identified, the agency may return the vehicle to the registered owner. Except as  
12 provided in par. (b), the district attorney shall institute forfeiture proceedings under  
13 s. 973.076 regarding any vehicle or vehicle part that is seized under this paragraph  
14 and not returned to the owner.

15           **SECTION 4059.** 342.32 (3) of the statutes is amended to read:

16           342.32 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000  
17 or imprisoned for not more than 5 7 years and 6 months, or both, for each violation.

18           **SECTION 4060.** 342.40 (1) of the statutes is renumbered 342.40 (1m).

19           **SECTION 4061.** 342.40 (1c) of the statutes is created to read:

20           342.40 (1c) In this section, "owner" includes the lessee of a vehicle if the vehicle  
21 is registered, or required to be registered, by the lessee under ch. 341.

22           **SECTION 4062.** 343.06 (1) (c) of the statutes is amended to read:

23           343.06 (1) (c) To any person under age 18 unless the person is enrolled in a  
24 school program or high school equivalency program and is not a habitual truant as  
25 defined in s. 118.16 (1) (a), has graduated from high school or been granted a

**SENATE BILL 77****SECTION 4062**

1 declaration of high school graduation equivalency or is enrolled in a home-based  
2 private educational program, as defined in s. 115.001 (3g), and has satisfactorily  
3 completed a course in driver education in public schools approved by the department  
4 of ~~education~~ public instruction, or in technical colleges approved by the technical  
5 college system board, or in nonpublic and private schools which meet the minimum  
6 standards set by the department of ~~education~~ public instruction, or has satisfactorily  
7 completed a substantially equivalent course in driver training approved by the  
8 department and given by a school licensed by the department under s. 343.61, or has  
9 satisfactorily completed a substantially equivalent course in driver education or  
10 training approved by another state and has attained the age of 16, except as provided  
11 in s. 343.07 (1). The department shall not issue a license to any person under the age  
12 of 18 authorizing the operation of "Class M" vehicles unless the person has  
13 successfully completed a basic rider course approved by the department. The  
14 department may, by rule, exempt certain persons from the basic rider course  
15 requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135  
16 are exempt from the driver education, basic rider or driver training course  
17 requirement. The secretary shall prescribe rules for licensing of schools and  
18 instructors to qualify under this paragraph. The driver education course shall be  
19 made available to every eligible student in the state. Except as provided under s.  
20 343.16 (1) (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's  
21 examination has been administered by the department.

22 **SECTION 4063.** 343.06 (1) (c) of the statutes, as affected by 1997 Wisconsin Act  
23 .... (this act), is repealed and recreated to read:

24 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a  
25 school program or high school equivalency program and is not a habitual truant as

**SENATE BILL 77****SECTION 4063**

1 defined in s. 118.16 (1) (a), has graduated from high school or been granted a  
2 declaration of high school graduation equivalency or is enrolled in a home-based  
3 private educational program, as defined in s. 115.001 (3g), and has satisfactorily  
4 completed a course in driver education in public schools approved by the department  
5 of public instruction, or in technical colleges approved by the technical college system  
6 board, or in nonpublic and private schools which meet the minimum standards set  
7 by the department of public instruction, or has satisfactorily completed a  
8 substantially equivalent course in driver training approved by the department and  
9 given by a school licensed by the department under s. 343.61, or has satisfactorily  
10 completed a substantially equivalent course in driver education or training approved  
11 by another state and has attained the age of 16, except as provided in s. 343.07 (1).  
12 The department shall not issue a license to any person under the age of 18  
13 authorizing the operation of "Class M" vehicles unless the person has successfully  
14 completed a basic rider course approved by the department. The department may,  
15 by rule, exempt certain persons from the basic rider course requirement of this  
16 paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the  
17 driver education, basic rider or driver training course requirement. The secretary  
18 shall prescribe rules for licensing of schools and instructors to qualify under this  
19 paragraph. The driver education course shall be made available to every eligible  
20 student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (f), no  
21 operator's license may be issued unless a driver's examination has been  
22 administered by the department.

23 **SECTION 4064.** 343.06 (1) (i) of the statutes is amended to read:

24 343.06 (1) (i) To any person who has been convicted of any offense specified  
25 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 938

**SENATE BILL 77****SECTION 4064**

1 for a like or similar offense, when the sentencing court makes a finding that issuance  
2 of a license will be inimical to the public safety and welfare. The prohibition against  
3 issuance of a license to the offenders shall apply immediately upon receipt of a record  
4 of the conviction and the court finding by the secretary, for a period of one year or  
5 until discharge from any jail or prison sentence or any period of probation,  
6 community supervision or parole with respect to the offenses specified, whichever  
7 date is the later. Receipt by the offender of a certificate of discharge from the  
8 department of corrections or other responsible supervising agency, after one year has  
9 elapsed since the prohibition began, entitles the holder to apply for an operator's  
10 license. The applicant may be required to present the certificate of discharge to the  
11 secretary if the latter deems it necessary.

12 **SECTION 4065.** 343.06 (1) (j) of the statutes is amended to read:

13 343.06 (1) (j) To any person applying for his or her first license or identification  
14 card or for a reinstated license in this state unless the person has submitted  
15 satisfactory proof of his or her name and date and place of birth.

16 **SECTION 4066.** 343.07 (5) of the statutes is amended to read:

17 343.07 (5) DEFINITION. In this section, "qualified instructor" means a person  
18 employed by a public or private school, holding an operator's license and meeting the  
19 teaching certification standards of the department of education public instruction or  
20 the technical college system board to teach driver education, or an instructor of a  
21 school licensed under s. 343.61, or a teacher or student teacher in a driver education  
22 course for teachers conducted by an institution of higher education.

23 **SECTION 4067.** 343.14 (2j) of the statutes is created to read:

**SENATE BILL 77****SECTION 4067**

1           343.14 (2j) (a) The department shall deny an application for the issuance or  
2 renewal of a license if the applicant has not included his or her social security number  
3 in the application.

4           (b) Except as otherwise required to administer and enforce this chapter, the  
5 department may not disclose a social security number obtained from an applicant for  
6 a license under sub. (2) (b) to any person except to the department of industry, labor  
7 and job development for purposes of administering s. 49.22.

8           **SECTION 4068.** 343.14 (3) (a) of the statutes is amended to read:

9           343.14 (3) (a) The department shall, as part of the application process, take a  
10 photograph of the applicant to comply with s. 343.17 (3) (a) 2. Except where  
11 specifically exempted by statute or by rule of the department, no application may be  
12 processed without the photograph being taken. In the case of renewal licenses, the  
13 photograph shall be taken once every ~~4~~ 6 years, and shall coincide with the  
14 appearance for examination which is required under s. 343.16 (3). The department  
15 may make provision for issuance of a license without a photograph if the applicant  
16 is stationed outside the state in military service and in specific situations where the  
17 department deems such action appropriate.

18           **SECTION 4069.** 343.14 (3) (b) of the statutes is amended to read:

19           343.14 (3) (b) Any photograph taken of an applicant under par. (a) or s. 343.50  
20 (4) may be maintained by the department and shall be kept confidential. The  
21 department may release a photograph only to the person whose photograph was  
22 taken or, if requested under s. 49.22 (2m), to the department of industry, labor and  
23 job development.

24           **SECTION 4070.** 343.14 (4) of the statutes is repealed.

25           **SECTION 4071.** 343.16 (1) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4071**

1           343.16 (1) (a) *General.* The department shall examine every applicant for an  
2 operator's license, including applicants for license renewal as provided in sub. (3),  
3 and every applicant for authorization to operate a vehicle class or type for which the  
4 applicant does not hold currently valid authorization, other than an instruction  
5 permit. Except as provided in sub. (2) (cm) ~~and (e)~~ to (f), the examinations of  
6 applicants for licenses authorizing operation of "Class A", "Class B", "Class C",  
7 "Class D" or "Class M" vehicles shall include both a knowledge test and an actual  
8 demonstration in the form of a driving skills test of the applicant's ability to exercise  
9 ordinary and reasonable control in the operation of a representative vehicle. The  
10 department shall not administer a driving skills test to a person applying for  
11 authorization to operate "Class M" vehicles who has failed 2 previous such skills  
12 tests unless the person has successfully completed a rider course approved by the  
13 department. The department may, by rule, exempt certain persons from the rider  
14 course requirement of this paragraph. The driving skills of applicants for  
15 endorsements authorizing the operation of commercial motor vehicles equipped with  
16 air brakes, the transportation of passengers in commercial motor vehicles or the  
17 operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested  
18 by an actual demonstration of driving skills. The department may endorse an  
19 applicant's commercial driver license for transporting hazardous materials, or the  
20 operation of tank vehicles or vehicles towing double or triple trailers, as described  
21 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In  
22 administering the knowledge test, the department shall attempt to accommodate  
23 any special needs of the applicant. Except as may be required by the department for  
24 an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy



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1 or English language proficiency. This paragraph does not prohibit the department  
2 from requiring an applicant to correctly read and understand highway signs.

3 **SECTION 4072.** 343.16 (1) (b) (intro.) of the statutes is amended to read:

4 343.16 (1) (b) *Third-party testing.* (intro.) The department may contract with  
5 a person, including an agency or department of this state or its political subdivisions  
6 or another state, or a private employer of commercial motor vehicle drivers, to  
7 administer driving skills tests required by par. (a) for authorization to operate "Class  
8 D" vehicles, commercial motor vehicle skills tests required by 49 CFR 383.110 to  
9 383.135, examinations required to be administered under s. 343.12 (2) (h) and  
10 abbreviated driving skills tests required by sub. (3) (b). The department may not  
11 enter into such testing contracts with a private driver training school or other private  
12 institution. A contract with a 3rd-party tester shall include all of the following  
13 provisions:

14 **SECTION 4073.** 343.16 (1) (b) 3. (intro.) of the statutes is amended to read:

15 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an  
16 on-site inspection of the 3rd-party tester to determine compliance with the contract  
17 and with department and federal standards for testing applicants for commercial  
18 driver licenses and with department standards for testing applicants for regular  
19 licenses and school bus endorsements. At least annually, the department shall also  
20 evaluate testing given by the 3rd-party by one of the following means:

21 **SECTION 4074.** 343.16 (1) (b) 4. of the statutes is amended to read:

22 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same  
23 qualifications and training standards as the department's license examiners to the  
24 extent established by the department as necessary to satisfactorily perform the  
25 driving skills tests required by par. (a) for authorization to operate "Class D" vehicles,

**SENATE BILL 77****SECTION 4074**

1 skills tests required by 49 CFR 383.110 to 383.135, examinations required to be  
2 administered under s. 343.12 (2) (h) and abbreviated driving skills tests required by  
3 sub. (3) (b).

4 **SECTION 4075.** 343.16 (1) (b) 5. of the statutes is amended to read:

5 343.16 (1) (b) 5. The department shall take prompt and appropriate remedial  
6 action against the 3rd-party tester in the event that the tester fails to comply with  
7 department or federal standards for commercial driver license testing, department  
8 standards for regular license and school bus endorsement testing or any provision  
9 of the contract. Such action may include immediate termination of testing by the  
10 3rd-party tester and recovery of damages.

11 **SECTION 4076.** 343.16 (1) (c) (intro.) of the statutes is amended to read:

12 343.16 (1) (c) *Driver education course.* (intro.) The department may, after  
13 consultation with the department of ~~education~~ public instruction and the technical  
14 college system board, provide for administration of and certification of the results of  
15 the test of an applicant's knowledge of the traffic laws and ability to read and  
16 understand highway signs in conjunction with a course in driver education specified  
17 in this paragraph, by an instructor in that course. The test under this paragraph  
18 does not include that part of a driver's examination involving the actual  
19 demonstration of ability to exercise ordinary and reasonable control in the operation  
20 of a motor vehicle required for the issuance of a license other than an instruction  
21 permit. The test under this paragraph may be administered and certified by an  
22 instructor in any of the following:

23 **SECTION 4077.** 343.16 (1) (c) 1. of the statutes is amended to read:

24 343.16 (1) (c) 1. A course in driver education in public schools approved by the  
25 department of ~~education~~ public instruction.

**SENATE BILL 77****SECTION 4078**

1           **SECTION 4078.** 343.16 (1) (c) 3. of the statutes is amended to read:

2           343.16 (1) (c) 3. A course in driver education in nonpublic and private schools  
3 that meets the minimum standards set by the department of ~~education~~ public  
4 instruction.

5           **SECTION 4079.** 343.16 (2) (f) of the statutes is created to read:

6           343.16 (2) (f) "*Class D*" *vehicle waiver*. 1. The department may, by rule, waive  
7 the driving skills test of a person applying for authorization to operate "Class D"  
8 vehicles who qualifies for issuance of a license under s. 343.06 (1) (c) if the applicant  
9 has done all of the following:

10           a. Successfully completed an enhanced driver education course approved by the  
11 department and the instructor in that course certifies that the applicant has satisfied  
12 the driving skills requirements of the course.

13           b. Completed a specified number of hours of operation of "Class D" vehicles in  
14 traffic situations while accompanied by a qualified instructor, or a licensed person  
15 25 years of age or older with at least 2 years of licensed driving experience, who  
16 presently holds a valid license, occupying the seat beside the applicant, and either  
17 of the applicant's parents, or a stepparent of the applicant or other adult sponsor, as  
18 defined by the department by rule under s. 343.15 (1) (a), certifies on a form  
19 prescribed by the department that the applicant satisfactorily completed such  
20 operation.

21           2. By July 1, 2000, and annually thereafter, the department shall evaluate the  
22 effectiveness of waiving the driving skills test of applicants under subd. 1.

23           3. Any rule promulgated under this paragraph shall provide that the  
24 department shall randomly select a sample of applicants meeting the requirements  
25 of subsd. 1. and 2. and require such applicants to take the driving skills test.

**SENATE BILL 77****SECTION 4080**

1           **SECTION 4080.** 343.16 (3) (a) of the statutes is amended to read:

2           343.16 (3) (a) The Except as provided in s. 343.20 (1) (f), the department shall  
3 examine every applicant for the renewal of an operator's license once every ~~4~~ 6 years.  
4 The department may institute a method of selecting the date of renewal so that such  
5 examination shall be required for each applicant for renewal of a license to gain a  
6 uniform rate of examinations. The examination shall consist of a test of eyesight.  
7 The department shall make provisions for giving such examinations at examining  
8 stations in each county to all applicants for an operator's license. The person to be  
9 examined shall appear at the examining station nearest the person's place of  
10 residence or at such time and place as the department designates in answer to an  
11 applicant's request. In lieu of examination, the applicant may present or mail to the  
12 department a report of examination of the applicant's eyesight by an  
13 ophthalmologist, optometrist or physician licensed to practice medicine. The report  
14 shall be based on an examination made not more than 3 months prior to the date it  
15 is submitted. The report shall be on a form furnished and in the form required by  
16 the department. The department shall decide whether, in each case, the eyesight  
17 reported is sufficient to meet the current eyesight standards.

18           **SECTION 4081.** 343.16 (6) (title) of the statutes is amended to read:

19           343.16 (6) (title) ~~SPECIAL RETESTING OF LICENSED OPERATIONS~~ OPERATORS.

20           **SECTION 4082.** 343.16 (6) (a) of the statutes is amended to read:

21           343.16 (6) (a) Whenever the secretary has good cause to believe that a licensed  
22 operator is incompetent or otherwise not qualified to be licensed or, with respect to  
23 a person for whom the driving skills test was waived under sub. (2) (f), that the person  
24 had his or her operating privilege suspended or revoked while on probationary status  
25 and is seeking to reinstate the operating privilege, the secretary may, upon written

**SENATE BILL 77****SECTION 4082**

1 notice of at least 5 days to the ~~licensee~~ person, require the ~~licensee~~ person to submit  
2 to an examination including all or part of the tests specified in sub. (1). Upon the  
3 conclusion of such ~~the~~ the examination, the secretary shall take such action as is  
4 appropriate under this chapter, including cancellation of ~~the~~ a license or permitting  
5 ~~the~~ licensee to retain the license subject to ~~such~~ any restrictions as ~~that~~ the secretary  
6 may order or without restrictions.

7 **SECTION 4083.** 343.17 (3) (a) 12. of the statutes is amended to read:

8 343.17 (3) (a) 12. If the person is not the legal drinking age, as defined in s.  
9 125.02 (8m), at the time of issuance of the license, a distinctive ~~background color for~~  
10 ~~the license document designated~~ appearance specified by the department that  
11 clearly identifies to the public that the person was not the legal drinking age at the  
12 time of issuance of the license.

13 **SECTION 4084.** 343.19 (1) of the statutes is amended to read:

14 343.19 (1) If a license issued under this chapter or an identification card issued  
15 under s. 343.50 is lost or destroyed or the name or address named in the license or  
16 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. no  
17 longer applies, the person to whom the license or identification card was issued may  
18 obtain a duplicate thereof or substitute therefor upon furnishing proof satisfactory  
19 to the department of name, and date ~~and place~~ of birth and that the license or  
20 identification card has been lost or destroyed or that application for a duplicate  
21 license or identification card is being made for a change of address or name or  
22 because the condition specified in s. 343.17 (3) (a) 12. no longer applies. If the original  
23 license or identification card is found it shall immediately be transmitted to the  
24 department. Duplicates of nonphoto licenses shall be issued as nonphoto licenses.

25 **SECTION 4085.** 343.20 (1) (a) of the statutes is amended to read:

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1           343.20 (1) (a) Except as otherwise expressly provided in this chapter,  
2 reinstated licenses, probationary licenses issued under s. 343.085 and original  
3 licenses other than instruction permits shall expire 2 years from the date of the  
4 applicant's next birthday. All other licenses and license endorsements shall expire  
5 ~~4~~ 6 years after the date of issuance. The department may institute any system of  
6 initial license issuance which it deems advisable for the purpose of gaining a uniform  
7 rate of renewals. In order to put such a system into operation, the department may  
8 issue licenses which are valid for any period less than the ordinary effective period  
9 of such license. If the department issues a license that is valid for less than the  
10 ordinary effective period as authorized by this paragraph, the fees due under s.  
11 343.21 (1) (a), (b) and (d) shall be prorated accordingly.

12           **SECTION 4086.** 343.20 (1) (f) of the statutes is created to read:

13           343.20 (1) (f) During the transition to the issuance of renewal licenses under  
14 par. (a) that are valid for a period of 6 years, the department may issue licenses for  
15 renewal periods of less than 6 years for the purpose of gaining a uniform rate of  
16 renewals. The department may process an application under this paragraph by mail  
17 without requiring an applicant to have his or her photograph taken under s. 343.14  
18 (3) or to submit to an examination under s. 343.16 (3). If the department issues a  
19 license under this paragraph, any applicable fees due shall be prorated accordingly.  
20 This paragraph does not apply after December 31, 2001.

21           **SECTION 4087.** 343.21 (1) (a) of the statutes is amended to read:

22           343.21 (1) (a) For the initial issuance of a license authorizing only the operation  
23 of "Class D" motor vehicles, ~~\$15~~ \$18.

24           **SECTION 4088.** 343.21 (1) (am) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4088**

1           343.21 (1) (am) For the renewal of a license authorizing only the operation of  
2           “Class D” motor vehicles, ~~\$10~~ \$18.

3           **SECTION 4089.** 343.21 (1) (b) of the statutes is amended to read:

4           343.21 (1) (b) For the initial issuance ~~or renewal~~ of authorization to operate  
5           “Class M” motor vehicles, ~~\$4~~ \$9 in addition to any other fees due.

6           **SECTION 4090.** 343.21 (1) (bg) of the statutes is created to read:

7           343.21 (1) (bg) For the renewal of authorization to operate “Class M” motor  
8           vehicles, \$6 in addition to any other fees due.

9           **SECTION 4091.** 343.21 (1) (d) of the statutes is amended to read:

10          343.21 (1) (d) For the initial issuance or renewal of authorization to operate  
11          “Class A”, “Class B” or “Class C” motor vehicles, or upgrading an existing regular  
12          license which only authorizes the operation of “Class D” motor vehicles, ~~\$32~~ \$48.  
13          This fee includes issuance of any “H”, “N”, “P”, “S” or “T” endorsements or “Class D”  
14          authorization applied for at the same time for which the applicant is qualified.

15          **SECTION 4092.** 343.21 (1) (i) of the statutes is amended to read:

16          343.21 (1) (i) ~~For~~ Except as provided in par. (im), for an instruction permit, \$20.

17          **SECTION 4093.** 343.21 (1) (im) of the statutes is created to read:

18          343.21 (1) (im) For an instruction permit authorizing the operation of “Class  
19          M” vehicles, \$22.

20          **SECTION 4094.** 343.24 (3) of the statutes is amended to read:

21          343.24 (3) The department shall not disclose information concerning or related  
22          to a violation as defined by s. 343.30 (6) to any person other than a court, district  
23          attorney, county corporation counsel, city, village or town attorney, law enforcement  
24          agency ~~or~~, the minor who committed the violation or his or her parent or guardian

**SENATE BILL 77****SECTION 4094**

1 or, if requested under s. 49.22 (2m), the department of industry, labor and job  
2 development.

3 **SECTION 4095.** 343.30 (2d) of the statutes is amended to read:

4 343.30 (2d) A court may suspend or revoke a person's operating privilege upon  
5 conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if  
6 the court finds that it is inimical to the public safety and welfare for the offender to  
7 have operating privileges. The suspension or revocation shall be for one year or until  
8 discharge from prison or jail sentence or probation, community supervision or parole  
9 with respect to the offenses specified, whichever date is later. Receipt of a certificate  
10 of discharge from the department of corrections or other responsible supervising  
11 agency, after one year has elapsed since the suspension or revocation, entitles the  
12 holder to reinstatement of operating privileges. The holder may be required to  
13 present the certificate to the secretary if the secretary deems necessary.

14 **SECTION 4096.** 343.30 (5) of the statutes is amended to read:

15 343.30 (5) No court may suspend or revoke an operating privilege except as  
16 authorized by this chapter or ch. 345, 351 or 938 or s. 767.303, 800.09 (1) (c), 800.095  
17 (4) (b) 4. or 961.50. When a court revokes, suspends or restricts a ~~child's~~ juvenile's  
18 operating privilege under ch. 938, the department of transportation shall not  
19 disclose information concerning or relating to the revocation, suspension or  
20 restriction to any person other than a court, district attorney, county corporation  
21 counsel, city, village or town attorney, law enforcement agency, or the ~~minor~~ juvenile  
22 whose operating privilege is revoked, suspended or restricted, or his or her parent  
23 or guardian. Persons entitled to receive this information shall not disclose the  
24 information to other persons or agencies. This subsection does not apply to any



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1 information requested by the department of industry, labor and job development  
2 under s. 49.22 (2m).

3 **SECTION 4097.** 343.305 (6) (e) of the statutes is created to read:

4 343.305 (6) (e) 1. In this paragraph, "licensor" means the department, either  
5 the department of health and family services or the department of transportation,  
6 issuing a permit or laboratory approval under this subsection.

7 2. In addition to any other information required by the licensor, an application  
8 for a permit or laboratory approval under this subsection shall include the following:

9 a. In the case of an individual, the individual's social security number.

10 b. In the case of a person who is not an individual, the person's federal employer  
11 identification number.

12 3. a. The licensor shall deny an application for the issuance or, if applicable,  
13 renewal of a permit or laboratory approval if the information required under subd.  
14 2. a. or b. is not included in the application.

15 b. The licensor may not disclose any information received under subd. 2. a. or  
16 b. except to the department of industry, labor and job development for purposes of  
17 administering s. 49.22 or the department of revenue for the sole purpose of  
18 requesting certifications under s. 73.0301.

19 3. A permit under this subsection shall be denied, restricted, limited or  
20 suspended if the applicant or licensee is an individual who is delinquent in making  
21 court-ordered payments of child or family support, maintenance, birth expenses,  
22 medical expenses or other expenses related to the support of a child or former spouse,  
23 as provided in a memorandum of understanding entered into under s. 49.857.

24 4. If the licensor is the department of health and family services, the  
25 department of health and family services shall deny an application for the issuance

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1 or renewal of a permit or laboratory approval, or revoke a permit or laboratory  
2 approval already issued, if the department of revenue certifies under s. 73.0301 that  
3 the applicant or holder of the permit or laboratory approval is liable for delinquent  
4 taxes.

5 **SECTION 4098.** 343.345 of the statutes is created to read:

6 **343.345 Restriction, limitation or suspension of operating privilege.**

7 The department shall restrict, limit or suspend a person's operating privilege if the  
8 person is delinquent in making court-ordered payments of child or family support,  
9 maintenance, birth expenses, medical expenses or other expenses related to the  
10 support of a child or former spouse, as provided in a memorandum of understanding  
11 entered into under s. 49.857.

12 **SECTION 4099.** 343.38 (2) (intro.) and (a) of the statutes are consolidated,  
13 renumbered 343.38 (2) and amended to read:

14 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER  
15 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked pursuant to  
16 the laws of this state is reinstated as a matter of law when the period of revocation  
17 has expired and such nonresident: ~~(a) Obtains~~ obtains a valid operator's license ~~in~~  
18 issued by the jurisdiction of the nonresident's residence; and.

19 **SECTION 4100.** 343.38 (2) (b) of the statutes is repealed.

20 **SECTION 4101.** 343.50 (3) of the statutes is amended to read:

21 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as  
22 an operator's license but shall be of a design which is readily distinguishable from  
23 the design of an operator's license and bear upon it the words "IDENTIFICATION  
24 CARD ONLY". The information on the card shall be the same as specified under s.  
25 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)

**SENATE BILL 77****SECTION 4101**

1 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may  
2 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).  
3 The card shall contain the holder's photograph and, if applicable, ~~comply with the~~  
4 ~~requirement of~~ shall be of the design specified under s. 343.17 (3) (a) 12.

5 **SECTION 4102.** 343.50 (4) of the statutes is amended to read:

6 343.50 (4) APPLICATION. The application for an identification card shall include  
7 the information required under s. 343.14 (2) (a) and (b) and (2m), such further  
8 information as the department may reasonably require to enable it to determine  
9 whether the applicant is entitled by law to an identification card and, for applicants  
10 who are aged 65 years or older, material, as provided by the department, explaining  
11 the voluntary program that is specified in s. 71.55 (10) (b). The department shall,  
12 as part of the application process, take a photograph of the applicant to comply with  
13 sub. (3). ~~No~~ Except as provided in sub. (6) (b), no application may be processed  
14 without the photograph being taken. Misrepresentations are punishable as  
15 provided in s. 343.14 (5).

16 **SECTION 4103.** 343.50 (5) of the statutes is amended to read:

17 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the  
18 reinstatement of an identification card after cancellation under sub. (10) shall be \$4  
19 \$9. The card shall be valid for the succeeding period of ~~4~~ 6 years from the applicant's  
20 next birthday after the date of issuance.

21 **SECTION 4104.** 343.50 (6) of the statutes is renumbered 343.50 (6) (a) and  
22 amended to read:

23 343.50 (6) (a) At least 30 days prior to the expiration of the card, the  
24 department shall mail a renewal application to the last-known address of each  
25 identification card holder. The department shall include with the application

**SENATE BILL 77****SECTION 4104**

1 information, as developed by all organ procurement organizations in cooperation  
2 with the department, that promotes anatomical donations and which relates to the  
3 anatomical donation opportunity available under s. 343.175. The fee for a renewal  
4 identification card shall be ~~\$4~~ \$9, which card shall be valid for ~~4~~ 6 years.

5 **SECTION 4105.** 343.50 (6) (b) of the statutes is created to read:

6 343.50 (6) (b) During the transition to the issuance of renewal identification  
7 cards under par. (a) that are valid for a period of 6 years, the department may issue  
8 identification cards for renewal periods of less than 6 years for the purpose of gaining  
9 a uniform rate of renewals. The department may process an application under this  
10 paragraph by mail without requiring an applicant to have his or her photograph  
11 taken to comply with sub. (3). If the department issues a renewal identification card  
12 under this paragraph, the fee due under par. (a) shall be prorated accordingly. This  
13 paragraph does not apply after December 31, 2001.

14 **SECTION 4106.** 343.50 (7) of the statutes is amended to read:

15 343.50 (7) DUPLICATE. The fee for a duplicate card is ~~\$3~~ \$6.

16 **SECTION 4107.** 343.50 (8) (b) of the statutes is amended to read:

17 343.50 (8) (b) The department shall not disclose any record or other  
18 information concerning or relating to an applicant or identification card holder to  
19 any person other than a court, district attorney, county corporation counsel, city,  
20 village or town attorney, law enforcement agency, the applicant or identification card  
21 holder or, if the applicant or identification card holder is under 18 years of age, his  
22 or her parent or guardian. Persons entitled to receive any record or other information  
23 under this paragraph shall not disclose the record or other information to other  
24 persons or agencies. This paragraph does not apply to any record or other

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1 information requested by the department of industry, labor and job development  
2 under s. 49.22 (2m).

3 **SECTION 4108.** 343.51 (1) of the statutes is amended to read:

4 343.51 (1) Any person who qualifies for registration plates of a special design  
5 under s. 341.14 (1), (1a), (1m), or (1q) ~~or (1r)(a)~~ or any other person with a disability  
6 that limits or impairs the ability to walk may request from the department a special  
7 identification card that will entitle any motor vehicle, other than a motorcycle,  
8 parked by, or under the direction of, the person, or a motor vehicle, other than a  
9 motorcycle, operated by or on behalf of the organization when used to transport such  
10 a person, to parking privileges under s. 346.50 (2), (2a) and (3). The department shall  
11 issue the card at a fee to be determined by the department, upon submission by the  
12 applicant, if the applicant is an individual rather than an organization, of a  
13 statement from a physician licensed to practice medicine in any state, from an  
14 advanced practice nurse licensed to practice nursing in any state, from a physician  
15 assistant certified to practice in any state, from a chiropractor licensed to practice  
16 chiropractic in any state or from a Christian Science practitioner residing in this  
17 state and listed in the Christian Science journal that the person is a person with a  
18 disability that limits or impairs the ability to walk. The statement shall state  
19 whether the disability is permanent or temporary and, if temporary, the opinion of  
20 the physician, advanced practice nurse, physician assistant, chiropractor or  
21 practitioner as to the duration of the disability. The department shall issue the card  
22 upon application by an organization on a form prescribed by the department if the  
23 department believes that the organization meets the requirements under this  
24 subsection.

25 **SECTION 4109.** 343.60 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4109**

1           343.60 (1) "Driver school" means the business of giving instruction, for  
2 compensation, in the driving of motor vehicles, except that it does not include a high  
3 school or technical college which teaches driver training as part of its regular school  
4 program and whose course of study in driver training has been approved by the  
5 department of ~~education~~ public instruction or technical college system board and it  
6 does not include an institution of higher learning which teaches driver training as  
7 part of its teacher training program.

8           **SECTION 4110.** 343.61 (2) of the statutes is renumbered 343.61 (2) (a) (intro.)  
9 and amended to read:

10           343.61 (2) (a) (intro.) Application for a driver school license shall be made in  
11 the form and manner prescribed by the department, shall contain such information  
12 as is required by the department and shall be accompanied by the required fee. An  
13 application shall include the following:

14           **SECTION 4111.** 343.61 (2) (a) 1. and 2. of the statutes are created to read:

15           343.61 (2) (a) 1. In the case of an individual, the individual's social security  
16 number.

17           2. In the case of a person who is not an individual, the person's federal employer  
18 identification number.

19           **SECTION 4112.** 343.61 (2) (b) of the statutes is created to read:

20           343.61 (2) (b) The department of transportation may not disclose any  
21 information received under par. (a) 1. or 2. to any person except to the department  
22 of industry, labor and job development for purposes of administering s. 49.22 or the  
23 department of revenue for the sole purpose of requesting certifications under s.  
24 73.0301.

25           **SECTION 4113.** 343.61 (3) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4113**

1           343.61 (3) The required fee for any driver school license, or for any annual  
2 renewal thereof, is ~~\$25~~ \$75 or, for licenses issued or renewed after August 31, 1998,  
3 \$95.

4           **SECTION 4114.** 343.62 (2) of the statutes is renumbered 343.62 (2) (a) and  
5 amended to read:

6           343.62 (2) (a) Application for an instructor's license shall be made in the form  
7 and manner prescribed by the department, shall contain such information as is  
8 required by the department and shall be accompanied by the required fee. The  
9 application shall include the applicant's social security number.

10          **SECTION 4115.** 343.62 (2) (b) of the statutes is created to read:

11          343.62 (2) (b) The department of transportation may not disclose a social  
12 security number obtained under par. (a) to any person except to the department of  
13 industry, labor and job development for purposes of administering s. 49.22 or the  
14 department of revenue for the sole purpose of requesting certifications under s.  
15 73.0301.

16          **SECTION 4116.** 343.62 (3) of the statutes is amended to read:

17          343.62 (3) The required fee for any instructor's license, or for any annual  
18 renewal thereof, is \$5 \$25.

19          **SECTION 4117.** 343.64 of the statutes is renumbered 343.64 (1).

20          **SECTION 4118.** 343.64 (2) of the statutes is created to read:

21          343.64 (2) The secretary shall deny the application of any person for the  
22 issuance or renewal of a driver school license if the information required under s.  
23 343.61 (2) (a) 1. or 2. is not included in the application.

24          **SECTION 4119.** 343.65 of the statutes is renumbered 343.65 (1).

25          **SECTION 4120.** 343.65 (2) of the statutes is created to read:

**SENATE BILL 77****SECTION 4120**

1           343.65 (2) The secretary shall deny an application for the issuance or renewal  
2 of an instructor's license if the applicant has not included his or her social security  
3 number in the application.

4           **SECTION 4121.** 343.66 (6) of the statutes is amended to read:

5           343.66 (6) The licensee has failed to maintain satisfactory insurance to meet  
6 damage claims in the amounts specified by s. 343.64 ~~(7)~~ (1) (g).

7           **SECTION 4122.** 343.665 of the statutes is created to read:

8           **343.665 Denial, restriction, limitation, suspension or revocation of**  
9 **driver school license.** The secretary shall:

10           (1) Deny, restrict, limit or suspend any driver school license issued under s.  
11 343.61 or refuse to issue a renewal thereof if the applicant or licensee is an individual  
12 who is delinquent in making court-ordered payments of child or family support,  
13 maintenance, birth expenses, medical expenses or other expenses related to the  
14 support of a child or former spouse, as provided in a memorandum of understanding  
15 entered into under s. 49.857.

16           (2) Deny an application for the issuance or renewal of a driver school license  
17 issued under s. 343.61, or revoke a driver school license already issued under s.  
18 343.61, if the department of revenue certifies under s. 73.0301 that the applicant or  
19 licensee is liable for delinquent taxes.

20           **SECTION 4123.** 343.675 of the statutes is created to read:

21           **343.675 Denial, restriction, limitation, suspension or revocation of**  
22 **instructor's license.** The secretary shall:

23           (1) Deny, restrict, limit or suspend any instructor's license issued under s.  
24 343.62 or refuse to issue a renewal thereof if the applicant or licensee is delinquent  
25 in making court-ordered payments of child or family support, maintenance, birth



**SENATE BILL 77****SECTION 4123**

1 expenses, medical expenses or other expenses related to the support of a child or  
2 former spouse, as provided in a memorandum of understanding entered into under  
3 s. 49.857.

4 (2) Deny an application for the issuance or renewal of an instructor's license  
5 issued under s. 343.62, or revoke an instructor's license already issued under s.  
6 343.62, if the department of revenue certifies under s. 73.0301 that the applicant or  
7 licensee is liable for delinquent taxes.

8 **SECTION 4124.** 343.68 of the statutes is amended to read:

9 **343.68 Renewal no bar to revocation of license.** In Except as provided in  
10 ss. 343.665 and 343.675, in reviewing the renewal of a license, the secretary may  
11 deny or delay such renewal for causes and violations as prescribed by ss. 343.64 to  
12 343.72 occurring during any prior license period.

13 **SECTION 4125.** 343.69 of the statutes is amended to read:

14 **343.69 Hearings on license denials and revocations.** Before the  
15 department denies an application for a driver school license or instructor's license  
16 or revokes any such license, the department shall notify the applicant or licensee of  
17 the pending action and that the division of hearings and appeals will hold a hearing  
18 on the pending denial or revocation. The division of hearings and appeals shall send  
19 notice of the hearing by registered or certified mail to the last-known address of the  
20 licensee or applicant, at least 10 days prior to the date of the hearing. This section  
21 does not apply to denials or revocations of licenses under s. 343.665 or 343.675.

22 **SECTION 4126.** 344.01 (2) (cm) of the statutes is created to read:

23 344.01 (2) (cm) Notwithstanding s. 340.01 (42), "owner" means, with respect  
24 to a vehicle that is registered, or is required to be registered, by a lessee of the vehicle  
25 under ch. 341, the lessee of the vehicle.

**SENATE BILL 77****SECTION 4127**

1           **SECTION 4127.** 344.02 (1) of the statutes is amended to read:

2           344.02 (1) Whenever the department under s. 344.13 gives notice of the amount  
3 of security required to be deposited and that an order of revocation or impoundment  
4 will be made if such security is not deposited, it shall afford the person so notified an  
5 opportunity for a hearing on the proposed action, if written request for a hearing is  
6 received by the department prior to the date specified in the notice, or prior to the  
7 postponed effective date of revocation if postponement has been granted under s.  
8 344.14 (1). Upon receipt of timely request for hearing, the department shall fix the  
9 time and place of the hearing and give notice thereof to such person by regular mail.  
10 The scope of the hearing is limited to the matter set forth in s. 344.14 (2) (k) and,  
11 subject to s. 344.14 (2m), to whether or not the person is the owner of the motor  
12 vehicle to be impounded. Any person who fails without reasonable cause to appear  
13 at the time and place specified in the notice shall forfeit the right to a hearing.

14           **SECTION 4128.** 344.14 (2m) of the statutes is created to read:

15           344.14 (2m) A motor vehicle may not be impounded under sub. (1m) if the  
16 vehicle is registered, or is required to be registered, in the name of the lessee of the  
17 vehicle.

18           **SECTION 4129.** 344.42 of the statutes is created to read:

19           **344.42 Submission of certifications and recertifications by insurers.**  
20 If the sum of certifications and recertifications under ss. 344.31, 344.32 and 344.34  
21 that are submitted by an insurer to the department in any year exceeds 1,000, the  
22 insurer shall pay to the department a transaction fee of \$1.50 per certification or  
23 recertification that is not transmitted electronically to the department. The  
24 department shall promulgate rules establishing procedures for the collection of  
25 transaction fees under this section.

**SENATE BILL 77****SECTION 4130**

1           **SECTION 4130.** 345.05 (title) of the statutes is amended to read:

2           **345.05** (title) **Municipal Local governmental liability for motor vehicle**  
3 **accidents.**

4           **SECTION 4131.** 345.05 (1) (b) of the statutes is amended to read:

5           345.05 (1) (b) “Governing body” means the county board with reference to  
6 counties, the town board with reference to towns, the legislative body of a city or  
7 village with reference to cities and villages and the board of any district, center or  
8 other ~~municipality~~ local governmental unit with reference to other municipalities  
9 local governmental units enumerated in par. (e) (bg).

10          **SECTION 4132.** 345.05 (1) (bm) of the statutes is amended to read:

11          345.05 (1) (bm) “Motor vehicle” does not include a vehicle that is exempt from  
12 registration under s. 341.05 or a snowplow.

13          **SECTION 4133.** 345.05 (1) (c) of the statutes is renumbered 345.05 (1) (bg) and  
14 amended to read:

15          345.05 (1) (bg) “Municipality” “Local governmental unit” means any county,  
16 city, village, town, school district (as enumerated in s. 67.01 (5), sewer district,  
17 drainage district and, without restriction because of failure of enumeration, any  
18 other political subdivision of the state.

19          **SECTION 4134.** 345.05 (2) of the statutes is amended to read:

20          345.05 (2) A person suffering any damage proximately resulting from the  
21 negligent operation of a motor vehicle owned and operated by a ~~municipality~~ local  
22 governmental unit, which damage was occasioned by the operation of the motor  
23 vehicle in the course of its business, may file a claim for damages against the  
24 ~~municipality~~ local governmental unit concerned and the governing body thereof may  
25 allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is

**SENATE BILL 77****SECTION 4134**

1 deemed owned and operated by a ~~municipality~~ local governmental unit if the vehicle  
2 is either being rented or leased, or is being purchased under a contract whereby the  
3 ~~municipality~~ local governmental unit will acquire title.

4 **SECTION 4135.** 345.05 (4) of the statutes is amended to read:

5 345.05 (4) In this section, judgments against ~~municipalities~~ local  
6 governmental units shall be certified, filed and collected as provided in s. 66.09  
7 whether named therein or not.

8 **SECTION 4136.** 345.05 (5) of the statutes is amended to read:

9 345.05 (5) If the allowance of claim is by or the judgment is against any  
10 ~~municipality~~ local governmental unit lying in more than one town, city, village or  
11 county, the governing body of the debtor ~~municipality~~ local governmental unit shall  
12 prorate the amount of the claim allowed or the judgment and so certify to the proper  
13 officials for tax levy, so that the taxable property of the debtor ~~municipality~~ local  
14 governmental unit will equitably bear the amount of the claim or judgment.

15 **SECTION 4137.** 345.05 (6) of the statutes is created to read:

16 345.05 (6) The exemption granted the operator of a snowplow by this section  
17 does not relieve such operator from the duty to drive or ride with due regard under  
18 the circumstances for the safety of all persons nor does it protect such operator from  
19 the consequences of his or her reckless disregard for the safety of others.

20 **SECTION 4138.** 345.26 (1) (b) 1. of the statutes is amended to read:

21 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic  
22 regulation, the person need not appear in court at the time fixed in the citation, and  
23 the person will be deemed to have tendered a plea of no contest and submitted to a  
24 forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment,  
25 if required by s. 302.46 (1), and a crime laboratories assessment, if required by s.

**SENATE BILL 77****SECTION 4138**

1 165.755, plus any applicable fees prescribed in ch. 814, not to exceed the amount of  
2 the deposit that the court may accept as provided in s. 345.37; and

3 **SECTION 4139.** 345.26 (2) (b) of the statutes is amended to read:

4 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include  
5 court costs, including any applicable fees prescribed in ch. 814, any applicable  
6 penalty assessment ~~and~~, any applicable jail assessment and any applicable crime  
7 laboratories assessment.

8 **SECTION 4140.** 345.36 (2) (b) of the statutes is amended to read:

9 345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment  
10 accordingly. If the defendant has posted bond for appearance at that date, the court  
11 may also order the bond forfeited. The court shall promptly mail a copy of the  
12 judgment to the defendant. The judgment shall allow not less than 20 days from the  
13 date thereof for payment of any forfeiture, penalty assessment, jail assessment,  
14 crime laboratories assessment and costs imposed. If the defendant moves to open the  
15 judgment within 20 days after the date set for trial, and shows to the satisfaction of  
16 the court that the failure to appear was due to mistake, inadvertence, surprise or  
17 excusable neglect, the court shall open the judgment, reinstate the not guilty plea  
18 and set a new trial date. The court may impose costs under s. 814.07. The court shall  
19 immediately notify the department to delete the record of conviction based upon the  
20 original judgment.

21 **SECTION 4141.** 345.37 (1) (b) of the statutes is amended to read:

22 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment  
23 accordingly. If the defendant has posted bond for appearance at that date, the court  
24 may also order the bond forfeited. The court shall promptly mail a copy or notice of  
25 the judgment to the defendant. The judgment shall allow not less than 20 days from

**SENATE BILL 77****SECTION 4141**

1 the date thereof for payment of any forfeiture, penalty assessment, crime  
2 laboratories assessment and costs imposed. If the defendant moves to open the  
3 judgment within 6 months after the court appearance date fixed in the citation, and  
4 shows to the satisfaction of the court that the failure to appear was due to mistake,  
5 inadvertence, surprise or excusable neglect, the court shall open the judgment,  
6 accept a not guilty plea and set a trial date. The court may impose costs under s.  
7 814.07. The court shall immediately notify the department to delete the record of  
8 conviction based upon the original judgment. If the offense involved is a nonmoving  
9 traffic violation and the defendant is subject to s. 345.28 (5) (c), a default judgment  
10 may be entered and opened as provided in s. 345.28 (5) (c).

11 **SECTION 4142.** 345.37 (2) of the statutes is amended to read:

12 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may  
13 serve as the initial pleading and the defendant shall be deemed to have tendered a  
14 plea of no contest and submitted to a forfeiture and a penalty assessment, if required  
15 by s. 165.87, and a jail assessment, if required by s. 302.46 (1), and a crime  
16 laboratories assessment, if required by s. 165.755, plus costs, including any  
17 applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The  
18 court may either accept the plea of no contest and enter judgment accordingly, or  
19 reject the plea and issue a summons under ch. 968. If the defendant fails to appear  
20 in response to the summons, the court shall issue a warrant under ch. 968. If the  
21 court accepts the plea of no contest, the defendant may move within 6 months after  
22 the date set for the appearance to withdraw the plea of no contest, open the judgment  
23 and enter a plea of not guilty upon a showing to the satisfaction of the court that the  
24 failure to appear was due to mistake, inadvertence, surprise or excusable neglect.  
25 If on reopening the defendant is found not guilty, the court shall immediately notify

**SENATE BILL 77****SECTION 4142**

1 the department to delete the record of conviction based on the original proceeding  
2 and shall order the defendant's deposit returned.

3 **SECTION 4143.** 345.37 (5) of the statutes is amended to read:

4 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default  
5 judgment, the official receiving the forfeiture, the penalty assessment, if required by  
6 s. 165.87, ~~and~~ the jail assessment, if required by s. 302.46 (1), and the crime  
7 laboratories assessment, if required by s. 165.755, shall forward to the department  
8 a certification of the entry of default judgment or a judgment of forfeiture.

9 **SECTION 4144.** 345.375 (2) of the statutes is amended to read:

10 345.375 (2) Upon default of the defendant corporation or limited liability  
11 company or upon conviction, judgment for the amount of the forfeiture, the penalty  
12 assessment, if required under s. 165.87, ~~and~~ the jail assessment, if required by s.  
13 302.46 (1), and the crime laboratories assessment, if required under s. 165.755, shall  
14 be entered.

15 **SECTION 4145.** 345.47 (1) (intro.) of the statutes is amended to read:

16 345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
17 judgment against the defendant for a monetary amount not to exceed the maximum  
18 forfeiture, penalty assessment, if required by s. 165.87, and the jail assessment, if  
19 required by s. 302.46 (1), and the crime laboratories assessment, if required by s.  
20 165.755, provided for the violation and for costs under s. 345.53 and, in addition, may  
21 suspend or revoke his or her operating privilege under s. 343.30. If the judgment is  
22 not paid, the court shall order:

23 **SECTION 4146.** 345.47 (1) (b) of the statutes is amended to read:

24 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension  
25 or revocation, that the defendant's operating privilege be suspended for 30 days or

**SENATE BILL 77****SECTION 4146**

1 until the person pays the forfeiture, the penalty assessment, if required by s. 165.87,  
2 and the jail assessment, if required by s. 302.46 (1), and the crime laboratories  
3 assessment, if required by s. 165.755, but not to exceed 5 years. Suspension under  
4 this paragraph shall not affect the power of the court to suspend or revoke under s.  
5 343.30 or the power of the secretary to suspend or revoke the operating privilege.

6 **SECTION 4147.** 345.47 (1) (c) of the statutes is amended to read:

7 345.47 (1) (c) If a court or judge suspends an operating privilege under this  
8 section, the court or judge shall immediately take possession of the suspended license  
9 and shall forward it to the department together with the notice of suspension, which  
10 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
11 assessment, if required by s. 165.87, and a jail assessment, if required by s. 302.46  
12 (1), and a crime laboratories assessment, if required by s. 165.755, imposed by the  
13 court. The notice of suspension and the suspended license, if it is available, shall be  
14 forwarded to the department within 48 hours after the order of suspension. If the  
15 forfeiture, penalty assessment and, jail assessment and crime laboratories  
16 assessment are paid during a period of suspension, the court or judge shall  
17 immediately notify the department. Upon receipt of the notice and payment of the  
18 reinstatement fee under s. 343.21 (1) (j), the department shall return the  
19 surrendered license.

20 **SECTION 4148.** 345.47 (2) of the statutes is amended to read:

21 345.47 (2) The payment of any judgment may be suspended or deferred for not  
22 more than 60 days in the discretion of the court. In cases where a deposit has been  
23 made, any forfeitures, penalty assessments, jail assessments, crime laboratories  
24 assessments and costs shall be taken out of the deposit and the balance, if any,  
25 returned to the defendant.



**SENATE BILL 77****SECTION 4149**

1           **SECTION 4149.** 345.47 (3) of the statutes is amended to read:

2           345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a  
3 penalty assessment, ~~or~~ a jail assessment or a crime laboratories assessment for an  
4 action brought by a municipality located in more than one county, any commitment  
5 to a county institution shall be to the county in which the action was tried.

6           **SECTION 4150.** 345.49 (1) of the statutes is amended to read:

7           345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a  
8 forfeiture, a penalty assessment, if required by s. 165.87, ~~or~~ a jail assessment, if  
9 required by s. 302.46 (1), or a crime laboratories assessment, if required by s.  
10 165.755, may, on request, be allowed to work under s. 303.08. If the person does work,  
11 earnings shall be applied on the unpaid forfeiture, penalty assessment ~~or~~, jail  
12 assessment or crime laboratories assessment after payment of personal board and  
13 expenses and support of personal dependents to the extent directed by the court.

14           **SECTION 4151.** 345.49 (2) of the statutes is amended to read:

15           345.49 (2) Any person who is subject to imprisonment under s. 345.47 for  
16 nonpayment of a forfeiture, penalty assessment ~~or~~, jail assessment or crime  
17 laboratories assessment may be placed on probation to some person satisfactory to  
18 the court for not more than 90 days or until the forfeiture, penalty assessment ~~or~~, jail  
19 assessment or crime laboratories assessment is paid if that is done before expiration  
20 of the 90-day period. The payment of the forfeiture, penalty assessment ~~or~~, jail  
21 assessment or crime laboratories assessment during that period shall be a condition  
22 of the probation. If the forfeiture, penalty assessment ~~or~~, jail assessment or crime  
23 laboratories assessment is not paid or the court deems that the interests of justice  
24 require, probation may be terminated and the defendant imprisoned as provided in  
25 sub. (1) or s. 345.47.

**SENATE BILL 77****SECTION 4152**

1           **SECTION 4152.** 345.61 (2) (c) of the statutes is amended to read:

2           345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means  
3 any printed card or other certificate issued by an automobile club, association or  
4 insurance company to any of its members or insureds, which card or certificate is  
5 signed by the member or insureds and contains a printed statement that the  
6 automobile club, association or insurance company and a surety company, or an  
7 insurance company authorized to transact both automobile liability insurance and  
8 surety business, guarantee the appearance of the persons whose signature appears  
9 on the card or certificate and that they will in the event of failure of the person to  
10 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,  
11 including the penalty assessment required by s. 165.87 and, the jail assessment  
12 required by s. 302.46 (1) and the crime laboratories assessment required by s.  
13 165.755, in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

14           **SECTION 4153.** 346.01 of the statutes is renumbered 346.01 (1).

15           **SECTION 4154.** 346.01 (2) of the statutes is created to read:

16           346.01 (2) In this chapter, notwithstanding s. 340.01 (42), "owner" means, with  
17 respect to a vehicle that is registered, or is required to be registered, by a lessee of  
18 the vehicle under ch. 341, the lessee of the vehicle for purposes of vehicle owner  
19 liability under ss. 346.175, 346.195, 346.205, 346.457, 346.465, 346.485, 346.505 (3)  
20 and 346.945.

21           **SECTION 4155.** 346.17 (3) (a) of the statutes is amended to read:

22           346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.  
23 346.04 (3) shall be fined not less than \$300 nor more than \$10,000 and may be  
24 imprisoned for not more than ~~2~~ 3 years.

25           **SECTION 4156.** 346.17 (3) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4156**

1           346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),  
2           to another, or causes damage to the property of another, as defined in s. 939.22 (28),  
3           the person shall be fined not less than \$500 nor more than \$10,000 and may be  
4           imprisoned for not more than ~~2~~ 3 years.

5           **SECTION 4157.** 346.17 (3) (c) of the statutes is amended to read:

6           346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22  
7           (14), to another, the person shall be fined not less than \$600 nor more than \$10,000  
8           and may be imprisoned for not more than ~~2~~ 3 years.

9           **SECTION 4158.** 346.17 (3) (d) of the statutes is amended to read:

10          346.17 (3) (d) If the violation results in the death of another, the person shall  
11          be fined not less than \$600 nor more than \$10,000 and may be imprisoned for not  
12          more than ~~5~~ 7 years and 6 months.

13          **SECTION 4159.** 346.175 (1) (a) of the statutes is amended to read:

14          346.175 (1) (a) The Subject to s. 346.01 (2), the owner of a vehicle involved in  
15          a violation of s. 346.04 (3) for fleeing a traffic officer shall be presumed liable for the  
16          violation as provided in this section.

17          **SECTION 4160.** 346.195 (1) of the statutes is amended to read:

18          346.195 (1) The Subject to s. 346.01 (2), the owner of a vehicle involved in a  
19          violation of s. 346.19 (1) for failing to yield the right-of-way to an authorized  
20          emergency vehicle shall be liable for the violation as provided in this section.

21          **SECTION 4161.** 346.205 (1) of the statutes is amended to read:

22          346.205 (1) The Subject to s. 346.01 (2), the owner of a vehicle involved in a  
23          violation of s. 346.20 (1) for failing to yield the right-of-way to a funeral procession  
24          shall be liable for the violation as provided in this section.

25          **SECTION 4162.** 346.457 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4162**

1           346.457 (1) The Subject to s. 346.01 (2), the owner of a vehicle involved in a  
2 violation of s. 346.455 (1) or (2) shall be liable for the violation as provided in this  
3 subsection.

4           **SECTION 4163.** 346.465 (1) of the statutes is amended to read:

5           346.465 (1) The Subject to s. 346.01 (2), the owner of a vehicle involved in a  
6 violation of s. 346.46 (2m) shall be liable for the violation as provided in this section.

7           **SECTION 4164.** 346.485 (1) of the statutes is amended to read:

8           346.485 (1) The Subject to s. 346.02 (1), the owner of a vehicle involved in a  
9 violation of s. 346.48 (1) shall be liable for the violation as provided in this section.

10          **SECTION 4165.** 346.505 (3) (a) of the statutes is amended to read:

11          346.505 (3) (a) The Subject to s. 346.01 (2), the owner of a vehicle involved in  
12 a violation of sub. (2) shall be liable for the violation as provided in this subsection.

13          **SECTION 4166.** 346.63 (2m) of the statutes is amended to read:

14          346.63 (2m) If a person has not attained the age of 19 legal drinking age, as  
15 defined in s. 125.02 (8m), the person may not drive or operate a motor vehicle while  
16 he or she has an alcohol concentration of more than 0.0 but not more than 0.1. One  
17 penalty for violation of this subsection is suspension of a person's operating privilege  
18 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10  
19 at any time. If a person arrested for a violation of this subsection refuses to take a  
20 test under s. 343.305, the refusal is a separate violation and the person is subject to  
21 revocation of the person's operating privilege under s. 343.305 (10) (em).

22          **SECTION 4167.** 346.65 (5) of the statutes is amended to read:

23          346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)  
24 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for  
25 not less than 90 days nor more than ~~18~~ 2 years and 3 months.

**SENATE BILL 77****SECTION 4168**

1           **SECTION 4168.** 346.65 (6) (a) 2m. of the statutes is amended to read:

2           346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,  
3           equipping with an ignition interlock device or immobilization under this paragraph  
4           shall surrender to the clerk of circuit court the certificate of title issued under ch. 342  
5           for every motor vehicle owned by the person for which a certificate of title has been  
6           issued and delivered to the person under ch. 342. The person shall comply with this  
7           subdivision within 5 working days after receiving notification of this requirement  
8           from the district attorney. When a district attorney receives a copy of a notice of  
9           intent to revoke the operating privilege under s. 343.305 (9) (a) of a person who has  
10          2 or more convictions, suspensions or revocations within a 5-year period, as counted  
11          under s. 343.307 (1), or when a district attorney notifies the department of the filing  
12          of a criminal complaint against a person under s. 342.12 (4) (a), the district attorney  
13          shall notify the person of the requirement to surrender to the clerk of circuit court  
14          all certificates of title ~~to the clerk of circuit court~~ that have been issued and delivered  
15          to the person. The notification shall include the time limits for that surrender, the  
16          penalty for failure to comply with the requirement and the address of the clerk of  
17          circuit court. The clerk of circuit court shall promptly return each certificate of title  
18          surrendered to the clerk of circuit court under this subdivision after stamping the  
19          certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,  
20          ownership of this motor vehicle may not be transferred without prior court approval".  
21          Any person failing to surrender a certificate of title as required under this  
22          subdivision shall forfeit not more than \$500.

23           **SECTION 4169.** 346.655 (1) of the statutes is amended to read:

24           346.655 (1) On or after July 1, 1988, if a court imposes a fine or a forfeiture for  
25          a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s.

**SENATE BILL 77****SECTION 4169**

1 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle,  
2 it shall impose a driver improvement surcharge in an amount of \$300 \$315 in  
3 addition to the fine or forfeiture, penalty assessment ~~and~~, jail assessment and crime  
4 laboratories assessment.

5 **SECTION 4170.** 346.655 (2) of the statutes is amended to read:

6 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and  
7 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40  
8 (2) (m). The county treasurer shall then make payment of ~~29.2%~~ 32.6% of the amount  
9 to the state treasurer as provided in s. 59.25 (3) (f) 2.

10 (b) If the forfeiture is imposed by a municipal court, the court shall transmit  
11 the amount to the treasurer of the county, city, town or village, and that treasurer  
12 shall make payment of ~~29.2%~~ 32.6% of the amount to the state treasurer as provided  
13 in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit the  
14 remaining ~~70.8%~~ 67.4% of the amount to the treasurer of the county.

15 **SECTION 4171.** 346.665 of the statutes is created to read:

16 **346.665 Definition.** In ss. 346.67 to 346.72, notwithstanding s. 340.01 (42),  
17 “owner” means, with respect to a vehicle that is registered, or required to be  
18 registered, by a lessee of the vehicle under ch. 341, the lessee of the vehicle.

19 **SECTION 4172.** 346.74 (5) (b) of the statutes is amended to read:

20 346.74 (5) (b) Shall be fined not less than \$300 nor more than \$5,000 or  
21 imprisoned not less than 10 days nor more than ~~one year~~ 2 years or both if the  
22 accident involved injury to a person but the person did not suffer great bodily harm.

23 **SECTION 4173.** 346.74 (5) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4173**

1           346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than  
2    2 3 years or both if the accident involved injury to a person and the person suffered  
3    great bodily harm.

4           **SECTION 4174.** 346.74 (5) (d) of the statutes is amended to read:

5           346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than  
6    5 7 years and 6 months or both if the accident involved death to a person.

7           **SECTION 4175.** 346.915 of the statutes is created to read:

8           **346.915 Following snowplow.** The operator of any vehicle that is not a  
9    snowplow may not follow a snowplow closer than 200 feet upon any highway.

10          **SECTION 4176.** 346.94 (13) of the statutes is amended to read:

11          346.94 (13) ABANDONED MOTOR VEHICLES. No person may cause a motor vehicle  
12    to be abandoned, within the meaning of s. 342.40 ~~(1)~~ (1m) or (4) (b) 1., on or along any  
13    highway or on any public or private property.

14          **SECTION 4177.** 346.945 (1) (a) of the statutes is amended to read:

15          346.945 (1) (a) The Subject to s. 346.01 (2), the owner of a vehicle involved in  
16    a violation of s. 346.94 (16) shall be presumed liable for the violation as provided in  
17    this section.

18          **SECTION 4178.** 348.01 (2) (aj) of the statutes is created to read:

19          348.01 (2) (aj) "Certified portable testing device" means a portable testing  
20    device which is tested and inspected periodically for accuracy by the department of  
21    agriculture, trade and consumer protection or other authorized testing agency in  
22    accordance with specifications, tolerances, standards and procedures established by  
23    the national institute of standards and technology and the department of  
24    agriculture, trade and consumer protection for the testing and examination of scales.

25          **SECTION 4179.** 348.15 (5) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4179**

1           348.15 (5) (intro.) For enforcement of weight limitations specified by this  
2 chapter the gross weight, measured in pounds, imposed on the highway by any wheel  
3 or any one axle or by any group of 2 or more axles shall be determined by weighing  
4 the vehicles and load, either by single draft or multiple draft weighing on certified  
5 stationary scales or on portable scales in good working order which are tested in  
6 comparison to certified stationary scales or with certified portable testing devices  
7 within ~~90~~ 190 days immediately prior to any weighing operation by the department  
8 of agriculture, trade and consumer protection or other authorized testing agencies  
9 for accuracy to within standard accepted tolerances. The weighing operation shall  
10 be performed in accordance with and under conditions accepted as good weighing  
11 technique and practice. In multiple draft weighing the sum of the weight of  
12 respective components shall be used to establish the weight of a combination of the  
13 components. It is recognized that the weight, determined in accordance with  
14 methods prescribed in this chapter, includes all statutory weights and represents the  
15 momentary load force or reaction imposed on the scale at the time of weighing. Such  
16 weights include any variation due to the following factors:

17           **SECTION 4180.** 348.26 (2) of the statutes is amended to read:

18           348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as  
19 provided in sub. (4), single trip permits for oversize or overweight vehicles or loads  
20 may be issued by the department for use of the state trunk highways and by the  
21 officer in charge of maintenance of the highway to be used in the case of other  
22 highways. Such local officials also may issue such single trip permits for use of state  
23 trunk highways within the county or municipality which they represent. Every  
24 single trip permit shall designate the route to be used by the permittee. Whenever  
25 the officer or agency issuing such permit deems it necessary to have a traffic officer



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1 accompany escort the vehicle through the municipality or county, a reasonable  
2 charge fee for such traffic officer's services shall be paid by the permittee. All moneys  
3 received from fees imposed by the department under this subsection shall be  
4 deposited in the general fund and credited to the appropriation account under s.  
5 20.395 (5) (dg).

6 **SECTION 4181.** 349.13 (1) of the statutes is renumbered 349.13 (1e).

7 **SECTION 4182.** 349.13 (1b) of the statutes is created to read:

8 349.13 (1b) In this section, "owner" includes the lessee of a vehicle if the vehicle  
9 is registered, or required to be registered, by the lessee under ch. 341.

10 **SECTION 4183.** 349.13 (2) (intro.) of the statutes is amended to read:

11 349.13 (2) (intro.) Except as provided in this subsection, neither the  
12 department nor local authorities may extend stopping, standing or parking  
13 privileges to areas where stopping, standing or parking is prohibited by ch. 346. The  
14 department and local authorities, with respect to highways under their respective  
15 jurisdictions as described in sub. (1) (1e) may:

16 **SECTION 4184.** 349.137 (1) (a) of the statutes is repealed.

17 **SECTION 4185.** 349.137 (3) (c) 2. e. of the statutes is amended to read:

18 349.137 (3) (c) 2. e. That, if a parking enforcer uses an immobilization device  
19 on a motor vehicle that is not parked in violation of a restriction against  
20 unauthorized parking, the owner, lessee or operator shall not be required to pay a  
21 removal fee and the parking enforcer shall be liable to the owner ~~or~~, lessee or operator  
22 of the motor vehicle for an amount equal to the removal fee.

23 **SECTION 4186.** 349.137 (3) (f) of the statutes is amended to read:

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1           349.137 (3) (f) Require that, whenever a deferral agreement is signed, the  
2 parking enforcer provide the owner, lessee or operator of the motor vehicle a copy of  
3 the signed deferral agreement.

4           **SECTION 4187.** 349.137 (3) (h) of the statutes is amended to read:

5           349.137 (3) (h) Require a parking enforcer who uses an immobilization device  
6 on a motor vehicle that is not parked in violation of a restriction against  
7 unauthorized parking to pay an amount equal to the removal fee to the owner, lessee  
8 or operator of the motor vehicle within 14 days after the determination that the  
9 immobilization device was used improperly.

10          **SECTION 4188.** 349.19 of the statutes is amended to read:

11          **349.19 Authority to require accident reports.** Any city, village, town or  
12 county may by ordinance require the operator of a vehicle involved in an accident to  
13 file with a designated municipal department or officer a report of such accident or  
14 a copy of any report required to be filed with the department. All such reports are  
15 for the confidential use of such department or officer and are otherwise subject to  
16 s. 346.73, except that any report filed under this section may be provided to the  
17 department of industry, labor and job development under s. 49.22 (2m).

18          **SECTION 4189.** 350.108 (2) of the statutes is amended to read:

19          350.108 (2) The department shall develop and issue an educational pamphlet  
20 on the intoxicated snowmobiling law to be distributed, beginning in 1989, to persons  
21 issued snowmobile registration certificates under s. 350.12 or 350.122.

22          **SECTION 4190.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

23          350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person  
24 may operate and no owner may give permission for the operation of any snowmobile  
25 within this state unless the snowmobile is registered for public use or private use

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1 under this paragraph or s. 350.122 or as an antique under par. (b) and has the  
2 registration decals displayed as required by under sub. (5) or s. 350.122 or unless the  
3 snowmobile has a reflectorized plate attached as required under par. (c) 3. A  
4 snowmobile that is not registered as an antique under par. (b) may be registered for  
5 public use. A snowmobile that is not registered as an antique under par. (b) and that  
6 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be  
7 registered for private use. A snowmobile public-use registration certificate is valid  
8 for 2 years beginning the July 1 prior to the date of application if registration is made  
9 prior to April 1 and beginning the July 1 subsequent to the date of application if  
10 registration is made after April 1 and ending on June 30, 2 years thereafter. A  
11 snowmobile private-use registration certificate is valid from the date of issuance  
12 until ownership of the snowmobile is transferred. The fee for the issuance or renewal  
13 of a public-use registration certificate is \$20 except the fee is \$5 if it is a snowmobile  
14 owned and operated by a political subdivision of this state. There is no fee for the  
15 issuance of a private-use registration certificate or for the issuance of a registration  
16 certificate to the state.

17 **SECTION 4191.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

18 350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The  
19 moneys appropriated from s. 20.370 (3) (aq), (5) (es) and ~~(mw) and (8) (dq)~~ (9) (mu)  
20 and (mw) may be used for the following:

21 **SECTION 4192.** 350.12 (4) (c) of the statutes is renumbered 350.12 (4) (c) 1. and  
22 amended to read:

23 350.12 (4) (c) 1. Any moneys appropriated under s. 20.370 (1) (mq), (3) (aq), ~~(5)~~  
24 ~~(mw) or (8) (dq)~~ or (9) (mw) that lapse at the end of the fiscal year or that lapse after

**SENATE BILL 77****SECTION 4192**

1 ~~the end of the fiscal year because of the liquidation of an encumbrance~~ shall revert  
2 to the snowmobile account in the conservation fund.

3 **SECTION 4193.** 350.12 (4) (c) 2. of the statutes is created to read:

4 350.12 (4) (c) 2. If any moneys appropriated under s. 20.370 (9) (mu) lapse, a  
5 portion of those moneys shall revert to the snowmobile account in the conservation  
6 fund. The department shall calculate that portion by multiplying the total amount  
7 lapsing from the appropriation by the same percentage the department used for the  
8 fiscal year to determine the amount to be expended under the appropriation for  
9 snowmobile registration.

10 **SECTION 4194.** 350.122 of the statutes is created to read:

11 **350.122 Lac du Flambeau registration program. (1) DEFINITIONS.** In this  
12 section:

13 (a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

14 (b) "Reservation" means the territory within the boundaries of the Lac du  
15 Flambeau reservation that were in existence on April 10, 1996.

16 **(2) AUTHORIZATION FOR ISSUANCE.** The band may issue registration certificates  
17 for public use or private use for snowmobiles that are equivalent to the registration  
18 certificates for public use or private use that are issued by the department. The band  
19 may not register snowmobiles as antiques and may not issue registration certificates  
20 to political subdivisions of this state. The band may renew and transfer a  
21 registration certificate that it or the department has issued. The band may issue  
22 duplicates of only those registration certificates that it issues under this section.

23 **(3) REQUIREMENTS FOR ISSUANCE; FEES; PERIODS OF VALIDITY.** (a) For issuing or  
24 renewing any registration certificate under this section, the band shall collect the  
25 same fee that would be collected for the equivalent registration certificate under s.

**SENATE BILL 77****SECTION 4194**

1 350.12 (3) (a). For transferring a registration certificate under this section, the band  
2 shall collect the same fee that would be collected for the transfer under s. 350.12 (3)  
3 (a) 3. For issuing a duplicate registration certificate under this section, the band  
4 shall collect the same fee that would be collected for the duplicate under s. 350.12 (3)  
5 (e).

6 (b) The band may not issue, renew or otherwise process registration certificates  
7 under this section in conjunction with discount coupons or as part of a promotion or  
8 other merchandising offer.

9 (c) For a registration certificate issued, transferred or renewed under this  
10 section, the period of validity shall be the same as it would be for the equivalent  
11 registration certificate under s. 350.12 (3) (a).

12 (d) The band may issue, renew or otherwise process registration certificates  
13 under this section only to persons who appear in person on the reservation.

14 **(4) REQUIREMENTS FOR REGISTRATION: PROCEDURES, APPLICATIONS AND DECALS.** (a)  
15 The band shall use registration applications and certificates that are substantially  
16 similar to those under s. 350.12 with regard to length, legibility and information  
17 content.

18 (b) The band shall use registration decals that are substantially similar to  
19 those under s. 350.12 with regard to color, size, legibility, information content, and  
20 placement on the snowmobile.

21 (c) The band shall use a sequential numbering system that includes a series  
22 of letters or initials that identify the band as the issuing authority.

23 (d) The band shall establish procedures that are substantially similar to the  
24 procedures specified in s. 350.12 (3) (a) 2., 3. and 4., (5) (d) and (6) and to the

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1 procedures to be used for validating applications for purposes of s. 350.12 (5) (b) and  
2 (c).

3 **(5) REGISTRATION INFORMATION; RECORDS; TAX COLLECTION.** (a) The band shall  
4 provide registration information to the state in one of the following ways:

5 1. By transmitting all additions, changes or deletions of registration  
6 information to persons identified in the agreement described under sub. (6), for  
7 incorporation into the registration records of this state, within one working day after  
8 the addition, change or deletion.

9 2. By establishing a 24-hour per day data retrieval system, consisting of either  
10 a law enforcement agency with 24-hour per day staffing or a computerized data  
11 retrieval system to which law enforcement officials of this state have access at all  
12 times.

13 (b) Before June 1 annually, the band shall submit a report to the department  
14 notifying it of the number of each type of registration certificate that the band issued,  
15 transferred or renewed for the period beginning on April 1 of the previous year and  
16 ending on March 31 of the year in which the report is submitted.

17 (c) For law enforcement purposes, the band shall make available for inspection  
18 by the department during normal business hours the band's records of all  
19 registration certificates issued, renewed or otherwise processed, including copies of  
20 all applications made for certificates.

21 (d) The band shall ensure that a record of each registration certificate issued,  
22 renewed or otherwise processed under this section, including a copy of each  
23 application made, is retained for at least 2 years after the date of expiration of the  
24 certificate.

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1 (e) The band shall collect the sales and use taxes due under s. 77.61 (1) on any  
2 snowmobile registered under this section and make the report in respect to those  
3 taxes. The band shall use collection and accounting methods approved by the  
4 department of revenue. On or before the 15th day of each month, the band shall pay  
5 to the department of revenue all taxes that the band collected in the previous month.

6 **(6) APPLICABILITY.** This section does not apply unless the department and the  
7 band have in effect a written agreement under which the band agrees to comply with  
8 subs. (2) to (5) and that contains all of the following terms:

9 (a) The manner in which the band will limit its treaty-based right to fish  
10 outside the reservation.

11 (b) A requirement that the fees collected by the band under sub. (3) be used only  
12 for a program for registering snowmobiles, for regulating snowmobiles and  
13 snowmobiling and for providing snowmobile trails, and snowmobile facilities.

14 **SECTION 4195.** 350.125 (1) (a) of the statutes is amended to read:

15 350.125 (1) (a) When a snowmobile dealer sells a snowmobile the dealer, at the  
16 time of sale, shall require the buyer to complete an application for a registration  
17 certificate, collect the required fee and mail the application and fee to the department  
18 no later than 5 days after the date of sale. The department shall provide combination  
19 application and receipt forms and the dealer shall furnish the buyer with a completed  
20 receipt showing that application for registration has been made. This completed  
21 receipt shall be in the possession of the user of the snowmobile until the registration  
22 certificate is received. No snowmobile dealer may charge an additional fee to the  
23 buyer for performing the service required under this subsection. No snowmobile  
24 dealer may perform this service for a registration under s. 350.122

25 **SECTION 4196.** 350.125 (1) (b) of the statutes is amended to read:

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1           350.125 (1) (b) When a snowmobile dealer sells a snowmobile to a person from  
2 another state who wishes to register ~~that machine~~ the snowmobile in his or her home  
3 state or to a person who wishes to register the snowmobile under s. 350.122, the  
4 dealer shall, at the time of sale, complete an application for a registration certificate  
5 and indicate on the application that the ~~machine~~ snowmobile is to be registered in  
6 another state or under s. 350.122 and mail one copy to the department no later than  
7 14 days after the date of sale, furnish the buyer with one copy and retain one copy  
8 for the dealer's records.

9           **SECTION 4197.** 440.01 (2) (cm) of the statutes is renumbered 73.0301 (1) (c) and  
10 amended to read:

11           73.0301 (1) (c) "Liable for delinquent taxes" means that a person has been  
12 finally determined by the department of revenue to be delinquent in the payment of  
13 taxes, including penalties, interest, fees and costs, under ch. 71, 72, 76, 77, 78, 125  
14 or 139 and, with respect to a person who applies for or holds a license, the person  
15 remains delinquent in the payment of those taxes at the time the ~~department~~  
16 ~~requests~~ that a request for a certification is made under s. 440.08 ~~(2r)~~ of liability for  
17 ~~delinquent taxes~~ sub. (2) (a) 1. or 2.

18           **SECTION 4198.** 440.03 (7) of the statutes is amended to read:

19           440.03 (7) The department shall establish the style, content and format of all  
20 credentials and of all forms for applying ~~to the department~~ for renewal of any  
21 credential issued or renewed under chs. 440 to 480. ~~When establishing the format~~  
22 ~~of credential renewal application forms, the department shall provide~~ All forms shall  
23 include a place ~~on the form~~ for the information required under s. 440.08 ~~(2g) (b)~~ sub.  
24 (11m) (a). Upon request of any person who holds a credential and payment of a \$10  
25 fee, the department may issue a wall certificate signed by the governor.



**SENATE BILL 77****SECTION 4199**

1           **SECTION 4199.** 440.03 (11m) of the statutes is created to read:

2           440.03 **(11m)** (a) Each application form for a credential issued or renewed  
3 under chs. 440 to 480 shall provide a space for the department to require each of the  
4 following to provide his or her social security number:

5           1. An applicant for an initial credential or credential renewal. If the applicant  
6 is not an individual, the department shall require the applicant to provide its federal  
7 employer identification number.

8           2. An applicant for reinstatement of an inactive license under s. 452.12 (6) (e).

9           (b) The department shall deny an application for an initial credential or deny  
10 an application for credential renewal or for reinstatement of an inactive license  
11 under s. 452.12 (6) (e) if any information required under par. (a) is not included in  
12 the application form.

13           **SECTION 4200.** 440.03 (12) of the statutes is repealed.

14           **SECTION 4201.** 440.03 (13) of the statutes is created to read:

15           440.03 **(13)** The department may conduct an investigation to determine  
16 whether an applicant for a credential issued under chs. 440 to 480 satisfies any of  
17 the eligibility requirements specified for the credential, including whether the  
18 applicant does not have an arrest or conviction record. In conducting an  
19 investigation under this subsection, the department may require an applicant to  
20 provide any information that is necessary for the investigation or, for the purpose of  
21 obtaining information related to an arrest or conviction record of an applicant, to  
22 complete forms provided by the department of justice or the federal bureau of  
23 investigation. The department shall charge the applicant any fees, costs or other  
24 expenses incurred in conducting the investigation under this subsection.

25           **SECTION 4202.** 440.035 (5) of the statutes is created to read:

**SENATE BILL 77****SECTION 4202**

1           440.035 (5) Deny an application for an initial credential granted by the  
2           examining board or affiliated credentialing board if any information required under  
3           s. 440.03 (11m) (a) is not included in the application form. An examining board or  
4           affiliated credentialing board may not disclose any information required under s.  
5           440.03 (11m) (a) 1. that is included on an application form except to the department  
6           of regulation and licensing, to the department of industry, labor and job development  
7           for purposes of administering s. 49.22 or to the department of revenue for the sole  
8           purpose of requesting certifications under s. 73.0301.

9           **SECTION 4203.** 440.05 (1) (a) of the statutes is amended to read:

10           440.05 (1) (a) Initial credential: ~~\$39~~ \$40. Each applicant for an initial  
11           credential shall pay the initial credential fee to the department when the application  
12           materials for the initial credential are submitted to the department.

13           **SECTION 4204.** 440.08 (2) (a) 1. of the statutes is amended to read:

14           440.08 (2) (a) 1. Accountant, certified public: January 1 of each  
15           even-numbered year; ~~\$47~~ \$46.

16           **SECTION 4205.** 440.08 (2) (a) 2. of the statutes is amended to read:

17           440.08 (2) (a) 2. Accountant, public: January 1 of each even-numbered year;  
18           ~~\$41~~ \$42.

19           **SECTION 4206.** 440.08 (2) (a) 3. of the statutes is amended to read:

20           440.08 (2) (a) 3. Accounting corporation or partnership: January 1 of each  
21           even-numbered year; ~~\$41~~ \$40.

22           **SECTION 4207.** 440.08 (2) (a) 4. of the statutes is amended to read:

23           440.08 (2) (a) 4. Acupuncturist: July 1 of each odd-numbered year; ~~\$95~~ \$72.

24           **SECTION 4208.** 440.08 (2) (a) 4m. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4208**

1           440.08 (2) (a) 4m. Advanced practice nurse prescriber: October 1 of each  
2 even-numbered year; ~~\$41~~ \$40.

3           **SECTION 4209.** 440.08 (2) (a) 5. of the statutes is amended to read:

4           440.08 (2) (a) 5. Aesthetician: July 1 of each odd-numbered year; ~~\$70~~ \$76.

5           **SECTION 4210.** 440.08 (2) (a) 6. of the statutes is amended to read:

6           440.08 (2) (a) 6. Aesthetics establishment: July 1 of each odd-numbered year;  
7 ~~\$116~~ \$40.

8           **SECTION 4211.** 440.08 (2) (a) 7. of the statutes is amended to read:

9           440.08 (2) (a) 7. Aesthetics instructor: July 1 of each odd-numbered year; ~~\$117~~  
10 \$141.

11          **SECTION 4212.** 440.08 (2) (a) 8. of the statutes is amended to read:

12          440.08 (2) (a) 8. Aesthetics school: July 1 of each odd-numbered year; ~~\$74~~ \$114.

13          **SECTION 4213.** 440.08 (2) (a) 9. of the statutes is amended to read:

14          440.08 (2) (a) 9. Aesthetics specialty school: July 1 of each odd-numbered year;  
15 ~~\$41~~ \$40.

16          **SECTION 4214.** 440.08 (2) (a) 11. of the statutes is amended to read:

17          440.08 (2) (a) 11. Appraiser, real estate, certified general: January 1 of each  
18 even-numbered year; ~~\$82~~ \$94.

19          **SECTION 4215.** 440.08 (2) (a) 11m. of the statutes is amended to read:

20          440.08 (2) (a) 11m. Appraiser, real estate, certified residential: January 1 of  
21 each even-numbered year; ~~\$82~~ \$100.

22          **SECTION 4216.** 440.08 (2) (a) 12. of the statutes is amended to read:

23          440.08 (2) (a) 12. Appraiser, real estate, licensed: January 1 of each  
24 even-numbered year; ~~\$49~~ \$71.

25          **SECTION 4217.** 440.08 (2) (a) 13. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4217**

1 440.08 (2) (a) 13. Architect: August 1 of each even-numbered year; ~~\$46~~ \$43.

2 **SECTION 4218.** 440.08 (2) (a) 14. of the statutes is amended to read:

3 440.08 (2) (a) 14. Architectural or engineering corporation: February 1 of each  
4 even-numbered year; ~~\$41~~ \$40.

5 **SECTION 4219.** 440.08 (2) (a) 14g. of the statutes is amended to read:

6 440.08 (2) (a) 14g. Auction company: January 1 of each odd-numbered year;  
7 ~~\$41~~ \$40.

8 **SECTION 4220.** 440.08 (2) (a) 14r. of the statutes is amended to read:

9 440.08 (2) (a) 14r. Auctioneer: January 1 of each odd-numbered year; ~~\$41~~ \$99.

10 **SECTION 4221.** 440.08 (2) (a) 15. of the statutes is amended to read:

11 440.08 (2) (a) 15. Audiologist: February 1 of each odd-numbered year; ~~\$41~~ \$43.

12 **SECTION 4222.** 440.08 (2) (a) 16. of the statutes is amended to read:

13 440.08 (2) (a) 16. Barbering or cosmetology establishment: July 1 of each  
14 odd-numbered year; ~~\$41~~ \$40.

15 **SECTION 4223.** 440.08 (2) (a) 17. of the statutes is amended to read:

16 440.08 (2) (a) 17. Barbering or cosmetology instructor: July 1 of each  
17 odd-numbered year; ~~\$83~~ \$138.

18 **SECTION 4224.** 440.08 (2) (a) 18. of the statutes is amended to read:

19 440.08 (2) (a) 18. Barbering or cosmetology manager: July 1 of each  
20 odd-numbered year; ~~\$52~~ \$60.

21 **SECTION 4225.** 440.08 (2) (a) 19. of the statutes is amended to read:

22 440.08 (2) (a) 19. Barbering or cosmetology school: July 1 of each  
23 odd-numbered year; ~~\$78~~ \$137.

24 **SECTION 4226.** 440.08 (2) (a) 20. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4226**

1           440.08 (2) (a) 20. Barber or cosmetologist: July 1 of each odd-numbered year;  
2           \$48 \$51.

3           **SECTION 4227.** 440.08 (2) (a) 21. of the statutes is amended to read:

4           440.08 (2) (a) 21. Cemetery authority: January 1 of each odd-numbered year;  
5           ~~\$372~~ \$342.

6           **SECTION 4228.** 440.08 (2) (a) 22. of the statutes is amended to read:

7           440.08 (2) (a) 22. Cemetery preneed seller: January 1 of each odd-numbered  
8           year; ~~\$59~~ \$60.

9           **SECTION 4229.** 440.08 (2) (a) 23. of the statutes is amended to read:

10          440.08 (2) (a) 23. Cemetery salesperson: January 1 of each odd-numbered  
11          year; ~~\$65~~ \$89.

12          **SECTION 4230.** 440.08 (2) (a) 24. of the statutes is amended to read:

13          440.08 (2) (a) 24. Chiropractor: January 1 of each odd-numbered year; ~~\$151~~  
14          \$161.

15          **SECTION 4231.** 440.08 (2) (a) 25. of the statutes is amended to read:

16          440.08 (2) (a) 25. Dental hygienist: October 1 of each odd-numbered year; ~~\$41~~  
17          \$40.

18          **SECTION 4232.** 440.08 (2) (a) 26. of the statutes is amended to read:

19          440.08 (2) (a) 26. Dentist: October 1 of each odd-numbered year; ~~\$96~~ \$97.

20          **SECTION 4233.** 440.08 (2) (a) 27. of the statutes is amended to read:

21          440.08 (2) (a) 27. Designer of engineering systems: February 1 of each  
22          even-numbered year; ~~\$41~~ \$46.

23          **SECTION 4234.** 440.08 (2) (a) 27m. of the statutes is amended to read:

24          440.08 (2) (a) 27m. Dietitian: November 1 of each even-numbered year; ~~\$41~~  
25          \$40. This subdivision does not apply after June 30, 1999.

**SENATE BILL 77****SECTION 4235**

1           **SECTION 4235.** 440.08 (2) (a) 28. of the statutes is amended to read:

2           440.08 (2) (a) 28. Drug distributor: June 1 of each even-numbered year; \$41  
3           \$40.

4           **SECTION 4236.** 440.08 (2) (a) 29. of the statutes is amended to read:

5           440.08 (2) (a) 29. Drug manufacturer: June 1 of each even-numbered year; \$41  
6           \$40.

7           **SECTION 4237.** 440.08 (2) (a) 30. of the statutes is amended to read:

8           440.08 (2) (a) 30. Electrologist: July 1 of each odd-numbered year; ~~\$56~~ \$76.

9           **SECTION 4238.** 440.08 (2) (a) 31. of the statutes is amended to read:

10           440.08 (2) (a) 31. Electrology establishment: July 1 of each odd-numbered  
11           year; ~~\$41~~ \$40.

12           **SECTION 4239.** 440.08 (2) (a) 32. of the statutes is amended to read:

13           440.08 (2) (a) 32. Electrology instructor: July 1 of each odd-numbered year;  
14           ~~\$73~~ \$85.

15           **SECTION 4240.** 440.08 (2) (a) 33. of the statutes is amended to read:

16           440.08 (2) (a) 33. Electrology school: July 1 of each odd-numbered year; ~~\$63~~  
17           \$70.

18           **SECTION 4241.** 440.08 (2) (a) 34. of the statutes is amended to read:

19           440.08 (2) (a) 34. Electrology specialty school: July 1 of each odd-numbered  
20           year; ~~\$41~~ \$40.

21           **SECTION 4242.** 440.08 (2) (a) 35. of the statutes is amended to read:

22           440.08 (2) (a) 35. Engineer, professional: August 1 of each even-numbered  
23           year; ~~\$43~~ \$42.

24           **SECTION 4243.** 440.08 (2) (a) 35m. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4243**

1           440.08 (2) (a) 35m. Fund-raising counsel: September 1 of each even-numbered  
2 year; ~~\$41~~ \$42.

3           **SECTION 4244.** 440.08 (2) (a) 36. of the statutes is amended to read:

4           440.08 (2) (a) 36. Funeral director: January 1 of each even-numbered year; ~~\$94~~  
5 \$143.

6           **SECTION 4245.** 440.08 (2) (a) 37. of the statutes is amended to read:

7           440.08 (2) (a) 37. Funeral establishment: June 1 of each odd-numbered year;  
8 ~~\$41~~ \$40.

9           **SECTION 4246.** 440.08 (2) (a) 38. of the statutes is amended to read:

10          440.08 (2) (a) 38. Hearing instrument specialist: February 1 of each  
11 even-numbered year; ~~\$287~~ \$199.

12          **SECTION 4247.** 440.08 (2) (a) 38m. of the statutes is amended to read:

13          440.08 (2) (a) 38m. Landscape architect: August 1 of each even-numbered  
14 year; ~~\$41~~ \$40.

15          **SECTION 4248.** 440.08 (2) (a) 39. of the statutes is amended to read:

16          440.08 (2) (a) 39. Land surveyor: February 1 of each even-numbered year; ~~\$73~~  
17 \$68.

18          **SECTION 4249.** 440.08 (2) (a) 42. of the statutes is amended to read:

19          440.08 (2) (a) 42. Manicuring establishment: July 1 of each odd-numbered  
20 year; ~~\$41~~ \$40.

21          **SECTION 4250.** 440.08 (2) (a) 43. of the statutes is amended to read:

22          440.08 (2) (a) 43. Manicuring instructor: July 1 of each odd-numbered year;  
23 ~~\$138~~ \$111.

24          **SECTION 4251.** 440.08 (2) (a) 44. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4251**

1           440.08 (2) (a) 44. Manicuring school: July 1 of each odd-numbered year; \$85  
2           \$117.

3           **SECTION 4252.** 440.08 (2) (a) 45. of the statutes is amended to read:

4           440.08 (2) (a) 45. Manicuring specialty school: July 1 of each odd-numbered  
5           year; ~~\$41~~ \$40.

6           **SECTION 4253.** 440.08 (2) (a) 46. of the statutes is amended to read:

7           440.08 (2) (a) 46. Manicurist: July 1 of each odd-numbered year; ~~\$52~~ \$77.

8           **SECTION 4254.** 440.08 (2) (a) 46m. of the statutes is amended to read:

9           440.08 (2) (a) 46m. Marriage and family therapist: July 1 of each  
10          odd-numbered year; ~~\$63~~ \$65.

11          **SECTION 4255.** 440.08 (2) (a) 48. of the statutes is amended to read:

12          440.08 (2) (a) 48. Nurse, licensed practical: May 1 of each odd-numbered year;  
13          ~~\$49~~ \$47.

14          **SECTION 4256.** 440.08 (2) (a) 49. of the statutes is amended to read:

15          440.08 (2) (a) 49. Nurse, registered: March 1 of each even-numbered year; \$46  
16          \$45.

17          **SECTION 4257.** 440.08 (2) (a) 50. of the statutes is amended to read:

18          440.08 (2) (a) 50. Nurse-midwife: March 1 of each even-numbered year; \$41  
19          \$40.

20          **SECTION 4258.** 440.08 (2) (a) 51. of the statutes is amended to read:

21          440.08 (2) (a) 51. Nursing home administrator: July 1 of each even-numbered  
22          year; ~~\$114~~ \$101.

23          **SECTION 4259.** 440.08 (2) (a) 52. of the statutes is amended to read:

24          440.08 (2) (a) 52. Occupational therapist: November 1 of each odd-numbered  
25          year; ~~\$42~~ \$41.



**SENATE BILL 77****SECTION 4260**

1           **SECTION 4260.** 440.08 (2) (a) 54. of the statutes is amended to read:

2           440.08 (2) (a) 54. Optometrist: January 1 of each even-numbered year; ~~\$69~~  
3           \$57.

4           **SECTION 4261.** 440.08 (2) (a) 55. of the statutes is amended to read:

5           440.08 (2) (a) 55. Pharmacist: June 1 of each even-numbered year; ~~\$76~~ \$74.

6           **SECTION 4262.** 440.08 (2) (a) 56. of the statutes is amended to read:

7           440.08 (2) (a) 56. Pharmacy: June 1 of each even-numbered year; ~~\$41~~ \$40.

8           **SECTION 4263.** 440.08 (2) (a) 58. of the statutes is amended to read:

9           440.08 (2) (a) 58. Physician: November 1 of each odd-numbered year; ~~\$102~~  
10          \$109.

11          **SECTION 4264.** 440.08 (2) (a) 59. of the statutes is amended to read:

12          440.08 (2) (a) 59. Physician assistant: November 1 of each odd-numbered year;  
13          ~~\$48~~ \$50.

14          **SECTION 4265.** 440.08 (2) (a) 60. of the statutes is amended to read:

15          440.08 (2) (a) 60. Podiatrist: November 1 of each odd-numbered year; ~~\$187~~  
16          \$179.

17          **SECTION 4266.** 440.08 (2) (a) 61. of the statutes is amended to read:

18          440.08 (2) (a) 61. Private detective: September 1 of each even-numbered year;  
19          ~~\$212~~ \$177.

20          **SECTION 4267.** 440.08 (2) (a) 62. of the statutes is amended to read:

21          440.08 (2) (a) 62. Private detective agency: September 1 of each  
22          even-numbered year; ~~\$41~~ \$40.

23          **SECTION 4268.** 440.08 (2) (a) 63. of the statutes is amended to read:

24          440.08 (2) (a) 63. Private practice school psychologist: October 1 of each  
25          odd-numbered year; ~~\$65~~ \$66.

**SENATE BILL 77****SECTION 4269**

1           **SECTION 4269.** 440.08 (2) (a) 63g. of the statutes, as created by 1995 Wisconsin  
2 Act 461, is amended to read:

3           440.08 (2) (a) 63g. Private security person: September 1 of each  
4 even-numbered year; ~~\$41~~ \$40.

5           **SECTION 4270.** 440.08 (2) (a) 63m. of the statutes is amended to read:

6           440.08 (2) (a) 63m. Professional counselor: July 1 of each odd-numbered year;  
7 ~~\$53~~ \$54.

8           **SECTION 4271.** 440.08 (2) (a) 63t. of the statutes is amended to read:

9           440.08 (2) (a) 63t. Professional fund-raiser: September 1 of each  
10 even-numbered year; ~~\$41~~ \$60.

11           **SECTION 4272.** 440.08 (2) (a) 64. of the statutes is amended to read:

12           440.08 (2) (a) 64. Psychologist: October 1 of each odd-numbered year; ~~\$124~~  
13 \$106.

14           **SECTION 4273.** 440.08 (2) (a) 65. of the statutes is amended to read:

15           440.08 (2) (a) 65. Real estate broker: January 1 of each odd-numbered year;  
16 ~~\$106~~ \$124.

17           **SECTION 4274.** 440.08 (2) (a) 66. of the statutes is amended to read:

18           440.08 (2) (a) 66. Real estate ~~corporation~~ business entity: January 1 of each  
19 odd-numbered year; ~~\$72~~ \$70.

20           **SECTION 4275.** 440.08 (2) (a) 66m. of the statutes is repealed.

21           **SECTION 4276.** 440.08 (2) (a) 67. of the statutes is amended to read:

22           440.08 (2) (a) 67. Real estate salesperson: January 1 of each odd-numbered  
23 year; ~~\$70~~ \$72.

24           **SECTION 4277.** 440.08 (2) (a) 67m. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4277**

1           440.08 (2) (a) 67m. Registered interior designer: August 1 of each  
2 even-numbered year; ~~\$41~~ \$40.

3           **SECTION 4278.** 440.08 (2) (a) 68. of the statutes is amended to read:

4           440.08 (2) (a) 68. Respiratory care practitioner: November 1 of each  
5 odd-numbered year; ~~\$42~~ \$41.

6           **SECTION 4279.** 440.08 (2) (a) 68h. of the statutes is amended to read:

7           440.08 (2) (a) 68h. Social worker, advanced practice: July 1 of each  
8 odd-numbered year; ~~\$47~~ \$45.

9           **SECTION 4280.** 440.08 (2) (a) 68p. of the statutes is amended to read:

10           440.08 (2) (a) 68p. Social worker, independent: July 1 of each odd-numbered  
11 year; ~~\$41~~ \$48.

12           **SECTION 4281.** 440.08 (2) (a) 68t. of the statutes is amended to read:

13           440.08 (2) (a) 68t. Social worker, independent clinical: July 1 of each  
14 odd-numbered year; ~~\$50~~ \$56.

15           **SECTION 4282.** 440.08 (2) (a) 68v. of the statutes is amended to read:

16           440.08 (2) (a) 68v. Speech-language pathologist: February 1 of each  
17 odd-numbered year; ~~\$46~~ \$43.

18           **SECTION 4283.** 440.08 (2) (a) 69. of the statutes is amended to read:

19           440.08 (2) (a) 69. Time-share salesperson: January 1 of each odd-numbered  
20 year; ~~\$102~~ \$60.

21           **SECTION 4284.** 440.08 (2) (a) 70. of the statutes is amended to read:

22           440.08 (2) (a) 70. Veterinarian: January 1 of each even-numbered year; ~~\$80~~  
23 \$81.

24           **SECTION 4285.** 440.08 (2) (a) 71. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4285**

1           440.08 (2) (a) 71. Veterinary technician: January 1 of each even-numbered  
2 year; ~~\$42~~ \$41.

3           **SECTION 4286.** 440.08 (2) (c) of the statutes is amended to read:

4           440.08 (2) (c) ~~Renewal applications shall be submitted to the department on~~  
5 ~~a form provided by the department that complies with sub. (2g) and, except~~ Except  
6 ~~as provided in sub. (3), renewal applications shall include the applicable renewal fee~~  
7 ~~specified in pars. (a) and (b).~~

8           **SECTION 4287.** 440.08 (2g) (title), (a) and (b) of the statutes are repealed.

9           **SECTION 4288.** 440.08 (2g) (c) of the statutes is renumbered 440.03 (11m) (c)  
10 and amended to read:

11           440.03 (11m) (c) ~~Neither the~~ The department ~~nor any examining board or~~  
12 ~~affiliated credentialing board of regulation and licensing may not disclose a social~~  
13 ~~security number~~ any information ~~obtained from an applicant for credential renewal~~  
14 ~~on a form established under par. (a) to any person except to~~ the department of  
15 industry, labor and job development for purposes of administering s. 49.22 or the  
16 ~~department of revenue for the sole purpose of making the determination required~~  
17 ~~under sub. (2r)~~ requesting certifications under s. 73.0301.

18           **SECTION 4289.** 440.08 (2r) of the statutes is repealed.

19           **SECTION 4290.** 440.08 (4) (b) of the statutes is repealed and recreated to read:

20           440.08 (4) (b) *Applicability.* This subsection does not apply to a denial of  
21 credential renewal under s. 440.12 (3) or (4).

22           **SECTION 4291.** 440.12 of the statutes is created to read:

23           **440.12 Tax delinquency and delinquency in support payments. (1)** In  
24 this section:

**SENATE BILL 77****SECTION 4291**

1 (a) "Credentialing board" means an examining board or affiliated credentialing  
2 board attached to the department or an examining board.

3 (b) "Liable for delinquent taxes" has the meaning given in s. 73.0301 (1) (c).

4 (c) "Memorandum of understanding" means a memorandum of understanding  
5 entered into by the department of regulation and licensing and the department of  
6 industry, labor and job development under s. 49.857.

7 (d) "Support" has the meaning given in s. 49.857 (1) (e).

8 **(2)** The department shall notify a credentialing board whether or not an  
9 applicant for a license, or holder of a license, granted by the credentialing board is  
10 certified as liable for delinquent taxes by the department of revenue under s.  
11 73.0301.

12 **(3)** Notwithstanding any other provision of chs. 440 to 480 relating to issuance  
13 of an initial credential or credential renewal, as provided in the memorandum of  
14 understanding:

15 (a) With respect to a credential granted by the department, the department  
16 shall restrict, limit or suspend a credential or deny an application for an initial  
17 credential or for reinstatement of an inactive license under s. 452.12 (6) (e) if the  
18 credential holder or applicant is delinquent in paying support.

19 (b) With respect to credential renewal, the department shall deny an  
20 application for renewal if the applicant is delinquent in paying support.

21 (c) With respect to a credential granted by a credentialing board, a  
22 credentialing board shall restrict, limit or suspend a credential held by a person or  
23 deny an application for an initial credential when directed to do so by the  
24 department.

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1           (4) Notwithstanding any other provision of chs. 440 to 480 relating to issuance  
2 or renewal of a credential, the department or a credentialing board shall deny an  
3 application for an initial credential, credential renewal or reinstatement of a license  
4 under s. 452.12 (6) (e) or revoke a credential if the department of revenue certifies  
5 under s. 73.0301 that the applicant or credential holder is liable for delinquent taxes  
6 or if the department of regulation and licensing notifies the applicable credentialing  
7 board under sub. (2) that the applicant or credential holder has been certified by the  
8 department of revenue as liable for delinquent taxes.

9           **SECTION 4292.** 440.26 (2) (b) 1. of the statutes, as affected by 1995 Wisconsin  
10 Act 461, is renumbered 440.26 (2) (b).

11           **SECTION 4293.** 440.26 (2) (b) 2. of the statutes, as created by 1995 Wisconsin  
12 Act 461, is repealed.

13           **SECTION 4294.** 440.26 (3) of the statutes, as affected by 1995 Wisconsin Act 461,  
14 is amended to read:

15           **440.26 (3) ISSUANCE OF LICENSES; FEES.** Upon receipt and examination of an  
16 application executed under sub. (2), and after any investigation that it considers  
17 necessary, the department shall, if it determines that the applicant is qualified, grant  
18 the proper license upon payment of the fee specified in s. 440.05 (1) and the costs,  
19 ~~including the costs of record searches, incurred by the department in obtaining~~  
20 ~~information related to the eligibility and qualifications of the applicant.~~ No license  
21 shall be issued for a longer period than 2 years, and the license of a private detective  
22 shall expire on the renewal date of the license of the private detective agency, even  
23 if the license of the private detective has not been in effect for a full 2 years. Renewals  
24 of the original licenses issued under this section shall be issued in accordance with  
25 renewal forms prescribed by the department and shall be accompanied by the fees

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1 specified in s. 440.08. The department may not renew a license unless the applicant  
2 provides evidence that the applicant has in force at the time of renewal the bond or  
3 liability policy specified in this section.

4 **SECTION 4295.** 440.26 (5) (b) of the statutes, as affected by 1995 Wisconsin Act  
5 461, is amended to read:

6 440.26 (5) (b) The license requirements of this section do not apply to any  
7 person employed directly or indirectly by the state or by a ~~municipality~~ local  
8 governmental unit, as defined in s. 345.05 (1) (e) ~~(bg)~~, or to any employe of a railroad  
9 company under s. 192.47, or to any employe of a commercial establishment, while the  
10 person is acting within the scope of his or her employment and whether or not he or  
11 she is on the employer's premises.

12 **SECTION 4296.** 440.26 (5m) (a) 1. of the statutes, as created by 1995 Wisconsin  
13 Act 461, is amended to read:

14 440.26 (5m) (a) 1. The individual submits an application for a private security  
15 permit to the department on a form provided by the department. The department  
16 ~~may require that an individual provide any information which the department~~  
17 ~~determines is reasonably necessary to determine whether the individual meets the~~  
18 ~~requirements of this section and rules promulgated under this section or to establish~~  
19 ~~the truth of the facts set forth in the application. The department may also require~~  
20 ~~under this subdivision that an applicant complete forms provided by the department~~  
21 ~~of justice and the federal bureau of investigation.~~

22 **SECTION 4297.** 440.26 (5m) (a) 4. of the statutes, as created by 1995 Wisconsin  
23 Act 461, is amended to read:

24 440.26 (5m) (a) 4. The individual pays to the department the fee specified in  
25 s. 440.05 (1) ~~and the costs, including the costs of record searches, incurred by the~~

**SENATE BILL 77****SECTION 4297**

1 ~~department in obtaining information related to the eligibility and qualifications of~~  
2 ~~the individual.~~

3 **SECTION 4298.** 440.43 (5) of the statutes is amended to read:

4 440.43 (5) DEPARTMENT DISCLOSURE. The department shall not disclose  
5 information under sub. (4) (c) 1. except to the extent necessary for investigative or  
6 law enforcement purposes or, if requested under s. 49.22 (2m), to the department of  
7 industry, labor and job development.

8 **SECTION 4299.** 440.44 (10) of the statutes is amended to read:

9 440.44 (10) NONDISCLOSURE. The department may not disclose information  
10 under sub. (9) (a) 1. to any person except to the extent necessary for investigative or  
11 law enforcement purposes or, if requested under s. 49.22 (2m), to the department of  
12 industry, labor and job development.

13 **SECTION 4300.** 440.92 (6) (d) of the statutes is amended to read:

14 440.92 (6) (d) All records described under pars. (b) 2. and (c) and maintained  
15 by the department are confidential and are not available for inspection or copying  
16 under s. 19.35 (1). This paragraph does not apply to any information requested by  
17 the department of industry, labor and job development under s. 49.22 (2m).

18 **SECTION 4301.** 440.93 (2) of the statutes is amended to read:

19 440.93 (2) The department shall determine in each case the period that a  
20 limitation, suspension or revocation of a certificate is effective. This subsection does  
21 not apply to a limitation, suspension or revocation under s. 440.12 (3) (a) or (4).

22 **SECTION 4302.** 441.07 (2) of the statutes is amended to read:

23 441.07 (2) The board may reinstate a revoked license, no earlier than one year  
24 following revocation, upon receipt of an application for reinstatement. This  
25 subsection does not apply to a license that is revoked under s. 440.12 (4).



**SENATE BILL 77****SECTION 4303**

1           **SECTION 4303.** 442.12 (7) of the statutes is amended to read:

2           442.12 (7) Upon application in writing and after hearing pursuant to notice,  
3           issue a new license to a licensee whose license has been revoked, reinstate a revoked  
4           certificate or modify the suspension of any license or certificate which has been  
5           suspended. This subsection does not apply to a license or certificate that is  
6           suspended or revoked under s. 440.12 (3) (c) or (4).

7           **SECTION 4304.** 443.06 (1) (a) of the statutes is amended to read:

8           443.06 (1) (a) Application for registration as a land surveyor or a permit to  
9           practice shall be made to the section under oath, on forms ~~prescribed by the~~  
10          ~~examining board and~~ provided by the department, which shall require the applicant  
11          to submit such information as the section deems necessary. The section may require  
12          applicants to pass written or oral examinations or both. Applicants who do not have  
13          an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, shall be  
14          entitled to be registered or issued a permit to practice as land surveyors when  
15          satisfactory evidence is submitted that the applicant has met one or more of the  
16          requirements of sub. (2).

17          **SECTION 4305.** 443.10 (2) (a) of the statutes is amended to read:

18          443.10 (2) (a) Applications for registration or for a certificate of record shall be  
19          on forms ~~prescribed by the examining board and~~ provided by the department and  
20          shall contain statements made under oath showing the applicant's education and  
21          detail summary of the applicant's technical work and not less than 5 references, of  
22          whom 3 or more shall have personal knowledge of the applicant's architectural,  
23          landscape architectural, geological or engineering experience in the case of an  
24          application for registration or of the applicant's technical education or engineering  
25          work in the case of an application for a certificate of record.

**SENATE BILL 77****SECTION 4306**

1           **SECTION 4306.** 443.11 (6) of the statutes is amended to read:

2           443.11 (6) The examining board, for reasons the interested section considers  
3 sufficient, may reissue a certificate of registration or a certificate of record to any  
4 person, or a certificate of authorization to any corporation, whose certificate has been  
5 revoked, providing 3 members of the architect section, 3 members of the landscape  
6 architect section, 3 members of the geologist section or 3 members of the engineer  
7 section of the examining board vote in favor of such reissuance. A new certificate of  
8 registration, certificate of record or certificate of authorization, to replace any  
9 certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules  
10 of the examining board and the payment of the required fee. This subsection does  
11 not apply to a certificate that is revoked under s. 440.12 (4).

12           **SECTION 4307.** 443.12 (4) of the statutes is amended to read:

13           443.12 (4) The section, for reasons it deems sufficient, may reinstate a  
14 certificate of registration that has been revoked, if 3 members vote in favor of such  
15 reinstatement. This subsection does not apply to a certificate of registration that is  
16 revoked under s. 440.12 (4).

17           **SECTION 4308.** 445.08 (4) (a) of the statutes is renumbered 445.08 (4) and  
18 amended to read:

19           445.08 (4) Applications for the examination at a time and place to be arranged  
20 and conducted by the examining board for a reciprocal funeral director's license shall  
21 be in writing and verified on a blank to be prescribed and furnished by the examining  
22 board, and be accompanied by such proof of compliance with the requirements for a  
23 reciprocal funeral director's license and with such other information as the  
24 examining board requires and shall be accompanied by the examination fee for each  
25 application.

**SENATE BILL 77****SECTION 4309**

1           **SECTION 4309.** 445.13 (2) of the statutes, as affected by 1995 Wisconsin Act 295,  
2 is amended to read:

3           445.13 (2) No reprimand or order limiting, suspending or revoking a license,  
4 certificate of registration or permit, or no assessment of forfeiture, shall be made  
5 until after a hearing conducted by the examining board. This subsection does not  
6 apply to a license, certificate of registration or permit that is limited, suspended or  
7 revoked under s. 440.12 (3) (c) or (4).

8           **SECTION 4310.** 446.05 (2) of the statutes is amended to read:

9           446.05 (2) Upon application and satisfactory proof that the cause of such  
10 revocation or suspension no longer exists, the examining board may reinstate any  
11 license or registration suspended or revoked by it. This subsection does not apply to  
12 a license or registration that is suspended or revoked under s. 440.12 (3) (c) or (4).

13           **SECTION 4311.** 447.07 (5) of the statutes is amended to read:

14           447.07 (5) The examining board may reinstate a license that has been  
15 voluntarily surrendered or revoked on terms and conditions that it considers  
16 appropriate. This subsection does not apply to a license that is revoked under s.  
17 440.12 (4).

18           **SECTION 4312.** 448.02 (3) (e) of the statutes is amended to read:

19           448.02 (3) (e) A person whose license, certificate or limited permit is limited  
20 under this subchapter shall be permitted to continue practice upon condition that the  
21 person will refrain from engaging in unprofessional conduct; that the person will  
22 appear before the board or its officers or agents at such times and places as may be  
23 designated by the board from time to time; that the person will fully disclose to the  
24 board or its officers or agents the nature of the person's practice and conduct; that  
25 the person will fully comply with the limits placed on his or her practice and conduct

**SENATE BILL 77****SECTION 4312**

1 by the board; that the person will obtain additional training, education or  
2 supervision required by the board; and that the person will cooperate with the board.

3 **SECTION 4313.** 448.05 (7) of the statutes is amended to read:

4 448.05 (7) APPLICATION. Application for any class of license or certificate shall  
5 be made as a verified statement in ~~such a form~~ provided by the department and at  
6 such time and place as the board may designate, and shall be accompanied by  
7 satisfactory evidence setting out the qualifications imposed by this section.  
8 Application for any class of license to practice medicine and surgery also shall be  
9 accompanied by a verified statement that the applicant is familiar with the state  
10 health laws and the rules of the department of health and family services as related  
11 to communicable diseases.

12 **SECTION 4314.** 448.56 (1) of the statutes is amended to read:

13 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.  
14 448.52, a person may practice physical therapy only upon the written referral of a  
15 physician, chiropractor, dentist or podiatrist. Written referral is not required if a  
16 physical therapist provides services in schools to children with exceptional  
17 educational needs pursuant to rules promulgated by the department of education  
18 public instruction; provides services as part of a home health care agency; provides  
19 services to a patient in a nursing home pursuant to the patient's plan of care; provides  
20 services related to athletic activities, conditioning or injury prevention; or provides  
21 services to an individual for a previously diagnosed medical condition after  
22 informing the individual's physician, chiropractor, dentist or podiatrist who made  
23 the diagnosis. The affiliated credentialing board may promulgate rules establishing  
24 additional services that are excepted from the written referral requirements of this  
25 subsection.

**SENATE BILL 77****SECTION 4315**

1           **SECTION 4315.** 449.07 (3) of the statutes is amended to read:

2           449.07 (3) Upon application and satisfactory proof that the cause of such  
3           revocation or suspension no longer exists, the examining board may reinstate any  
4           license or registration by it suspended or revoked. This subsection does not apply to  
5           a license or registration that is suspended or revoked under s. 440.12 (3) (c) or (4).

6           **SECTION 4316.** 450.10 (3) (a) 11. of the statutes is amended to read:

7           450.10 (3) (a) 11. A speech-language pathologist or audiologist licensed under  
8           subch. II of ch. 459 or a speech and language pathologist licensed by the department  
9           of education public instruction.

10          **SECTION 4317.** 452.12 (2) (title) of the statutes is repealed and recreated to  
11          read:

12          452.12 (2) (title) BUSINESS ENTITIES.

13          **SECTION 4318.** 452.12 (6) (e) (intro.) of the statutes is amended to read:

14          452.12 (6) (e) (intro.) ~~Beginning on January 1, 1996~~ Except as provided in ss.  
15          440.03 (11m) (b) and 440.12 (3) (a) or (4), the department shall reinstate an inactive  
16          licensee's original license as follows:

17          **SECTION 4319.** 452.18 of the statutes is amended to read:

18          **452.18 Court review.** ~~Orders~~ Except as provided in s. 73.0301 (2) (b) 1. a. and  
19          2., orders of the board and department shall be subject to review as provided in ch.  
20          227.

21          **SECTION 4320.** 454.06 (1) (c) of the statutes is amended to read:

22          454.06 (1) (c) The applicant has graduated from high school or has attained  
23          high school graduation equivalency as determined by the department of education  
24          public instruction; is participating in a program approved by the examining board;

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1 or is at least 18 years old and meets the ability to benefit rule under 20 USC 1091  
2 (d).

3 **SECTION 4321.** 454.08 (4) of the statutes is amended to read:

4 454.08 (4) The examining board shall, by rule, establish minimum standards  
5 concerning the maintenance, equipment, plans and specifications for licensed  
6 establishments as they relate to the public health and safety. The examining board  
7 may not license an establishment under this section unless it meets the standards  
8 established by the examining board. A person proposing to open an establishment  
9 in a new location shall apply to the examining board for an inspection and approval  
10 of the establishment, submitting an exact description and floor plan of the proposed  
11 location of the establishment on a form ~~prescribed~~ provided by the ~~examining board~~  
12 department.

13 **SECTION 4322.** 455.04 (4) (d) of the statutes is amended to read:

14 455.04 (4) (d) Submit written verification from the supervising psychologist or  
15 a school official or administrator that the applicant has successfully completed one  
16 year of experience or internship in school psychology under the supervision of a  
17 school psychologist licensed by the department of ~~education~~ public instruction.

18 **SECTION 4323.** 455.04 (4) (e) of the statutes is amended to read:

19 455.04 (4) (e) Hold a regular license as a school psychologist issued by the  
20 department of ~~education~~ public instruction.

21 **SECTION 4324.** 455.09 (3) of the statutes is amended to read:

22 455.09 (3) A revoked license may not be renewed. One year from the date of  
23 revocation of a license under this chapter, application may be made for  
24 reinstatement. The examining board may accept or reject an application for  
25 reinstatement. If reinstatement is granted under this subsection, the licensee shall

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1 pay a reinstatement fee in an amount equal to the renewal fee. This subsection does  
2 not apply to a license that is revoked under s. 440.12 (4).

3 **SECTION 4325.** 456.11 (1) and (2) of the statutes are amended to read:

4 456.11 (1) The examining board may reinstate a license or registration to any  
5 person whose license or registration has been revoked. This subsection does not  
6 apply to a license or registration that is revoked under s. 440.12 (4).

7 (2) Application for the reinstatement of a license or registration shall not be  
8 made prior to one year after revocation and shall be made in such manner as the  
9 examining board directs. This subsection does not apply to a license or registration  
10 that is revoked under s. 440.12 (4).

11 **SECTION 4326.** 457.02 (2) of the statutes is amended to read:

12 457.02 (2) Require any individual who is licensed as a school social worker or  
13 school counselor by the department of ~~education~~ public instruction to be certified as  
14 a social worker or professional counselor under this chapter in order to use the title  
15 “school social worker” or “school counselor”.

16 **SECTION 4327.** 457.02 (4) of the statutes is amended to read:

17 457.02 (4) Authorize any individual who is certified as a social worker or  
18 professional counselor under this chapter to use the title “school social worker” or  
19 “school counselor” unless the individual is licensed as a school social worker or school  
20 counselor by the department of ~~education~~ public instruction.

21 **SECTION 4328.** 459.10 (2) (a) (intro.) of the statutes is amended to read:

22 459.10 (2) (a) (intro.) An individual whose license or trainee permit is limited  
23 by the examining board under this subchapter may continue to practice under the  
24 license or permit if the individual does all of the following:

25 **SECTION 4329.** 459.22 (2) (f) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4329**

1           459.22 (2) (f) Require an individual to be licensed under this subchapter to  
2 engage in the practice of speech-language pathology or audiology in a position for  
3 which the department of ~~education~~ public instruction requires licensure as a speech  
4 and language pathologist.

5           **SECTION 4330.** 459.34 (2m) (a) (intro.) of the statutes is amended to read:

6           459.34 (2m) (a) (intro.) An individual whose license or limited permit is limited  
7 by the examining board under this subchapter may continue to practice under the  
8 license or permit if the individual does all of the following:

9           **SECTION 4331.** 459.42 (2) (f) of the statutes is amended to read:

10           459.42 (2) (f) Require an individual to be registered under this subchapter to  
11 engage in the practice of speech-language pathology or audiology in a position for  
12 which the department of ~~education~~ public instruction requires licensure as a speech  
13 and language pathologist.

14           **SECTION 4332.** 480.24 (3) (intro.) of the statutes is amended to read:

15           480.24 (3) (intro.) The board may, as a condition of removing a limitation  
16 imposed under this chapter on a certificate issued under this chapter or of  
17 reinstating a certificate that has been suspended or revoked under this chapter, do  
18 any of the following:

19           **SECTION 4333.** 551.32 (1) (bm) of the statutes is created to read:

20           551.32 (1) (bm) 1. In addition to information required under par. (b), an  
21 application under par. (a) shall contain the following:

22           a. In the case of an individual, the individual's social security number.

23           b. In the case of a person who is not an individual, the person's federal employer  
24 identification number.



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1           2. The division may not disclose any information received under subd. 1. to any  
2 person except as follows:

3           a. The division may disclose information under subd. 1. to the department of  
4 revenue for the sole purpose of requesting certifications under s. 73.0301.

5           b. The division may disclose information under subd. 1. a. to the department  
6 of industry, labor and job development in accordance with a memorandum of  
7 understanding under s. 49.857.

8           **SECTION 4334.** 551.34 (1m) of the statutes is created to read:

9           551.34 (1m) 1. The division shall deny an application for the issuance or  
10 renewal of a license if any of the following applies:

11           a. The applicant fails to provide the information required under s. 551.32 (1)  
12 (bm) 1.

13           b. The department of revenue certifies under s. 73.0301 that the applicant is  
14 liable for delinquent taxes. An applicant whose application for the issuance or  
15 renewal of a license is denied under this subd. 1. b. for delinquent taxes is entitled  
16 to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not  
17 entitled to any other notice, hearing or review under this subchapter.

18           c. The applicant is an individual who is delinquent in making court-ordered  
19 payments of child or family support, maintenance, birth expenses, medical expenses  
20 or other expenses related to the support of a child or former spouse, as provided in  
21 a memorandum of understanding entered into under s. 49.857. An applicant whose  
22 application is denied under this subd. 1. c. for delinquent payments is entitled to a  
23 notice and hearing under s. 49.857 but is not entitled to any other notice or hearing  
24 under this section.

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1           2. The division shall restrict or suspend a license under this subchapter if the  
2 licensee is delinquent in making court-ordered payments of child or family support,  
3 maintenance, birth expenses, medical expenses or other expenses related to the  
4 support of a child or former spouse, as provided in a memorandum of understanding  
5 entered into under s. 49.857. A licensee whose license is restricted or suspended  
6 under this paragraph is entitled to a notice and hearing under s. 49.857 but is not  
7 entitled to any other notice or hearing under this section.

8           3. The division shall revoke a license if the department of revenue certifies  
9 under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose  
10 license is revoked under this subdivision for delinquent taxes is entitled to a notice  
11 under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled  
12 to any other notice, hearing or review under this subchapter.

13           **SECTION 4335.** 552.23 (1) of the statutes is amended to read:

14           552.23 (1) If the target company is an insurance company subject to regulation  
15 by the commissioner of insurance, a banking corporation subject to regulation by the  
16 division of banking, a savings bank or savings and loan association subject to  
17 regulation by the division of savings and loan institutions, or a company subject to  
18 regulation by the public service commission, the department of transportation or the  
19 office of the commissioner of railroads, the division of securities shall promptly  
20 furnish a copy of the registration statement filed under this chapter to the regulatory  
21 agency having supervision of the target company. Any hearing under this chapter  
22 involving any such target company shall be held jointly with the regulatory agency  
23 having supervision, and any determination following the hearing shall be made  
24 jointly with that regulatory agency.

25           **SECTION 4336.** 560.03 (16) of the statutes is repealed.

**SENATE BILL 77****SECTION 4337**

1           **SECTION 4337.** 560.03 (19) of the statutes is amended to read:

2           560.03 (19) Establish a ~~permit information and regulatory assistance bureau~~  
3           business development assistance center in the department to provide services as set  
4           forth in subch. III.

5           **SECTION 4338.** 560.031 of the statutes is amended to read:

6           **560.031     Recycling market development.** In carrying out its  
7           responsibilities under ss. 560.03 and 560.07 (1), the department may promulgate  
8           rules for the provision of financial assistance for the development of markets for  
9           materials recovered from solid waste if the provision of that financial assistance is  
10          a responsibility assigned to the department in a memorandum of understanding,  
11          contract or other agreement with the recycling market development board. The  
12          financial assistance may be in the form of grants, loans or manufacturing rebates.

13          **SECTION 4339.** 560.032 (1) of the statutes is amended to read:

14          560.032 (1) (title) ~~ANNUAL ALLOCATION~~ ALLOCATION. ~~Annually no later than~~  
15          ~~October 31, the~~ The department, by rule, shall establish under 26 USC 146 and  
16          administer a system for the allocation of the volume cap on the issuance of private  
17          activity bonds, as defined under 26 USC 141 (a), ~~for the next year,~~ among all  
18          municipalities, as defined in s. 67.01 (5), and any corporation formed on behalf of  
19          those municipalities, and among this state, the Wisconsin ~~health~~ Health and  
20          ~~educational facilities authority~~ Educational Facilities Authority and the Wisconsin  
21          ~~housing~~ Housing and ~~economic development authority~~ Economic Development  
22          Authority.

23          **SECTION 4340.** 560.036 (2) (a) of the statutes is amended to read:

24          560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16,  
25          18.64, 18.77, 25.185, 66.911, 119.495 (2), 231.27, ~~234.65 (6) and 234.85~~ and 234.35,

**SENATE BILL 77****SECTION 4340**

1 the department shall establish and periodically update a list of certified minority  
2 businesses, minority financial advisers and minority investment firms. Any  
3 business, financial adviser or investment firm may apply to the department for  
4 certification. For purposes of this paragraph, unless the context otherwise requires,  
5 a "business" includes a financial adviser or investment firm.

6 **SECTION 4341.** 560.037 of the statutes is repealed.

7 **SECTION 4342.** 560.038 of the statutes is repealed.

8 **SECTION 4343.** 560.039 of the statutes is repealed.

9 **SECTION 4344.** 560.045 of the statutes is amended to read:

10 **560.045 Community development block grant administration.**

11 Notwithstanding s. 16.54 (2) (a), from moneys received under a community  
12 development block grant, 42 USC 5301 to 5320, the department shall contract with  
13 the department of administration for the administration of housing programs,  
14 including the housing improvement grant program and the initial rehabilitation  
15 grant program. To the extent allowed under federal law or regulation, the  
16 department shall give priority in the awarding of grants under the programs to  
17 grants for projects related to the redevelopment of brownfields, as defined in s.  
18 560.60 (1v).

19 **SECTION 4345.** 560.05 of the statutes is repealed.

20 **SECTION 4346.** 560.06 of the statutes is created to read:

21 **560.06 Memorandum of understanding on use of allocated moneys.**

22 The department may provide assistance to a nonprofit organization that provides  
23 assistance to organizations and individuals in urban areas. No later than December  
24 30, 1997, the department of commerce shall enter into a memorandum of  
25 understanding with the department of administration that specifies how the

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1 department of commerce may use the moneys allocated under s. 20.143 (1) (c) for  
2 providing assistance under this section.

3 **SECTION 4347.** 560.07 (intro.) and (1) to (7) of the statutes are renumbered  
4 560.07 (1) (intro.) and (a) to (g).

5 **SECTION 4348.** 560.07 (2) of the statutes is created to read:

6 560.07 (2) On or before July 1, 1998, and every July 1 thereafter, Forward  
7 Wisconsin, Inc., shall submit to the appropriate standing committees under s. 13.172  
8 (3) a report stating the net jobs gain due to the funds provided Forward Wisconsin,  
9 Inc., under s. 20.143 (1) (bm).

10 **SECTION 4349.** 560.07 (9) of the statutes is repealed.

11 **SECTION 4350.** 560.08 (2) (m) of the statutes is repealed.

12 **SECTION 4351.** 560.13 of the statutes is created to read:

13 **560.13 Brownfields grant program. (1)** In this section:

14 (a) "Brownfields" means abandoned, idle or underused industrial or  
15 commercial facilities or sites, the expansion or redevelopment of which is adversely  
16 affected by actual or perceived environmental contamination.

17 (b) "Municipality" means a city, village, town or county.

18 (c) "Person" means an individual, partnership, corporation, limited liability  
19 company, association, organization or municipality.

20 (2) (a) Subject to subs. (4) and (5), from the appropriation under s. 20.143 (1)  
21 (q) the department may make a grant to a person if all of the following apply:

22 1. The person uses the grant proceeds for brownfields redevelopment and  
23 associated environmental remediation activities.

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1           2. The party responsible for the actual or perceived environmental  
2 contamination of the facility or site that is the subject of the project is unknown or  
3 cannot be located.

4           3. The person contributes to the cost of the project as provided in par. (b).

5           (b) 1. The contribution required under par. (a) 3. may be in cash or in-kind.  
6 Cash contributions may be of private or public funds, excluding funds obtained under  
7 the program under s. 560.17 or under any program under subch. V or VII of this  
8 chapter. In-kind contributions shall be limited to actual remediation services.

9           2. For a grant that does not exceed \$300,000, the person shall be required to  
10 contribute not less than 20% of the cost of the project. For a grant that is greater than  
11 \$300,000 but that does not exceed \$700,000, the person shall be required to  
12 contribute not less than 35% of the cost of the project. For a grant that is greater than  
13 \$700,000 but that does not exceed \$5,000,000, the person shall be required to  
14 contribute not less than 50% of the cost of the project.

15           **(3)** (a) The department shall award grants under this section on the basis of  
16 the following criteria:

17           1. The potential of the project to promote economic development in the area.

18           2. Whether the project will have a positive effect on the environment.

19           3. The amount and quality of the person's contribution to the project.

20           4. The innovativeness of the person's proposal for remediation and  
21 redevelopment.

22           (b) If possible, when making a determination under par. (a), the department  
23 shall accord a 50% weight to the criterion under par. (a) 1., a 25% weight to the  
24 criterion under par. (a) 2., a 15% weight to the criterion under par. (a) 3. and a 10%  
25 weight to the criterion under par. (a) 4.

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1           (4) (a) From the appropriation under s. 20.143 (1) (q), the department shall  
2 award all of the following:

3           1. A total of \$3,000,000 in grants that do not exceed \$300,000.

4           2. A total of \$7,000,000 in grants that are greater than \$300,000 but that do  
5 not exceed \$700,000.

6           3. A total of \$10,000,000 in grants that are greater than \$700,000 but that do  
7 not exceed \$5,000,000.

8           (b) The department may not award a grant that exceeds \$5,000,000.

9           (c) The department shall award at least 7 grants for projects that are located  
10 in municipalities with a population of less than 30,000.

11           (5) Before the department awards a grant under this section, the department  
12 shall consider the recommendations of the department of administration and the  
13 department of natural resources.

14           (6) The department shall promulgate rules that establish criteria, within the  
15 guidelines under subs. (2) and (3), for awarding grants under this section, including  
16 the circumstances under which grant proceeds may be used for assessment services.

17           (7) On or before December 31, 1998, and annually thereafter, the department  
18 shall submit a report on the effectiveness of the program under this section to the  
19 legislature under s. 13.172 (2) and to the governor and the department of  
20 administration.

21           **SECTION 4352.** 560.135 of the statutes is created to read:

22           **560.135 Mining economic development grants and loans.** (1) In this  
23 section:

24           (a) "Area affected by mining" means an area in which all of the following apply:

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1           1. Public and private infrastructure are or were provided to support mining  
2 activity.

3           2. Public funds are or were expended for costs associated with mining activity.

4           3. Construction of a mine has commenced and economic diversification is  
5 necessary to reduce dependence on mining activity for the long-term economic  
6 growth and stability of the area.

7           (b) "Board" means the development finance board.

8           (c) "Business" has the meaning given in s. 560.60 (2).

9           (d) "Community-based organization" has the meaning given in s. 560.14 (1) (c).

10          (e) "Local development corporation" means any of the following:

11           1. The elected governing body of a federally recognized American Indian tribe  
12 or band in this state or any business created by the elected governing body.

13           2. A nonprofit corporation organized under ch. 181 that does all of the following:

14           a. Operates within specific geographic boundaries.

15           b. Promotes the economic development within the specific geographic area.

16           (f) "Mining" means metallic mineral mining.

17          **(2)** Subject to subs. (3) and (4), the board may award a grant or loan for the  
18 purpose specified to any of the following entities located in an area affected by  
19 mining:

20           (a) A business, to finance costs associated with start-up, maintenance or  
21 expansion in an area affected by mining.

22           (b) A city, village, town or county, to develop an economic diversification plan.

23           (c) A city, village, town, county, community-based organization or local  
24 development corporation, to establish a local revolving loan fund to finance  
25 businesses that will create long-term employment opportunities.



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1 (d) A community-based organization or local development corporation, to  
2 conduct a local economic development project that will create long-term employment  
3 opportunities and to provide assistance to businesses or entrepreneurs.

4 (e) A business, to obtain professional services related to the start-up,  
5 maintenance or expansion of the business, including assistance with feasibility  
6 studies or financial and marketing plans and managerial assistance after start-up  
7 or expansion.

8 **(3)** The board may not award a grant or loan under sub. (2) if the proceeds will  
9 be used to establish or expand a business that is solely dependent on mining activity.

10 **(4)** (a) The board may not award a grant or loan under sub. (2) (a), (b) or (d) that  
11 exceeds \$100,000.

12 (b) The board may not award a grant or loan under sub. (2) (c) that exceeds  
13 \$200,000.

14 (c) The board may not award a grant or loan under sub. (2) (e) that exceeds  
15 \$15,000.

16 **(5)** In awarding grants and loans under sub. (2), the board shall consider all  
17 of the following:

18 (a) The factors under s. 560.605 (2) (a) to (e).

19 (b) Whether the project will be located in a targeted area, as determined by the  
20 board after considering the factors under s. 560.605 (2m) (a) to (h).

21 (c) The extent to which the business or other entity assisted by the project is  
22 likely to provide stable, long-term employment opportunities to reduce the  
23 dependence of the area on mining.

24 **(6)** From the appropriations under s. 20.143 (1) (if) and (r), the department  
25 shall make grants and loans awarded by the board under sub. (2).

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1           (7) The department, with the approval of the board, shall promulgate rules  
2 establishing policies and standards for awarding grants and loans under sub. (2),  
3 consistent with policies and standards established under the rules required under  
4 s. 560.602. The department shall promulgate rules regarding the application  
5 processes for grants and loans under sub. (2) and for loans made from revolving loan  
6 funds established with proceeds awarded under sub. (2) (c).

7           **SECTION 4353.** 560.14 (1) (ar) of the statutes is created to read:

8           560.14 (1) (ar) "Brownfields" has the meaning given in s. 560.60 (1v).

9           **SECTION 4354.** 560.14 (2) (a) 1. of the statutes is amended to read:

10           560.14 (2) (a) 1. Enable a community-based organization or a political  
11 subdivision receiving a grant to develop a plan for diversifying its the local or  
12 regional economy, attracting new businesses and jobs and promoting economic  
13 development.

14           **SECTION 4355.** 560.14 (2) (c) (intro.) of the statutes is renumbered 560.14 (2)  
15 (c) and amended to read:

16           560.14 (2) (c) An individual grant under this subsection may not exceed  
17 ~~whichever of the following applies:~~ \$30,000.

18           **SECTION 4356.** 560.14 (2) (c) 1. of the statutes is repealed.

19           **SECTION 4357.** 560.14 (2) (c) 2. of the statutes is repealed.

20           **SECTION 4358.** 560.14 (4m) of the statutes is created to read:

21           560.14 (4m) (a) Subject to par. (b), the department may make a grant under  
22 this subsection from the appropriation under s. 20.143 (1) (fg) to a community-based  
23 organization or private nonprofit organization for a venture capital development  
24 project if all of the following apply:

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1           1. The project will assist entrepreneurs or businesses in the state in obtaining  
2 capital for the start-up or development of a business.

3           2. The project will likely stimulate investment, promote economic development  
4 or create or retain jobs in the state.

5           3. The grant applicant submits a plan that describes the proposed activity, how  
6 the activity satisfies the criteria under this paragraph, how the grant will be  
7 administered, how the grant proceeds will be used to support the activity and how  
8 the activity will be coordinated with other venture capital development projects or  
9 programs, including any projects or programs of the department.

10          4. The secretary approves the plan under subd. 3.

11          5. The grant applicant funds at least 50% of the total cost of the project by  
12 providing cash or in-kind contributions.

13          (b) The department may not award more than \$75,000 in grants under this  
14 subsection in any fiscal year.

15          **SECTION 4359.** 560.14 (5) (b) of the statutes is amended to read:

16          560.14 (5) (b) ~~Promulgate~~ Subject to par. (d), promulgate rules to develop  
17 criteria for evaluating applications for grants under this section.

18          **SECTION 4360.** 560.14 (5) (d) of the statutes is created to read:

19          560.14 (5) (d) Give priority for grants under this section for projects related to  
20 brownfields redevelopment.

21          **SECTION 4361.** 560.15 (4) of the statutes is amended to read:

22          560.15 (4) All records received or created for the purposes of this section shall  
23 be closed to public inspection if the department, a chief executive officer of a village,  
24 town or city or a community response committee determines that public inspection  
25 of the records could adversely affect the business, its employes or former employes,

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1 except that information requested under s. 49.22 (2m) shall be disclosed to the person  
2 requesting the information.

3 **SECTION 4362.** 560.15 (5) of the statutes is amended to read:

4 560.15 (5) Each employe of the department, and each member of the  
5 community response committee, and each chief executive officer of a village, town or  
6 city and employes of his or her office shall keep secret all facts and information  
7 obtained in the course of performing their responsibilities under this section, except  
8 that facts and information requested under s. 49.22 (2m) shall be disclosed to the  
9 person making the request. This subsection does not prohibit the public inspection  
10 of records to the extent permitted under sub. (4) nor meetings in open session to the  
11 extent permitted under s. 19.85 (1) (i).

12 **SECTION 4363.** 560.16 (title) of the statutes is amended to read:

13 **560.16 (title) Employe ownership assistance loans grants.**

14 **SECTION 4364.** 560.16 (1) (b) of the statutes is amended to read:

15 560.16 (1) (b) "Business" means an employe-owned business or an existing  
16 business which is the subject of an application for a loan grant under this section.

17 **SECTION 4365.** 560.16 (2) (title) of the statutes is amended to read:

18 560.16 (2) (title) EMPLOYE OWNERSHIP ASSISTANCE LOANS GRANTS.

19 **SECTION 4366.** 560.16 (2) (a) of the statutes is amended to read:

20 560.16 (2) (a) From the appropriations under s. 20.143 (1) (c) and (ie), the  
21 department may make loans grants to existing business groups for a feasibility study  
22 to investigate the reorganization or new incorporation of an existing business as an  
23 employe-owned business and for professional services to implement the study.

24 **SECTION 4367.** 560.16 (2) (b) of the statutes is amended to read:

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1           560.16 (2) (b) The department may not make a loan grant under this section  
2 unless the board has approved the loan grant under this section or requested the  
3 department to make the grant under s. 560.61 (3).

4           **SECTION 4368.** 560.16 (2) (c) (intro.) of the statutes is amended to read:

5           560.16 (2) (c) (intro.) The board may not approve a loan grant under this section  
6 unless the board has considered all of the following:

7           **SECTION 4369.** 560.16 (2) (d) of the statutes is amended to read:

8           560.16 (2) (d) The board may approve a loan grant regardless of the number  
9 of employes laid off or to be laid off by the business or, if the business is closed, the  
10 length of time that it has been closed.

11          **SECTION 4370.** 560.16 (3) (intro.) of the statutes is amended to read:

12          560.16 (3) (title) LOAN GRANT APPLICATIONS. (intro.) To apply for a loan grant  
13 under this section, a group shall submit an application to the department which  
14 includes:

15          **SECTION 4371.** 560.16 (3) (e) of the statutes is amended to read:

16          560.16 (3) (e) A description of the group's financial assets available to match  
17 the loan grant and a statement indicating the group's willingness to match the loan  
18 grant.

19          **SECTION 4372.** 560.16 (3) (f) of the statutes is amended to read:

20          560.16 (3) (f) A written commitment from a person with the recognized  
21 expertise and experience necessary to conduct the feasibility study or provide the  
22 professional services to be financed by the loan grant.

23          **SECTION 4373.** 560.16 (4) (title) of the statutes is amended to read:

24          560.16 (4) (title) LOAN GRANT LIMITS; CONTRACT APPROVAL.

25          **SECTION 4374.** 560.16 (4) (a) of the statutes is amended to read:

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1           560.16 (4) (a) A loan grant to a group under this section may not exceed \$25,000  
2 unless the joint committee on finance, under s. 13.101 (5m), approves a specified  
3 amount exceeding \$25,000 \$15,000.

4           **SECTION 4375.** 560.16 (4) (b) of the statutes is amended to read:

5           560.16 (4) (b) As a condition of approval of a loan grant to a group under this  
6 section, the board shall require that the group provide matching funds for at least  
7 25% of the cost of the project, except that the board may waive application of that  
8 requirement if the board determines that the group is subject to extreme financial  
9 hardship.

10          **SECTION 4376.** 560.16 (4) (c) of the statutes is amended to read:

11          560.16 (4) (c) Any contract for any feasibility study or professional services  
12 financed by a loan grant under sub. (2) (a) shall be subject to the approval of the ~~board~~  
13 department. The ~~board~~ department may not approve such a contract unless it  
14 determines that the contractor has the expertise required to provide the necessary  
15 study or services and that the contractor's costs are consistent with existing market  
16 rates.

17          **SECTION 4377.** 560.16 (5) of the statutes is repealed.

18          **SECTION 4378.** 560.16 (6) (a) (intro.) of the statutes is amended to read:

19          560.16 (6) (a) (intro.) Any feasibility study of an existing business financed by  
20 a loan grant under sub. (2) (a) shall ~~may~~ include:

21          **SECTION 4379.** 560.16 (6) (b) of the statutes is amended to read:

22          560.16 (6) (b) The results of a feasibility study of an existing business financed  
23 by a loan grant under sub. (2) (a) shall be solely for the use of the group which received  
24 the loan grant, except that if the group's bid to purchase the business has been  
25 withdrawn, rejected or terminated, the group shall submit a copy of the study and

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1 the results of any professional services financed by the ~~loan~~ grant to the board and  
2 the board may provide a copy of such results to any person seeking to purchase the  
3 existing business.

4 **SECTION 4380.** 560.165 of the statutes is created to read:

5 **560.165 Division of international and export development; fees.** The  
6 division of international and export development may charge fees for services it  
7 provides to cover the costs incurred by the division in providing the services. The  
8 division shall deposit all fees collected under this section in the appropriation  
9 account under s. 20.143 (1) (g).

10 **SECTION 4381.** 560.17 (1) (am) of the statutes is created to read:

11 560.17 (1) (am) "Brownfields" has the meaning given in s. 560.60 (1v).

12 **SECTION 4382.** 560.17 (1) (bm) of the statutes is created to read:

13 560.17 (1) (bm) "Job" has the meaning given in s. 560.60 (10).

14 **SECTION 4383.** 560.17 (1) (d) 2. of the statutes is amended to read:

15 560.17 (1) (d) 2. A city, town or village with a population of 4,000 6,000 or less.

16 **SECTION 4384.** 560.17 (3) (intro.) of the statutes is amended to read:

17 560.17 (3) (intro.) ~~The Subject to sub. (4m), the~~ board may award a grant ~~or loan~~  
18 under this subsection to a business if all of the following apply:

19 **SECTION 4385.** 560.17 (3) (a) of the statutes is amended to read:

20 560.17 (3) (a) The amount of the grant ~~or loan~~ does not exceed ~~\$30,000~~ \$15,000.

21 **SECTION 4386.** 560.17 (3) (b) of the statutes is amended to read:

22 560.17 (3) (b) The business, together with any affiliate, subsidiary or parent  
23 entity, has fewer than ~~25~~ 100 employees.

24 **SECTION 4387.** 560.17 (3) (e) of the statutes is amended to read:

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1           560.17 (3) (e) The proceeds of the grant ~~or loan~~ will be used by the business as  
2 provided in sub. (5).

3           **SECTION 4388.** 560.17 (4) (c) of the statutes is amended to read:

4           560.17 (4) (c) The number of new jobs created by the business in relation to the  
5 amount of the grant ~~or loan~~.

6           **SECTION 4389.** 560.17 (4) (cm) of the statutes is created to read:

7           560.17 (4) (cm) In relation to the amount of the grant, the number of existing  
8 jobs that will be retained by the business if the grant is awarded and that likely would  
9 not be retained if the grant is not awarded.

10          **SECTION 4390.** 560.17 (4) (f) of the statutes is amended to read:

11          560.17 (4) (f) Whether the business would be able to start or expand its  
12 operations without a grant ~~or loan~~.

13          **SECTION 4391.** 560.17 (4m) of the statutes is created to read:

14          560.17 (4m) Of the total amount awarded in grants in a fiscal biennium under  
15 sub. (3), the board shall award not less than 25% and not more than 50% for purposes  
16 related to an agricultural business. The board shall give priority under this  
17 subsection for grants that will be used for purposes related to a dairy farm, as defined  
18 in s. 97.22 (1) (a).

19          **SECTION 4392.** 560.17 (5) (intro.) of the statutes is amended to read:

20          560.17 (5) (intro.) A business shall use the proceeds of a grant ~~or loan~~ under  
21 sub. (3) to pay for any of the following:

22          **SECTION 4393.** 560.17 (5c) of the statutes is created to read:

23          560.17 (5c) (a) Subject to par. (b), the board may award a grant under this  
24 subsection to a person or business proposing to start up, modernize or expand in this



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1 state a dairy farm, as defined in s. 97.22 (1) (a), or other agricultural business if all  
2 of the following apply:

3 1. The dairy farm or other agricultural business is or will be owned by the  
4 person or business.

5 2. The amount of the grant does not exceed \$50,000.

6 3. The grant proceeds will be used to pay for services related to the start-up,  
7 modernization or expansion of the dairy farm or other agricultural business, or for  
8 management assistance, as defined in s. 560.20 (1) (cf), continuing after the  
9 completion of the start-up, modernization or expansion of the dairy farm or other  
10 agricultural business.

11 4. The grant is likely to result in the start-up, modernization or expansion of  
12 the dairy farm or other agricultural business.

13 (b) The total amount of grants awarded under this subsection in any fiscal year  
14 may not exceed \$200,000.

15 **SECTION 4394.** 560.17 (5m) (a) (intro.) of the statutes is amended to read:

16 560.17 (5m) (a) (intro.) Subject to par. (e) (~~cm~~), the board may award a grant  
17 or loan under this subsection that does not exceed ~~\$25,000~~ \$100,000 to a business if  
18 all of the following apply:

19 **SECTION 4395.** 560.17 (5m) (a) 1. of the statutes is amended to read:

20 560.17 (5m) (a) 1. The business, together with any affiliate, subsidiary or  
21 parent entity, has fewer than ~~25~~ 100 employes.

22 **SECTION 4396.** 560.17 (5m) (a) 4. of the statutes is amended to read:

23 560.17 (5m) (a) 4. The business ~~received a grant or loan under sub. (3) and with~~  
24 ~~the proceeds successfully demonstrated its~~ demonstrates the feasibility of the  
25 project.

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1           **SECTION 4397.** 560.17 (5m) (b) (intro.) of the statutes is amended to read:

2           560.17 **(5m)** (b) (intro.) A business shall use the proceeds of a grant or loan  
3 under this subsection for any of the following:

4           **SECTION 4398.** 560.17 (5m) (bm) of the statutes is amended to read:

5           560.17 **(5m)** (bm) If a business receives a grant or loan under this subsection  
6 for the purpose specified in par. (b) 3., the department shall ensure that an employe  
7 of the business has the option of accepting or declining any relocation assistance that  
8 is available as a result of the grant or loan.

9           **SECTION 4399.** 560.17 (5m) (c) of the statutes is repealed.

10          **SECTION 4400.** 560.17 (5m) (cm) of the statutes is created to read:

11          560.17 **(5m)** (cm) Of the total amount awarded in grants and loans in a fiscal  
12 biennium under this subsection, the board shall award not less than 25% and not  
13 more than 50% for purposes related to an agricultural business. The board shall give  
14 priority under this paragraph for grants or loans that will be used for purposes  
15 related to a dairy farm, as defined in 97.22 (1) (a).

16          **SECTION 4401.** 560.17 (6m) of the statutes is repealed and recreated to read:

17          560.17 **(6m)** In order to receive a grant or loan under this section a person or  
18 business shall contribute cash, from a source other than the state, in an amount that  
19 equals at least 25% of the total cost of the project.

20          **SECTION 4402.** 560.17 (6r) of the statutes is created to read:

21          560.17 **(6r)** The board shall give priority for grants or loans under this section  
22 for projects related to brownfields redevelopment.

23          **SECTION 4403.** 560.17 (7) (a) of the statutes is amended to read:

24          560.17 **(7)** (a) The Except as provided in par. (am), the department shall  
25 designate staff to evaluate applications for grants or loans and assist the board under

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1 this section. The board shall act on an application for a grant or loan at its next  
2 regularly scheduled meeting after the department determines that the application  
3 is complete.

4 **SECTION 4404.** 560.17 (7) (am) of the statutes is created to read:

5 560.17 (7) (am) The department of commerce and the department of  
6 agriculture, trade and consumer protection shall designate staff to evaluate  
7 applications for grants or loans for purposes related to agricultural businesses and  
8 to make recommendations and assist the board with respect to those applications.

9 **SECTION 4405.** 560.183 (1) (a) of the statutes is repealed.

10 **SECTION 4406.** 560.183 (1) (ac) of the statutes is created to read:

11 560.183 (1) (ac) "Clinic hours" means hours spent working with patients in a  
12 clinic.

13 **SECTION 4407.** 560.183 (1) (ag) of the statutes is amended to read:

14 560.183 (1) (ag) "Eligible practice area" means a primary care shortage area,  
15 ~~an obstetric shortage area, a psychiatric~~ a mental health shortage area, ~~a state or~~  
16 ~~federal prison, an area health education center program established under 42 USC~~  
17 ~~295g-1,~~ an American Indian reservation or trust lands of an American Indian tribe.

18 **SECTION 4408.** 560.183 (1) (ar) of the statutes is repealed.

19 **SECTION 4409.** 560.183 (1) (b) of the statutes is amended to read:

20 560.183 (1) (b) "Physician" ~~has the meaning given in~~ means a physician, as  
21 defined in s. 448.01 (5), who specializes in family practice, general internal medicine,  
22 general pediatrics, obstetrics and gynecology, or psychiatry.

23 **SECTION 4410.** 560.183 (1) (c) of the statutes is repealed.

24 **SECTION 4411.** 560.183 (1) (cm) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4411**

1           560.183 (1) (cm) “Primary care shortage area” means a ~~shortage area~~  
2           established under sub. (7), in which the ratio of the population to the number of  
3           physicians who provide primary care is more than 2,500 to one, or an area that is in  
4           a primary care health professional shortage area as determined by the federal  
5           department of health and human services under 42 CFR part 5, appendix A,  
6           excluding a state or federal prison.

7           **SECTION 4412.** 560.183 (1) (d) of the statutes is renumbered 560.183 (1) (ap)  
8           and amended to read:

9           560.183 (1) (ap) “Psychiatric Mental health shortage area” means an area that  
10          is designated by the federal department of health and human services under 42 CFR  
11          part 5, appendix C, as having a shortage of psychiatric ~~manpower~~ professionals,  
12          excluding a state or federal prison and a state or county mental hospital.

13          **SECTION 4413.** 560.183 (3) (a) of the statutes is amended to read:

14          560.183 (3) (a) The department shall enter into a written agreement with the  
15          physician. In the agreement, the physician shall agree to practice at least 32 clinic  
16          hours per week for 3 years in one or more eligible practice areas in this state  
17          ~~primarily in an eligible practice area,~~ except that a physician specializing in  
18          obstetrics may only agree to practice obstetrics in an obstetric shortage area and a  
19          physician specializing in psychiatry may only agree to practice psychiatry in a  
20          psychiatric mental health shortage area. The physician shall also agree to care for  
21          patients who are insured or for whom health benefits are payable under medicare,  
22          medical assistance or any other governmental program.

23          **SECTION 4414.** 560.183 (3) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4414**

1           560.183 (3) (b) The agreement shall specify that the responsibility of the  
2 department to make the payments under the agreement is subject to the availability  
3 of funds in the appropriations under s. 20.143 (1) (~~fe~~) (f) and (jm).

4           **SECTION 4415.** 560.183 (4) (a) of the statutes is amended to read:

5           560.183 (4) (a) ~~Ten percent~~ Up to 40% of the principal of the loan or \$5,000  
6 \$20,000, whichever is less, during the first year of ~~practice~~ participation in the  
7 program under this section.

8           **SECTION 4416.** 560.183 (4) (b) of the statutes is amended to read:

9           560.183 (4) (b) ~~An~~ Up to an additional ~~12.5%~~ 40% of the principal of the loan  
10 or ~~\$6,250~~ \$20,000, whichever is less, during the 2nd year of ~~practice~~ participation in  
11 the program under this section.

12           **SECTION 4417.** 560.183 (4) (c) of the statutes is amended to read:

13           560.183 (4) (c) ~~An~~ Up to an additional ~~15%~~ 20% of the principal of the loan or  
14 ~~\$7,500~~ \$10,000, whichever is less, during the 3rd year of ~~practice~~ participation in the  
15 program under this section.

16           **SECTION 4418.** 560.183 (4) (d) of the statutes is repealed.

17           **SECTION 4419.** 560.183 (4) (e) of the statutes is repealed.

18           **SECTION 4420.** 560.183 (5) (a) of the statutes is amended to read:

19           560.183 (5) (a) The obligation of the department to make payments under an  
20 agreement entered into under sub. (3) (b) is subject to the availability of funds in the  
21 appropriations under s. 20.143 (1) (~~fe~~) (f) and (jm).

22           **SECTION 4421.** 560.183 (5) (b) (intro.) of the statutes is amended to read:

23           560.183 (5) (b) (intro.) If the cost of repaying the loans of all eligible applicants,  
24 when added to the cost of loan repayments scheduled under existing agreements,  
25 exceeds the total amount in the appropriations under s. 20.143 (1) (~~fe~~) (f) and (jm),

**SENATE BILL 77****SECTION 4421**

1 the department shall establish priorities among the eligible applicants based upon  
2 the following considerations:

3 **SECTION 4422.** 560.183 (6m) of the statutes is created to read:

4 560.183 **(6m)** PENALTIES. The department shall, by rule, establish penalties to  
5 be assessed by the department against physicians who breach an agreement entered  
6 into under sub. (3) (a). The rules shall do all of the following:

7 (a) Specify what actions constitute a breach of the agreement.

8 (b) Provide specific penalty amounts for specific breaches.

9 (c) Provide exceptions for certain actions, including breaches resulting from  
10 death or disability.

11 **SECTION 4423.** 560.183 (7) of the statutes is repealed.

12 **SECTION 4424.** 560.183 (8) (intro.) of the statutes is amended to read:

13 560.183 **(8)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under  
14 s. 20.143 (1) (~~fd~~) (f), the department shall contract with the board of regents of the  
15 University of Wisconsin System for administrative services from the office of rural  
16 health of the department of professional and community development of the  
17 University of Wisconsin Medical School. Under the contract, the office of rural health  
18 shall do all of the following:

19 **SECTION 4425.** 560.183 (8) (a) of the statutes is repealed.

20 **SECTION 4426.** 560.183 (8) (b) of the statutes is amended to read:

21 560.183 **(8)** (b) Advise the department and rural health development council  
22 on the identification of eligible practice areas with an extremely high need for  
23 medical care.

24 **SECTION 4427.** 560.184 (1) (a) of the statutes is renumbered 560.184 (1) (ad)  
25 and amended to read:

**SENATE BILL 77****SECTION 4427**

1           560.184 (1) (ad) “Council” ~~has the meaning given in s. 560.183 (1) (a)~~ means  
2 the rural health development council.

3           **SECTION 4428.** 560.184 (1) (ac) of the statutes is created to read:

4           560.184 (1) (ac) “Clinic hours” has the meaning given in s. 560.183 (1) (ac).

5           **SECTION 4429.** 560.184 (1) (am) of the statutes is amended to read:

6           560.184 (1) (am) “Eligible practice area” means a primary care shortage area,  
7 ~~an obstetric shortage area, a state or federal prison, an area health education center~~  
8 ~~program established under 42 USC 295g-1, an American Indian reservation or trust~~  
9 ~~lands of an American Indian tribe.~~

10          **SECTION 4430.** 560.184 (1) (c) of the statutes is repealed.

11          **SECTION 4431.** 560.184 (3) (a) of the statutes is amended to read:

12          560.184 (3) (a) The department shall enter into a written agreement with the  
13 health care provider. In the agreement, the health care provider shall agree to  
14 practice at least 32 clinic hours per week for 3 years in one or more eligible practice  
15 areas in this state ~~primarily in an eligible practice area.~~

16          **SECTION 4432.** 560.184 (3) (b) of the statutes is amended to read:

17          560.184 (3) (b) The agreement shall specify that the responsibility of the  
18 department to make the payments under the agreement is subject to the availability  
19 of funds in the appropriations under s. 20.143 (1) ~~(fe)~~ (f) and (jL).

20          **SECTION 4433.** 560.184 (4) (a) of the statutes is amended to read:

21          560.184 (4) (a) ~~Ten percent~~ Up to 40% of the principal of the loan or ~~\$2,500~~  
22 \$10,000, whichever is less, during the first year of ~~practice~~ participation in the  
23 program under this section.

24          **SECTION 4434.** 560.184 (4) (b) of the statutes is amended to read:

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1           560.184 (4) (b) ~~An~~ Up to an additional ~~12.5%~~ 40% of the principal of the loan  
2 or ~~\$3,125~~ \$10,000, whichever is less, during the 2nd year of ~~practice~~ participation in  
3 the program under this section.

4           **SECTION 4435.** 560.184 (4) (c) of the statutes is amended to read:

5           560.184 (4) (c) ~~An~~ Up to an additional ~~15%~~ 20% of the principal of the loan or  
6 ~~\$3,750~~ \$5,000, whichever is less, during the 3rd year of ~~practice~~ participation in the  
7 program under this section.

8           **SECTION 4436.** 560.184 (4) (d) of the statutes is repealed.

9           **SECTION 4437.** 560.184 (4) (e) of the statutes is repealed.

10          **SECTION 4438.** 560.184 (5) (a) of the statutes is amended to read:

11          560.184 (5) (a) The obligation of the department to make payments under an  
12 agreement entered into under sub. (3) is subject to the availability of funds in the  
13 appropriations under s. 20.143 (1) ~~(fe)~~ (f) and (jL).

14          **SECTION 4439.** 560.184 (5) (b) (intro.) of the statutes is amended to read:

15          560.184 (5) (b) (intro.) If the cost of repaying the loans of all eligible applicants,  
16 when added to the cost of loan repayments scheduled under existing agreements,  
17 exceeds the total amount in the appropriations under s. 20.143 (1) ~~(fe)~~ (f) and (jL), the  
18 department shall establish priorities among the eligible applicants based upon the  
19 following considerations:

20          **SECTION 4440.** 560.184 (6m) of the statutes is created to read:

21          560.184 (6m) **PENALTIES.** The department shall, by rule, establish penalties to  
22 be assessed by the department against health care providers who breach an  
23 agreement entered into under sub. (3) (a). The rules shall do all of the following:

24           (a) Specify what actions constitute a breach of the agreement.

25           (b) Provide specific penalty amounts for specific breaches.



**SENATE BILL 77****SECTION 4440**

1 (c) Provide exceptions for certain actions, including breaches resulting from  
2 death or disability.

3 **SECTION 4441.** 560.184 (7) (intro.) of the statutes is amended to read:

4 560.184 (7) ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under  
5 s. 20.143 (1) (~~fd~~) (f), the department shall contract with the board of regents of the  
6 University of Wisconsin System for administrative services from the office of rural  
7 health of the department of professional and community development of the  
8 University of Wisconsin Medical School. Under the contract, the office of rural health  
9 shall do all of the following:

10 **SECTION 4442.** 560.185 (1) of the statutes is amended to read:

11 560.185 (1) Advise the department as ~~provided in s. 560.183 (7) and on other~~  
12 on matters related to the physician loan assistance program under s. 560.183 and the  
13 health care provider loan assistance program under s. 560.184.

14 **SECTION 4443.** Subchapter III (title) of chapter 560 [precedes 560.41] of the  
15 statutes is amended to read:

16 **CHAPTER 560**

17 SUBCHAPTER III

18 ~~PERMIT INFORMATION AND~~

19 ~~REGULATORY BUSINESS DEVELOPMENT:~~

20 ASSISTANCE BUREAU CENTER

21 **SECTION 4444.** 560.41 (1) of the statutes is repealed and recreated to read:

22 560.41 (1) "Brownfields" means abandoned, idle or underused industrial or  
23 commercial facilities or sites, the expansion or redevelopment of which is adversely  
24 affected by actual or perceived environmental contamination.

25 **SECTION 4445.** 560.41 (1m) of the statutes is created to read:

**SENATE BILL 77****SECTION 4445**

1           560.41 (1m) "Center" means the business development assistance center in the  
2 department.

3           **SECTION 4446.** 560.42 (title) of the statutes is amended to read:

4           **560.42 (title) Responsibilities related to permits.**

5           **SECTION 4447.** 560.42 (1) (a) (intro.) of the statutes is amended to read:

6           560.42 (1) (a) (intro.) The bureau center shall expedite the process of applying  
7 for permits, of reviewing and making determinations on permit applications and of  
8 issuing permits as follows:

9           **SECTION 4448.** 560.42 (1) (a) 1. of the statutes is amended to read:

10           560.42 (1) (a) 1. The bureau center shall discharge its responsibilities under  
11 sub. (2) in a manner designed to expedite the process.

12           **SECTION 4449.** 560.42 (1) (a) 2. of the statutes is amended to read:

13           560.42 (1) (a) 2. Upon request by a person applying for a permit and to the  
14 extent possible, the bureau center shall resolve misunderstandings between the  
15 person and the appropriate regulatory agency and shall prevent or mitigate delays  
16 in the process.

17           **SECTION 4450.** 560.42 (1) (a) 3. of the statutes is amended to read:

18           560.42 (1) (a) 3. If the bureau center determines that it is unable to resolve  
19 misunderstandings or prevent or mitigate delays under subd. 2., the bureau center  
20 shall request the assistance of the secretary and the head of the appropriate  
21 regulatory agency.

22           **SECTION 4451.** 560.42 (1) (a) 4. of the statutes is amended to read:

23           560.42 (1) (a) 4. If the bureau center determines that the secretary and head  
24 of the appropriate regulatory agency are unable to resolve misunderstandings or

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1 prevent or mitigate delays under subd. 3., the bureau center shall request the  
2 assistance of the governor.

3 **SECTION 4452.** 560.42 (1) (b) of the statutes is amended to read:

4 560.42 (1) (b) The bureau center shall give priority to businesses new to this  
5 state and to businesses expanding within this state in providing assistance under  
6 par. (a).

7 **SECTION 4453.** 560.42 (1) (c) of the statutes is amended to read:

8 560.42 (1) (c) The bureau center shall maintain records identifying each person  
9 requesting assistance under par. (a) and setting forth assistance rendered and  
10 results achieved.

11 **SECTION 4454.** 560.42 (2) (a) (intro.) of the statutes is amended to read:

12 560.42 (2) (a) (intro.) The bureau center shall assist any person requesting  
13 information on which permits are required for a particular business activity or on the  
14 application process, including criteria applied in making a determination on a  
15 permit application and the time period within which a determination will be made.  
16 This assistance may include any of the following:

17 **SECTION 4455.** 560.42 (2) (b) of the statutes is amended to read:

18 560.42 (2) (b) If a person receives assistance under this subsection and applies  
19 for a permit and if the person requests, the bureau center shall monitor the status  
20 of the permit application and periodically report the status to the person.

21 **SECTION 4456.** 560.42 (2m) (intro.) of the statutes is amended to read:

22 560.42 (2m) ADVOCACY. (intro.) The bureau center shall provide advocacy  
23 services before regulatory agencies on behalf of permit applicants. These services  
24 shall include all of the following:

25 **SECTION 4457.** 560.42 (2r) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4457**

1           560.42 (2r) MEDIATION AND DISPUTE RESOLUTION SERVICES. The ~~bureau~~ center  
2 may provide mediation or other dispute resolution services to facilitate the  
3 resolution of a dispute between a regulatory agency and a person applying for a  
4 permit. The provision of mediation or other dispute resolution services under this  
5 subsection does not affect any right that the person may have to a contested hearing  
6 under ch. 227.

7           **SECTION 4458.** 560.42 (3) (title) of the statutes is amended to read:

8           560.42 (3) (title) ASSISTANCE BY ~~BUREAU~~ CENTER.

9           **SECTION 4459.** 560.42 (3) (a) of the statutes is amended to read:

10          560.42 (3) (a) The ~~bureau~~ center may ~~not~~ charge ~~any person~~ for services  
11 provided under this subchapter. Any amount charged for services may not exceed  
12 the actual cost of the service provided, unless a specific charge for the service, or  
13 method of calculating the charge, is provided by law. All amounts received under this  
14 paragraph shall be deposited in the appropriation account under s. 20.143 (1) (gc).

15          **SECTION 4460.** 560.42 (3) (b) of the statutes is amended to read:

16          560.42 (3) (b) The ~~bureau~~ center may refer to the appropriate regulatory  
17 agency, without giving further assistance, any person seeking information or  
18 assistance on a permit under chs. 186, 215, 217, 220 to 224, 440 to 480 and 600 to 646.

19          **SECTION 4461.** 560.42 (3) (c) of the statutes is amended to read:

20          560.42 (3) (c) Advice, assistance, mediation or other dispute resolution services  
21 or information rendered by the ~~bureau~~ center under this subchapter does not relieve  
22 any person from the obligation to secure a required permit or satisfy a regulatory  
23 requirement.

24          **SECTION 4462.** 560.42 (3) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4462**

1           560.42 (3) (d) The ~~bureau~~ center shall not be liable for any consequences  
2 resulting from the failure of a regulatory agency to issue, or the failure of a person  
3 to seek, a permit.

4           **SECTION 4463.** 560.42 (3m) of the statutes is created to read:

5           560.42 (3m) INFORMATION ABOUT PERMIT GUARANTEE PROGRAM. The center shall  
6 provide information about the permit guarantee program, established by the  
7 department of natural resources by rule under s. 299.05. The center shall make  
8 available information about the time limits that apply to determinations on  
9 applications for licenses, permits and other approvals specified in the rules. The  
10 center may make available information about the timeliness of the determinations  
11 by the department of natural resources on licenses, permits and other approvals that  
12 are specified in the rules.

13           **SECTION 4464.** 560.42 (4) (a) of the statutes is amended to read:

14           560.42 (4) (a) The ~~bureau~~ center shall maintain and publicize the availability  
15 of a toll-free telephone line available to in-state and out-of-state callers to the  
16 ~~bureau~~ center.

17           **SECTION 4465.** 560.42 (4) (b) of the statutes is amended to read:

18           560.42 (4) (b) The ~~bureau~~ center shall seek to explain, promote and publicize  
19 its services to the public and shall provide information on its services for inclusion  
20 in any public informational material on permits provided by regulatory agencies.

21           **SECTION 4466.** 560.42 (4) (c) of the statutes is amended to read:

22           560.42 (4) (c) The ~~bureau~~ center shall, in its efforts under pars. (a) and (b),  
23 clearly represent that its services are advisory, informational and facilitative only.

24           **SECTION 4467.** 560.42 (5) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4467**

1           560.42 (5) (a) *Report.* Annually, on or before April 1, the bureau center shall  
2 submit a report containing the information required under pars. (am) and (b) to the  
3 appropriate standing committees under s. 13.172 (3).

4           **SECTION 4468.** 560.42 (5) (am) (intro.) of the statutes is amended to read:

5           560.42 (5) (am) *Permit simplification.* (intro.) Based on the experience of the  
6 bureau center in assisting persons and discussions with regulatory agencies, the  
7 bureau center shall periodically submit a report containing recommendations for the  
8 legislature, governor, public records board and regulatory agencies concerning all of  
9 the following:

10          **SECTION 4469.** 560.42 (5) (b) (intro.) of the statutes is amended to read:

11          560.42 (5) (b) *Record of assistance.* (intro.) Based on the experiences of the  
12 bureau center in assisting persons and on reports received under s. 227.116 (4), the  
13 bureau center shall periodically prepare information for the legislature, governor,  
14 public records board and regulatory agencies which shall include all of the following:

15          **SECTION 4470.** 560.42 (6) of the statutes is amended to read:

16          560.42 (6) PERMIT CONSOLIDATION. In its annual reports submitted under sub.  
17 (5) (a), the bureau center shall include its recommendations concerning the  
18 feasibility and desirability of providing consolidated or multiple permit application  
19 forms or consolidated hearings on consolidated or multiple permit application forms.

20          **SECTION 4471.** 560.43 (1) (a) of the statutes is amended to read:

21          560.43 (1) (a) Designate a staff person to coordinate regulatory agency  
22 cooperation with bureau center staff, provide information to bureau center staff on  
23 the permit process and direct bureau center staff to appropriate staff within the  
24 regulatory agency.

25          **SECTION 4472.** 560.43 (1) (b) of the statutes is amended to read:

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1           560.43 (1) (b) Cooperate with bureau center staff and respond promptly to  
2 requests for assistance in expediting and requests for information on the permit  
3 process under s. 560.42.

4           **SECTION 4473.** 560.43 (1) (c) of the statutes is amended to read:

5           560.43 (1) (c) Include material provided by the bureau center under s. 560.42  
6 (4) in any public informational material on permits that it provides.

7           **SECTION 4474.** 560.43 (1) (g) of the statutes is created to read:

8           560.43 (1) (g) Provide to the center written notification of a change to a permit,  
9 along with a copy of the new or revised permit, before the effective date of the change.

10          **SECTION 4475.** 560.43 (2) (intro.) of the statutes is amended to read:

11          560.43 (2) PREAPPLICATION MEETINGS. (intro.) Each regulatory agency shall  
12 provide an opportunity for a preapplication meeting with its staff to any person  
13 interested in applying for a permit upon request by the person or the bureau center,  
14 and shall comply with the following requirements:

15          **SECTION 4476.** 560.43 (2) (d) of the statutes is amended to read:

16          560.43 (2) (d) The regulatory agency shall invite participation by bureau center  
17 staff in preapplication meetings when appropriate.

18          **SECTION 4477.** 560.44 of the statutes is created to read:

19          **560.44 Responsibilities related to brownfields redevelopment**  
20 **projects. (1) OMBUDSMAN.** The center shall act as an ombudsman for brownfields  
21 redevelopment projects. As ombudsman, the center shall do all of the following:

22           (a) Promote brownfields redevelopment projects and related educational  
23 efforts.

24           (b) Coordinate interagency activities and responsibilities related to  
25 brownfields redevelopment projects.

**SENATE BILL 77****SECTION 4477**

1 (c) Coordinate, with the department of industry, labor and job development,  
2 training programs or activities for unemployed persons who reside in the vicinity of  
3 a brownfields redevelopment project.

4 **(2) ADMINISTRATION OF BROWNFIELDS GRANT PROGRAM.** The center shall assist in  
5 administering the grant program under s. 560.13.

6 **SECTION 4478.** 560.60 (1v) of the statutes is created to read:

7 560.60 (1v) "Brownfields" means abandoned, idle or underused industrial or  
8 commercial facilities, the expansion or redevelopment of which is adversely affected  
9 by actual or perceived environmental contamination.

10 **SECTION 4479.** 560.60 (3) of the statutes is amended to read:

11 560.60 (3) "Consortium" means an association of a business and a higher  
12 educational institution, ~~or an association of a business and the Great Lakes~~  
13 ~~composites consortium, which association is subject to an agreement complying with~~  
14 ~~this subchapter.~~

15 **SECTION 4480.** 560.60 (4) of the statutes is repealed and recreated to read:

16 560.60 (4) "Eligible recipient" means a governing body or a person who is  
17 eligible to receive a grant under s. 560.615, a grant or loan under s. 560.62, a grant  
18 or loan under s. 560.63 or a grant or loan under s. 560.65.

19 **SECTION 4481.** 560.60 (10) of the statutes is amended to read:

20 560.60 (10) "Job" means a regular, nonseasonal full-time position providing  
21 full-time equivalent employment for one individual for one year, beginning after a  
22 project is completed in which an individual, as a condition of employment, is required  
23 to work at least 2,080 hours per year, including paid leave and holidays. "Job" does  
24 not include initial training before an employment position begins.

25 **SECTION 4482.** 560.605 (1) (e) 1. of the statutes is amended to read:



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1           560.605 (1) (e) 1. Except as provided under subd. ~~2.~~ 3. and s. 560.68 (6), not less  
2 than 25% of the cost of the project.

3           **SECTION 4483.** 560.605 (1) (e) 2. of the statutes is repealed.

4           **SECTION 4484.** 560.605 (1) (e) 3. of the statutes is created to read:

5           560.605 (1) (e) 3. For grants under s. 560.615, not less than 50% of the cost of  
6 the management assessment and plan.

7           **SECTION 4485.** 560.605 (1) (f) of the statutes is amended to read:

8           560.605 (1) (f) The project meets all criteria set forth in s. 560.615, 560.62,  
9 ~~560.625~~, 560.63, 560.65 or 560.66, whichever is appropriate.

10          **SECTION 4486.** 560.605 (1) (g) of the statutes is amended to read:

11          560.605 (1) (g) Funds from the grant or loan under ~~ss. s. 560.615~~, 560.62,  
12 ~~560.625~~, 560.63, 560.65 and or 560.66 will not be used to pay overhead costs, except  
13 as provided in s. 560.65 (1m) (b), or to replace funds from any other source.

14          **SECTION 4487.** 560.605 (2) (intro.) of the statutes is amended to read:

15          560.605 (2) (intro.) The board shall consider all of the following before  
16 awarding a grant or loan to an eligible recipient for a project under ~~ss. s. 560.615~~,  
17 ~~560.62~~, ~~560.625~~, 560.63 or 560.66:

18          **SECTION 4488.** 560.605 (2m) (intro.) of the statutes is amended to read:

19          560.605 (2m) (intro.) When considering whether a project under ~~ss. s. 560.615~~,  
20 ~~560.62~~, ~~560.625~~, 560.63 or 560.66 will be located in a targeted area, the board shall  
21 consider all of the following:

22          **SECTION 4489.** 560.605 (6) of the statutes is created to read:

23          560.605 (6) The board shall give priority for grants or loans under this section  
24 for projects related to brownfields redevelopment.

25          **SECTION 4490.** 560.61 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4490**

1           560.61 (1) Make a grant or loan to an eligible recipient for a project that meets  
2 the criteria for funding under s. 560.605 (1) and (2) and under s. 560.615, 560.62,  
3 ~~560.625~~, 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations  
4 under s. 20.143 (1) (c), (cb), (ie), (s) and (sm).

5           **SECTION 4491.** 560.61 (3) of the statutes is amended to read:

6           560.61 (3) Make a ~~loan~~ grant under s. 560.16 from the appropriations under  
7 s. 20.143 (1) (c) and (ie) if the board determines that the ~~loan~~ grant meets the  
8 requirements of s. 560.16.

9           **SECTION 4492.** 560.615 of the statutes is created to read:

10           **560.615 Manufacturing assessment grants. (1)** The board may award a  
11 grant not exceeding \$2,500 under s. 560.61 to a business operating for profit, with  
12 500 or fewer employes, including employes of any subsidiary or affiliated  
13 organization, to fund a management assessment and plan if all of the following  
14 apply:

15           (a) The manufacturing assessment and plan are likely to assist the business  
16 in adopting and implementing readily available and reasonably standardized new  
17 manufacturing processes and technologies.

18           (b) The manufacturing assessment and plan are likely to help make the  
19 business more competitive.

20           (c) The business commits to adopting and implementing the manufacturing  
21 and technological changes recommended as a result of the manufacturing  
22 assessment and plan.

23           **(2)** The total amount of grants made under this section may not exceed  
24 \$750,000 in a fiscal biennium.

25           **SECTION 4493.** 560.62 (1) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4493**

1           560.62 (1) (b) A technology development loan to a business to provide working  
2 capital or fixed asset financing for the development of the infrastructure of the  
3 business or for the initial commercialization of ~~the a~~ new industrial product or  
4 process ~~if the business received a technology development grant or loan under par.~~  
5 ~~(a) and if the research that was funded by the grant or loan under par. (a) resulted~~  
6 ~~in the successful development of a new, or the improvement of an existing, industrial~~  
7 ~~product or process.~~ A business that receives a loan under this paragraph may use  
8 the proceeds only to pay costs related to the production, marketing or sales of ~~the a~~  
9 new or improved industrial product or process.

10           **SECTION 4494.** 560.62 (3) of the statutes is repealed.

11           **SECTION 4495.** 560.625 of the statutes is repealed.

12           **SECTION 4496.** 560.63 (1) of the statutes is amended to read:

13           560.63 (1) The board may award a grant or loan under s. 560.61 to a business  
14 to fund a labor training program that provides state residents with job training in  
15 new technology, industrial skills or manufacturing processes ~~or that are new to the~~  
16 ~~business and in which advances have been made, as determined by the board, or with~~  
17 ~~job training in~~ other employment-related skills or techniques in which advances  
18 have been made, as determined by the board, in order to meet the staffing needs of  
19 a ~~the~~ business, ~~The board may not award a grant or loan to fund a labor training~~  
20 ~~program~~ if the training is ~~not available~~ fairly readily available, in the board's  
21 determination, through existing federal, state or local resources except as provided  
22 in sub. (4).

23           **SECTION 4497.** 560.63 (4) of the statutes is amended to read:

24           560.63 (4) The contribution required under s. 560.605 (1) (e) ~~2.~~ may consist of  
25 funding or of in-kind contributions. Not more than 20% of the contribution of a

**SENATE BILL 77****SECTION 4497**

1 business may consist of funding which the business receives under the federal job  
2 training partnership act, 29 USC 1501 to 1781.

3 **SECTION 4498.** 560.66 (1) (intro.) of the statutes is amended to read:

4 560.66 (1) (intro.) The board may award grants and loans under s. 560.61 to  
5 eligible recipients for any project that is not eligible for a grant or loan under ~~ss. s.~~  
6 560.615, 560.62, ~~560.625~~ or 560.63, if the board determines that the project is a major  
7 economic development project and considers all of the following:

8 **SECTION 4499.** 560.68 (3) of the statutes is created to read:

9 560.68 (3) The department may charge a grant or loan recipient an origination  
10 fee of up to 1.5% of the grant or loan amount if the grant or loan exceeds \$200,000  
11 and is awarded under s. 560.63 or 560.66. The department shall deposit all  
12 origination fees collected under this subsection in the appropriation account under  
13 s. 20.143 (1) (gm).

14 **SECTION 4500.** 560.70 (2m) of the statutes is created to read:

15 560.70 (2m) "Full-time job" means a regular, nonseasonal full-time position  
16 in which an individual, as a condition of employment, is required to work at least  
17 2,080 hours per year, including paid leave and holidays, and for which the individual  
18 receives pay that is equal to at least 150% of the federal minimum wage and benefits  
19 that are not required by federal or state law. "Full-time job" does not include initial  
20 training before an employment position begins.

21 **SECTION 4501.** 560.70 (6) of the statutes is amended to read:

22 560.70 (6) "Target population" means persons who are members of targeted  
23 groups for the purposes of the credit under ss. 71.07 (~~2dj~~) (2dx), 71.28 (~~1dj~~) (1dx) and  
24 71.47 (~~1dj~~) (1dx).

25 **SECTION 4502.** 560.70 (7) of the statutes is repealed and recreated to read:

**SENATE BILL 77****SECTION 4502**

1           560.70 (7) "Tax benefits" means the development zones credit under ss. 71.07  
2 (2dx), 71.28 (1dx) and 71.47 (1dx).

3           **SECTION 4503.** 560.71 (1m) (d) of the statutes is amended to read:

4           560.71 (1m) (d) The number of full-time jobs that are likely to be created or  
5 retained in the area as a result of its designation as a development zone.

6           **SECTION 4504.** 560.71 (1m) (e) of the statutes is amended to read:

7           560.71 (1m) (e) The number of full-time jobs that are likely to be available to  
8 the target population as a result of the designation of the area as a development zone.

9           **SECTION 4505.** 560.72 (2) (h) of the statutes is amended to read:

10          560.72 (2) (h) An assessment of the effect of making the area a development  
11 zone on full-time jobs available to the targeted population.

12          **SECTION 4506.** 560.73 (1) (e) of the statutes is amended to read:

13          560.73 (1) (e) The effect of making the area a development zone on full-time  
14 jobs available to the targeted population.

15          **SECTION 4507.** 560.735 (6r) of the statutes is created to read:

16          560.735 (6r) Subject to the population limit under sub. (6m), if an area that is  
17 nominated or designated as a development zone is comprised of one or more entire  
18 counties and a city, village or town is partially located in the area and partially  
19 located outside of the area, the entire city, village or town shall be part of the  
20 nominated or designated area.

21          **SECTION 4508.** 560.745 (1) (b) of the statutes is amended to read:

22          560.745 (1) (b) The local governing body may apply to the department for up  
23 to ~~3~~ 5 12-month extensions of the designation. The department shall promulgate  
24 rules establishing criteria for approving an extension of a designation of an area as  
25 a development zone under this subsection.

**SENATE BILL 77****SECTION 4509**

1           **SECTION 4509.** 560.745 (2) (a) of the statutes is amended to read:

2           560.745 (2) (a) When the department designates a development zone under s.  
3           560.71, it shall establish a limit for tax benefits for the development zone determined  
4           by allocating to the development zone a portion of ~~\$28,155,000~~ \$33,155,000.

5           **SECTION 4510.** 560.745 (2) (am) of the statutes is amended to read:

6           560.745 (2) (am) Notwithstanding par. (a), the department may increase the  
7           established limit for tax benefits for a development zone ~~that was designated before~~  
8           ~~April 25, 1996, by no more than \$500,000.~~

9           **SECTION 4511.** 560.745 (2) (c) 1. of the statutes is amended to read:

10          560.745 (2) (c) 1. Ninety days after the day on which the department  
11          determines that the foregone tax revenues under par. (b) will equal or exceed the  
12          limit for the development zone established under par. (a) or (am).

13          **SECTION 4512.** 560.75 (8) of the statutes is amended to read:

14          560.75 (8) ~~Verify~~ Annually verify information submitted to the department  
15          under ss. s. 71.07 (2di) (d) 2., (2dj) (e) 3., (2dL) (f) and (2ds) (d) 2. (2dx), 71.28 (1di)  
16          (d) 2., (1dj) (e) 3., (1dL) (f), (1ds) (d) 2. and (4) (am) and (1dx) or 71.47 (1di) (d) 2., (1dj)  
17          (e) 3., (1dL) (f), (1ds) (d) 2. and (4) (am) (1dx).

18          **SECTION 4513.** 560.75 (9) of the statutes is repealed.

19          **SECTION 4514.** 560.765 (3) (c) of the statutes is amended to read:

20          560.765 (3) (c) The number of full-time jobs that will be created, retained or  
21          substantially upgraded as a result of the person's economic activity in relation to the  
22          amount of tax benefits estimated for the person under sub. (4).

23          **SECTION 4515.** 560.765 (3) (i) of the statutes is repealed.

24          **SECTION 4516.** 560.765 (5) (e) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4516**

1           560.765 (5) (e) The estimated number of full-time jobs that will be created,  
2 retained or significantly upgraded in the development zone because of the person's  
3 business.

4           **SECTION 4517.** 560.765 (5) (f) of the statutes is amended to read:

5           560.765 (5) (f) An estimate of the number or percentage of full-time jobs  
6 described in par. (e) that are or will likely be held by members of the targeted  
7 population.

8           **SECTION 4518.** 560.768 (1) (a) of the statutes is amended to read:

9           560.768 (1) (a) The department shall establish a limit on the maximum amount  
10 of tax benefits a person certified under s. 560.765 (3) may claim while an area is  
11 designated as a development zone. ~~The limit may specify a minimum amount of the~~  
12 ~~total tax benefits that may be used exclusively for the credits under ss. 71.07 (2dj),~~  
13 ~~71.28 (1dj) and 71.47 (1dj), subject to s. 560.75 (9).~~

14           **SECTION 4519.** 560.768 (1) (b) 2. of the statutes is amended to read:

15           560.768 (1) (b) 2. Establish a limit which does not greatly exceed a  
16 recommended limit, established under rules promulgated by the department based  
17 on the cost, number and types of full-time jobs that will be created, retained or  
18 upgraded, including full-time jobs available to members of the targeted population,  
19 as a result of the economic activity of the person certified under s. 560.765 (3).

20           **SECTION 4520.** 560.78 (1) (a) of the statutes is amended to read:

21           560.78 (1) (a) Result in the direct loss of full-time jobs at another of the person's  
22 business locations in this state outside of the development zone.

23           **SECTION 4521.** 560.78 (2) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4521**

1           560.78 (2) (a) The total number of full-time jobs provided by the person in this  
2 state would be reduced if the person were not certified under s. 560.765 (3) or if the  
3 person's certification were revoked.

4           **SECTION 4522.** 560.78 (3) (b) of the statutes is amended to read:

5           560.78 (3) (b) Only the department may determine whether sub. (2) (a) or (b)  
6 applies to a business relocation described in par. (a) if the business relocation would  
7 likely result in the loss of full-time jobs at or transfer of employes from a business  
8 location that is in this state but outside the limits of any city, village, town or federally  
9 recognized American Indian reservation in which the development zone is located.

10          **SECTION 4523.** 560.785 of the statutes is created to read:

11          **560.785 Rules on eligibility for tax benefits. (1)** For the development zone  
12 program under ss. 560.70 to 560.78 and the enterprise development zone program  
13 under s. 560.797, the department shall promulgate rules that further define a  
14 person's eligibility for tax benefits. The rules shall do at least all of the following:

15           (a) Limit a person's eligibility to claim tax benefits for retaining full-time jobs  
16 to those jobs that likely would not have been retained but for the tax benefits.

17           (b) Allow a person to claim up to \$6,500 in tax benefits during the time that an  
18 area is designated as a development zone or as an enterprise development zone for  
19 any of the following:

- 20           1. Creating a full-time job that is filled by a member of the target population.  
21           2. Retaining a full-time job that is filled by a member of the target population.

22           (c) Allow a person to claim up to \$4,000 in tax benefits during the time that an  
23 area is designated as a development zone or as an enterprise development zone for  
24 any of the following:



**SENATE BILL 77****SECTION 4523**

1           1. Creating a full-time job that is filled by an individual who is not a member  
2 of the target population.

3           2. Retaining a full-time job that is filled by an individual who is not a member  
4 of the target population.

5           (d) Require at least 25% of the tax benefits claimed by a person to be based on  
6 creating or retaining full-time jobs.

7           (e) Require at least one-third of the tax benefits claimed by a person that are  
8 based on creating or retaining full-time jobs to be based on creating or retaining  
9 full-time jobs that are filled by members of the target population.

10          (f) Specify how long a full-time job that is created or retained by a person must  
11 be maintained in order for the person to claim tax benefits for the full-time job.

12          (g) Generally provide incentives for the retention of employees filling full-time  
13 jobs upon which tax benefits are based.

14          (2) The department may by rule specify circumstances under which the  
15 department may grant exceptions to any of the following:

16           (a) The requirements specified under sub. (1) (d) and (e).

17           (b) The requirement under ss. 560.70 (2m) and 560.797 (1) (am) that an  
18 individual's pay must equal at least 150% of the federal minimum wage.

19          **SECTION 4524.** 560.795 (3) (b) 6. of the statutes is amended to read:

20           560.795 (3) (b) 6. The number of full-time jobs that will be created, retained  
21 or substantially upgraded as a result of the corporation's economic activity in  
22 relation to the amount of tax benefits estimated for the corporation.

23          **SECTION 4525.** 560.795 (3) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4525**

1           560.795 (3) (d) The department annually shall verify information submitted  
2 to the department under s. 71.07 (2dx), 71.28 (1di) (d) ~~2.~~, (1dj) (e) ~~3.~~, (1dL) (f), (1ds)  
3 ~~(d) 2. and (4) (am) (1dx) or 71.47 (1dx).~~

4           **SECTION 4526.** 560.797 (1) (am) of the statutes is created to read:

5           560.797 (1) (am) “Full-time job” has the meaning given in s. 560.70 (2m).

6           **SECTION 4527.** 560.797 (2) (b) 4. of the statutes is amended to read:

7           560.797 (2) (b) 4. The number of full-time jobs that are likely to be created as  
8 a result of the project.

9           **SECTION 4528.** 560.797 (2) (b) 5. of the statutes is amended to read:

10           560.797 (2) (b) 5. The number of full-time jobs that are likely to be available  
11 to the target population as a result of the project.

12           **SECTION 4529.** 560.797 (3) (b) 6. of the statutes is amended to read:

13           560.797 (3) (b) 6. The estimated number of full-time jobs that will be created,  
14 retained or substantially upgraded as a result of the person’s project in relation to  
15 the amount of tax benefits estimated for the person.

16           **SECTION 4530.** 560.797 (3) (b) 8. of the statutes is amended to read:

17           560.797 (3) (b) 8. The estimated number of full-time jobs that will be filled by  
18 members of the target population.

19           **SECTION 4531.** 560.797 (3) (b) 9. of the statutes is repealed.

20           **SECTION 4532.** 560.797 (4) (g) of the statutes is created to read:

21           560.797 (4) (g) The department annually shall verify information submitted  
22 to the department under s. 71.07 (2dx), 71.28 (1dx) or 71.47 (1dx).

23           **SECTION 4533.** 560.80 (6) of the statutes is amended to read:

24           560.80 (6) “Job” means a regular, nonseasonal full-time position ~~providing~~  
25 ~~full-time equivalent employment for one individual for one year, beginning after a~~

**SENATE BILL 77****SECTION 4533**

1 ~~project is completed in which an individual, as a condition of employment, is required~~  
2 ~~to work at least 2,080 hours per year, including paid leave and holidays. "Job" does~~  
3 ~~not include initial training before an employment position begins.~~

4 **SECTION 4534.** 560.80 (11) of the statutes is amended to read:

5 560.80 (11) "Project" means a development project, a recycling development  
6 project ~~or~~, an early planning project or a revolving fund project.

7 **SECTION 4535.** 560.82 (4) (a) (intro.) of the statutes is amended to read:

8 560.82 (4) (a) (intro.) Award in a fiscal biennium, for grants under sub. (1), more  
9 than 10% 25% of the total of all of the following:

10 **SECTION 4536.** 560.83 (title) of the statutes is amended to read:

11 **560.83** (title) **Minority business development and revolving fund**  
12 **grants and loans.**

13 **SECTION 4537.** 560.83 (2) (a) of the statutes is renumbered 560.83 (2) (a) (intro.)  
14 and amended to read:

15 560.83 (2) (a) (intro.) The local development corporation agrees to use the  
16 proceeds of grants or loans under this section ~~to~~ for any of the following:

17 1. To make grants or loans not exceeding \$50,000 each to eligible recipients to  
18 fund eligible ~~project~~ development project costs.

19 **SECTION 4538.** 560.83 (2) (a) 2. of the statutes is created to read:

20 560.83 (2) (a) 2. To create, expand or continue a revolving fund program that  
21 is operated by the local development corporation and that benefits or will benefit  
22 minority businesses or minority group members who are residents of this state.

23 **SECTION 4539.** 560.83 (2) (b) of the statutes is repealed and recreated to read:

**SENATE BILL 77****SECTION 4539**

1           560.83 (2) (b) The local development corporation agrees to use factors similar  
2 to those described in s. 560.84 (1) (a) to (k) and (2) (a) to (f) when making grants or  
3 loans under par. (a) 1. or under a revolving fund program under par. (a) 2.

4           **SECTION 4540.** 560.83 (3) of the statutes is amended to read:

5           560.83 (3) The board may not award a grant or loan under sub. (1) or (2) unless  
6 the eligible recipient or the local development corporation submits an application,  
7 or other materials, in a form specified by the department by rule.

8           **SECTION 4541.** 560.83 (4) of the statutes is renumbered 560.83 (4) (a) and  
9 amended to read:

10          560.83 (4) (a) In any fiscal biennium, the board ~~or local development~~  
11 ~~corporation~~ may not award, to any one eligible recipient or for any one development  
12 project, grants or loans under sub. (1) ~~or (2)~~ that total more than \$100,000 in a fiscal  
13 biennium.

14          **SECTION 4542.** 560.83 (4) (b) of the statutes is created to read:

15          560.83 (4) (b) In any fiscal year, the board may not award to any one local  
16 development corporation grants or loans under sub. (2) that total more than  
17 \$200,000.

18          **SECTION 4543.** 560.835 (1) (d) of the statutes is amended to read:

19          560.835 (1) (d) The expansion, improvement or development of a ~~diaper service,~~  
20 ~~as defined in s. 234.67 (1) (am)~~ business that supplies and launders cloth diapers.

21          **SECTION 4544.** 560.84 (1) (intro.) of the statutes is amended to read:

22          560.84 (1) (intro.) The department or board may not award a grant or loan for  
23 a project under this subchapter unless, after considering the application or other  
24 material submitted by the eligible recipient or local development corporation, the  
25 department or board determines all of the following:

**SENATE BILL 77****SECTION 4545**

1           **SECTION 4545.** 560.84 (1) (e) (intro.) of the statutes is amended to read:

2           560.84 (1) (e) (intro.) That the eligible recipient or local development  
3 corporation receiving the grant or loan will contribute, from a source or sources other  
4 than the state, whichever of the following applies:

5           **SECTION 4546.** 560.84 (1) (e) 3. of the statutes is created to read:

6           560.84 (1) (e) 3. For a grant or loan funding a revolving fund project, a cash  
7 contribution of not less than 50% of the cost of the project.

8           **SECTION 4547.** 560.84 (2) (intro.) of the statutes is amended to read:

9           560.84 (2) (intro.) The board or department shall consider all of the following  
10 before awarding a grant or loan to an eligible recipient or local development  
11 corporation for a project:

12           **SECTION 4548.** 560.915 of the statutes is repealed.

13           **SECTION 4549.** Chapter 561 of the statutes is repealed.

14           **SECTION 4550.** 562.01 (1) of the statutes is amended to read:

15           562.01 (1) “Administrator” means the administrator of the racing division of of  
16 gaming.

17           **SECTION 4551.** 562.01 (4) of the statutes is created to read:

18           562.01 (4) “Department” means the department of administration.

19           **SECTION 4552.** 562.01 (4m) of the statutes is created to read:

20           562.01 (4m) “Division of gaming” means the division of gaming in the  
21 department.

22           **SECTION 4553.** 562.01 (14) of the statutes is amended to read:

23           562.01 (14) “Steward” means any person appointed, contracted for or approved  
24 by the board department under s. 562.02 (1) (fm).

25           **SECTION 4554.** 562.017 of the statutes is created to read:

**SENATE BILL 77****SECTION 4554**

1           **562.017 Racing security.** The department may do any of the following:

2           (1) Provide all of the security services for the racing operations under this  
3 chapter.

4           (2) Monitor the regulatory compliance of racing operations under this chapter.

5           (3) Audit the racing operations under this chapter.

6           (4) Investigate suspected violations of this chapter.

7           (5) Report suspected gaming-related criminal activity to the division of  
8 criminal investigation in the department of justice for investigation by that division.

9           (6) If the division of criminal investigation in the department of justice chooses  
10 not to investigate a report under sub. (5), coordinate an investigation of the suspected  
11 criminal activity with local law enforcement officials and district attorneys.

12           **SECTION 4555.** 562.02 (1) (intro.) of the statutes is amended to read:

13           562.02 (1) (intro.) The ~~board~~ department shall:

14           **SECTION 4556.** 562.02 (1) (a) of the statutes is amended to read:

15           562.02 (1) (a) Regulate racing and on-track pari-mutuel wagering in this state  
16 and shall promulgate all rules necessary to administer this chapter. The ~~board~~  
17 department shall do everything necessary to ensure that the public interest is  
18 protected in relation to racing.

19           **SECTION 4557.** 562.02 (1) (am) (intro.) of the statutes is amended to read:

20           562.02 (1) (am) (intro.) Administer the issuance of licenses. The ~~board~~  
21 department may not issue any license under s. 562.05 (1) (a) to (c) without a hearing.  
22 The ~~board~~ department shall determine which occupations related to racing require  
23 licensing, except that the ~~board~~ department shall require licenses for the following:

24           **SECTION 4558.** 562.02 (1) (d) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4558**

1           562.02 (1) (d) Require by rule that any contract in excess of \$10,000 for the  
2           provision of goods and services, including but not limited to concessions contracts,  
3           entered into by any licensee, be subject to the approval of the ~~board~~ department and  
4           that all contracts for \$10,000 or less shall be filed with the ~~board~~ department.

5           **SECTION 4559.** 562.02 (1) (f) of the statutes is amended to read:

6           562.02 (1) (f) Establish, by rule, a schedule of license suspensions and  
7           revocations or forfeitures for violations of this chapter or ~~board~~ department rules  
8           which may be imposed by the ~~board~~ department under sub. (2) (f) or by the stewards  
9           under s. 562.04 (1) (b). A forfeiture under that schedule may not exceed \$10,000. The  
10          rule shall include factors to be considered by stewards in acting under s. 562.04 (1)  
11          (b).

12          **SECTION 4560.** 562.02 (1) (h) of the statutes is amended to read:

13          562.02 (1) (h) By rule, specify the types of records and books to be maintained  
14          by licensees, and, for submission to the ~~board~~ department, the type of audit of those  
15          books and records to be conducted by licensees and the type of financial report to be  
16          prepared by licensees.

17          **SECTION 4561.** 562.02 (2) (intro.) of the statutes is amended to read:

18          562.02 (2) (intro.) The ~~board~~ department may:

19          **SECTION 4562.** 562.02 (2) (a) of the statutes is amended to read:

20          562.02 (2) (a) Employ the staff it deems necessary to administer this chapter,  
21          including but not limited to any chemist and veterinarian. The ~~board~~ department  
22          may not contract for the services of any veterinarian or chemist unless the  
23          veterinarian or chemist has not had a conflict of interest under s. 562.025 (2) at any  
24          time during the 12 months immediately preceding the date on which the contract for  
25          such services is entered into.

**SENATE BILL 77****SECTION 4563**

1           **SECTION 4563.** 562.02 (2) (b) of the statutes is amended to read:

2           562.02 (2) (b) Require a fidelity bond for the administrator and any other  
3 employe of the ~~raeing~~ division of gaming or may purchase a bond which covers the  
4 administrator and all other employes of the ~~raeing~~ division of gaming or designated  
5 employes of the ~~raeing~~ division of gaming.

6           **SECTION 4564.** 562.02 (2) (e) 3. of the statutes is amended to read:

7           562.02 (2) (e) 3. Is determined by the ~~board~~ department to be a threat to the  
8 integrity of racing in this state.

9           **SECTION 4565.** 562.02 (2) (f) of the statutes is amended to read:

10          562.02 (2) (f) Suspend or revoke any license or impose a forfeiture for any  
11 violation of this chapter or ~~board~~ department rules relating to pari-mutuel racing.  
12 The ~~board~~ department may suspend or revoke an occupational license issued under  
13 s. 562.05 (1) (d) or impose a forfeiture on that licensee under this paragraph if the  
14 stewards do not hold a meeting under s. 562.04 (1) (b) or hold a meeting but do not  
15 suspend the license or impose a forfeiture. Upon appeal, the ~~board~~ department may  
16 change any action of the stewards under s. 562.04 (1) (b). Fifty percent of the moneys  
17 received under this paragraph shall be ~~deposited in~~ credited to the appropriations  
18 appropriation accounts under ss. ~~20.197 (1) (g) and 20.455 (2) (g) and 20.505 (8) (g)~~.

19          **SECTION 4566.** 562.02 (2) (fm) of the statutes is amended to read:

20          562.02 (2) (fm) Contract with the department of agriculture, trade and  
21 consumer protection for any services related to the duties of the ~~board~~ department  
22 in ensuring the security and humane treatment of animals.

23          **SECTION 4567.** 562.02 (2) (g) of the statutes is amended to read:

24          562.02 (2) (g) Create a 5-member advisory council, with members representing  
25 the racing industry and occupations licensed under s. 562.05 (1) (d), to advise the



**SENATE BILL 77****SECTION 4567**

1     ~~board~~ department on the administration of its powers and duties under this chapter.  
2     No member of that council may be reimbursed for any expense incurred in the  
3     performance of his or her duties or for any service as a member of that advisory  
4     council.

5             **SECTION 4568.** 562.02 (4) of the statutes is amended to read:

6             562.02 (4) Except as provided under s. 562.05 (2m), the ~~board~~ department shall  
7     issue a license under s. 562.05 (1) (a) to any person who satisfies the requirements  
8     of this chapter for such a license.

9             **SECTION 4569.** 562.025 (1) (intro.) of the statutes is repealed and recreated to  
10    read:

11            562.025 (1) (intro.) No employe in the division of gaming who performs any  
12    duty related to racing or the executive assistant or the secretary or deputy secretary  
13    of administration and no member of such a person's immediate family, as defined in  
14    s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2  
15    years following the termination of his or her employment with the department after  
16    having served in such a capacity, do any of the following:

17            **SECTION 4570.** 562.025 (1) (e) of the statutes is amended to read:

18            562.025 (1) (e) Accept or agree to accept money or anything of value from  
19    anyone who holds a license or who is regulated by or holds any contract to supply  
20    goods or services to the ~~board~~ department.

21            **SECTION 4571.** 562.025 (2) (intro.) of the statutes is amended to read:

22            562.025 (2) (intro.) No person under contract with the ~~board~~ department and  
23    no employe of any person under contract with the ~~board~~ department, other than a  
24    vendor or an employe of a vendor as defined in s. 565.01 (7), may do any of the  
25    following:

**SENATE BILL 77****SECTION 4572**

1           **SECTION 4572.** 562.025 (2) (a) of the statutes is amended to read:

2           562.025 (2) (a) Hold any license, except a license covering the professional  
3 services being provided to the board department, or be employed by or have any  
4 direct or indirect interest in any corporation, partnership, limited liability company  
5 or association which holds a license.

6           **SECTION 4573.** 562.025 (2) (e) of the statutes is amended to read:

7           562.025 (2) (e) Accept or agree to accept money or anything of value from any  
8 person who holds a license or who is regulated by the board department or holds any  
9 contract to supply goods or services to the board department other than the contract  
10 under which the person provides professional services.

11           **SECTION 4574.** 562.03 (1) (a) of the statutes is amended to read:

12           562.03 (1) (a) The board department shall appoint the administrator after a  
13 nationwide search for persons with experience in public gaming management and  
14 regulation and with knowledge of animal racing and pari-mutuel wagering.

15           **SECTION 4575.** 562.03 (1) (b) of the statutes is amended to read:

16           562.03 (1) (b) Before appointing an administrator, the board department shall,  
17 with the assistance of the department of justice, conduct a background investigation  
18 of the proposed administrator. The board department shall require the proposed  
19 administrator to be photographed and fingerprinted on 2 fingerprint cards each  
20 bearing a complete set of the person's fingerprints. The department of justice may  
21 provide for the submission of the fingerprint cards to the federal bureau of  
22 investigation for the purposes of verifying the identity of the person fingerprinted  
23 and obtaining any record of his or her criminal arrests and convictions.

24           **SECTION 4576.** 562.03 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4576**

1           562.03 (2) The administrator may employ or provide by contract for the  
2 services of stewards, subject to the approval of the ~~board~~ department. Any steward  
3 under a contract under this subsection shall be under a contract with the ~~board~~  
4 department.

5           **SECTION 4577.** 562.03 (3) (a) of the statutes is amended to read:

6           562.03 (3) (a) The ~~board~~ department may employ the staff it considers  
7 necessary to administer this chapter.

8           **SECTION 4578.** 562.03 (3) (b) of the statutes is amended to read:

9           562.03 (3) (b) Before making an appointment under par. (a) and sub. (4), the  
10 ~~board~~ department shall conduct a background investigation of the proposed employe  
11 and shall require that proposed employe to be photographed and fingerprinted on 2  
12 fingerprint cards each bearing a complete set of the person's fingerprints. The  
13 department of justice may provide for the submission of the fingerprint cards to the  
14 federal bureau of investigation for the purposes of verifying the identity of the person  
15 fingerprinted and obtaining any record of his or her criminal arrests and convictions.

16           **SECTION 4579.** 562.04 (1) (a) (intro.) of the statutes is amended to read:

17           562.04 (1) (a) (intro.) Three stewards shall preside over races conducted at a  
18 racetrack not at a fair. At least 2 of those stewards shall be employes of the ~~board~~  
19 department or providing services to the ~~board~~ department under a professional  
20 services contract. The rate of compensation of stewards serving under contract to the  
21 ~~board~~ department shall be commensurate with the rate of compensation established  
22 for stewards employed by the ~~board~~ department, but less than the rate established  
23 for the chief steward. Stewards presiding over a racetrack shall do all of the  
24 following:

25           **SECTION 4580.** 562.04 (1) (a) 1. of the statutes is amended to read:

**SENATE BILL 77****SECTION 4580**

1           562.04 (1) (a) 1. Ensure that races are conducted under the rules of the board  
2 department.

3           **SECTION 4581.** 562.04 (1) (a) 5. of the statutes is amended to read:

4           562.04 (1) (a) 5. Perform any other duty assigned by the board department.

5           **SECTION 4582.** 562.04 (1) (b) (intro.) of the statutes is amended to read:

6           562.04 (1) (b) (intro.) If one or more stewards have reasonable cause to believe  
7 that a person holding a license under s. 562.05 (1) (d) has violated this chapter or  
8 rules of the board department relating to pari-mutuel racing or engaged in any other  
9 conduct which in the opinion of the stewards adversely affects the integrity of racing,  
10 the following procedures apply:

11           **SECTION 4583.** 562.04 (1) (b) 4. of the statutes is amended to read:

12           562.04 (1) (b) 4. If at least 2 stewards determine that the violation or conduct  
13 has occurred, the stewards may, under the schedule established by the board  
14 department under s. 562.02 (1) (f), suspend a license issued under s. 562.05 (1) (d)  
15 for a period not to exceed 90 days or impose a forfeiture not to exceed \$2,000 or both;  
16 or recommend that the board department suspend a license for more than 90 days  
17 or impose a forfeiture exceeding \$2,000 or both. Fifty percent of the moneys received  
18 under this subdivision shall be ~~deposited in~~ credited to the appropriations  
19 appropriation accounts under ss. ~~20.197 (1) (g) and 20.455 (2) (g) and 20.505 (8) (g).~~

20           **SECTION 4584.** 562.04 (1) (b) 5. of the statutes is amended to read:

21           562.04 (1) (b) 5. After the meeting under subd. 1., the stewards shall submit,  
22 in writing, all findings and conclusions from that meeting to the licensee and the  
23 board department, including the sanctions, if any, imposed by the stewards and shall  
24 provide the licensee who is the subject of the meeting with a notice of his or her right  
25 to appeal the decision under subd. 6. Within 7 days after receiving the decision, the

**SENATE BILL 77****SECTION 4584**

1 licensee shall pay any forfeitures imposed by the stewards, regardless of whether the  
2 decision is appealed or stayed under subd. 6.

3 **SECTION 4585.** 562.04 (1) (b) 6. of the statutes is amended to read:

4 562.04 (1) (b) 6. Any person adversely affected by a decision issued under subd.  
5 4. may appeal that decision to the ~~board~~ department. The appeal shall be filed with  
6 the ~~board~~ department within 7 days after receipt of that written decision. An appeal  
7 does not automatically stay the decision of the stewards. Any person may request  
8 that the administrator stay that decision pending the decision of the ~~board~~  
9 department on the appeal. If the administrator receives such a request and  
10 determines that the stay will not adversely affect public safety or welfare or the  
11 safety or welfare of an animal, the administrator shall order the stay. The procedure  
12 for the appeal under this subdivision is under ch. 227. If part or all of any forfeiture  
13 imposed under subd. 5. is refunded to the licensee under this subdivision, the refund  
14 shall include interest calculated at the rate of 9% per year on that amount. The  
15 decision of the ~~board~~ department on the appeal shall be the final administrative  
16 decision on any action of the stewards under subd. 4.

17 **SECTION 4586.** 562.04 (2) (intro.) of the statutes is amended to read:

18 562.04 (2) OTHER RACING OFFICIALS. (intro.) The ~~board~~ department shall, by  
19 rule, specify all of the following:

20 **SECTION 4587.** 562.04 (2) (d) of the statutes is amended to read:

21 562.04 (2) (d) A fee for the supervision of racing by stewards or other racing  
22 officials employed by or under contract with the ~~board~~ department. Any moneys  
23 received under this paragraph shall be ~~deposited in~~ credited to the appropriations  
24 appropriation accounts under ss. ~~20.197 (1) (g) and 20.455 (2) (g) and 20.505 (8) (g).~~

25 **SECTION 4588.** 562.045 (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4588****1 562.045 Qualifications of administrator, other employes and stewards.**

2 (intro.) Notwithstanding s. 111.321, no person may serve as an administrator or  
3 other employe of the racing division of gaming or as a steward employed by the ~~board~~  
4 department or under contract with the ~~board~~ department if any of the following  
5 apply:

6 **SECTION 4589.** 562.045 (6) of the statutes is amended to read:

7 562.045 (6) The person has knowingly violated a rule or order of the ~~board~~  
8 department relating to pari-mutuel racing or any provision of this chapter, s.  
9 182.020 or ch. 945.

10 **SECTION 4590.** 562.05 (1) (intro.) of the statutes is amended to read:

11 562.05 (1) (intro.) No person may engage in any of the following activities  
12 without a valid annual license issued by the ~~board~~ department:

13 **SECTION 4591.** 562.05 (1) (d) of the statutes is amended to read:

14 562.05 (1) (d) Any occupation required to be licensed under s. 562.02 (1) (am)  
15 or determined by the ~~board~~ department under s. 562.02 (1) (am) to require a license.

16 **SECTION 4592.** 562.05 (1b) of the statutes is amended to read:

17 562.05 (1b) The ~~board~~ department shall approve and conduct an examination  
18 to be administered to all applicants for a license under sub. (1) (d) to be a horse  
19 trainer. No license may be issued under sub. (1) (d) to a horse trainer unless the ~~board~~  
20 department determines that the applicant for the license is qualified as evidenced  
21 by the applicant's performance on the examination conducted under this subsection.

22 **SECTION 4593.** 562.05 (1c) of the statutes is created to read:

23 562.05 (1c) If the applicant for a license under this section is an individual, the  
24 department may not issue or renew a license if the individual has not provided his  
25 or her social security number.

**SENATE BILL 77****SECTION 4594**

1           **SECTION 4594.** 562.05 (1m) of the statutes is amended to read:

2           562.05 (1m) The ~~board~~ department may not issue a license under sub. (1) (a)  
3 to (c) except after a public hearing.

4           **SECTION 4595.** 562.05 (2) of the statutes is amended to read:

5           562.05 (2) The ~~board~~ department shall establish, by rule, the qualifications for  
6 any license required under sub. (1) and fix the fee for that license and any  
7 background investigation under sub. (7) related to that license. Any moneys received  
8 under this subsection shall be ~~deposited in~~ credited to the ~~appropriations~~  
9 appropriation accounts under ss. ~~20.197 (1) (g) and 20.455 (2) (g) and 20.505 (8) (g).~~

10          **SECTION 4596.** 562.05 (2m) of the statutes is amended to read:

11          562.05 (2m) In issuing a license to own and operate a racetrack not at a fair,  
12 the ~~board~~ department shall consider the competitive effects on any other licensee  
13 under sub. (1) (a) or (b). These competitive effects shall include, but not be restricted  
14 to, the impact on the economic viability of existing licensed racetracks and the jobs  
15 that have been created by such licensed racetracks.

16          **SECTION 4597.** 562.05 (3) of the statutes is amended to read:

17          562.05 (3) No person may hold more than one license issued under sub. (1) (a)  
18 and one license issued under sub. (1) (b) or (c). If the applicant for any of those  
19 licenses is a corporation, association, limited liability company or partnership, the  
20 ~~board~~ department shall determine whether the applicant is the same person as  
21 another licensee for the purpose of applying this subsection. Nothing in this  
22 subsection prohibits any person with a license under sub. (1) from contracting for  
23 services with any other person with a license under sub. (1), subject to any rules  
24 promulgated by the ~~board~~ department.

25          **SECTION 4598.** 562.05 (3m) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4598**

1           562.05 (3m) The ~~board~~ department may not accept an application for a license  
2 for a race under sub. (1) (c) unless the county board of the county in which that race  
3 will be conducted has approved the applicant's sponsorship and management of that  
4 race.

5           **SECTION 4599.** 562.05 (3w) (intro.) of the statutes is amended to read:

6           562.05 (3w) (intro.) Except as provided under subs. (3) to (3r), the ~~board~~  
7 department may issue a license under sub. (1) (a) if the ~~board~~ department  
8 determines that all of the following conditions are met:

9           **SECTION 4600.** 562.05 (3wmr) of the statutes is amended to read:

10          562.05 (3wmr) If the condition under sub. (2m) is relevant to its decision, the  
11 ~~board~~ department may consider secondary economic impacts of an applicant's  
12 proposal for a racetrack if the applicant proves by a preponderance of evidence that  
13 the alleged secondary impacts will enhance the success of the applicant's proposed  
14 racetrack and the location of the proposed racetrack would compliment existing  
15 development with the overall effect of increasing tourism and generating state  
16 revenues from out-of-state residents.

17          **SECTION 4601.** 562.05 (3wt) of the statutes is amended to read:

18          562.05 (3wt) In the first license issued to each applicant under sub. (1) (a) for  
19 each racetrack, the ~~board~~ department shall specify a date by which each of the types  
20 of racing authorized under the license shall begin at that racetrack. Upon request  
21 of the licensee, the ~~board~~ department may change a specified date to an earlier or  
22 later date pursuant to rules of the ~~board~~ department.

23          **SECTION 4602.** 562.05 (4) of the statutes is amended to read:

24          562.05 (4) Any application for a license to sponsor and manage a race shall be  
25 accompanied by a bond, in an amount determined by the ~~board~~ department, which



**SENATE BILL 77****SECTION 4602**

1 shall be sufficient to guarantee the payment of fees, taxes and other money due,  
2 including animal owners' purses and payouts on winning wagers.

3 **SECTION 4603.** 562.05 (4m) (intro.) of the statutes is amended to read:

4 562.05 (4m) (intro.) Except as provided in sub. (4), the ~~board~~ department may  
5 issue a license under sub. (1) (b) if the ~~board~~ department determines that all of the  
6 following conditions are met:

7 **SECTION 4604.** 562.05 (5) (a) 5. of the statutes is amended to read:

8 562.05 (5) (a) 5. The person has been convicted of a violation of any law of this  
9 or another state or of the United States related to racing, pari-mutuel wagering or  
10 of any other form of gambling which is a serious violation, as defined by the ~~board~~  
11 department by rule.

12 **SECTION 4605.** 562.05 (5) (a) 6. of the statutes is amended to read:

13 562.05 (5) (a) 6. The person has knowingly violated a rule or order of the ~~board~~  
14 department relating to pari-mutuel racing or any provision of this chapter or of ch.  
15 27, 182 or 945.

16 **SECTION 4606.** 562.05 (5) (a) 9. of the statutes is created to read:

17 562.05 (5) (a) 9. The person is delinquent in making court-ordered payments  
18 of child or family support, maintenance, birth expenses, medical expenses or other  
19 expenses related to the support of a child or former spouse, as provided in a  
20 memorandum of understanding entered into under s. 49.857.

21 **SECTION 4607.** 562.05 (5) (b) 4. of the statutes is amended to read:

22 562.05 (5) (b) 4. A restriction under par. (a) 2. to 8. does not apply to a  
23 partnership, limited liability company, association or corporation if the ~~board~~  
24 department determines that the partnership, association, limited liability company  
25 or corporation has terminated its relationship with each individual whose actions

**SENATE BILL 77****SECTION 4607**

1 directly contributed to the application of that restriction to the partnership,  
2 association, limited liability company or corporation.

3 **SECTION 4608.** 562.05 (5) (c) 2. of the statutes is amended to read:

4 562.05 (5) (c) 2. Except as otherwise provided in this subdivision, if after the  
5 application for a license is made or a license is issued any new officer, director,  
6 partner, member or owner subject to par. (a), as specified in par. (b), or any other new  
7 person with a present or future direct or indirect financial or management interest  
8 in the application or license joins the applicant or licensee, the applicant or licensee  
9 shall, within 5 working days, notify the ~~board~~ department of the change and provide  
10 the affidavit under subd. 1. After an application for a license under sub. (1) (a) or (b)  
11 is made or after a license under sub. (1) (a) or (b) is issued, no ownership interest or  
12 right of ownership in the applicant or licensee may be transferred unless the  
13 applicant or licensee provides the affidavit under subd. 1. for the proposed new owner  
14 and the proposed new owner is approved by the ~~board~~ department. The ~~board~~  
15 department shall conduct the background investigations required under sub. (7) of  
16 any new officer, director, partner, member, shareholder or proposed owner of an  
17 applicant or licensee named in a notice to the ~~board~~ department under this  
18 subdivision.

19 **SECTION 4609.** 562.05 (6m) (b) (intro.) of the statutes is amended to read:

20 562.05 (6m) (b) (intro.) The ~~board~~ department may not issue an intertrack  
21 wagering license unless the ~~board~~ department determines that all of the following  
22 conditions are met:

23 **SECTION 4610.** 562.05 (6m) (b) 2. of the statutes is amended to read:

24 562.05 (6m) (b) 2. At least 250 race performances were conducted at the  
25 racetrack for which the applicant is licensed under sub. (1) (a) or (b) during the

**SENATE BILL 77****SECTION 4610**

1 calendar year immediately preceding the year in which the applicant proposes to  
2 conduct intertrack wagering. The ~~board~~ department may waive the requirement in  
3 this subdivision if the ~~board~~ department determines that the waiver is in the public  
4 interest.

5 **SECTION 4611.** 562.05 (6m) (c) of the statutes is amended to read:

6 562.05 **(6m)** (c) In considering whether to grant an intertrack wagering license,  
7 the ~~board~~ department shall give due consideration to the best interests of the public  
8 and to maximizing revenue to the state.

9 **SECTION 4612.** 562.05 (6m) (d) of the statutes is amended to read:

10 562.05 **(6m)** (d) On each intertrack wagering license that the ~~board~~ department  
11 issues, the ~~board~~ department shall identify the racetrack at which intertrack  
12 wagering may be conducted, the times and number of days or specific dates, as  
13 determined by the ~~board~~ department, during which intertrack wagering may be  
14 conducted, and the host track from which the simulcast of each race performance on  
15 which intertrack wagering may be conducted shall originate.

16 **SECTION 4613.** 562.05 (6m) (e) (intro.) of the statutes is amended to read:

17 562.05 **(6m)** (e) (intro.) The ~~board~~ department shall revoke an intertrack  
18 wagering license if the ~~board~~ department determines that any of the following  
19 applies:

20 **SECTION 4614.** 562.05 (7) (a) (intro.) of the statutes is amended to read:

21 562.05 **(7)** (a) (intro.) Except as provided under par. (ag), before the ~~board~~  
22 department issues a license under this section, the ~~board~~ department, with the  
23 assistance of the department of justice, shall conduct a background investigation of  
24 the applicant for the license and of any of the following related to the applicant:

25 **SECTION 4615.** 562.05 (7) (ag) (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4615**

1           562.05 (7) (ag) (intro.) Paragraph (a) applies to any person required under s.  
2           562.02 (1) (am) to have a license except for any person determined by the ~~board~~  
3           department under s. 562.02 (1) (am) to require a license. Before the ~~board~~  
4           department issues a license to any person determined by the board under s. 562.02  
5           (1) (am) to require a license, the ~~board~~ department may, with the assistance of the  
6           department of justice, conduct a background investigation of the applicant for that  
7           license and of any of the following related to the applicant:

8           **SECTION 4616.** 562.05 (7) (am) of the statutes is created to read:

9           562.05 (7) (am) The department shall require each person who is subject to an  
10          investigation under par. (a) to provide his or her social security number.

11          **SECTION 4617.** 562.05 (7) (b) of the statutes is amended to read:

12          562.05 (7) (b) The ~~board~~ department shall require any person subject to an  
13          investigation under par. (a) to be photographed and fingerprinted on 2 fingerprint  
14          cards each bearing a complete set of that person's fingerprints. The department of  
15          justice may provide for the submission of the fingerprint cards to the federal bureau  
16          of investigation for the purpose of verifying the identity of that person and obtaining  
17          any record of that person's criminal arrests and convictions.

18          **SECTION 4618.** 562.05 (7) (bg) of the statutes is amended to read:

19          562.05 (7) (bg) The ~~board~~ department may require any person subject to an  
20          investigation under par. (ag) to be photographed and fingerprinted on 2 fingerprint  
21          cards each bearing a complete set of that person's fingerprints. The department of  
22          justice may provide for the submission of the fingerprint cards to the federal bureau  
23          of investigation for the purpose of verifying the identity of that person and obtaining  
24          any record of that person's criminal arrests and convictions.

25          **SECTION 4619.** 562.05 (8) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4619**

1           562.05 (8) (a) The ~~board~~ department may revoke or suspend a license for good  
2 cause after notice and hearing under s. 227.44.

3           **SECTION 4620.** 562.05 (8) (b) of the statutes is amended to read:

4           562.05 (8) (b) The ~~board~~ department shall permanently revoke the license of  
5 any licensee whom the ~~board~~ department determines under par. (a) has  
6 administered a medication or foreign substance to an animal in violation of s. 562.09  
7 (1).

8           **SECTION 4621.** 562.05 (8) (c) of the statutes is amended to read:

9           562.05 (8) (c) The ~~board~~ department shall permanently revoke the license of  
10 any licensee who violates s. 562.105.

11           **SECTION 4622.** 562.05 (8) (d) of the statutes is created to read:

12           562.05 (8) (d) If required in a memorandum of understanding entered into  
13 under s. 49.857, the department shall suspend or restrict or not renew the license of  
14 any person who is delinquent in making court-ordered payments of child or family  
15 support, maintenance, birth expenses, medical expenses or other expenses related  
16 to the support of a child or former spouse.

17           **SECTION 4623.** 562.05 (8m) of the statutes is created to read:

18           562.05 (8m) The department may not disclose the social security number of any  
19 applicant for a license except to the department of industry, labor and job  
20 development for the sole purpose of administering s. 49.22.

21           **SECTION 4624.** 562.05 (9) (a) of the statutes is amended to read:

22           562.05 (9) (a) Every license issued under sub. (1) (b) or (c) shall set forth the  
23 time and number of days, or the specific dates, during which racing may be conducted  
24 under that license, as determined by the ~~board~~ department.

25           **SECTION 4625.** 562.05 (9) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4625**

1           562.05 (9) (b) A license under sub. (1) (c) may authorize horse races on days on  
2           which the fair is conducted and for 2 additional periods not to exceed 5 days each.  
3           Either or both of the additional periods may be consecutive with the days on which  
4           the fair is conducted. In assigning race days and race times under this paragraph,  
5           the ~~board~~ department shall consider the competitive effects on licensees under sub.  
6           (1) (a) and (b).

7           **SECTION 4626.** 562.05 (10) of the statutes is amended to read:

8           562.05 (10) The ~~board~~ department shall revoke the license issued under sub.  
9           (1) (a) of any person who accepts any public money to construct or operate a racetrack  
10          in Wisconsin. This subsection does not apply to any racetrack operated in  
11          conjunction with a county fair.

12          **SECTION 4627.** 562.057 (1) of the statutes is amended to read:

13          562.057 (1) An intertrack wagering licensee may accept wagers on races that  
14          are conducted at 2 or more host tracks during the same race day with the approval  
15          of the ~~board~~ department.

16          **SECTION 4628.** 562.057 (4) of the statutes is amended to read:

17          562.057 (4) Subject to sub. (4m), the ~~board~~ department may permit a licensee  
18          under s. 562.05 (1) (b) to receive simulcast races from out-of-state racetracks, to  
19          conduct pari-mutuel wagering on those races and to commingle the licensee's  
20          wagering pools on those races with those of any out-of-state racetrack from which  
21          the licensee is permitted to receive simulcast races. The ~~board~~ department may  
22          permit a licensee under s. 562.05 (1) (b) to simulcast races to any out-of-state legal  
23          wagering entity, and to commingle the licensee's wagering pools on those races with  
24          those of any out-of-state legal wagering entity to which the licensee is permitted to  
25          simulcast those races.

**SENATE BILL 77****SECTION 4629**

1           **SECTION 4629.** 562.057 (4m) (intro.) of the statutes is amended to read:

2           562.057 (**4m**) (intro.) The board department may not permit a licensee under  
3 s. 562.05 (1) (b) to receive simulcast races under sub. (4) unless the board department  
4 determines that all of the following conditions are met:

5           **SECTION 4630.** 562.057 (5) of the statutes is amended to read:

6           562.057 (**5**) The board department shall promulgate rules administering sub.  
7 (4).

8           **SECTION 4631.** 562.065 (1) of the statutes is amended to read:

9           562.065 (**1**) TYPES OF POOLS; PURSES. The board department shall promulgate  
10 rules governing types of pari-mutuel pools that are permitted on races and the  
11 payment and allocation of purses for races.

12           **SECTION 4632.** 562.065 (3) (a) of the statutes is amended to read:

13           562.065 (**3**) (a) *Deduction.* From the total amount wagered on all animals  
14 selected to win, place or show in a race, a licensee under s. 562.05 (1) (b) and (c) shall  
15 deduct 17% or an amount approved by the board department under s. 562.02 (1) (k)  
16 up to 20% and pay the balance, minus breakage, to winning ticket holders, except  
17 that for a multiple pool, the licensee shall deduct 23% or an amount approved by the  
18 board department under s. 562.02 (1) (k) up to 25% and pay the balance, minus  
19 breakage, to winning ticket holders. Nothing in this paragraph prohibits the  
20 licensee from retaining amounts wagered in multiple pools which are required to be  
21 paid to winning ticket holders if there are no winning ticket holders, for the sole  
22 purpose of paying these amounts to winning ticket holders of subsequent races.

23           **SECTION 4633.** 562.065 (3) (c) 1. (intro.) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4633**

1           562.065 (3) (c) 1. (intro.) For horse races, from the total amount deducted under  
2 par. (a) on each race day, a licensee under s. 562.05 (1) (b) shall deposit with the ~~board~~  
3 department the following amounts:

4           **SECTION 4634.** 562.065 (3) (c) 2. of the statutes is repealed.

5           **SECTION 4635.** 562.065 (3) (c) 2g. (intro.) of the statutes is amended to read:

6           562.065 (3) (c) 2g. (intro.) For dog races, from the total amount deducted under  
7 par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05  
8 (1) (b) shall deposit with the ~~board~~ department the following amounts:

9           **SECTION 4636.** 562.065 (3) (c) 4. of the statutes is amended to read:

10           562.065 (3) (c) 4. Annually, not later than February 15, a licensee under s.  
11 562.05 (1) (b) shall file with the ~~board~~ department a statement computing the total  
12 amount paid to the ~~board~~ department under subd. 1. during the immediately  
13 preceding year and the total amount wagered at races sponsored and managed by  
14 the licensee during that year. If the total amount paid to the ~~board~~ department under  
15 subd. 1. exceeds the amount due under subd. 1. the ~~board~~ department shall refund  
16 the difference to the licensee. If the total amount paid is less than the amount due  
17 the licensee shall remit the difference to the ~~board~~ department.

18           **SECTION 4637.** 562.065 (3) (d) 1. of the statutes is amended to read:

19           562.065 (3) (d) 1. From the total amount deducted under par. (a) on each race  
20 day, a licensee under s. 562.05 (1) (b) shall deposit with the ~~board~~ department an  
21 amount equal to 0.75% of the total amount wagered on that race day.

22           **SECTION 4638.** 562.065 (3) (d) 2. of the statutes is amended to read:

23           562.065 (3) (d) 2. The ~~board~~ department shall ~~deposit~~ credit the money received  
24 under subd. 1. ~~in to~~ the appropriations appropriation accounts under ss. ~~20.197 (1)~~  
25 ~~(g) and 20.455 (2) (g) and 20.505 (8) (g).~~



**SENATE BILL 77****SECTION 4639**

1           **SECTION 4639.** 562.065 (3m) (c) 1. of the statutes is amended to read:

2           562.065 **(3m)** (c) 1. From the total amount of the deduction under par. (a)  
3 remaining after the payment of purses under par. (b), the licensee under s. 562.05  
4 (1) (c) shall retain an amount equal to the licensee's costs related to pari-mutuel  
5 racing and wagering conducted under the license. The ~~board~~ department shall, by  
6 rule, determine the costs which may be included under this subdivision and require  
7 auditing of these costs.

8           **SECTION 4640.** 562.065 (3m) (c) 2. of the statutes is amended to read:

9           562.065 **(3m)** (c) 2. The licensee may retain 50% of the amount of the deduction  
10 under par. (a) remaining after the payment of purses under par. (b), and the payment  
11 of the licensee's cost under subd. 1. The licensee shall deposit the remaining 50% of  
12 that amount with the ~~board~~ department. The ~~board~~ department shall deposit credit  
13 moneys received under this subdivision ~~in~~ to the appropriation account under s.  
14 ~~20.197 (3)~~ 20.505 (8) (i).

15           **SECTION 4641.** 562.065 (3r) of the statutes is amended to read:

16           562.065 **(3r)** PERIOD FOR DEPOSIT BY LICENSEE. The licensee shall make the  
17 deposits required under subs. (3) (c) 1. ~~to~~ and 2g. and (d) 1. and (3m) (c) 2. no later  
18 than 48 hours after the close of the race day or, if the 48-hour period does not include  
19 a business day, on the first business day immediately following the close of the race  
20 day.

21           **SECTION 4642.** 562.065 (4) of the statutes is amended to read:

22           562.065 **(4)** UNCLAIMED PRIZES. Any winnings on a race which are not claimed  
23 within 90 days after the end of the period authorized for racing in that year under  
24 s. 562.05 (9) shall be paid to the ~~board~~ department. The ~~board~~ department shall

**SENATE BILL 77****SECTION 4642**

1 deposit credit moneys received under this subsection ~~in~~ to the appropriations  
2 appropriation accounts under ss. ~~20.197 (1) (g) and 20.455 (2) (g) and 20.505 (8) (g).~~

3 **SECTION 4643.** 562.075 (1) of the statutes is amended to read:

4 562.075 (1) HORSES FOALED IN THIS STATE. Every licensee to sponsor and manage  
5 horse races under s. 562.05 (1) (b) or (c) shall hold at least one race on every race day  
6 which is limited to horses foaled in this state, except that another race may be  
7 substituted if the licensee is unable, with reasonable effort, to attract sufficient  
8 competition for such a race. The ~~board~~ department shall define, by rule, the term  
9 “foaled in this state”.

10 **SECTION 4644.** 562.077 of the statutes is amended to read:

11 **562.077 County fair advancement grants.** From the appropriation under  
12 s. ~~20.197 (3)~~ 20.505 (8) (i), the ~~board~~ department shall provide grants to the  
13 Wisconsin association of fairs for use for the advancement of county fairs throughout  
14 the state. The ~~board~~ department shall approve the program for which any grant  
15 under this section is used prior to making the grant.

16 **SECTION 4645.** 562.08 (3) of the statutes is amended to read:

17 562.08 (3) Each county, city, village and town receiving moneys under sub. (2)  
18 shall use at least part of the moneys to defray the costs of law enforcement, traffic  
19 control and other municipal expenditures incidental to the conduct of racing in that  
20 county, city, village or town and shall submit annually a report to the ~~board~~  
21 department showing how it has expended those moneys.

22 **SECTION 4646.** 562.09 (1) (title) of the statutes is amended to read:

23 562.09 (1) (title) ~~BOARD~~ DEPARTMENT RULES.

24 **SECTION 4647.** 562.09 (1) (a) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4647**

1           562.09 (1) (a) The ~~board~~ department shall promulgate and enforce rules  
2 governing the administration of medication and foreign substances to animals at  
3 racetracks where there is racing and medical testing of those animals. The rules  
4 shall provide that no medication or foreign substance, as defined by the ~~board~~  
5 department, may be administered to an animal within 48 hours prior to its entry in  
6 a race and that no animal participating in a race may carry any medication or foreign  
7 substance in its body, except as provided in this paragraph. The rules may permit  
8 specified levels of the following medications or foreign substances to be present in the  
9 body of an animal participating in a race if it is determined by the ~~board~~ department  
10 that the medication or foreign substance entered the body of the animal through the  
11 food chain: procaine and its metabolites; sulfa drugs and their metabolites;  
12 polyethylene glycol; and any other medication or foreign substance that may enter  
13 the body of an animal through the food chain and that the ~~board~~ department  
14 determines will not affect the integrity of the race or will not be relevant to the  
15 wagering public if the medication or foreign substance is present in an animal  
16 participating in a race. The rules shall specify the permissible levels of those  
17 medications or foreign substances consistent with levels resulting from food  
18 ingestion and in a manner that enables the levels to be detected in a urine sample  
19 of the animal.

20           **SECTION 4648.** 562.09 (1) (b) of the statutes is amended to read:

21           562.09 (1) (b) The ~~board~~ department shall establish, by rule, the qualifications  
22 for any laboratory which the ~~board~~ department uses for testing under this section.

23           **SECTION 4649.** 562.09 (2) (a) of the statutes is amended to read:

24           562.09 (2) (a) The owner or the agent or employe of the owner of any animal  
25 on a racetrack shall permit any member, steward, employe or other agent of the ~~board~~

**SENATE BILL 77****SECTION 4649**

1 department to make any test which the ~~board~~ department determines to be proper  
2 to determine if a medication or foreign substance has been administered to that  
3 animal in violation of sub. (1).

4 **SECTION 4650.** 562.09 (2) (b) 1. of the statutes is amended to read:

5 562.09 (2) (b) 1. The ~~board~~ department shall require, by rule, that every horse  
6 entered in a race be tested before the race to determine if a medication or foreign  
7 substance has been administered to the horse in violation of sub. (1). The rule shall  
8 require that every horse entered in a race shall be detained from the time the prerace  
9 test is administered until the horse leaves the detention area to proceed to the start  
10 of the race. The rules shall limit the persons who may be present when samples are  
11 taken for the tests and who may be present in the detention area and shall identify  
12 who those persons may be.

13 **SECTION 4651.** 562.09 (2) (b) 2. of the statutes is amended to read:

14 562.09 (2) (b) 2. The ~~board~~ department shall require, by rule, that immediately  
15 after every race at least one animal, as identified by the ~~board~~ department rule, be  
16 tested to determine if a medication or foreign substance has been administered to the  
17 animal in violation of sub. (1). A steward or veterinarian employed by, under contract  
18 with or approved by the ~~board~~ department may designate additional animals to be  
19 tested to determine whether a violation of sub. (1) has occurred.

20 **SECTION 4652.** 562.09 (2) (bm) of the statutes is amended to read:

21 562.09 (2) (bm) The rules which the ~~board~~ department applies at racetracks  
22 at fairs under pars. (a) and (b) and sub. (1) may differ from the rules which the ~~board~~  
23 department applies under pars. (a) and (b) and sub. (1) at other racetracks.

24 **SECTION 4653.** 562.09 (2) (c) of the statutes is amended to read:

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1           562.09 (2) (c) Any finding by the ~~board~~ department that a medication or foreign  
2 substance has been administered to an animal in violation of sub. (1) is prima facie  
3 evidence of a violation of sub. (1).

4           **SECTION 4654.** 562.09 (2) (d) of the statutes is amended to read:

5           562.09 (2) (d) The results of any test under this subsection shall be kept on file  
6 by the ~~board~~ department for at least one year following the test.

7           **SECTION 4655.** 562.09 (2) (e) of the statutes is amended to read:

8           562.09 (2) (e) The ~~board~~ department shall establish, by rule, and charge fees  
9 for testing under this subsection. Fees received under this paragraph shall be  
10 deposited in ~~credited to the appropriations~~ appropriation accounts under ss. ~~20.197~~  
11 ~~(1) (g) and 20.455 (2) (g) and 20.505 (8) (g).~~

12           **SECTION 4656.** 562.09 (3) (c) 2. of the statutes is amended to read:

13           562.09 (3) (c) 2. That the animal was not properly made available for any test  
14 or inspection required by the ~~board~~ department.

15           **SECTION 4657.** 562.09 (3) (em) of the statutes is amended to read:

16           562.09 (3) (em) Unless the person is a veterinarian, have in his or her  
17 possession on a racetrack or track located at a fair where there is racing any  
18 equipment for the hypodermic injection of an animal or any substance for  
19 hypodermic injection of an animal. The ~~board~~ department may, by rule, permit the  
20 possession of an injectable substance or hypodermic equipment for the person's  
21 personal use.

22           **SECTION 4658.** 562.09 (3) (f) of the statutes is amended to read:

23           562.09 (3) (f) Have in his or her possession on a racetrack any appliance which  
24 can be used to stimulate or affect the speed of an animal except a whip authorized

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1 by the board department by rule or a spur authorized by the board department by  
2 rule.

3 **SECTION 4659.** 562.105 of the statutes is amended to read:

4 **562.105 Humane killing of dogs.** No person may kill or cause to be killed  
5 any dog which races in this state or was bred, whelped or trained in this state for  
6 racing, except by a humane chemical method, specified by the board department by  
7 rule, which normally causes dogs to be rendered insensible to pain, is rapid and  
8 effective and is administered by a veterinarian.

9 **SECTION 4660.** 562.12 (1) of the statutes is amended to read:

10 562.12 (1) Race an animal under a name other than its registered name or out  
11 of the animal's proper class, as determined by the board department by rule.

12 **SECTION 4661.** 562.12 (3) of the statutes is amended to read:

13 562.12 (3) Bribe or extort, or attempt to bribe or extort, any member, employe  
14 or agent of the board department or any other person having charge of or access to  
15 an animal on a racetrack.

16 **SECTION 4662.** 562.124 (1) of the statutes is amended to read:

17 562.124 (1) The board department may authorize on-track pari-mutuel  
18 wagering on snowmobile racing at times and places, as determined by the board  
19 department, that do not conflict with other racing authorized by this chapter.

20 **SECTION 4663.** 562.124 (2) of the statutes is amended to read:

21 562.124 (2) If the board department authorizes on-track pari-mutuel  
22 wagering on snowmobile racing under sub. (1), the board department shall regulate  
23 the pari-mutuel wagering and shall promulgate all rules necessary to administer  
24 this section. Through its rules, the board department shall do everything necessary

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1 to ensure the public interest and protect the integrity of the sport of snowmobile  
2 racing.

3 **SECTION 4664.** 563.03 (5) of the statutes is created to read:

4 563.03 (5) "Department" means the department of administration.

5 **SECTION 4665.** 563.03 (5m) of the statutes is created to read:

6 563.03 (5m) "Division of gaming" means the division of gaming in the  
7 department.

8 **SECTION 4666.** Subchapter II (title) of chapter 563 [precedes 563.04] of the  
9 statutes is repealed and recreated to read:

10 **CHAPTER 563**

11 **SUBCHAPTER II**

12 **DUTIES AND POWERS**

13 **SECTION 4667.** 563.04 (intro.) of the statutes is amended to read:

14 **563.04** (title) **General duties of the board department.** (intro.) The board  
15 department shall:

16 **SECTION 4668.** 563.05 (title) of the statutes is amended to read:

17 **563.05** (title) **Powers and duties of board department.**

18 **SECTION 4669.** 563.05 (2) of the statutes is amended to read:

19 563.05 (2) The board department may promulgate rules requiring holders of  
20 licenses issued under this chapter to post a notice in a conspicuous place where a  
21 bingo occasion or raffle drawing is conducted describing the procedures for filing a  
22 complaint against the holder.

23 **SECTION 4670.** 563.05 (3) of the statutes is amended to read:

24 563.05 (3) The board department may promulgate rules specifying the number  
25 of business days within which the board department must review and make a

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1 determination on an application for a permit, as defined in s. 560.41 (2), that is issued  
2 under this chapter.

3 **SECTION 4671.** 563.05 (4) of the statutes is amended to read:

4 563.05 (4) The board department may promulgate rules defining procedures  
5 to be used by the board department for receiving, filing and investigating complaints,  
6 for commencing disciplinary proceedings and for conducting hearings under this  
7 chapter.

8 **SECTION 4672.** 563.05 (5) (intro.) of the statutes is repealed and recreated to  
9 read:

10 563.05 (5) (intro.) No employe in the division of gaming who performs any duty  
11 related to bingo or raffles or the executive assistant or the secretary or deputy  
12 secretary of administration and no member of such a person's immediate family, as  
13 defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity  
14 or for 2 years following the termination of his or her employment with the  
15 department after having served in such a capacity, do any of the following:

16 **SECTION 4673.** 563.05 (6) of the statutes is amended to read:

17 563.05 (6) The board department shall deposit credit all moneys received by the  
18 board department under this chapter, except s. 563.80, ~~in~~ to the appropriation  
19 account under s. ~~20.197 (1)~~ 20.505 (8) (j) .

20 **SECTION 4674.** 563.051 of the statutes is created to read:

21 **563.051 Bingo and raffle security.** The department may do any of the  
22 following:

23 (1) Provide all of the security services for the bingo and raffle operations under  
24 this chapter.



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1           (2) Monitor the regulatory compliance of bingo and raffle operations under this  
2 chapter.

3           (3) Audit the bingo and raffle operations under this chapter.

4           (4) Investigate suspected violations of this chapter.

5           (5) Report suspected gaming-related criminal activity to the division of  
6 criminal investigation in the department of justice for investigation by that division.

7           (6) If the division of criminal investigation in the department of justice chooses  
8 not to investigate a report under sub. (5), coordinate an investigation of the suspected  
9 criminal activity with local law enforcement officials and district attorneys.

10           **SECTION 4675.** 563.052 of the statutes is amended to read:

11           **563.052 Council on charitable gaming.** The council on charitable gaming  
12 shall advise the ~~board~~ department on all matters relating to the conduct of bingo and  
13 raffles under this chapter.

14           **SECTION 4676.** 563.055 (1) of the statutes is amended to read:

15           563.055 (1) If the holder of a license issued under this chapter pays a fee  
16 required under s. 563.13 (4), 563.22 (2) or 563.92 (2) by check and the check is not  
17 paid by the bank upon which the check is drawn, the ~~board~~ department may cancel  
18 the license on or after the 60th day after the ~~board~~ department receives the notice  
19 from the bank, subject to sub. (2).

20           **SECTION 4677.** 563.055 (2) (intro.) of the statutes is amended to read:

21           563.055 (2) (intro.) At least 20 days before canceling a license, the ~~board~~  
22 department shall mail a notice to the holder that informs the holder that the check  
23 was not paid by the bank and that the holder's license may be canceled on the date  
24 determined under sub. (1) unless the holder does all of the following before that date:

25           **SECTION 4678.** 563.055 (3) of the statutes is amended to read:

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1           563.055 (3) Nothing in sub. (1) or (2) prohibits the ~~board~~ department from  
2 extending the date for cancellation to allow the holder additional time to comply with  
3 sub. (2) (a) and (b).

4           **SECTION 4679.** 563.055 (5) of the statutes is amended to read:

5           563.055 (5) The ~~board~~ department may reinstate a license that has been  
6 canceled under this section only if the previous holder complies with sub. (2) (a) and  
7 (b) and pays a \$30 reinstatement fee.

8           **SECTION 4680.** 563.10 of the statutes is amended to read:

9           **563.10 Rules governing commingling of receipts restricted.**  
10 Notwithstanding ss. 227.11 (2), 227.24 (1) (a) and 563.04 (3), the ~~board~~ department  
11 may not promulgate any emergency rule relating to the commingling of bingo and  
12 raffle receipts unless it can clearly establish that commingling will occur without  
13 such rule and that the rule will effectively prevent commingling. The ~~board~~  
14 department shall set forth any such finding in its proposed rule. If upon review  
15 under s. 227.40, the court finds that the finding of fact upon which any emergency  
16 rule relating to such commingling is based is unsupported by clear and convincing  
17 evidence, the rule is invalid.

18           **SECTION 4681.** 563.12 (intro.) of the statutes is amended to read:

19           **563.12 Bingo license application.** (intro.) Each applicant for a license to  
20 conduct bingo shall file with the ~~board~~ department an application on a form  
21 prescribed by the ~~board~~ department. Except as provided in s. 563.135, the  
22 application shall include:

23           **SECTION 4682.** 563.12 (2) of the statutes is amended to read:

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1           563.12 (2) Sufficient facts relating to the incorporation or organization of the  
2 applicant to enable the board department to determine if the applicant is eligible for  
3 a license under this subchapter.

4           **SECTION 4683.** 563.14 (intro.) of the statutes is amended to read:

5           **563.14** (title) **Board Department determinations.** (intro.) Upon receipt  
6 of an application for a license to conduct bingo, the board department shall  
7 investigate the qualifications of the applicant and the merits of the application and  
8 before issuing a license shall determine that:

9           **SECTION 4684.** 563.14 (2) of the statutes is amended to read:

10           563.14 (2) The supervising member and member responsible for the proper  
11 utilization of gross receipts are active members of the applicant organization who,  
12 subject to ss. 111.321, 111.322 and 111.335, have never been convicted of a felony or,  
13 if convicted, have received a pardon or have been released from parole, community  
14 supervision or probation for at least 5 years.

15           **SECTION 4685.** 563.15 (1) of the statutes is amended to read:

16           563.15 (1) After making the determinations under s. 563.14, the board  
17 department shall either notify the applicant organization in writing why a license  
18 is not being issued or issue a license to such applicant organization authorizing it to  
19 conduct bingo at the times and places set forth in the license. Except as provided in  
20 sub. (1m), a license issued under this subsection shall be effective for one year from  
21 the first day of the month of the first occasion listed on the license and may be  
22 renewed annually, except that an applicant organization may request that the  
23 license expire on the first day of any month within the one-year licensure period.

24           **SECTION 4686.** 563.15 (1m) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4686**

1           563.15 (1m) A license issued under sub. (1) to an organization listed under s.  
2           563.11 (1) (b) to (d) shall remain in effect unless it is canceled, suspended or revoked  
3           by the ~~board~~ department or withdrawn by the organization.

4           **SECTION 4687.** 563.16 of the statutes is amended to read:

5           **563.16 Amendment of license to conduct bingo.** Upon application by a  
6           licensed organization, a license may be amended, if the subject matter of the  
7           amendment properly and lawfully could have been included in the original license.  
8           An application for an amendment to a license shall be filed and processed in the same  
9           manner as an original application. An application for the amendment of a license  
10          shall be accompanied by a \$3 fee. If any application for amendment seeks approval  
11          of additional bingo occasions or designates a new member responsible for the proper  
12          utilization of gross receipts, the appropriate fee under s. 563.13 (4) also shall be paid.  
13          If the ~~board~~ department approves an application for an amendment to a license, a  
14          copy of the amendment shall be sent to the applicant who shall attach it to the  
15          original license.

16          **SECTION 4688.** 563.17 of the statutes is amended to read:

17          **563.17 Denial of application; hearing.** If the ~~board~~ department denies a  
18          license to conduct bingo, within 30 days after receiving written notification of such  
19          denial, an applicant may demand in writing a hearing before the ~~board~~ department  
20          upon the applicant's qualifications and the merit of the application. At the hearing,  
21          the burden of proof shall be on the applicant to establish his or her eligibility for a  
22          license. If, after the hearing, the ~~board~~ department enters an order denying the  
23          application, the order shall set forth in detail the reasons for the denial. Upon entry  
24          of such an order or upon the expiration of the 30-day period during which a hearing  
25          may be demanded, the applicant's license fee shall be refunded less reasonable

**SENATE BILL 77****SECTION 4688**

1 administrative costs. If the board department approves the application, the board  
2 department shall issue the license within 14 days after approval.

3 **SECTION 4689.** 563.18 (1) of the statutes is amended to read:

4 563.18 (1) Proceedings to suspend or revoke a supplier's license or a license to  
5 conduct bingo shall be initiated by the board department pursuant to the rules  
6 promulgated under s. 563.05 (4).

7 **SECTION 4690.** 563.18 (3) of the statutes is amended to read:

8 563.18 (3) The board's department's decision under this section is subject to  
9 judicial review under ch. 227.

10 **SECTION 4691.** 563.18 (4) of the statutes is amended to read:

11 563.18 (4) When a license under this subchapter is suspended or revoked by  
12 the board department, the licensee shall immediately surrender the license to the  
13 board department. A licensee whose license has been revoked may reapply for a  
14 license one year after the effective date of the revocation. If a license has been  
15 suspended under sub. (3), the board department shall reinstate the license at the end  
16 of the period of suspension.

17 **SECTION 4692.** 563.21 of the statutes is amended to read:

18 **563.21 Supplier's license.** Any person intending to sell or distribute bingo  
19 supplies or equipment to a licensed organization shall apply to the board department  
20 for a supplier's license.

21 **SECTION 4693.** 563.22 (1) (intro.) of the statutes is amended to read:

22 563.22 (1) (intro.) An application for a supplier's license shall be filed with the  
23 board department on a form prescribed by the board department. The application  
24 shall include:

25 **SECTION 4694.** 563.22 (1) (g) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4694**

1           563.22 (1) (g) If the applicant business is organized outside of this state, the  
2 name and address of a resident agent who is authorized to be served legal documents  
3 and receive notices, orders and directives of the board department .

4           **SECTION 4695.** 563.24 of the statutes is amended to read:

5           **563.24 Issuance of supplier's license.** Upon receiving an application for a  
6 supplier's license, the board department may require the applicant, or if the  
7 applicant is a corporation, limited liability company or partnership, its officers,  
8 directors, stockholders and members, to appear and testify under oath on the  
9 contents of the application. If the board department determines that the supplier's  
10 license applicant possesses the requisite qualifications, a license shall be issued to  
11 the bingo supplier. A license issued under this section shall be effective for one year  
12 from the first day of the month of its issuance, and may be renewed annually. If the  
13 application is not approved, the department shall notify the applicant in writing of  
14 such action. Within 10 days after receipt of such notification, the applicant may  
15 demand a hearing before the board department . At the hearing, the burden of proof  
16 shall be on the applicant to establish his or her qualifications and the merit of the  
17 application. The fee, less reasonable administrative costs, shall be refunded to the  
18 applicant upon entry of an order denying an application after hearing, or upon  
19 expiration of the period during which a hearing may be demanded.

20           **SECTION 4696.** 563.25 of the statutes is amended to read:

21           **563.25 (title) Supplier to notify board department of changes.** During  
22 the pendency of an application for a supplier's license, the applicant shall  
23 immediately notify the board department in writing of any change in the facts set  
24 forth in the application, including any change in any item in the application, in the  
25 organization, structure or mode of operation of the supplier's business and in the

**SENATE BILL 77****SECTION 4696**

1 identity of persons named or required to be named in the application or the nature  
2 or extent of their interests. Within 10 days after any such change which occurs after  
3 the issuance of the license, the change shall be reported to the board department .  
4 Failure to notify the board department of such change shall constitute sufficient  
5 cause for denial of a pending license application or for suspension or revocation of a  
6 license which has been granted.

7 **SECTION 4697.** 563.26 of the statutes is amended to read:

8 **563.26 Maintenance of supplier's books and records.** Each licensed  
9 supplier shall maintain his or her books and records in such manner as to enable the  
10 board department to determine the gross sales of bingo supplies and equipment to  
11 licensed organizations. Invoices for the sale of bingo supplies and equipment shall  
12 include the name and license number of the organization to which the supplies were  
13 sold, the date and amount of the sale and an enumeration of the items sold. Each  
14 licensed supplier and formerly licensed supplier shall maintain his or her books and  
15 records for not less than 4 years and shall make them available at reasonable times  
16 for examination by the board department or its authorized representatives.

17 **SECTION 4698.** 563.27 (1) of the statutes is amended to read:

18 563.27 (1) Subject to ss. 111.321, 111.322 and 111.335, a person convicted of a  
19 felony who has not received a pardon or has not been released from parole,  
20 community supervision or probation for at least 5 years.

21 **SECTION 4699.** 563.28 of the statutes is created to read:

22 **563.28 Suspension or restriction of a supplier's license for delinquent**  
23 **child support payments.** (1) If required in a memorandum of understanding  
24 entered into under s. 49.857, the department shall suspend or restrict the supplier's  
25 license of any person who is delinquent in making court-ordered payments of child

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1 or family support, maintenance, birth expenses, medical expenses or other expenses  
2 related to the support of a child or former spouse.

3 (2) The department may not disclose the social security number of any  
4 applicant for a supplier's license except to the department of industry, labor and job  
5 development for the sole purpose of administering s. 49.22.

6 **SECTION 4700.** 563.29 (3) of the statutes is amended to read:

7 563.29 (3) No licensed supplier shall sell or distribute to a licensed  
8 organization any card unless it is identified in the standard set of bingo cards  
9 prescribed by the board department .

10 **SECTION 4701.** 563.51 (29) (b) of the statutes is amended to read:

11 563.51 (29) (b) Subject to ss. 111.321, 111.322 and 111.335, has never been  
12 convicted of a felony or, if convicted, has been pardoned or released from probation,  
13 community supervision or parole for at least 5 years.

14 **SECTION 4702.** 563.53 (1) of the statutes is amended to read:

15 563.53 (1) All special bingo cards shall be in a form approved by the board  
16 department .

17 **SECTION 4703.** 563.61 (1) (intro.) of the statutes is amended to read:

18 563.61 (1) (intro.) Each licensed organization shall file with the board  
19 department , on a form prescribed by the board department, a semiannual report of  
20 bingo operations for each 6-month period beginning on the date on which the  
21 organization's license is issued. The report is due on the 60th day after the last day  
22 of the reporting period. The report shall be accompanied by the payment of the gross  
23 receipts tax due. The licensed organization shall retain a copy of the report for its  
24 permanent records. The report shall include:

25 **SECTION 4704.** 563.61 (3) of the statutes is amended to read:



**SENATE BILL 77****SECTION 4704**

1           563.61 (3) If no bingo games are held on a date when a license authorizes them  
2 to be held, a report to that effect shall be filed with the ~~board~~ department.

3           **SECTION 4705.** 563.62 (1) of the statutes is amended to read:

4           563.62 (1) The ~~board~~ department may refuse to renew a license of an  
5 organization found to be delinquent in filing its financial statement or found to have  
6 filed an incomplete statement of bingo operations.

7           **SECTION 4706.** 563.62 (2) of the statutes is amended to read:

8           563.62 (2) If a licensed organization fails to file a financial statement of bingo  
9 operations within 5 days after notification by the ~~board~~ department of the  
10 delinquency, the ~~board~~ department may suspend the license, pending the filing of  
11 the financial statement.

12           **SECTION 4707.** 563.62 (3) of the statutes is amended to read:

13           563.62 (3) If the financial statement filed by a licensed organization is not fully,  
14 accurately and truthfully completed, the ~~board~~ department may refuse to renew a  
15 license or may suspend a license until such time as a statement in proper form has  
16 been filed.

17           **SECTION 4708.** 563.64 (2) of the statutes is amended to read:

18           563.64 (2) The columnar book, deposit books, canceled checks, records of share  
19 drafts, check books, records of share accounts, records of negotiable orders of  
20 withdrawal, deposit slips, bank statements and copies of financial statements of  
21 bingo operations and all other books and accounts shall be maintained for not less  
22 than 4 years and shall be available at reasonable times for examination by the ~~board~~  
23 department or its authorized representative. The ~~board~~ department may require the  
24 licensed organization to obtain microfilm copies of share drafts to the extent  
25 necessary for examination purposes. All documents supporting the entries made in

**SENATE BILL 77****SECTION 4708**

1 the books of accounts shall be kept by the licensed organization for a period of not less  
2 than 4 years. Such documents shall include, but are not limited to, bank statements,  
3 canceled checks, records of share drafts, deposit slips and invoices for all  
4 expenditures.

5 **SECTION 4709.** 563.65 of the statutes is amended to read:

6 **563.65 Proper and legitimate expenditures; reimbursement and**  
7 **waiver.** If a financial audit of a licensed organization shows that an expenditure of  
8 bingo funds was not a proper and legitimate expenditure and the ~~board~~ department  
9 requests that the licensed organization reimburse the appropriate bingo account in  
10 an amount equal to the amount so expended, the licensed organization may appeal  
11 the request to the ~~board~~ department. The ~~board~~ department may waive or reduce  
12 the amount of any such reimbursement if the licensed organization presents  
13 evidence satisfactory to the ~~board~~ department that the licensed organization acted  
14 in good faith and by mistake or inadvertently in so expending the funds.

15 **SECTION 4710.** 563.68 (2) of the statutes is amended to read:

16 **563.68 (2)** In accordance with a plan of expenditure approved in advance by the  
17 ~~board~~ department.

18 **SECTION 4711.** 563.72 of the statutes is amended to read:

19 **563.72 Inspection for enforcement.** Any peace officer or district attorney,  
20 within their respective jurisdictions, or an authorized employe of the ~~board~~  
21 department, may, at all reasonable hours, enter the premises where a bingo occasion  
22 is being conducted and examine the books, papers and records of the licensed  
23 organization to determine if all proper taxes or fees imposed have been paid. Any  
24 refusal to permit such examination of the premises by the licensed organization, its  
25 agent or an employe or the person in charge of the premises to which the bingo license

**SENATE BILL 77****SECTION 4711**

1 relates, constitutes sufficient grounds for the suspension or revocation of a license,  
2 and is punishable under s. 563.73 (2). In addition, such refusal constitutes sufficient  
3 grounds for any peace officer or other persons authorized under this section within  
4 their respective jurisdictions or authority to employ whatever reasonable action is  
5 necessary to conduct inspections permitted by this section.

6 **SECTION 4712.** 563.73 (4) of the statutes is amended to read:

7 563.73 (4) The department of justice, the ~~board~~ department or the district  
8 attorney of a county of an actual or potential violation, after informing the  
9 department of justice, may commence an action in the circuit court in the name of  
10 the state to restrain any violation of any provision of this chapter. The court may,  
11 prior to entry of final judgment, make such an order or judgment as necessary to  
12 restore to any person any pecuniary loss suffered because of the acts or practices  
13 involved in the violation, provided proof thereof is submitted to the court. The  
14 department of justice may subpoena persons, require the production of books and  
15 other documents and request the ~~board~~ department to exercise its authority to aid  
16 in the investigation of alleged violations of this section.

17 **SECTION 4713.** 563.90 of the statutes is amended to read:

18 **563.90 Qualified organizations.** Any local religious, charitable, service,  
19 fraternal or veterans organization or any organization to which contributions are  
20 deductible for federal income tax purposes or state income or franchise tax purposes,  
21 which has been in existence for one year immediately preceding its application for  
22 a license or which is chartered by a state or national organization which has been in  
23 existence for at least 3 years, may conduct a raffle upon receiving a license for the  
24 raffle event from the ~~board~~ department. No other person may conduct a raffle in this  
25 state.

**SENATE BILL 77****SECTION 4714**

1           **SECTION 4714.** 563.92 (1m) of the statutes is amended to read:

2           563.92 (1m) The board department may issue a Class A license for the conduct  
3 of a raffle in which some or all of the tickets for that raffle are sold on days other than  
4 the same day as the raffle drawing. The board department may issue a Class B  
5 license for the conduct of a raffle in which all of the tickets for that raffle are sold on  
6 the same day as the raffle drawing.

7           **SECTION 4715.** 563.92 (2) of the statutes is amended to read:

8           563.92 (2) The fee for a raffle license shall be \$25 and shall be remitted with  
9 the application. A raffle license shall be valid for 12 months and may be renewed as  
10 provided in s. 563.98 (1g). The board department shall issue the license within 30  
11 days after the filing of an application if the applicant qualifies under s. 563.90 and  
12 has not exceeded the limits of s. 563.91.

13           **SECTION 4716.** 563.92 (4) of the statutes is amended to read:

14           563.92 (4) Proceedings to suspend or revoke a license to conduct raffles shall  
15 be initiated by the board department pursuant to the rules promulgated under s.  
16 563.05 (4).

17           **SECTION 4717.** 563.93 (1) (a) of the statutes is amended to read:

18           563.93 (1) (a) The number of the license issued by the board department.

19           **SECTION 4718.** 563.935 (6) (a) of the statutes is amended to read:

20           563.935 (6) (a) Except as provided in par. (b), the purchaser of a ticket must be  
21 present at the drawing to win a prize, unless the purchaser gives the ticket to another  
22 person who may claim the prize on behalf of the purchaser, but only if that other  
23 person is present at the drawing. If the purchaser of the ticket gives the ticket to  
24 another person to claim a prize on behalf of the purchaser, the organization

**SENATE BILL 77****SECTION 4718**

1 conducting the raffle and the ~~commission~~ department shall not be held responsible  
2 or liable in any dispute regarding the ownership of the ticket.

3 **SECTION 4719.** 563.95 of the statutes is amended to read:

4 **563.95 Denial of application; hearing.** Within 30 days after receiving  
5 written notification of a denial by the ~~board~~ department of a license to conduct a  
6 raffle, an applicant may demand in writing a hearing before the ~~board~~ department  
7 upon the applicant's qualifications and the merit of the application. At the hearing,  
8 the burden of proof shall be on the applicant to establish eligibility for a license. If,  
9 after the hearing, the ~~board~~ department enters an order denying the application, the  
10 order shall set forth in detail the reasons for the denial. Upon entry of such an order  
11 or upon expiration of the 30-day period during which a hearing may be demanded,  
12 the applicant's license fee shall be refunded. If the ~~board~~ department approves the  
13 application, the ~~board~~ department shall issue the license within 14 days after  
14 approval.

15 **SECTION 4720.** 563.97 of the statutes is amended to read:

16 **563.97 Records.** Each organization licensed to conduct raffles shall maintain  
17 a list of the names and addresses of all persons winning prizes with a retail value of  
18 \$100 or more, and the prizes won, for at least 12 months after each raffle is conducted.  
19 The list shall be available at reasonable times for public examination and shall be  
20 provided to the ~~board~~ department upon request.

21 **SECTION 4721.** 563.98 (1) (intro.) of the statutes is amended to read:

22 563.98 (1) (intro.) Each organization licensed under this subchapter shall, on  
23 or before the last day of the 12th month beginning after the date on which the license  
24 is issued and on or before that same date in each subsequent year, report the

**SENATE BILL 77****SECTION 4721**

1 following information in writing to the ~~board~~ department regarding the raffles which  
2 it has conducted:

3 **SECTION 4722.** 563.98 (1c) of the statutes is amended to read:

4 563.98 (1c) Upon request of any organization that conducts a raffle during the  
5 month in which the report under sub. (1) is due, the ~~board~~ department may extend  
6 by not more than 30 days the deadline for submitting the report.

7 **SECTION 4723.** 563.98 (1m) of the statutes is amended to read:

8 563.98 (1m) Any organization that reports to the ~~board~~ department under sub.  
9 (1) and that had total receipts from the conduct of raffles of more than \$50,000 during  
10 the reporting period shall include in its report a list of the names and addresses of  
11 all persons winning prizes with a retail value of \$100 or more, and the prizes won,  
12 during the reporting period.

13 **SECTION 4724.** 563.98 (2) of the statutes is amended to read:

14 563.98 (2) If a copy of the financial report is not filed or is not fully, accurately  
15 and truthfully completed, or if the fee specified in sub. (1g) is not paid, the ~~board~~  
16 department may refuse to renew a license or may suspend a license until the report  
17 in proper form has been filed or the fee is paid.

18 **SECTION 4725.** 564.02 (1) (ac) of the statutes is created to read:

19 564.02 (1) (ac) "Department" means the department of administration.

20 **SECTION 4726.** 564.02 (1) (ag) of the statutes is created to read:

21 564.02 (1) (ag) "Division of gaming" means the division of gaming in the  
22 department.

23 **SECTION 4727.** 564.02 (1m) of the statutes is created to read:

24 564.02 (1m) The department may do any of the following:

**SENATE BILL 77****SECTION 4727**

1 (a) Provide all of the security services for the crane game operations under this  
2 chapter.

3 (b) Monitor the regulatory compliance of crane game operations under this  
4 chapter.

5 (c) Audit the crane game operations under this chapter.

6 (d) Investigate suspected violations of this chapter.

7 (e) Report suspected gaming-related criminal activity to the division of  
8 criminal investigation in the department of justice for investigation by that division.

9 (f) If the division of criminal investigation in the department of justice chooses  
10 not to investigate a report under par. (e), coordinate an investigation of the suspected  
11 criminal activity with local law enforcement officials and district attorneys.

12 **SECTION 4728.** 564.02 (2) (a) of the statutes is amended to read:

13 564.02 (2) (a) No person in this state who owns a crane game may set up for  
14 the purposes of play, permit a crane game to be set up for the purposes of play or  
15 collect the proceeds of a crane game which is set up for the purposes of play unless  
16 the person is registered by the ~~board~~ department and unless an identification  
17 number issued by the ~~board~~ department is affixed to each such crane game owned  
18 by the person.

19 **SECTION 4729.** 564.02 (2) (b) (intro.) of the statutes is amended to read:

20 564.02 (2) (b) (intro.) Every person specified under par. (a) shall file with the  
21 ~~board~~ department, on application forms prescribed by the ~~board~~ department and  
22 signed by the person, all of the following information:

23 **SECTION 4730.** 564.02 (2) (d) of the statutes is amended to read:

24 564.02 (2) (d) Upon receipt of the application and fee under pars. (b) and (c),  
25 the ~~board~~ department shall, if the ~~board~~ department considers the applicant

**SENATE BILL 77****SECTION 4730**

1 qualified, issue a certificate of registration for the applicant and an identification  
2 number for each crane game for which registration is requested.

3 **SECTION 4731.** 564.02 (2) (e) of the statutes is amended to read:

4 564.02 (2) (e) The registration issued under par. (d) shall remain in effect  
5 unless it is canceled by the ~~board~~ department with the advice and consent of the  
6 department of justice or unless it is withdrawn by the registered person.

7 **SECTION 4732.** 564.02 (2) (f) of the statutes is amended to read:

8 564.02 (2) (f) Every person registered under this section shall notify the ~~board~~  
9 department of any change in the information required to be furnished by the person  
10 under par. (b), within 10 days following the change.

11 **SECTION 4733.** 564.02 (2) (g) of the statutes is amended to read:

12 564.02 (2) (g) The ~~board~~ department shall ~~deposit~~ credit all moneys received  
13 by the ~~board~~ department under this subsection ~~in to~~ the appropriation account under  
14 s. ~~20.197 (1)~~ 20.505 (8) (j).

15 **SECTION 4734.** 564.02 (2m) (intro.) of the statutes is repealed and recreated to  
16 read:

17 564.02 (2m) CONFLICTS OF INTEREST. (intro.) No employe in the division of  
18 gaming who performs any duty related to crane games or the executive assistant or  
19 the secretary or deputy secretary of administration and no member of such a person's  
20 immediate family, as defined in s. 19.42 (7), may, while that person is employed in  
21 such a capacity or for 2 years following the termination of his or her employment with  
22 the department, do any of the following:

23 **SECTION 4735.** 564.02 (3) (c) of the statutes is amended to read:

24 564.02 (3) (c) The ~~board~~ department shall reimburse the department of justice  
25 for the services of the department of justice under this subsection.



**SENATE BILL 77****SECTION 4736**

1           **SECTION 4736.** 564.02 (4) of the statutes is amended to read:

2           564.02 (4) SEIZURE AND SALE. The department of justice may seize any crane  
3 game owned by a person who is convicted under sub. (5) and may sell the crane game  
4 in the name of the state. The department of justice and its agents are exempt from  
5 all liability to the owner of the crane game for the seizure or sale of the crane game.  
6 The ~~board~~ department shall reimburse the department of justice for the services of  
7 the department of justice under this subsection.

8           **SECTION 4737.** 565.01 (4f) of the statutes is created to read:

9           565.01 (4f) "Multijurisdictional" means pertaining to another state of the  
10 United States of America, the District of Columbia, the Commonwealth of Puerto  
11 Rico or any territory or possession of the United States of America or the government  
12 of Canada or any province thereof.

13           **SECTION 4738.** 565.01 (4r) (a) of the statutes is amended to read:

14           565.01 (4r) (a) The fact that this state has a state lottery or participates in a  
15 multistate multijurisdictional lottery.

16           **SECTION 4739.** 565.01 (6m) (a) (intro.) of the statutes is amended to read:

17           565.01 (6m) (a) (intro.) "The state lottery" means an enterprise, including a  
18 multistate multijurisdictional lottery in which the state participates, in which the  
19 player, by purchasing a ticket, is entitled to participate in a game of chance in which  
20 any of the following applies:

21           **SECTION 4740.** 565.02 (1) (a) of the statutes is repealed.

22           **SECTION 4741.** 565.02 (1) (b) 4. of the statutes is amended to read:

23           565.02 (1) (b) 4. A violation of a provision of this chapter or rule of the ~~board~~  
24 department relating to the state lottery.

25           **SECTION 4742.** 565.02 (2) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4742**

1           565.02 (2) (b) The administrator shall appoint and supervise employees, as  
2 specified by the ~~board~~ department by rule under sub. (3) (a), as necessary to carry  
3 out the duties of the administrator.

4           **SECTION 4743.** 565.02 (2) (c) 3. of the statutes is amended to read:

5           565.02 (2) (c) 3. A violation of a provision of this chapter or rule of the ~~board~~  
6 department relating to the state lottery.

7           **SECTION 4744.** 565.02 (3) (intro.) of the statutes is amended to read:

8           565.02 (3) (intro.) The ~~board~~ department shall promulgate all of the following  
9 rules:

10          **SECTION 4745.** 565.02 (3) (b) of the statutes is repealed and recreated to read:

11          565.02 (3) (b) For the selection of retailers for contract which shall be based on  
12 objective criteria.

13          **SECTION 4746.** 565.02 (4) (intro.) of the statutes is amended to read:

14          565.02 (4) (intro.) The ~~board~~ department may promulgate all of the following  
15 rules:

16          **SECTION 4747.** 565.02 (4) (e) of the statutes is amended to read:

17          565.02 (4) (e) Establishing requirements for advertising of the state lottery,  
18 and any ~~multistate~~ multijurisdictional lotteries in which the state participates, that  
19 are in addition to those specified under s. 565.32.

20          **SECTION 4748.** 565.02 (4) (f) of the statutes is amended to read:

21          565.02 (4) (f) Providing for payment of a rate of compensation that is higher  
22 than ~~5%~~ the basic compensation under s. 565.10 (14) (b) for retailers that are  
23 nonprofit organizations.

24          **SECTION 4749.** 565.02 (4) (g) of the statutes is created to read:

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1           565.02 (4) (g) 1. Providing for the payment of an additional 0.5% rate of  
2           compensation to be paid to a retailer above the compensation provided under s.  
3           565.14 (14) (b) 1. or 2. if the retailer meets certain sales or marketing goals  
4           established by the department. The goals may include all of the following:

5           a. An increase in the number of lottery tickets or lottery shares that are sold  
6           by the retailer in the current calendar quarter over the previous calendar quarter.

7           b. The largest increase in the state or county in which the retailer is located in  
8           the number of lottery tickets or lottery shares that are sold by the retailer in the  
9           current calendar quarter over the previous calendar quarter.

10          c. The sale by a retailer of a winning lottery ticket or lottery share, whose prize  
11          is greater than \$100,000.

12          d. An increase in the number of different types of lottery tickets or lottery  
13          shares that are sold by the retailer in the current calendar year over the previous  
14          calendar year.

15          2. At the time the department submits any proposed rules under this  
16          paragraph to the legislative council staff under s. 227.15 (1), the department shall  
17          also submit a copy of the proposed rules to every standing committee in the  
18          legislature that has subject matter jurisdiction over the state lottery, as determined  
19          by the speaker of the house and the president of the senate.

20          **SECTION 4750.** 565.02 (8) of the statutes is created to read:

21          565.02 (8) The department shall do all of the following:

22          (a) Subject to s. 565.25, provide all of the security services for the gaming  
23          operations under this chapter.

24          (b) Monitor the regulatory compliance of gaming operations under this chapter.

25          (c) Audit the gaming operations under this chapter.

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1 (d) Investigate suspected violations of this chapter.

2 (e) Report suspected gaming-related criminal activity to the division of  
3 criminal investigation in the department of justice for investigation by that division.

4 (f) If the division of criminal investigation in the department of justice chooses  
5 not to investigate a report under par. (e), coordinate an investigation of the suspected  
6 criminal activity with local law enforcement officials and district attorneys.

7 **SECTION 4751.** 565.05 (1) (intro.) of the statutes is repealed and recreated to  
8 read:

9 565.05 (1) (intro.) No employe of the department who performs any duty  
10 related to the state lottery or the executive assistant or the secretary or deputy  
11 secretary of revenue may do any of the following:

12 **SECTION 4752.** 565.05 (1) (a) of the statutes is repealed and recreated to read:

13 565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any  
14 vendor while serving as an employe in the department and performing any duty  
15 related to the state lottery or as the executive assistant or as secretary or deputy  
16 secretary of revenue or for 2 years following the person's termination of service.

17 **SECTION 4753.** 565.05 (2) (b) of the statutes is amended to read:

18 565.05 (2) (b) Have any an ownership interest of 5% or more in or any partners,  
19 members or shareholders who have any an ownership interest of 5% or more in any  
20 vendor that is under contract to supply or that submits a bid or competitive sealed  
21 proposal to supply those goods or services.

22 **SECTION 4754.** 565.10 (1) of the statutes is amended to read:

23 565.10 (1) SELECTION OF RETAILERS; RETAILER CONTRACT. Under rules  
24 promulgated by the ~~board~~ department under s. 565.02 (3) (b) and (4) (a), the  
25 administrator may contract with a person for the retail sale of lottery tickets or

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1 lottery shares. Retailers shall be selected for contract so as to provide adequate and  
2 convenient availability of lottery tickets and lottery shares to prospective buyers.

3 **SECTION 4755.** 565.10 (7) (b) of the statutes is amended to read:

4 565.10 (7) (b) The administrator may, under rules promulgated by the ~~board~~  
5 department, contract for a period that is shorter than 3 years in order to stagger  
6 lottery retailer contract expiration dates throughout a 3-year period.

7 **SECTION 4756.** 565.10 (8) of the statutes is amended to read:

8 565.10 (8) CONTRACT FEES. A contract entered into under this section may  
9 require payment of a nonrefundable initial application fee or a nonrefundable  
10 annual fee for continuation, or both, in an amount promulgated by the ~~board~~  
11 department by rule under s. 565.02 (4) (b). A separate nonrefundable fee, in an  
12 amount specified in rules promulgated under s. 565.02 (4) (b), may be required for  
13 each certificate of authority issued under sub. (11).

14 **SECTION 4757.** 565.10 (13) of the statutes is amended to read:

15 565.10 (13) BOND. The ~~commission~~ [~~board~~] department may by rule under s.  
16 565.02 (4) (d) require fidelity bonds from retailers. In lieu of a bond, the ~~commission~~  
17 department may purchase blanket bonds covering all or selected retailers or may  
18 allow a retailer to deposit and maintain with the ~~commission~~ department  
19 interest-bearing or interest-accruing securities approved by the ~~commission~~  
20 department. Such securities shall be held in trust by the ~~commission~~ department  
21 and shall have at all times a market value at least equal to the amount required by  
22 the ~~commission~~ department.

23 **SECTION 4758.** 565.10 (14) (b) of the statutes is amended to read:

24 565.10 (14) (b) The basic compensation to be paid to a retailer is 5.5% of the  
25 retail price of lottery tickets or lottery shares sold by the retailer. The ~~board~~

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1 department may, in the rules promulgated under s. 565.02 (4) (f), provide for the  
2 payment of a higher rate of compensation to nonprofit organizations making sales  
3 under a contract issued on a temporary basis than the rate of compensation paid to  
4 other retailers.

5 **SECTION 4759.** 565.10 (14) (b) of the statutes, as affected by 1997 Wisconsin Act  
6 .... (this act), is repealed and recreated to read:

7 565.10 (14) (b) 1. The basic compensation to be paid to a retailer for the sale  
8 of a lottery ticket or lottery share described under s. 565.01 (6m) (a) 2. is 5.5% of the  
9 retail price of lottery tickets or lottery shares sold by the retailer.

10 2. The basic compensation to be paid to a retailer for the sale of a lottery ticket  
11 or lottery share described under s. 565.01 (6m) (a) 1. is 6% of the retail price of lottery  
12 tickets or lottery shares sold by the retailer.

13 3. The department may, in the rules promulgated under s. 565.02 (4) (g),  
14 provide for the payment of an additional 0.5% rate of compensation to be paid to a  
15 retailer for the sale of a lottery ticket or lottery share described under s. 565.01 (6m)  
16 (a) 1. or 2., if the retailer meets certain sales or marketing goals established by the  
17 department.

18 4. The department may, in the rules promulgated under s. 565.02 (4) (f), provide  
19 for the payment of a higher rate of compensation to nonprofit organizations making  
20 sales under a contract issued on a temporary basis than the rate of compensation  
21 paid to other retailers.

22 **SECTION 4760.** 565.10 (15) of the statutes is amended to read:

23 565.10 (15) REMITTING PROCEEDS. A retailer shall, on a daily basis, unless  
24 another basis, but not less than weekly, is provided by the ~~board~~ department by rule,  
25 remit to the department the lottery proceeds from the sale of lottery tickets or lottery

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1 shares. The amount of compensation deducted by the retailer, if any, shall be  
2 indicated as a deduction from the total remitted.

3 **SECTION 4761.** 565.12 (2) of the statutes is amended to read:

4 565.12 (2) If the administrator determines that the immediate suspension or  
5 termination of a lottery retailer contract entered into under s. 565.10 is necessary to  
6 protect the public interest or the security, integrity or fiscal responsibility of the  
7 lottery, the administrator may, without prior notice or hearing, suspend for a  
8 specified period or terminate the lottery retailer contract by mailing to the retailer  
9 a notice of suspension or termination that includes a statement of the facts or conduct  
10 that warrant the suspension or termination and a notice that the retailer may, within  
11 30 days after the date on which the notice of suspension or termination is mailed,  
12 have the suspension or termination reconsidered by the administrator. If, upon  
13 reconsideration, the administrator affirms the determination to suspend or  
14 terminate the lottery retailer contract, the retailer shall be afforded an opportunity  
15 for a hearing before the board department to review the determination of the  
16 administrator.

17 **SECTION 4762.** 565.12 (3) of the statutes is amended to read:

18 565.12 (3) The board department shall render the final decisions under s.  
19 227.47 for all terminations and suspensions under subs. (1) and (2).

20 **SECTION 4763.** 565.17 (5) (title) of the statutes is amended to read:

21 565.17 (5) (title) ~~BOARD MEMBERS AND EMPLOYES; CERTAIN~~ CERTAIN DEPARTMENT  
22 EMPLOYES.

23 **SECTION 4764.** 565.17 (5) (a) of the statutes is repealed and recreated to read:

24 565.17 (5) (a) No employe of the department who performs any duty related to  
25 the state lottery or the executive assistant or the secretary or deputy secretary of

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1 revenue and no member of such a person's immediate family, as defined in s. 19.42  
2 (7), may purchase a lottery ticket or lottery share.

3 **SECTION 4765.** 565.25 (1m) of the statutes is amended to read:

4 565.25 **(1m)** SCOPE OF AUTHORITY. Subject to approval by the ~~board~~ secretary  
5 of revenue, the administrator may determine whether lottery functions shall be  
6 performed by department of revenue employes or by one or more persons under  
7 contract with the department of administration, except that no contract may provide  
8 for the entire management of the lottery or for the entire operation of the lottery by  
9 any private person. The department of administration may contract for  
10 management consultation services to assist in the management or operation of the  
11 lottery. The department of administration may not contract for financial auditing  
12 or security monitoring services, except that, if the department of administration  
13 delegates under s. 16.71 (1) to the department of revenue the authority to make a  
14 major procurement, the department of revenue may contract with the department  
15 of administration for warehouse and building protection services relating to the state  
16 lottery. If the department of administration delegates under s. 16.71 (1) to the  
17 department of revenue the authority to make a major procurement, the department  
18 of revenue shall assume the powers and duties of the department of administration  
19 and the administrator shall assume the powers and duties of the secretary of  
20 administration under this section and ss. 16.70 to 16.77, except under ss. 16.72 (4)  
21 (a), 16.76 (1) and 16.77 (1).

22 **SECTION 4766.** 565.25 (2) (a) 6. of the statutes is amended to read:

23 565.25 **(2)** (a) 6. If the department of administration delegates under s. 16.71  
24 (1) to the department of revenue the authority to make a major procurement, the  
25 award of the major procurement contract is subject to ~~approval by the board and to~~



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1 the requirements in ss. 16.72 (4) (a) and 16.76 (1). Copies of requisitions and  
2 contracts for major procurements shall be maintained by the administrator and shall  
3 be subject to inspection and copying under subch. II of ch. 19.

4 **SECTION 4767.** 565.25 (2) (c) of the statutes is amended to read:

5 565.25 (2) (c) A major procurement contract under this subsection may be for  
6 any term deemed to be in the best interests of the state lottery or the ~~multistate~~  
7 multijurisdictional lottery in which the state participates, but the term and any  
8 provisions for renewal or extension shall be incorporated in the bid specifications or  
9 proposal solicitation and the contract document.

10 **SECTION 4768.** 565.27 (1) (intro.) of the statutes is amended to read:

11 565.27 (1) GAME FEATURES AND PROCEDURES. (intro.) Subject to this section, the  
12 rules promulgated under s. 565.02 (3) (d) and (4) (a) and board approval by the  
13 secretary of revenue, the administrator shall determine the particular features of  
14 and procedures for each lottery game offered. ~~The administrator shall recommend~~  
15 ~~to the board for promulgation by rule under s. 565.02 (3) (d) the types of state or~~  
16 ~~multistate lottery games to be offered.~~ The features and procedures shall be in  
17 writing, shall be accessible to the public and shall include all of the following:

18 **SECTION 4769.** 565.27 (2) (a) of the statutes is amended to read:

19 565.27 (2) (a) The actual selection of any winning lottery ticket or lottery share  
20 may not be performed by an elected or appointed official, an employe of the lottery  
21 division in the department or ~~a member or employe of the board~~ any employe of the  
22 department who performs any duty related to the state lottery.

23 **SECTION 4770.** 565.27 (2) (b) 4. of the statutes is amended to read:

24 565.27 (2) (b) 4. Any equipment used for the drawing must be inspected by a  
25 certified public accountant and a department employe before and after the drawing.

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1 except that a department employe is not required to inspect the equipment if the  
2 drawing is used for a multijurisdictional lottery.

3 **SECTION 4771.** 565.30 (1) of the statutes is amended to read:

4 565.30 (1) PAYMENT OF PRIZES. The administrator shall direct the payment of  
5 a prize to the holder of the winning lottery ticket or lottery share or to a person  
6 designated under sub. (2), except that a prize may be paid to another person under  
7 a court order or to the estate of a deceased prize winner. The ~~board~~, department,  
8 administrator, state and any contractor for materials, equipment or services of the  
9 game in which the prize is won are discharged of all liability upon payment of the  
10 prize to the holder of a winning lottery ticket or lottery share.

11 **SECTION 4772.** 565.30 (3) (b) of the statutes is amended to read:

12 565.30 (3) (b) *Retailer bonuses.* Any bonuses offered by the ~~board~~ department  
13 to retailers who sell winning lottery tickets or lottery shares shall be paid to the  
14 retailer regardless of whether the prize is claimed if the retailer can be identified as  
15 the seller of the winning ticket or share.

16 **SECTION 4773.** 565.30 (5) of the statutes is amended to read:

17 565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS  
18 OWED THE STATE. The administrator shall report the name, address and social security  
19 number of each winner of a lottery prize equal to or greater than \$1,000 to the  
20 ~~department~~ secretary of revenue to determine whether the payee of the prize is  
21 delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in  
22 court-ordered payment of child support or has a debt owing to the state. Upon  
23 receipt of a report under this subsection, the ~~department~~ secretary of revenue shall  
24 first ascertain based on certifications by the department of industry, labor and job  
25 development under s. 49.855 (2) whether any person named in the report is currently

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1 delinquent in court-ordered payment of child support and shall next certify to the  
2 administrator whether any person named in the report is delinquent in  
3 court-ordered payment of child support or payment of state taxes under ch. 71, 72,  
4 76, 77, 78 or 139. Upon this certification by the ~~department~~ secretary of revenue or  
5 upon court order the administrator shall withhold the certified amount and send it  
6 ~~to the department of revenue for remittance~~ remit it to the appropriate agency or  
7 person. At the time of remittance, the department of revenue shall charge its  
8 administrative expenses to the state agency that has received the remittance. The  
9 administrative expenses received by the department of revenue shall be credited to  
10 the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize  
11 is delinquent both in payments for state taxes and in court-ordered payments of  
12 child support, or is delinquent in one or both of these payments and has a debt owing  
13 to the state, the amount remitted to the appropriate agency or person shall be in  
14 proportion to the prize amount as is the delinquency or debt owed by the payee.

15 **SECTION 4774.** 565.30 (5) of the statutes, as affected by 1997 Wisconsin Act ....  
16 (this act), is amended to read:

17 565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS  
18 OWED THE STATE. The administrator shall report the name, address and social security  
19 number of each winner of a lottery prize equal to or greater than \$1,000 to the  
20 secretary of revenue to determine whether the payee of the prize is delinquent in the  
21 payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment  
22 of child support or has a debt owing to the state. Upon receipt of a report under this  
23 subsection, the secretary of revenue shall first ascertain based on certifications by  
24 the department of industry, labor and job development or its designee under s. 49.855  
25 ~~(2)~~ (1) whether any person named in the report is currently delinquent in

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1 court-ordered payment of child support and shall next certify to the administrator  
2 whether any person named in the report is delinquent in court-ordered payment of  
3 child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this  
4 certification by the secretary of revenue or upon court order the administrator shall  
5 withhold the certified amount and remit it to the appropriate agency or person. At  
6 the time of remittance, the department of revenue shall charge its administrative  
7 expenses to the state agency that has received the remittance. The administrative  
8 expenses received by the department of revenue shall be credited to the  
9 appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is  
10 delinquent both in payments for state taxes and in court-ordered payments of child  
11 support, or is delinquent in one or both of these payments and has a debt owing to  
12 the state, the amount remitted to the appropriate agency or person shall be in  
13 proportion to the prize amount as is the delinquency or debt owed by the payee.

14 **SECTION 4775.** 565.30 (5m) of the statutes is amended to read:

15 **565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR**  
16 **FAMILY SUPPORT.** The administrator shall report to the department of industry, labor  
17 and job development the name, address and social security number of each winner  
18 of a lottery prize that is payable in instalments. Upon receipt of the report, the  
19 department of industry, labor and job development shall certify to the administrator  
20 whether any payee named in the report is obligated to provide child support, spousal  
21 support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23,  
22 767.25, 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) (a)  
23 or 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize  
24 under s. 767.265. The administrator shall withhold the certified amount from each

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1 payment made to the winner and remit the certified amount to the department of  
2 industry, labor and job development.

3 **SECTION 4776.** 565.32 (1) of the statutes is amended to read:

4 565.32 (1) PROMOTIONAL ADVERTISING PROHIBITION. The expenditure by the  
5 board, department or any other state agency of public funds or of revenues derived  
6 from lottery operations to engage in promotional advertising of the state lottery or  
7 any ~~multistate~~ multijurisdictional lottery is prohibited.

8 **SECTION 4777.** 565.32 (2) (a) of the statutes is amended to read:

9 565.32 (2) (a) A retailer or a combination of retailers, a vendor or a combination  
10 of vendors or a combination of retailers and vendors may engage in promotional  
11 advertising of the state lottery or any ~~multistate~~ multijurisdictional lottery in which  
12 the state participates.

13 **SECTION 4778.** 565.32 (3) (a) (intro.) of the statutes is amended to read:

14 565.32 (3) (a) (intro.) Any advertising, as defined by the ~~board~~ department by  
15 rule under s. 565.02 (3) (f), of the lottery which describes a specific lottery game and  
16 each lottery ticket and lottery share shall include:

17 **SECTION 4779.** 565.37 (1) of the statutes is amended to read:

18 565.37 (1) FINANCIAL AND PERFORMANCE AUDITS. The department shall annually  
19 contract with the legislative audit bureau to conduct a financial audit of the  
20 transactions and accounts of the state lottery, and, to the extent of the department's  
21 participation, of any ~~multistate~~ multijurisdictional lotteries in which the state  
22 participates, for the preceding fiscal year and shall biennially contract with the  
23 legislative audit bureau for a performance audit of the state lottery and, to the extent  
24 of the department's participation, of those ~~multistate~~ multijurisdictional lotteries.

25 **SECTION 4780.** 565.37 (2) of the statutes is amended to read:

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1           565.37 (2) INDEPENDENT POSTAUDIT. At no less than 3-year intervals, the  
2 department may retain an independent certified public accountant to conduct a  
3 postaudit of all the lottery division's accounts and transactions. The department  
4 shall provide copies of each such postaudit to the legislative audit bureau, ~~the board~~  
5 and the department of justice.

6           **SECTION 4781.** 565.37 (3) of the statutes is amended to read:

7           565.37 (3) DEPARTMENT REPORT. The department shall submit quarterly reports  
8 on the operation of the lottery to the chief clerk of each house of the legislature, for  
9 distribution to the legislature under s. 13.172 (2) and to the governor, attorney  
10 general, state treasurer, secretary of state, ~~board~~ and state auditor.

11           **SECTION 4782.** 565.37 (4) of the statutes is repealed.

12           **SECTION 4783.** 565.40 (1) of the statutes is amended to read:

13           565.40 (1) INVESTIGATIONS. The department of justice may investigate any  
14 activities by ~~the board~~, vendors, or employes in the department, which affect the  
15 operation or administration of the state lottery or any ~~multistate~~ multijurisdictional  
16 lottery in which the state participates, and shall report suspected violations of state  
17 or federal law to the appropriate prosecuting authority.

18           **SECTION 4784.** 565.45 of the statutes is amended to read:

19           **565.45 Report on expense limitation.** Before January 1, 1992, and every 2  
20 years thereafter, the department shall submit a report to the chief clerk of each house  
21 of the legislature, for distribution to the legislature under s. 13.172 (2), on the effects  
22 on the operation of the lottery of the ~~15%~~ 9% expense limitation under s. 25.75 (3) (b).

23           **SECTION 4785.** 565.46 of the statutes is amended to read:

24           **565.46 Minority advertising, procurements, retailers and hiring.** The  
25 ~~board~~ department shall promulgate rules establishing goals that attempt to increase

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1 the total amount of expenditures by the department for advertising, public relations  
2 and other procurements that are directed to minority businesses, the number of  
3 retailers that are minority businesses and the number of employes of the lottery  
4 division in the department who are minority group members.

5 **SECTION 4786.** 569.01 (1) of the statutes is renumbered 569.01 (1g).

6 **SECTION 4787.** 569.01 (1e) of the statutes is created to read:

7 569.01 (1e) "Department" means the department of administration.

8 **SECTION 4788.** 569.015 of the statutes is created to read:

9 **569.015 Indian gaming. (1)** The secretary of administration shall appoint  
10 a director of Indian gaming, who shall advise the secretary on matters relating to  
11 Indian gaming and who shall assist the department in performing the functions of  
12 the department under this chapter. The director of Indian gaming shall serve at the  
13 pleasure of the secretary of administration.

14 **(2)** The secretary of administration shall appoint 3 employes, whose duties  
15 shall include advising the secretary of administration and the governor on any  
16 Indian gaming compacts that may be entered into under s. 14.035. The 3 employes  
17 shall serve at the pleasure of the secretary of administration.

18 **SECTION 4789.** 569.02 (intro.) of the statutes is amended to read:

19 **569.02 (title) Indian gaming; general duties of board.** (intro.) Under the  
20 direction of the board secretary of administration, the ~~separate subunit established~~  
21 ~~in the board under s. 561.14~~ director of Indian gaming shall do all of the following:

22 **SECTION 4790.** 569.03 of the statutes is created to read:

23 **569.03 Indian gaming security.** The department may do any of the  
24 following:

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1           (1) Provide all of the security services for the Indian gaming operations under  
2 this chapter.

3           (2) Monitor the regulatory compliance of Indian gaming operations under this  
4 chapter and under any Indian gaming compact entered into under s. 14.035.

5           (3) Audit the Indian gaming operations under this chapter.

6           (4) Investigate suspected violations of this chapter.

7           (5) Report suspected gaming-related criminal activity to the division of  
8 criminal investigation in the department of justice for investigation by that division.

9           (6) If the division of criminal investigation in the department of justice chooses  
10 not to investigate a report under sub. (5), coordinate an investigation of the suspected  
11 criminal activity with local law enforcement officials and district attorneys.

12           **SECTION 4791.** 569.04 (1) of the statutes is amended to read:

13           569.04 (1) In accordance with an Indian gaming compact or with the  
14 regulations of or an agreement with the national Indian gaming commission, the  
15 ~~board~~ department shall certify and conduct background investigations of a person  
16 proposing to be an Indian gaming vendor and of employes of Indian tribes who are  
17 engaged in the conduct of gaming.

18           **SECTION 4792.** 569.04 (2) of the statutes is amended to read:

19           569.04 (2) The ~~board~~ department shall require the persons who are subject to  
20 the background investigations under sub. (1) to be photographed and fingerprinted  
21 on 2 fingerprint cards, each bearing a complete set of the person's fingerprints.  
22 Notwithstanding ss. 111.321, 111.322 and 111.335, the department of justice may  
23 submit the fingerprint cards to the federal bureau of investigation for the purpose  
24 of verifying the identity of the persons fingerprinted and obtaining records of their  
25 criminal arrests and convictions.



**SENATE BILL 77****SECTION 4793**

1           **SECTION 4793.** 569.06 of the statutes is amended to read:

2           **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to  
3 the appropriation accounts under ss. ~~20.197 (1) (h) and 20.455 (2) (gc) and 20.505 (8)~~  
4 (h) as specified under ss. ~~20.197 (1) (h) and 20.455 (2) (gc) and 20.505 (8) (h).~~

5           **SECTION 4794.** 600.01 (1) (b) 8. of the statutes is amended to read:

6           600.01 (1) (b) 8. Guarantees of the Wisconsin housing and economic  
7 development authority Housing and Economic Development Authority under ss.  
8 ~~234.67, 234.68, 234.69, 234.765, 234.82, s. 234.67, 1995 stats., s. 234.68, 1995 stats.,~~  
9 ~~s. 234.69, 1995 stats., s. 234.765, 1995 stats., s. 234.82, 1995 stats., s. 234.87, 1995~~  
10 ~~stats., and ss. 234.83, 234.84, 234.87 234.88, 234.90, 234.905, 234.907 and 234.91.~~

11           **SECTION 4795.** 601.41 (1) of the statutes is amended to read:

12           601.41 (1) DUTIES. The commissioner shall administer and enforce chs. ~~153 and~~  
13 600 to 655 and ss. 59.52 (11) (c), 66.184 and 120.13 (2) (b) to (g) and shall act as  
14 promptly as possible under the circumstances on all matters placed before the  
15 commissioner.

16           **SECTION 4796.** 601.41 (1) of the statutes, as affected by 1997 Wisconsin Act ...

17 (this act), is amended to read:

18           601.41 (1) DUTIES. The commissioner shall administer and enforce chs. 600 to  
19 655 and ss. 59.52 (11) (c), 66.184 ~~and,~~ 120.13 (2) (b) to (g), 149.13 and 149.135 and  
20 shall act as promptly as possible under the circumstances on all matters placed  
21 before the commissioner.

22           **SECTION 4797.** 601.415 (12) of the statutes is created to read:

23           601.415 (12) HEALTH INSURANCE RISK-SHARING PLAN. The commissioner shall  
24 perform the duties specified to be performed by the commissioner in ss. 149.13 and

**SENATE BILL 77****SECTION 4797**

1 149.135. The commissioner, or his or her designee, shall serve as a member of the  
2 board under s. 149.15.

3 **SECTION 4798.** 601.429 of the statutes is repealed.

4 **SECTION 4799.** 601.465 (intro.) of the statutes is amended to read:

5 **601.465 Nondisclosure of information.** (intro.) The Except for information  
6 requested under s. 49.22 (2m), the office may refuse to disclose and may prevent any  
7 other person from disclosing any of the following:

8 **SECTION 4800.** 601.59 (6) (e) of the statutes is amended to read:

9 601.59 (6) (e) The commission's rules shall establish conditions and procedures  
10 under which the commission shall make its information and official records available  
11 to the public for inspection or copying. The commission may exempt from disclosure  
12 any information or official records to the extent disclosure would adversely affect  
13 personal privacy rights or proprietary interests. In promulgating such rules, the  
14 commission may consider any special circumstances pertaining to insurer  
15 insolvencies, but shall be guided by the principles embodied in state and federal  
16 freedom of information laws. The commission may promulgate additional rules  
17 under which it may make available to law enforcement agencies, and to the  
18 department of industry, labor and job development and county child support  
19 agencies under s. 59.53 (5) in the administration of ss. 49.145, 49.19, 49.22, 49.46 and  
20 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029, records and  
21 information otherwise exempt from disclosure, and may enter into agreements with  
22 law enforcement agencies, the department of industry, labor and job development  
23 and county child support agencies under s. 59.53 (5) to receive or exchange  
24 information or records subject to nondisclosure and confidentiality provisions.

25 **SECTION 4801.** 601.64 (1) of the statutes is amended to read:

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1           601.64 (1) INJUNCTIONS AND RESTRAINING ORDERS. The commissioner may  
2 commence an action in circuit court in the name of the state to restrain by temporary  
3 or permanent injunction or by temporary restraining order any violation of chs. 600  
4 to 655, s. 149.13 or 149.135, any rule promulgated under chs. 600 to 655 or any order  
5 issued under s. 601.41 (4). Except as provided in s. 641.20, the commissioner need  
6 not show irreparable harm or lack of an adequate remedy at law in an action  
7 commenced under this subsection.

8           **SECTION 4802.** 601.64 (3) (a) of the statutes is amended to read:

9           601.64 (3) (a) *Restitutory forfeiture.* Whoever violates an effective order  
10 issued under s. 601.41 (4) ~~or~~, any insurance statute or rule or s. 149.13 or 149.135  
11 shall forfeit to the state twice the amount of any profit gained from the violation, in  
12 addition to any other forfeiture or penalty imposed.

13           **SECTION 4803.** 601.64 (3) (c) of the statutes is amended to read:

14           601.64 (3) (c) *Forfeiture for violation of statute or rule.* Whoever violates an  
15 insurance statute or rule or s. 149.13 or 149.135, intentionally aids a person in  
16 violating an insurance statute or rule or s. 149.13 or 149.135 or knowingly permits  
17 a person over whom he or she has authority to violate an insurance statute or rule  
18 or s. 149.13 or 149.135 shall forfeit to the state not more than \$1,000 for each  
19 violation. If the statute or rule imposes a duty to make a report to the commissioner,  
20 each week of delay in complying with the duty is a new violation.

21           **SECTION 4804.** 601.64 (4) of the statutes is amended to read:

22           601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally  
23 permits any person over whom he or she has authority to violate or intentionally aids  
24 any person in violating any insurance statute or rule of this state, s. 149.13 or  
25 149.135 or any effective order issued under s. 601.41 (4) may, unless a specific penalty

**SENATE BILL 77****SECTION 4804**

1 is provided elsewhere in the statutes, be fined not more than \$10,000 if a corporation  
2 or if a natural person be fined not more than \$5,000 or imprisoned for not to exceed  
3 3 years or both. Intent has the meaning expressed under s. 939.23.

4 **SECTION 4805.** 611.11 (4) (title) of the statutes is amended to read:

5 611.11 (4) (title) ~~MUNICIPALITIES~~ LOCAL GOVERNMENTAL UNITS.

6 **SECTION 4806.** 611.11 (4) (a) of the statutes is amended to read:

7 611.11 (4) (a) In this subsection, “~~municipality~~” “local governmental unit” has  
8 the meaning given in s. 345.05 (1) (e) (bg).

9 **SECTION 4807.** 611.11 (4) (b) (intro.) of the statutes is amended to read:

10 611.11 (4) (b) (intro.) Any number of ~~municipalities~~ local governmental units  
11 or associations of ~~municipalities~~ local governmental units or both may organize a  
12 municipal insurance mutual under s. 611.13, subject to s. 611.23, to provide any of  
13 the following for its members:

14 **SECTION 4808.** 613.03 (3) of the statutes is amended to read:

15 613.03 (3) **APPLICABILITY OF INSURANCE LAWS.** Except as otherwise specifically  
16 provided, service insurance corporations organized or operating under this chapter  
17 are subject to ~~subch. II of ch. 619~~ and ss. 610.01, 610.11, 610.21, 610.23 and 610.24  
18 and chs. 600, 601, 609, 617, 620, 623, 625, 627, 628, 631, 632, 635 and 645 and to no  
19 other insurance laws.

20 **SECTION 4809.** 613.03 (4) of the statutes is created to read:

21 613.03 (4) **MANDATORY HEALTH INSURANCE RISK-SHARING PLAN.** Service insurance  
22 corporations organized or operating under this chapter are subject to ch. 149.

23 **SECTION 4810.** 614.05 (1) of the statutes is amended to read:

24 614.05 (1) **CHAPTERS 611 AND 619.** No section of ch. 611 or ~~subch. I of ch. 619~~  
25 applies to fraternal unless it is specifically made applicable by this chapter.

**SENATE BILL 77****SECTION 4811**

1           **SECTION 4811.** Subchapter I of chapter 619 [precedes 619.001] of the statutes  
2 is renumbered chapter 619 [precedes 619.001].

3           **SECTION 4812.** Subchapter I (title) of chapter 619 [precedes 619.01] of the  
4 statutes is repealed.

5           **SECTION 4813.** Subchapter II (title) of chapter 619 [precedes 619.10] of the  
6 statutes is repealed.

7           **SECTION 4814.** 619.10 (intro.) of the statutes is renumbered 149.10 (intro.) and  
8 amended to read:

9           **149.10 Definitions.** (intro.) In this ~~subchapter~~ chapter:

10           **SECTION 4815.** 619.10 (1) of the statutes is repealed.

11           **SECTION 4816.** 619.10 (1m) of the statutes is repealed.

12           **SECTION 4817.** 619.10 (2) of the statutes is renumbered 149.10 (2) and amended  
13 to read:

14           149.10 (2) “Board” means the board of governors established under s. ~~619.15~~  
15 149.15.

16           **SECTION 4818.** 619.10 (3) of the statutes is renumbered 149.10 (3) and amended  
17 to read:

18           149.10 (3) “Eligible person” means a resident of this state who qualifies under  
19 s. ~~619.12~~ 149.12 whether or not the person is legally responsible for the payment of  
20 medical expenses incurred on the person’s behalf.

21           **SECTION 4819.** 619.10 (3m) and (4) of the statutes are renumbered 149.10 (3m)  
22 and (4).

23           **SECTION 4820.** 619.10 (4m) of the statutes is renumbered 149.10 (4m).

24           **SECTION 4821.** 619.10 (5) of the statutes is renumbered 149.10 (5) and amended  
25 to read:

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1           149.10 (5) “Insurer” means any person or association of persons, including a  
2 health maintenance organization, limited service health organization or preferred  
3 provider plan offering or insuring health services on a prepaid basis, including, but  
4 not limited to, policies of health insurance issued by a currently licensed insurer, as  
5 defined in s. 600.03 (27), nonprofit hospital or medical service plans under ch. 613,  
6 cooperative medical service plans under s. 185.981, or other entity whose primary  
7 function is to provide diagnostic, therapeutic or preventive services to a defined  
8 population in return for a premium paid on a periodic basis. “Insurer” includes any  
9 person providing health services coverage for individuals on a self-insurance basis  
10 without the intervention of other entities, as well as any person providing health  
11 insurance coverage under a medical reimbursement plan to persons. “Insurer” does  
12 not include a plan under ch. 613 which offers only dental care.

13           **SECTION 4822.** 619.10 (6) and (7) of the statutes are renumbered 149.10 (6) and  
14 (7).

15           **SECTION 4823.** 619.10 (8) of the statutes is renumbered 149.10 (8) and amended  
16 to read:

17           149.10 (8) “Plan” means the health care insurance plan established and  
18 administered under this subchapter chapter.

19           **SECTION 4824.** 619.10 (9) of the statutes is renumbered 149.10 (9) and amended  
20 to read:

21           149.10 (9) “Resident” means a person who ~~has been~~ is legally domiciled in this  
22 state ~~for a period of at least 30 days~~. For purposes of this subchapter chapter, legal  
23 domicile is established by living in this state and obtaining a Wisconsin motor vehicle  
24 operator’s license, registering to vote in Wisconsin or filing a Wisconsin income tax  
25 return. A child is legally domiciled in this state if the child lives in this state and if

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1 at least one of the child's parents or the child's guardian is legally domiciled in this  
2 state. A person with a developmental disability or another disability which prevents  
3 the person from obtaining a Wisconsin motor vehicle operator's license, registering  
4 to vote in Wisconsin, or filing a Wisconsin income tax return, is legally domiciled in  
5 this state by living in this state ~~for 30 days~~.

6 **SECTION 4825.** 619.11 of the statutes is renumbered 149.11 and amended to  
7 read:

8 **149.11 (title) Establishment Operation of plan.** The ~~commissioner~~  
9 department shall promulgate rules ~~establishing for the operation of~~ a plan of health  
10 insurance coverage for an eligible person which satisfies the requirements of this  
11 chapter.

12 **SECTION 4826.** 619.12 (title) of the statutes is renumbered 149.12 (title).

13 **SECTION 4827.** 619.12 (1) of the statutes is renumbered 149.12 (1), and 149.12  
14 (1) (intro.), as renumbered, is amended to read:

15 149.12 (1) (intro.) Except as provided in subs. (1m) and (2), the board or  
16 ~~administering carrier~~ plan administrator shall certify as eligible a person who is  
17 covered by medicare because he or she is disabled under 42 USC 423, a person who  
18 submits evidence that he or she has tested positive for the presence of HIV, antigen  
19 or nonantigenic products of HIV or an antibody to HIV, and any person who receives  
20 and submits any of the following based wholly or partially on medical underwriting  
21 considerations within 9 months prior to making application for coverage by the plan:

22 **SECTION 4828.** 619.12 (1m) (intro) and (a) of the statutes are consolidated,  
23 renumbered 149.12 (1m) and amended to read:

24 149.12 (1m) The board or ~~administering carrier~~ plan administrator may not  
25 certify a person as eligible under circumstances requiring notice under sub. (1) (a)

**SENATE BILL 77****SECTION 4828**

1 to (d) if the required notices were issued by ~~one of the following:~~ ~~(a) An~~ an insurance  
2 intermediary who is not acting as an administrator, as defined in s. 633.01.

3 **SECTION 4829.** 619.12 (1m) (b) of the statutes is repealed.

4 **SECTION 4830.** 619.12 (2) of the statutes is renumbered 149.12 (2), and 149.12  
5 (2) (b) 1. and (e) 2. c., as renumbered, are amended to read:

6 149.12 (2) (b) 1. Except as provided in subd. 2., no person who is covered under  
7 the plan and who voluntarily terminates the coverage under the plan, is again  
8 eligible for coverage unless 12 months have elapsed since the person's latest  
9 voluntary termination of coverage under the plan.

10 (e) 2. c. The board finds that the person is eligible for coverage under the plan  
11 after a review process, determined by the ~~commissioner~~ department by rule under  
12 s. ~~619.123~~ 149.123, that evaluates and approves the certification by the physician  
13 that the person has a severe and chronic or long-lasting physical or mental illness  
14 or disability.

15 **SECTION 4831.** 619.12 (3) of the statutes is renumbered 149.12 (3), and 149.12  
16 (3) (c), as renumbered, is amended to read:

17 149.12 (3) (c) The ~~commissioner, in consultation with the board,~~ department  
18 may promulgate rules specifying other deductible or coinsurance amounts that, if  
19 paid or reimbursed for persons, will not make the persons ineligible for coverage  
20 under the plan.

21 **SECTION 4832.** 619.123 of the statutes is renumbered 149.123 and amended to  
22 read:

23 **149.123 Rules for review of physician certification.** The ~~commissioner~~  
24 department shall promulgate rules that establish the procedure to be used by the  
25 board under s. ~~619.12~~ 149.12 (2) (e) 2. c. The rules shall provide for an insurer that



**SENATE BILL 77****SECTION 4832**

1 would be affected by the decision of the board to participate in the review process to  
2 contest or support the physician's certification.

3 **SECTION 4833.** 619.125 of the statutes is renumbered 149.125 and amended to  
4 read:

5 **149.125 Health insurance risk-sharing plan fund.** There is created a  
6 health insurance risk-sharing plan fund, under the management of the board  
7 department, to fund administrative expenses.

8 **SECTION 4834.** 619.13 (title) of the statutes is renumbered 149.13 (title).

9 **SECTION 4835.** 619.13 (1) (a) of the statutes is renumbered 149.13 (1) (a) and  
10 amended to read:

11 149.13 (1) (a) Every insurer shall participate in the cost of administering the  
12 plan, except the commissioner may by rule exempt as a class those insurers whose  
13 share as determined under par. (b) would be so minimal as to not exceed the  
14 estimated cost of levying the assessment. The commissioner shall advise the  
15 department of the insurers participating in the cost of administering the plan.

16 **SECTION 4836.** 619.13 (1) (b) of the statutes is renumbered 149.13 (1) (b) and  
17 amended to read:

18 149.13 (1) (b) ~~Except as provided by a rule promulgated under s. 619.145 (4),~~  
19 every Every participating insurer shall share in the operating, administrative and  
20 subsidy expenses of the plan in proportion to the ratio of the insurer's total health  
21 care coverage revenue for residents of this state during the preceding calendar year  
22 to the aggregate health care coverage revenue of all participating insurers for  
23 residents of this state during the preceding calendar year, as determined by the  
24 commissioner.

25 **SECTION 4837.** 619.13 (1) (c) of the statutes is repealed.

**SENATE BILL 77****SECTION 4838**

1           **SECTION 4838.** 619.13 (1) (d) of the statutes is renumbered 149.13 (1) (d), and  
2 149.13 (1) (d) 2., as renumbered, is amended to read:

3           149.13 (1) (d) 2. If the department or the commissioner finds that the  
4 commissioner's authority to require insurers to report under chs. 600 to 646 and 655  
5 is not adequate to permit the department, the commissioner or the board to carry out  
6 the department's, commissioner's or the board's responsibilities under this  
7 subchapter chapter, the commissioner ~~may~~ shall promulgate rules requiring  
8 insurers to report the information necessary for the department, commissioner and  
9 ~~the~~ board to make the determinations required under this subchapter chapter.

10           **SECTION 4839.** 619.13 (2) of the statutes is renumbered 149.13 (2).

11           **SECTION 4840.** 619.135 (title) of the statutes is renumbered 149.135 (title).

12           **SECTION 4841.** 619.135 (1) (a) of the statutes is renumbered 149.135 (1) (a) and  
13 amended to read:

14           149.135 (1) (a) Whenever a person becomes eligible for and obtains coverage  
15 under the plan as a result of receiving a notice under s. ~~619.12~~ 149.12 (1) (am), (b)  
16 or (c), the commissioner shall levy an assessment of \$1,750 against the insurer that  
17 issued the notice, except that the commissioner may not levy an assessment if the  
18 notice of cancellation under s. ~~619.12~~ 149.12 (1) (am) was issued on one of the  
19 permissible grounds under s. 631.36 (2) (a). The commissioner shall notify the  
20 department if an assessment is not levied under this paragraph because a notice of  
21 cancellation was issued on permissible grounds.

22           **SECTION 4842.** 619.135 (1) (b) of the statutes is renumbered 149.135 (1) (b).

23           **SECTION 4843.** 619.135 (1) (c) of the statutes is renumbered 149.135 (1) (c) and  
24 amended to read:

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1           149.135 (1) (c) If an assessment levied under par. (a) is not paid within the time  
2           prescribed, the commissioner shall impose a penalty against the insurer in an  
3           amount established by the commissioner by rule, in consultation with the  
4           department.

5           **SECTION 4844.** 619.135 (1) (d) of the statutes is renumbered 149.135 (1) (d) and  
6           amended to read:

7           149.135 (1) (d) All assessments and penalties collected under this subsection  
8           shall be credited to the appropriation under s. ~~20.145 (7) (g)~~ 20.435 (5) (hp).

9           **SECTION 4845.** 619.135 (2) of the statutes is renumbered 149.135 (2) and  
10          amended to read:

11          149.135 (2) If the moneys under s. ~~20.145 (7) (a) and (g)~~ 20.435 (5) (ah), (g) and  
12          (hp) are insufficient to reimburse the plan for premium reductions under s. ~~619.165~~  
13          149.165 and deductible reductions under s. ~~619.14 149.14~~ (5) (a), or the ~~commissioner~~  
14          department determines that the moneys under s. ~~20.145 (7) (a) and (g)~~ 20.435 (5)  
15          (ah), (g) and (hp) will be insufficient to reimburse the plan for premium reductions  
16          under s. ~~619.165 149.165~~ and deductible reductions under s. ~~619.14 149.14~~ (5) (a),  
17          the department shall notify the commissioner. In consultation with the department,  
18          the commissioner shall, by rule, increase the amount of the assessment under sub.  
19          (1) (a) or levy an assessment against every insurer, or a combination of both,  
20          sufficient to reimburse the plan for premium reductions under s. ~~619.165 149.165~~  
21          and deductible reductions under s. ~~619.14 149.14~~ (5) (a).

22          **SECTION 4846.** 619.135 (3) of the statutes is renumbered 149.135 (3) and  
23          amended to read:

24          149.135 (3) In addition to the assessments under subs. (1) (a) and (2), in  
25          consultation with the department the commissioner may, by rule, establish an

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1 assessment to be levied against each insurer that issues a notice of rejection under  
2 s. ~~619.12~~ 149.12 (1) (a) to a person who becomes eligible for and obtains coverage  
3 under the plan as a result of receiving the notice. Any assessments levied and  
4 collected under this subsection shall be credited to the appropriation under s. ~~20.145~~  
5 ~~(7) (g)~~ 20.435 (5) (hp).

6 **SECTION 4847.** 619.14 (title) of the statutes is renumbered 149.14 (title).

7 **SECTION 4848.** 619.14 (1) of the statutes is renumbered 149.14 (1), and 149.14  
8 (1) (b), as renumbered, is amended to read:

9 149.14 (1) (b) If an individual terminates medical assistance coverage and  
10 applies for coverage under the plan within 45 days after the termination and is  
11 subsequently found to be eligible under s. ~~619.12~~ 149.12, the effective date of  
12 coverage for the eligible person under the plan shall be the date of termination of  
13 medical assistance coverage.

14 **SECTION 4849.** 619.14 (2) of the statutes is renumbered 149.14 (2).

15 **SECTION 4850.** 619.14 (3) of the statutes is renumbered 149.14 (3), and 149.14  
16 (3) (intro.) and (c) 1. and 3., as renumbered, are amended to read:

17 149.14 (3) COVERED EXPENSES. (intro.) Except as restricted by cost containment  
18 provisions under s. ~~619.17~~ 149.17 (4) and ~~except as reduced by the board under s.~~  
19 ~~619.15 (3) (e)~~, covered expenses shall be the usual and customary allowable charges  
20 paid under the medical assistance program under ss. 49.45 to 49.47 for the services  
21 provided by persons licensed under ch. 446 and certified under s. 49.45 (2) (a) 11.  
22 Except as restricted by cost containment provisions under s. ~~619.17~~ 149.17 (4) and  
23 ~~except as reduced by the board under s. 619.15 (3) (e)~~, covered expenses shall also be  
24 the usual and customary allowable charges paid under the medical assistance  
25 program under ss. 49.45 to 49.47 for the following services and articles ~~when if the~~

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1 service or article is prescribed by a physician who is licensed under ch. 448 or in  
2 another state and who is certified under s. 49.45 (2) (a) 11. and if the service or article  
3 is provided by a provider certified under s. 49.45 (2) (a) 11.:

4 (c) 1. Inpatient treatment in a hospital ~~as defined in s. 632.89 (1) (e) or in a~~  
5 ~~medical facility in another state approved by the board,~~ licensed under s. 50.35 for  
6 up to 30 days' confinement per calendar year due to alcoholism or drug abuse and up  
7 to 60 days' confinement per calendar year for nervous and mental disorders.

8 3. Subject to the limits under subd. 2. and to rules promulgated by the  
9 ~~commissioner~~ department, services for the chronically mentally ill in community  
10 support programs operated under s. 51.421.

11 **SECTION 4851.** 619.14 (4) of the statutes is renumbered 149.14 (4), and 149.14  
12 (4) (d) and (m), as renumbered, are amended to read:

13 149.14 (4) (d) That part of any charge for services or articles rendered or  
14 prescribed by a physician, dentist or other health care personnel which exceeds the  
15 ~~prevailing charge in the locality where the service is provided~~ allowable charge paid  
16 under the medical assistance program under ss. 49.45 to 49.47 or any charge not  
17 medically necessary.

18 (m) Experimental treatment, as determined by the ~~board or its designee~~  
19 department.

20 **SECTION 4852.** 619.14 (5) (title) of the statutes is renumbered 149.14 (5) (title).

21 **SECTION 4853.** 619.14 (5) (a) of the statutes is renumbered 149.14 (5) (a) and  
22 amended to read:

23 149.14 (5) (a) The plan shall offer a deductible in combination with appropriate  
24 premiums determined under this ~~subchapter~~ chapter for major medical expense  
25 coverage required under this section. For coverage offered to those persons eligible

**SENATE BILL 77****SECTION 4853**

1 for medicare, the plan shall offer a deductible equal to the deductible charged by part  
2 A of title XVIII of the federal social security act, as amended. The deductible  
3 amounts for all other eligible persons shall be dependent upon household income as  
4 determined under s. ~~619.165~~ 149.165. For eligible persons under s. ~~619.165 (1) (b)~~  
5 ~~1. 149.165 (2) (a)~~, the deductible shall be \$500. For eligible persons under s. ~~619.165~~  
6 ~~(1) (b) 2. 149.165 (2) (b)~~, the deductible shall be \$600. For eligible persons under s.  
7 ~~619.165 (1) (b) 3. 149.165 (2) (c)~~, the deductible shall be \$700. For eligible persons  
8 under s. ~~619.165 (1) (b) 4. 149.165 (2) (d)~~, the deductible shall be \$800. For all other  
9 eligible persons who are not eligible for medicare, the deductible shall be \$1,000.  
10 With respect to all eligible persons, expenses used to satisfy the deductible during  
11 the last 90 days of a calendar year shall also be applied to satisfy the deductible for  
12 the following calendar year. The schedule of premiums shall be promulgated by rule  
13 by the ~~commissioner~~ department. The ~~commissioner~~ department shall set rates at  
14 60% of the operating and administrative costs of the plan, except that a rate may not  
15 exceed 200% of the rate that a standard risk would be charged under an individual  
16 policy providing substantially the same coverage and deductibles as are provided  
17 under the plan.

18 **SECTION 4854.** 619.14 (5) (b) of the statutes is renumbered 149.14 (5) (b) and  
19 amended to read:

20 149.14 (5) (b) Except as provided in par. (c), if the covered costs incurred by the  
21 eligible person exceed the deductible for major medical expense coverage in a  
22 calendar year, the plan shall pay at least 80% of the allowable charges paid under  
23 the medical assistance program under ss. 49.45 to 49.47 for any additional covered  
24 costs incurred by the person during the calendar year.

**SENATE BILL 77****SECTION 4855**

1           **SECTION 4855.** 619.14 (5) (c) of the statutes is renumbered 149.14 (5) (c) and  
2 amended to read:

3           149.14 (5) (c) If the aggregate of the covered costs not paid by the plan under  
4 par. (b) and the deductible exceeds \$500 for an eligible person receiving medicare,  
5 \$2,000 for any other eligible person during a calendar year or \$4,000 for all eligible  
6 persons in a family, the plan shall pay 100% of the allowable charges paid under the  
7 medical assistance program under ss. 49.45 to 49.47 for all covered costs incurred by  
8 the eligible person during the calendar year after the payment ceilings under this  
9 paragraph are exceeded.

10           **SECTION 4856.** 619.14 (5) (d) of the statutes is renumbered 149.14 (5) (d) and  
11 amended to read:

12           149.14 (5) (d) Notwithstanding pars. (a) to (c), the ~~board~~ department may  
13 establish different deductible amounts, a different coinsurance percentage and  
14 different covered costs and deductible aggregate amounts from those specified in  
15 pars. (a) to (c) in accordance with cost containment provisions established by the  
16 ~~commissioner~~ department under s. ~~619.17 (4) (a) and for individuals who enroll in~~  
17 ~~an alternative plan under s. 619.145~~ 149.17 (4).

18           **SECTION 4857.** 619.14 (5) (e) of the statutes is renumbered 149.14 (5) (e) and  
19 amended to read:

20           149.14 (5) (e) Using the procedure under s. 227.24, the ~~commissioner~~  
21 department may promulgate rules under par. (a) for the schedule of premiums for the  
22 period before the effective date of any permanent rules promulgated under par. (a)  
23 for the schedule of premiums, but not to exceed the period authorized under s. 227.24  
24 (1) (c) and (2). Notwithstanding s. 227.24 (1) and (3), the ~~commissioner~~ department  
25 is not required to make a finding of emergency.

**SENATE BILL 77****SECTION 4858**

1           **SECTION 4858.** 619.14 (6) of the statutes is repealed.

2           **SECTION 4859.** 619.14 (7) of the statutes is renumbered 149.14 (7), and 149.14  
3 (7) (b) and (c), as renumbered, are amended to read:

4           149.14 (7) (b) The ~~board~~ department has a cause of action against an eligible  
5 participant for the recovery of the amount of benefits paid which are not for covered  
6 expenses under the plan. Benefits under the plan may be reduced or refused as a  
7 setoff against any amount recoverable under this paragraph.

8           (c) The ~~board~~ department is subrogated to the rights of an eligible person to  
9 recover special damages for illness or injury to the person caused by the act of a 3rd  
10 person to the extent that benefits are provided under the plan. Section 814.03 (3)  
11 applies to the department under this paragraph.

12           **SECTION 4860.** 619.145 of the statutes is repealed.

13           **SECTION 4861.** 619.15 (title) of the statutes is renumbered 149.15 (title).

14           **SECTION 4862.** 619.15 (1) of the statutes is renumbered 149.15 (1) and amended  
15 to read:

16           149.15 (1) The plan shall ~~operate subject to the supervision and approval of a~~  
17 have a board of governors consisting of representatives of 2 participating insurers  
18 which are nonprofit corporations, 2 other participating insurers, and 3 public  
19 members, appointed by the ~~commissioner~~ secretary for staggered 3-year terms. In  
20 addition, the commissioner, or a designated representative from the office of the  
21 commissioner, and the secretary, or a designated representative from the  
22 department, shall be a ~~member~~ members of the board. The public members shall not  
23 be professionally affiliated with the practice of medicine, a hospital or an insurer.  
24 At least 2 of the public members shall be individuals reasonably expected to qualify  
25 for coverage under the plan or the parent or spouse of such an individual. The



**SENATE BILL 77****SECTION 4862**

1 ~~commissioner secretary~~ or the ~~commissioner's secretary's~~ representative shall be the  
2 chairperson of the board. Board members, except the commissioner or the  
3 commissioner's representative and the secretary or the secretary's representative,  
4 shall be compensated at the rate of \$50 per diem plus actual and necessary expenses.

5 **SECTION 4863.** 619.15 (2) of the statutes is renumbered 149.15 (2) and amended  
6 to read:

7 149.15 (2) Annually, the board shall make a report to the ~~members of the plan~~  
8 ~~and to the chief clerk of each house of the legislature, for distribution to the~~  
9 appropriate standing committees under s. 13.172 (3), and to the members of the plan  
10 summarizing the activities of the plan in the preceding calendar year. The annual  
11 report shall define the cost burden imposed by the plan on all policyholders in this  
12 state.

13 **SECTION 4864.** 619.15 (3) (intro.) of the statutes is renumbered 149.15 (3)  
14 (intro.) and amended to read:

15 149.15 (3) (intro.) The board shall do all of the following:

16 **SECTION 4865.** 619.15 (3) (a) of the statutes is renumbered 149.15 (3) (a).

17 **SECTION 4866.** 619.15 (3) (b) of the statutes is repealed.

18 **SECTION 4867.** 619.15 (3) (c) of the statutes is renumbered 149.15 (3) (c).

19 **SECTION 4868.** 619.15 (3) (d) of the statutes is renumbered 149.15 (3) (d).

20 **SECTION 4869.** 619.15 (3) (e) of the statutes is repealed.

21 **SECTION 4870.** 619.15 (4) (intro.) of the statutes is renumbered 149.15 (4)  
22 (intro.) and amended to read:

23 149.15 (4) (intro.) The board may do any of the following:

24 **SECTION 4871.** 619.15 (4) (a) of the statutes is renumbered 149.15 (4) (a).

25 **SECTION 4872.** 619.15 (4) (b) of the statutes is renumbered 149.15 (4) (b).

**SENATE BILL 77****SECTION 4873**

1           **SECTION 4873.** 619.15 (4) (c) of the statutes is renumbered 149.15 (4) (c) and  
2 amended to read:

3           149.15 (4) (c) In addition to assessments imposed under sub. (3) (c), levy  
4 interim assessments, at the request of the department, to ensure the financial ability  
5 of the plan to cover claims expense and administrative expenses incurred or  
6 estimated to be incurred in the operation of the plan prior to the end of the calendar  
7 year end or other fiscal year end established by the board. Interim assessments shall  
8 be due and payable within 30 days of receipt by an insurer of an interim assessment  
9 notice. Interim assessments shall be credited against each insurer's annual  
10 assessment.

11           **SECTION 4874.** 619.15 (4) (d) of the statutes is repealed.

12           **SECTION 4875.** 619.15 (4) (e) of the statutes is repealed.

13           **SECTION 4876.** 619.15 (5) of the statutes is renumbered 149.15 (5) and amended  
14 to read:

15           149.15 (5) The ~~commissioner~~ department may, by rule, establish additional  
16 powers and duties of the board.

17           **SECTION 4877.** 619.15 (6) of the statutes is renumbered 149.15 (6) and amended  
18 to read:

19           149.15 (6) If any provision of this ~~subchapter~~ chapter conflicts with s. 625.11  
20 or 625.12, this ~~subchapter~~ chapter prevails.

21           **SECTION 4878.** 619.15 (7) of the statutes is renumbered 149.15 (7).

22           **SECTION 4879.** 619.16 (title) of the statutes is repealed.

23           **SECTION 4880.** 619.16 (1) of the statutes is repealed.

24           **SECTION 4881.** 619.16 (2) of the statutes is repealed.

**SENATE BILL 77****SECTION 4882**

1           **SECTION 4882.** 619.16 (3) (a) of the statutes is renumbered 149.16 (3) (a) and  
2 amended to read:

3           149.16 (3) (a) The ~~administering carrier~~ plan administrator shall perform all  
4 eligibility and administrative claims payment functions relating to the plan.

5           **SECTION 4883.** 619.16 (3) (b) of the statutes is renumbered 149.16 (3) (b) and  
6 amended to read:

7           149.16 (3) (b) The ~~administering carrier~~ plan administrator shall establish a  
8 premium billing procedure for collection of premiums from insured persons. Billings  
9 shall be made on a periodic basis as determined by the ~~board~~ department.

10          **SECTION 4884.** 619.16 (3) (c) of the statutes is repealed.

11          **SECTION 4885.** 619.16 (3) (d) of the statutes is repealed.

12          **SECTION 4886.** 619.16 (3) (e) of the statutes is renumbered 149.16 (3) (e) and  
13 amended to read:

14          149.16 (3) (e) The ~~administering carrier~~ plan administrator, under the  
15 direction of the department, shall pay claims expenses from the premium payments  
16 received from or on behalf of covered persons under the plan. If the ~~administering~~  
17 ~~carrier's plan administrator's~~ payments for claims expenses exceed the ~~portion of~~  
18 ~~premiums allocated by the board for payment of claims expenses~~ premium  
19 payments, the board shall forward to the department, and the department shall  
20 provide to the ~~carrier~~ plan administrator, additional funds for payment of claims  
21 expenses.

22          **SECTION 4887.** 619.16 (3) (em) of the statutes is repealed.

23          **SECTION 4888.** 619.16 (3) (f) of the statutes is repealed.

24          **SECTION 4889.** 619.165 (title) of the statutes is renumbered 149.165 (title).

**SENATE BILL 77****SECTION 4890**

1           **SECTION 4890.** 619.165 (1) (a) of the statutes is renumbered 149.165 (1) and  
2 amended to read:

3           149.165 (1) The ~~board~~ department shall reduce the premiums established by  
4 the ~~commissioner~~ under s. ~~619.11~~ 149.11 in conformity with ss. ~~619.14~~ 149.14 (5) and  
5 ~~619.17~~ 149.17, for the eligible persons and in the manner set forth in ~~pars. (b) to (d)~~  
6 subs. (2) and (3).

7           **SECTION 4891.** 619.165 (1) (b) of the statutes is renumbered 149.165 (2), and  
8 149.165 (2) (intro.), as renumbered, is amended to read:

9           149.165 (2) (intro.) If the household income, as defined in s. 71.52 (5) and as  
10 determined under ~~par. (d)~~ sub. (3), of an eligible person is equal to or greater than  
11 the first amount and less than the 2nd amount listed in any of the following, the  
12 ~~board~~ department shall reduce the premium for the eligible person, ~~as established~~  
13 ~~by the commissioner~~, to the rate shown after the amounts:

14           **SECTION 4892.** 619.165 (1) (d) of the statutes is renumbered 149.165 (3) and  
15 amended to read:

16           149.165 (3) The ~~board~~ department shall establish and implement the method  
17 for determining the household income of an eligible person under ~~par. (b)~~ sub. (2).

18           **SECTION 4893.** 619.165 (2) of the statutes is repealed.

19           **SECTION 4894.** 619.165 (3) of the statutes is renumbered 149.165 (4) and  
20 amended to read:

21           149.165 (4) The ~~commissioner~~ shall forward to the board moneys received  
22 under s. ~~20.145 (7) (a) and (g)~~ in an amount sufficient to department shall reimburse  
23 the plan for premium reductions under sub. (1) (2) and deductible reductions under  
24 s. ~~619.14~~ 149.14 (5) (a) with moneys from the appropriations under s. 20.435 (5) (ah),  
25 (g) and (hp).

**SENATE BILL 77****SECTION 4895**

1           **SECTION 4895.** 619.167 of the statutes is repealed.

2           **SECTION 4896.** 619.17 (intro.) of the statutes is renumbered 149.17 (intro.).

3           **SECTION 4897.** 619.17 (1) of the statutes is renumbered 149.17 (1) and amended  
4 to read:

5           149.17 (1) Subject to s. ~~619.14~~ 149.14 (5) (a), a rating plan calculated in  
6 accordance with generally accepted actuarial principles.

7           **SECTION 4898.** 619.17 (2) of the statutes is renumbered 149.17 (2) and amended  
8 to read:

9           149.17 (2) A schedule of premiums, deductibles and coinsurance payments  
10 which complies with all requirements of this ~~subchapter~~ chapter.

11           **SECTION 4899.** 619.17 (3) of the statutes is renumbered 149.17 (3).

12           **SECTION 4900.** 619.17 (4) (a) of the statutes is renumbered 149.17 (4) and  
13 amended to read:

14           149.17 (4) Cost containment provisions established by the ~~commissioner~~  
15 department by rule, including managed care requirements.

16           **SECTION 4901.** 619.175 of the statutes is renumbered 149.175 and amended to  
17 read:

18           **149.175 Waiver or exemption from provisions prohibited.** Except as  
19 provided in s. ~~619.13~~ ss. 149.13 (1) (a) and 149.168 (4), the ~~commissioner~~ department  
20 may not waive, or authorize the board to waive, any of the requirements of this  
21 ~~subchapter~~ chapter or exempt, or authorize the board to exempt, an individual or a  
22 class of individuals from any of the requirements of this ~~subchapter~~ chapter.

23           **SECTION 4902.** 619.18 of the statutes is renumbered 149.18 and amended to  
24 read:

**SENATE BILL 77****SECTION 4902**

1           **149.18 Chapters 600 to 645 applicable.** Except as otherwise provided in this  
2 subchapter ~~chapter~~, the plan shall comply and be administered in compliance with  
3 chs. 600 to 645.

4           **SECTION 4903.** 626.31 (3) (a) 4. of the statutes is amended to read:

5           626.31 (3) (a) 4. Any municipality local governmental unit, as defined under  
6 in s. 345.05 (1) (~~e~~) (bg), or any state department or agency.

7           **SECTION 4904.** 626.31 (4) (a) 5. of the statutes is amended to read:

8           626.31 (4) (a) 5. Any insurer, municipality local governmental unit, as defined  
9 under in s. 345.05 (1) (~~e~~) (bg), any state department or agency or employer aggrieved  
10 by the application of the bureau's rating system to that person or agency.

11           **SECTION 4905.** 628.04 (1) (intro.) of the statutes is amended to read:

12           628.04 (1) CONDITIONS AND QUALIFICATIONS. (intro.) The Except as provided in  
13 s. 628.095 or 628.097, the commissioner shall issue a license to act as an agent to any  
14 applicant who:

15           **SECTION 4906.** 628.04 (2) of the statutes is amended to read:

16           628.04 (2) SURPLUS LINES AGENTS OR BROKERS. The Except as provided in s.  
17 628.095 or 628.097, the commissioner may issue a license as an agent or broker  
18 authorized to place business under s. 618.41 if the applicant shows to the satisfaction  
19 of the commissioner that in addition to the qualifications necessary to obtain a  
20 general license under sub. (1), the applicant has the competence to deal with the  
21 problems of surplus lines insurance. The commissioner may by rule require an agent  
22 or broker authorized to place business under s. 618.41 to supply a bond not larger  
23 than \$100,000, conditioned upon proper performance of obligations as a surplus lines  
24 agent or broker.

25           **SECTION 4907.** 628.09 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 4907**

1           628.09 (1) ISSUANCE OF LICENSE. The Except as provided in s. 628.095 or  
2 628.097, the commissioner may issue a temporary license as an intermediary for a  
3 period of not more than 3 months to the personal representative of a deceased or  
4 mentally disabled intermediary, or to a person designated by an intermediary who  
5 is otherwise disabled or has entered active duty in the U.S. armed forces, in order to  
6 give time for more favorable sale of the goodwill of a business owned by the  
7 intermediary, for the recovery or return of the intermediary, or for the orderly  
8 training and licensing of new personnel for the intermediary's business. This  
9 subsection does not apply to life insurance agents.

10           **SECTION 4908.** 628.09 (4) of the statutes is amended to read:

11           628.09 (4) DURATION OF LICENSE. The commissioner may by order revoke a  
12 temporary license if the interests of insureds or the public are endangered. A Except  
13 as provided in s. 628.097, a temporary license may be extended beyond the initial  
14 period specified under sub. (1), for additional periods of not more than 3 months each,  
15 with the total period not to exceed 12 months in the aggregate. A temporary license  
16 may not continue after the owner or the personal representative disposes of the  
17 business.

18           **SECTION 4909.** 628.095 of the statutes is created to read:

19           **628.095 Social security numbers on license applications. (1) REQUIRED**  
20 **ON APPLICATIONS.** An application for a license issued under this subchapter shall  
21 contain the social security number of the applicant if the applicant is a natural  
22 person.

23           **(2) REFUSAL TO ISSUE LICENSE.** The commissioner may not issue a license,  
24 including a temporary license, under this subchapter unless the applicant, if a  
25 natural person, provides his or her social security number.

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1           **(3) LIMITED DISCLOSURE.** The commissioner may disclose a social security  
2 number obtained under sub. (1) only to the department of industry, labor and job  
3 development in the administration of s. 49.22, as provided in a memorandum of  
4 understanding entered into under s. 49.857.

5           **SECTION 4910.** 628.097 of the statutes is created to read:

6           **628.097 Refusal to issue for failure to pay support. (1) LICENSES.** The  
7 commissioner shall refuse to issue to a natural person a license, including a  
8 temporary license, under this subchapter if the natural person is delinquent in  
9 court-ordered payments of child or family support, maintenance, birth expenses,  
10 medical expenses or other expenses related to the support of a child or former spouse,  
11 as provided in a memorandum of understanding entered into under s. 49.857.

12           **(2) EXTENSION OF TEMPORARY LICENSE.** The commissioner shall refuse to extend  
13 a temporary license of a natural person under s. 628.09 (4) if the natural person is  
14 delinquent in court-ordered payments of child or family support, maintenance, birth  
15 expenses, medical expenses or other expenses related to the support of a child or  
16 former spouse, as provided in a memorandum of understanding entered into under  
17 s. 49.857.

18           **SECTION 4911.** 628.10 (2) (c) of the statutes is created to read:

19           628.10 **(2) (c) *For failure to pay support.*** The commissioner shall suspend or  
20 limit the license of an intermediary who is a natural person, or a temporary license  
21 of a natural person under s. 628.09, if the natural person is delinquent in  
22 court-ordered payments of child or family support, maintenance, birth expenses,  
23 medical expenses or other expenses related to the support of a child or former spouse,  
24 as provided in a memorandum of understanding entered into under s. 49.857.

25           **SECTION 4912.** 631.36 (7) (a) 2. of the statutes is amended to read:



**SENATE BILL 77****SECTION 4912**

1           631.36 (7) (a) 2. Unless the notice contains adequate instructions to the  
2           policyholder for applying for insurance through a risk-sharing plan under subch. I  
3           of ch. 619, if a risk-sharing plan exists under subch. I of ch. 619 for the kind of  
4           coverage being canceled or nonrenewed, except as provided in par. (b).

5           **SECTION 4913.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

6           632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical  
7           settlement provider license on a form prescribed by the commissioner for that  
8           purpose. The application form shall require the applicant, if a natural person, to  
9           provide his or her social security number. The fee specified in s. 601.31 (1) (mm) shall  
10          accompany the application. After any investigation of the applicant that the  
11          commissioner determines is sufficient, the commissioner shall issue a viatical  
12          settlement provider license to an applicant that satisfies all of the following:

13          **SECTION 4914.** 632.68 (2) (b) 2. of the statutes is amended to read:

14          632.68 (2) (b) 2. Provides complete information on the application, including  
15          his or her social security number if the applicant is a natural person.

16          **SECTION 4915.** 632.68 (2) (bc) of the statutes is created to read:

17          632.68 (2) (bc) The commissioner may disclose a social security number  
18          obtained under par. (b) only to the department of industry, labor and job development  
19          in the administration of s. 49.22, as provided in a memorandum of understanding  
20          entered into under s. 49.857.

21          **SECTION 4916.** 632.68 (2) (bm) of the statutes is created to read:

22          632.68 (2) (bm) Notwithstanding par. (b), the commissioner may not issue a  
23          license under this subsection to a natural person who is delinquent in court-ordered  
24          payments of child or family support, maintenance, birth expenses, medical expenses

**SENATE BILL 77****SECTION 4916**

1 or other expenses related to the support of a child or former spouse, as provided in  
2 a memorandum of understanding entered into under s. 49.857.

3 **SECTION 4917.** 632.68 (2) (e) of the statutes is amended to read:

4 632.68 (2) (e) Except as provided in sub. (3), a license issued under this  
5 subsection shall be renewed annually on the anniversary date upon payment of the  
6 fee specified in s. 601.31 (1) (mp) and, if the license holder is a natural person, upon  
7 providing his or her social security number if not previously provided on the  
8 application for the license or at a previous renewal of the license.

9 **SECTION 4918.** 632.68 (3) (title) of the statutes is amended to read:

10 632.68 (3) (title) VIATICAL SETTLEMENT PROVIDER LICENSE; REVOCATION,  
11 SUSPENSION, LIMITATION OR REFUSAL TO RENEW.

12 **SECTION 4919.** 632.68 (3) of the statutes is renumbered 632.68 (3) (a), and  
13 632.68 (3) (a) (intro.), as renumbered, is amended to read:

14 632.68 (3) (a) (intro.) The Except as provided in par. (b), the commissioner may  
15 revoke, suspend or refuse to renew a viatical settlement provider license if, after a  
16 hearing, the commissioner finds any of the following:

17 **SECTION 4920.** 632.68 (3) (b) of the statutes is created to read:

18 632.68 (3) (b) The commissioner shall suspend, limit or refuse to renew a  
19 viatical settlement provider license issued to a natural person if the natural person  
20 is delinquent in court-ordered payments of child or family support, maintenance,  
21 birth expenses, medical expenses or other expenses related to the support of a child  
22 or former spouse, as provided in a memorandum of understanding entered into under  
23 s. 49.857.

24 **SECTION 4921.** 632.68 (4) (b) of the statutes is amended to read:

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1           632.68 (4) (b) A person may apply to the commissioner for a viatical settlement  
2 broker license on a form prescribed by the commissioner for that purpose. The  
3 application form shall require the applicant, if a natural person, to provide his or her  
4 social security number. The fee specified in s. 601.31 (1) (mr) shall accompany the  
5 application. The commissioner may not issue a license under this subsection unless  
6 the applicant, if a natural person, provides his or her social security number.

7           **SECTION 4922.** 632.68 (4) (bc) of the statutes is created to read:

8           632.68 (4) (bc) The commissioner may disclose a social security number  
9 obtained under par. (b) only to the department of industry, labor and job development  
10 in the administration of s. 49.22, as provided in a memorandum of understanding  
11 entered into under s. 49.857.

12           **SECTION 4923.** 632.68 (4) (bm) of the statutes is created to read:

13           632.68 (4) (bm) The commissioner may not issue a license under this subsection  
14 to a natural person who is delinquent in court-ordered payments of child or family  
15 support, maintenance, birth expenses, medical expenses or other expenses related  
16 to the support of a child or former spouse, as provided in a memorandum of  
17 understanding entered into under s. 49.857.

18           **SECTION 4924.** 632.68 (4) (c) of the statutes is amended to read:

19           632.68 (4) (c) Except as provided in sub. (5), a license issued under this  
20 subsection shall be renewed annually on the anniversary date upon payment of the  
21 fee specified in s. 601.31 (1) (ms) and, if the license holder is a natural person, upon  
22 providing his or her social security number if not previously provided on the  
23 application for the license or at a previous renewal of the license.

24           **SECTION 4925.** 632.68 (5) (title) of the statutes is amended to read:

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1           632.68 (5) (title) VIATICAL SETTLEMENT BROKER LICENSE; REVOCATION, SUSPENSION,  
2           LIMITATION OR REFUSAL TO RENEW.

3           **SECTION 4926.** 632.68 (5) of the statutes is renumbered 632.68 (5) (a), and  
4           632.68 (5) (a) (intro.), as renumbered, is amended to read:

5           632.68 (5) (a) (intro.) The Except as provided in par. (b), the commissioner may  
6           revoke, suspend or refuse to renew a viatical settlement broker license if, after a  
7           hearing, the commissioner finds any of the following:

8           **SECTION 4927.** 632.68 (5) (b) of the statutes is created to read:

9           632.68 (5) (b) The commissioner shall suspend, limit or refuse to renew a  
10          viatical settlement broker license issued to a natural person if the natural person is  
11          delinquent in court-ordered payments of child or family support, maintenance, birth  
12          expenses, medical expenses or other expenses related to the support of a child or  
13          former spouse, as provided in a memorandum of understanding entered into under  
14          s. 49.857.

15          **SECTION 4928.** 632.68 (8) of the statutes is amended to read:

16          632.68 (8) **RECORD KEEPING.** Every licensee under this section shall maintain  
17          and make available for inspection by the commissioner records of all viatical  
18          settlement transactions. Names and other individual identifying information  
19          related to policyholders or certificate holders shall be considered confidential and  
20          may not be disclosed by the commissioner, except that the commissioner shall  
21          disclose information requested under s. 49.22 (2m) to the person making the request.

22          **SECTION 4929.** 632.745 (1) (d) of the statutes, as created by 1995 Wisconsin Act  
23          289, is amended to read:

24          632.745 (1) (d) "Health benefit plan" means any hospital or medical policy or  
25          certificate. "Health benefit plan" does not include accident-only, credit accident or

**SENATE BILL 77****SECTION 4929**

1 health, dental, vision, medicare supplement, medicare replacement, long-term care,  
2 disability income or short-term insurance, coverage issued as a supplement to  
3 liability insurance, worker's compensation or similar insurance, automobile medical  
4 payment insurance, individual conversion policies, specified disease policies,  
5 hospital indemnity policies, as defined in s. 632.895 (1) (c), policies or certificates  
6 issued under the health insurance risk-sharing plan ~~or an alternative plan~~ under  
7 ~~subch. II of ch. 619 149~~ or other insurance exempted by rule of the commissioner.

8 **SECTION 4930.** 632.785 (1) (intro.) of the statutes is amended to read:

9 632.785 (1) (intro.) If an insurer issues one or more of the following or takes any  
10 other action based wholly or partially on medical underwriting considerations which  
11 is likely to render any person eligible under s. ~~619.12~~ 149.12 for coverage under  
12 ~~subch. II of ch. 619 149~~, the insurer shall notify all persons affected of the existence  
13 of the mandatory health insurance risk-sharing plan under ~~subch. II of ch. 619 149~~,  
14 as well as the eligibility requirements and method of applying for coverage under the  
15 plan:

16 **SECTION 4931.** 632.897 (10) (a) 3. of the statutes is amended to read:

17 632.897 (10) (a) 3. The fact that the group member or insured does not claim  
18 the child as an exemption for federal income tax purposes under 26 USC 151 (c) (1)  
19 (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under  
20 the laws of another state, if a court order under s. 767.25 (4m) ~~or~~, 767.51 (3m) or  
21 767.62 (4) (b) or the laws of another state assigns responsibility for the child's health  
22 care expenses to the group member or insured.

23 **SECTION 4932.** 632.897 (10) (am) 2. of the statutes is amended to read:

24 632.897 (10) (am) 2. Provide family coverage under the group policy or  
25 individual policy for the individual's child, if eligible for coverage, upon application

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1 by the individual, the child's other parent, the department of health and family  
2 services industry, labor and job development or the county designee child support  
3 agency under s. 59.53 (5).

4 **SECTION 4933.** 633.14 (1) (d) of the statutes is created to read:

5 633.14 (1) (d) Provides his or her social security number.

6 **SECTION 4934.** 633.14 (2c) of the statutes is created to read:

7 633.14 (2c) The commissioner may disclose a social security number obtained  
8 under sub. (1) (d) only to the department of industry, labor and job development in  
9 the administration of s. 49.22, as provided in a memorandum of understanding  
10 entered into under s. 49.857.

11 **SECTION 4935.** 633.14 (2m) of the statutes is created to read:

12 633.14 (2m) Notwithstanding sub. (1), the commissioner may not issue a  
13 license under this section if the individual applying for the license is delinquent in  
14 court-ordered payments of child or family support, maintenance, birth expenses,  
15 medical expenses or other expenses related to the support of a child or former spouse,  
16 as provided in a memorandum of understanding entered into under s. 49.857.

17 **SECTION 4936.** 633.15 (1m) of the statutes is created to read:

18 633.15 (1m) SOCIAL SECURITY NUMBERS. At an annual renewal, an administrator  
19 who is a natural person shall provide his or her social security number if the social  
20 security number was not previously provided on the application for the license or at  
21 a previous renewal of the license.

22 **SECTION 4937.** 633.15 (2) (a) (title) of the statutes is amended to read:

23 633.15 (2) (a) (title) *Nonpayment of annual renewal fee or failure to provide*  
24 *social security number.*

25 **SECTION 4938.** 633.15 (2) (a) 1. of the statutes is amended to read:

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1           633.15 (2) (a) 1. If an administrator fails to pay the annual renewal fee as  
2           provided under sub. (1) or fails to provide a social security number as required under  
3           sub. (1m), the commissioner shall suspend the administrator's license effective the  
4           day following the last day when the annual renewal fee may be paid, if the  
5           commissioner has given the administrator reasonable notice of when the fee must be  
6           paid to avoid suspension.

7           **SECTION 4939.** 633.15 (2) (a) 2. of the statutes is amended to read:

8           633.15 (2) (a) 2. If an administrator pays the annual renewal fee or provides  
9           the social security number within 60 days from the effective date of suspension under  
10          subd. 1., the commissioner shall reinstate the administrator's license effective as of  
11          the date of suspension.

12          **SECTION 4940.** 633.15 (2) (a) 3. of the statutes is amended to read:

13          633.15 (2) (a) 3. If payment is not made or the social security number is not  
14          provided within 60 days from the effective date of suspension under subd. 1., the  
15          commissioner shall revoke the administrator's license.

16          **SECTION 4941.** 633.15 (2) (b) 1. (intro.) of the statutes is amended to read:

17          633.15 (2) (b) 1. (intro.) The Except as provided in par. (c), the commissioner  
18          may revoke, suspend or limit the license of an administrator after a hearing if the  
19          commissioner makes any of the following findings:

20          **SECTION 4942.** 633.15 (2) (c) of the statutes is created to read:

21          633.15 (2) (c) *Failure to pay support.* The commissioner shall suspend, limit  
22          or refuse to renew a license issued under this section to an individual if the individual  
23          is delinquent in court-ordered payments of child or family support, maintenance,  
24          birth expenses, medical expenses or other expenses related to the support of a child

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1 or former spouse, as provided in a memorandum of understanding entered into under  
2 s. 49.857.

3 **SECTION 4943.** 635.254 (3) of the statutes is amended to read:

4 635.254 (3) For an eligible employe who obtains coverage under the health  
5 insurance risk-sharing plan under s. ~~619.12~~ 149.12 (2) (e) 2., an employer under sub.  
6 (1) shall pay a premium contribution to the health insurance risk-sharing plan that  
7 is equal to the amount that the employer would pay on behalf of the employe for  
8 coverage under the plan under this subchapter.

9 **SECTION 4944.** 701.06 (5) (intro.) of the statutes is amended to read:

10 701.06 (5) CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding any provision  
11 in the creating instrument or subs. (1) and (2), if the settlor is legally obligated to pay  
12 for the public support of a beneficiary under s. 46.10 or 301.12 or the beneficiary is  
13 legally obligated to pay for the beneficiary's public support or that furnished the  
14 beneficiary's spouse or minor child under s. 46.10 or 301.12, upon application by the  
15 appropriate state department or county official, the court may:

16 **SECTION 4945.** 703.16 (6) (e) of the statutes is amended to read:

17 703.16 (6) (e) A lien under s. 292.31 (8) (i), ~~292.41 (6) (d)~~ or 292.81.

18 **SECTION 4946.** 706.11 (1) (intro.) of the statutes is amended to read:

19 706.11 (1) (intro.) Except as provided in sub. (4), when any of the following  
20 mortgages has been duly recorded, it shall have priority over all liens upon the  
21 mortgaged premises and the buildings and improvements thereon, except tax and  
22 special assessment liens filed after the recording of such mortgage and except liens  
23 under s. ss. 292.31 (8) (i), ~~292.41 (6) (d)~~ and 292.81:

24 **SECTION 4947.** 707.37 (4) (d) of the statutes is amended to read:

25 707.37 (4) (d) A lien under s. 292.31 (8) (i), ~~144.77 292.41 (6) (d)~~ or 292.81.



**SENATE BILL 77****SECTION 4948**

1           **SECTION 4948.** 751.15 of the statutes is created to read:

2           **751.15 Rules regarding the practice of law.** (1) The supreme court is  
3 requested to enter into a memorandum of understanding with the department of  
4 industry, labor and job development under s. 49.857 and with the department of  
5 revenue under s. 73.0301.

6           (2) The supreme court is requested to promulgate rules that require each  
7 person, as a condition of membership in the state bar, to provide the board of bar  
8 examiners with his or her social security number and that prohibit the disclosure of  
9 that number to any person except to the department of industry, labor and job  
10 development, for the purpose of administering s. 49.22, and to the department of  
11 revenue, for the purpose of making certifications under s. 73.0301.

12           (3) (a) The supreme court is requested to promulgate rules that deny, suspend  
13 or revoke a license to practice law if the department of industry, labor and job  
14 development certifies that the applicant or licensee has failed to pay court-ordered  
15 payments of child or family support, maintenance, birth expenses, medical expenses  
16 or other expenses related to the support of a child or former spouse.

17           (b) The supreme court is requested to promulgate rules that deny, suspend or  
18 revoke a license to practice law if the department of revenue certifies that the  
19 applicant or licensee is liable for delinquent taxes under s. 73.0301.

20           (c) The supreme court is requested to promulgate rules that deny, suspend or  
21 revoke a license to practice law if the applicant or licensee fails to provide the  
22 information required under rules promulgated under sub. (2).

23           **SECTION 4949.** 757.69 (1) (n) of the statutes is created to read:

24           757.69 (1) (n) Hold hearings, make findings and issue orders under s. 49.856  
25 (4).

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1           **SECTION 4950.** 758.19 (2) (a) of the statutes is renumbered 758.19 (2).

2           **SECTION 4951.** 758.19 (2) (b) of the statutes is repealed.

3           **SECTION 4952.** 758.19 (3) of the statutes is repealed.

4           **SECTION 4953.** 765.09 (2) of the statutes is amended to read:

5           765.09 (2) No marriage license may be issued unless the application for it is  
6 subscribed by the parties intending to intermarry, contains the social security  
7 number of each party who has a social security number and is filed with the clerk who  
8 issues the marriage license.

9           **SECTION 4954.** 765.09 (3) of the statutes is amended to read:

10           765.09 (3) Each party shall present satisfactory, documentary proof of  
11 identification and residence and shall swear (or affirm) to the application before the  
12 clerk who is to issue the marriage license or the person authorized to accept such  
13 applications in the county and state where the party resides. The application shall  
14 contain ~~such~~ the social security number of each party, as well as any other  
15 informational items as that the department of health and family services directs.  
16 The portion of the marriage application form that is collected for statistical purposes  
17 only shall indicate that the address of the marriage license applicant may be  
18 provided by a county clerk to a law enforcement officer under the conditions specified  
19 under s. 765.20 (2). Each applicant under 30 years of age shall exhibit to the clerk  
20 a certified copy of a birth certificate, and any applicants shall submit a copy of any  
21 judgments or a death certificate affecting the marital status. If such certificate or  
22 judgment is unobtainable, other satisfactory documentary proof of the requisite facts  
23 therein may be presented in lieu thereof. Whenever the clerk is not satisfied with  
24 the documentary proof presented, he or she shall submit the same, for an opinion as

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1 to the sufficiency of the proof, to a judge of a court of record in the county of  
2 application.

3 **SECTION 4955.** 765.13 of the statutes is amended to read:

4 **765.13 Form of marriage document.** The marriage document shall contain  
5 ~~such~~ the social security number of each party, as well as any other informational  
6 items as that the department of health and family services determines are necessary  
7 and shall agree in the main with the standard form recommended by the federal  
8 agency responsible for national vital statistics. It shall contain a notification of the  
9 time limits of the authorization to marry, a notation that the issue of the marriage  
10 license shall not be deemed to remove or dispense with any legal disability,  
11 impediment or prohibition rendering marriage between the parties illegal, and the  
12 signature of the county clerk, who shall acquire the information for the marriage  
13 document and enter it in its proper place when the marriage license is issued.

14 **SECTION 4956.** 765.20 (2) of the statutes is amended to read:

15 765.20 (2) A county clerk may provide the name of a marriage license applicant  
16 and, from the portion of the marriage application form that is collected for statistical  
17 purposes, as specified under sub. (1), may provide the address of the marriage license  
18 applicant to a law enforcement officer, as defined in s. 51.01 (11). A county clerk shall  
19 provide the name and, if it is available, the address, to a law enforcement officer who  
20 requests, in writing, the name and address for the performance of an investigation  
21 or the service of a warrant. A county clerk shall provide information requested under  
22 s. 49.22 (2m). If a county clerk has not destroyed the portion of the marriage license  
23 application form that is collected for statistical purposes, he or she shall keep the  
24 information on the portion confidential, except as authorized under this subsection.  
25 If a written request is made by a law enforcement officer under this subsection, the

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1 county clerk shall keep the request with the marriage license application form. If the  
2 county clerk destroys the marriage license application form, he or she shall also  
3 destroy the written request.

4 **SECTION 4957.** 767.001 (2) (b) of the statutes is amended to read:

5 767.001 (2) (b) With respect to the department of health and family services  
6 or a county agency specified in s. 48.56 (1) or a licensed child welfare agency granted  
7 legal custody of a child, the rights and responsibilities specified under s. 48.02 (12).

8 **SECTION 4958.** 767.001 (7) of the statutes is repealed.

9 **SECTION 4959.** 767.02 (1) (m) of the statutes is amended to read:

10 767.02 (1) (m) To enforce or revise an order for support entered under s. 48.355  
11 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or  
12 938.363 (2).

13 **SECTION 4960.** 767.025 (3) of the statutes is repealed.

14 **SECTION 4961.** 767.025 (4) of the statutes is amended to read:

15 767.025 (4) If a petition, motion or order to show cause for enforcement or  
16 modification of a child support, family support or maintenance order is filed and  
17 heard, regardless of whether it is filed and heard in a county other than the county  
18 in which the original judgment or order was rendered, any judgment or order  
19 enforcing or modifying the original judgment or order shall specify ~~the clerk of circuit~~  
20 ~~court or support collection designee to whom~~ that payments of support or  
21 maintenance are payable ~~and the clerk of circuit court or support collection designee~~  
22 ~~to whom,~~ and payments of arrearages in support or maintenance, if any, are payable  
23 to the department or its designee, whichever is appropriate.

24 **SECTION 4962.** 767.045 (1) (c) (intro.) of the statutes is amended to read:

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1           767.045 (1) (c) (intro.) The attorney responsible for support enforcement under  
2 s. 59.53 (6) (a) may request that the court or family court commissioner appoint a  
3 guardian ad litem to bring an action or motion on behalf of a minor who is a  
4 nonmarital child whose paternity has not been adjudicated or acknowledged for the  
5 purpose of determining the paternity of the child, and the court or family court  
6 commissioner shall appoint a guardian ad litem, if any of the following applies:

7           **SECTION 4963.** 767.077 (intro.) of the statutes is amended to read:

8           **767.077 Support for dependent child.** (intro.) The state or its delegate  
9 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.02  
10 (1) (f) or, if appropriate, for paternity determination and child support under s.  
11 767.45 whenever the child's right to support is assigned to the state under s. 46.261,  
12 48.57 (3m) (b) 2., 49.145 (2) (s) or 49.19 (4) (h) 1. b. if all of the following apply:

13           **SECTION 4964.** 767.078 (1) (a) 1. of the statutes is amended to read:

14           767.078 (1) (a) 1. Is an action for modification of a child support order under  
15 s. 767.32 or an action in which an order for child support is required under s. 767.25  
16 (1) ~~or~~, 767.51 (3) or 767.62 (4) (a).

17           **SECTION 4965.** 767.078 (2) of the statutes is amended to read:

18           767.078 (2) Subsection (1) does not limit the authority of a court to issue an  
19 order, other than an order under sub. (1), regarding employment of a parent in an  
20 action for modification of a child support order under s. 767.32 or an action in which  
21 an order for child support is required under s. 767.25 (1) ~~or~~, 767.51 (3) or 767.62 (4)  
22 (a).

23           **SECTION 4966.** 767.08 (3) of the statutes is amended to read:

24           767.08 (3) If the state or any subdivision thereof furnishes public aid to a  
25 spouse or dependent child for support and maintenance and the spouse, person with

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1 legal custody or nonlegally responsible relative fails or refuses to institute an  
2 appropriate court action under this chapter to provide for the same, the person in  
3 charge of county welfare activities, the county child support ~~program designee~~  
4 agency under s. 59.53 (5) or the department is a real party in interest under s.  
5 767.075 and shall initiate an action under this section, for the purpose of obtaining  
6 support and maintenance. Any attorney employed by the state or any subdivision  
7 thereof may initiate an action under this section. The title of the action shall be "In  
8 re the support or maintenance of A.B. (Child)".

9 **SECTION 4967.** 767.085 (1) (b) of the statutes is amended to read:

10 767.085 (1) (b) The name ~~and~~, birthdate and social security number of each  
11 minor child of the parties and each other child born to the wife during the marriage,  
12 and whether the wife is pregnant.

13 **SECTION 4968.** 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 benefits under ss. 49.141 to 49.161 or aid under s. 46.261, 49.19 or 49.45, each party  
16 shall, either within 20 days after making service on the opposite party of any motion  
17 or pleading requesting the court or family court commissioner to order, or to modify  
18 a previous order, relating to child support, maintenance or family support, or before  
19 filing the motion or pleading in court, serve a copy of the motion or pleading upon the  
20 county child support ~~program designee~~ agency under s. 59.53 (5) of the county in  
21 which the action is begun.

22 **SECTION 4969.** 767.25 (1g) of the statutes is amended to read:

23 767.25 (1g) In determining child support payments, the court may consider all  
24 relevant financial information or other information relevant to the parent's earning

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1 capacity, including information reported under s. 49.22 (2m) to the department, or  
2 the county child and spousal support agency, under s. ~~49.22 (2m)~~ 59.53 (5).

3 **SECTION 4970.** 767.25 (4) of the statutes is amended to read:

4 767.25 (4) The court shall order either party or both to pay for the support of  
5 any child of the parties who is less than 18 years old, or any child of the parties who  
6 is less than 19 years old ~~and if the child~~ is pursuing an accredited course of  
7 instruction leading to the acquisition of a high school diploma or its equivalent.

8 **SECTION 4971.** 767.25 (4m) (c) 1. of the statutes is amended to read:

9 767.25 (4m) (c) 1. In directing the manner of payment of a child's health care  
10 expenses, the court may order that payment, including payment for health insurance  
11 premiums, be withheld from income and sent to the appropriate health care insurer,  
12 provider or plan, as provided in s. 767.265 (3h), or sent to the ~~clerk of court or support~~  
13 ~~collection~~ department or its designee, whichever is appropriate, for disbursement to  
14 the person for whom the payment has been awarded if that person is not a health care  
15 insurer, provider or plan. If the court orders income withholding and assignment for  
16 the payment of health care expenses, the court shall send notice of assignment in the  
17 manner provided under s. 767.265 (2r) and may include the notice of assignment  
18 under this subdivision with a notice of assignment under s. 767.265. ~~The clerk of~~  
19 ~~court~~ department or its designee, whichever is appropriate, shall keep a record of all  
20 moneys received and disbursed by the ~~clerk~~ department or its designee for health  
21 care expenses that are directed to be paid to the ~~clerk and the support collection~~  
22 ~~designee shall keep a record of all moneys received and disbursed by the support~~  
23 ~~collection designee for health care expenses that are directed to be paid to the support~~  
24 ~~collection~~ department or its designee.

25 **SECTION 4972.** 767.25 (4m) (d) 2. of the statutes is amended to read:

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1           767.25 (4m) (d) 2. Provide family coverage of health care expenses for the child,  
2 if eligible for coverage, upon application by the parent, the child's other parent, the  
3 department or the county designee child support agency under s. 59.53 (5).

4           **SECTION 4973.** 767.25 (4m) (d) 2. of the statutes, as affected by 1997 Wisconsin  
5 Act .... (this act), is amended to read:

6           767.25 (4m) (d) 2. Provide family coverage of health care expenses for the child,  
7 if eligible for coverage, upon application by the parent, the child's other parent, the  
8 department or the county child support agency under s. 59.53 (5), or upon receiving  
9 a notice under par. (f) 1.

10           **SECTION 4974.** 767.25 (4m) (d) 2m. of the statutes is created to read:

11           767.25 (4m) (d) 2m. Notify the county child support agency under s. 59.53 (5)  
12 when coverage of the child under the health benefit plan is in effect and, upon  
13 request, provide copies of necessary program or policy identification to the child's  
14 other parent.

15           **SECTION 4975.** 767.25 (4m) (f) of the statutes is created to read:

16           767.25 (4m) (f) 1. If a parent who has been ordered by a court to provide  
17 coverage of the health care expenses of a child changes employers, the county child  
18 support agency under s. 59.53 (5) shall provide notice of the order to the new  
19 employer and to the parent.

20           2. The notice provided to the parent shall inform the parent that coverage for  
21 the child under the new employer's health benefit plan will be in effect upon the  
22 employer's receipt of the notice. The notice shall inform the parent that he or she  
23 may, within 10 days after receiving the notice, by motion request a hearing before the  
24 court on the issue of whether the order to provide coverage of the child's health care  
25 expenses should remain in effect. A motion under this subdivision may be heard by



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1 a family court commissioner. If the parent requests a hearing and the court or family  
2 court commissioner determines that the order to provide coverage of the child's  
3 health care expenses should not remain in effect, the court shall provide notice to the  
4 employer that the order is no longer in effect.

5 **SECTION 4976.** 767.25 (6) (intro.) of the statutes is amended to read:

6 767.25 (6) (intro.) A party ordered to pay child support under this section shall  
7 pay simple interest at the rate of 1.5% per month on any amount unpaid,  
8 commencing the first day of the 2nd month after the month in which the amount was  
9 due. Interest under this subsection is in lieu of interest computed under s. 807.01  
10 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support collection~~  
11 department or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the  
12 ~~clerk of court or support collection~~ department or its designee, whichever is  
13 appropriate, shall apply all payments received for child support as follows:

14 **SECTION 4977.** 767.25 (6) (a) of the statutes is amended to read:

15 767.25 (6) (a) First, to payment of child support due within the calendar month  
16 during which the payment is withheld from income under s. 767.265 or under similar  
17 laws of another state. If payment is not made through income withholding, the ~~clerk~~  
18 ~~or support collection~~ department or its designee, whichever is appropriate, shall first  
19 apply child support payments received to payment of child support due within the  
20 calendar month during which the payment is received.

21 **SECTION 4978.** 767.253 of the statutes is amended to read:

22 **767.253 Seek-work orders.** In an action for modification of a child support  
23 order under s. 767.32 or an action in which an order for child support is required  
24 under s. 767.25 (1) ~~or~~, 767.51 (3) or 767.62 (4) (a), the court may order either or both

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1 parents of the child to seek employment or participate in an employment or training  
2 program.

3 **SECTION 4979.** 767.254 (2) (intro.) of the statutes is amended to read:

4 767.254 (2) (intro.) In an action for revision of a judgment or order providing  
5 for child support under s. 767.32 or an action in which an order for child support is  
6 required under s. 767.25 (1) ~~or~~, 767.51 (3) or 767.62 (4) (a), the court shall order an  
7 unemployed teenage parent to do one or more of the following:

8 **SECTION 4980.** 767.261 (intro.) of the statutes is amended to read:

9 **767.261 Family support.** (intro.) The court may make a financial order  
10 designated "family support" as a substitute for child support orders under s. 767.25  
11 and maintenance payment orders under s. 767.26. A party ordered to pay family  
12 support under this section shall pay simple interest at the rate of 1.5% per month on  
13 any amount unpaid, commencing the first day of the 2nd month after the month in  
14 which the amount was due. Interest under this section is in lieu of interest computed  
15 under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support~~  
16 ~~collection~~ department or its designee under s. 767.29. Except as provided in s. 767.29  
17 (1m), the ~~clerk of court or support collection~~ department or its designee, whichever  
18 is appropriate, shall apply all payments received for family support as follows:

19 **SECTION 4981.** 767.261 (1) of the statutes is amended to read:

20 767.261 (1) First, to payment of family support due within the calendar month  
21 during which the payment is withheld from income under s. 767.265 or under similar  
22 laws of another state. If payment is not made through income withholding, the ~~clerk~~  
23 ~~or support collection~~ department or its designee, whichever is appropriate, shall first  
24 apply family support payments received to payment of family support due within the  
25 calendar month during which the payment is received.

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1           **SECTION 4982.** 767.262 (4) (b) of the statutes is amended to read:

2           767.262 (4) (b) The court may order payment of costs under this section by a  
3       county the department or its designee, whichever is appropriate, in an action in  
4       which the court finds that the record of payments and arrearages kept by the clerk  
5       of court under s. 59.40 (2) (h) or the support collection department or its designee  
6       under s. 59.07 (97m) (b) 1. is substantially incorrect and that the clerk of court or  
7       support collection department or its designee has failed to correct the record within  
8       30 days after having received information that the court determines is sufficient for  
9       making the correction.

10           **SECTION 4983.** 767.263 (title) of the statutes is amended to read:

11           **767.263 (title) Notice of change of employer;, change of address; and**  
12       **change in ability to pay; other information.**

13           **SECTION 4984.** 767.263 of the statutes is renumbered 767.263 (1).

14           **SECTION 4985.** 767.263 (1) of the statutes, as affected by 1997 Wisconsin Act  
15       .... (this act), is amended to read:

16           767.263 (1) Each order for child support, family support or maintenance  
17       payments shall include an order that the payer and payee notify the clerk of court  
18       or support collection designee, whichever is appropriate, county child support agency  
19       under s. 59.53 (5) of any change of address within 10 days of such change. Each order  
20       for child support, family support or maintenance payments shall also include an  
21       order that the payer notify the clerk of court or support collection designee, county  
22       child support agency under s. 59.53 (5) within 10 days, of any change of employer and  
23       of any substantial change in the amount of his or her income such that his or her  
24       ability to pay child support, family support or maintenance is affected. The order  
25       shall also include a statement that clarifies that notification of any substantial

**SENATE BILL 77****SECTION 4985**

1 change in the amount of the payer's income will not result in a change of the order  
2 unless a revision of the order is sought.

3 **SECTION 4986.** 767.263 (2) of the statutes is created to read:

4 767.263 (2) When an order is entered under sub. (1), each party shall provide  
5 to the clerk of court or support collection designee his or her social security number,  
6 residential and mailing addresses, telephone number, operator's license number and  
7 the name, address and telephone number of his or her employer. A party shall advise  
8 the clerk of court or support collection designee of any change in the information  
9 provided under this subsection within 10 days after the change.

10 **SECTION 4987.** 767.263 (2) of the statutes, as created by 1997 Wisconsin Act ...  
11 (this act), is amended to read:

12 767.263 (2) When an order is entered under sub. (1), each party shall provide  
13 to the ~~clerk of court or support collection designee~~ county child support agency under  
14 s. 59.53 (5) his or her social security number, residential and mailing addresses,  
15 telephone number, operator's license number and the name, address and telephone  
16 number of his or her employer. A party shall advise the ~~clerk of court or support~~  
17 ~~collection designee~~ county child support agency under s. 59.53 (5) of any change in  
18 the information provided under this subsection within 10 days after the change.

19 **SECTION 4988.** 767.265 (1) of the statutes is amended to read:

20 767.265 (1) Each order for child support under this chapter, for maintenance  
21 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
22 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02  
23 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each order for a revision  
24 in a judgment or order with respect to child support, maintenance or family support  
25 payments under s. 767.32, each stipulation approved by the court or the family court

**SENATE BILL 77****SECTION 4988**

1 commissioner for child support under this chapter and each order for child or spousal  
2 support entered under s. 948.22 (7) constitutes an assignment of all commissions,  
3 earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery  
4 prizes that are payable in instalments and other money due or to be due in the future  
5 to the clerk of court or support collection designee of the county where the action is  
6 filed. The assignment shall be for an amount sufficient to ensure payment under the  
7 order or stipulation and to pay any arrearages due at a periodic rate not to exceed  
8 50% of the amount of support due under the order or stipulation so long as the  
9 addition of the amount toward arrearages does not leave the party at an income  
10 below the poverty line established under 42 USC 9902 (2).

11 **SECTION 4989.** 767.265 (1) of the statutes, as affected by 1997 Wisconsin Act  
12 .... (this act), is amended to read:

13 767.265 (1) Each order for child support under this chapter, for maintenance  
14 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
15 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02  
16 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each order for a revision  
17 in a judgment or order with respect to child support, maintenance or family support  
18 payments under s. 767.32, each stipulation approved by the court or the family court  
19 commissioner for child support under this chapter and each order for child or spousal  
20 support entered under s. 948.22 (7) constitutes an assignment of all commissions,  
21 earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery  
22 prizes that are payable in instalments and other money due or to be due in the future  
23 to the ~~clerk of court or support collection~~ department or its designee of the county  
24 ~~where the action is filed~~. The assignment shall be for an amount sufficient to ensure  
25 payment under the order or stipulation and to pay any arrearages due at a periodic

**SENATE BILL 77****SECTION 4989**

1 rate not to exceed 50% of the amount of support due under the order or stipulation  
2 so long as the addition of the amount toward arrearages does not leave the party at  
3 an income below the poverty line established under 42 USC 9902 (2).

4 **SECTION 4990.** 767.265 (2h) of the statutes is amended to read:

5 767.265 (2h) If a court-ordered assignment does not require immediately  
6 effective withholding and a payer fails to make a required maintenance, child  
7 support, spousal support or family support payment within 10 days after its due  
8 date, within 20 days after the payment's due date the court or family court  
9 commissioner shall cause the assignment to go into effect by providing notice of the  
10 assignment in the manner provided under sub. (2r) and shall send a notice by regular  
11 mail to the last-known address of the payer. The notice sent to the payer shall inform  
12 the payer that an assignment is in effect and that the payer may, within a 10-day  
13 period, by motion request a hearing on the issue of whether the assignment should  
14 remain in effect. The court or family court commissioner shall hold a hearing  
15 requested under this section subsection within 10 working days after the date of the  
16 request. If at the hearing the payer establishes that the assignment is not proper  
17 because of a mistake of fact, the court or family court commissioner may direct that  
18 the assignment be withdrawn. ~~If the payer does not request a hearing, the court or~~  
19 ~~family court commissioner shall send notice of the assignment to the person from~~  
20 ~~whom the payer receives or will receive money.~~ Either party may, within 15 working  
21 days after the date of the a decision by a family court commissioner under this section  
22 subsection, seek review of the decision by the court with jurisdiction over the action.

23 **SECTION 4991.** 767.265 (2r) of the statutes is amended to read:

24 767.265 (2r) Upon entry of each order for child support, maintenance, family  
25 support or support by a spouse and upon approval of each stipulation for child

**SENATE BILL 77****SECTION 4991**

1 support, unless the court finds that income withholding is likely to cause the payer  
2 irreparable harm or unless s. 767.267 applies, the court shall provide notice of the  
3 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (a),  
4 or other electronic means to the last-known address of the person from whom the  
5 payer receives or will receive money. The notice shall provide that the amount  
6 withheld may not exceed the maximum amount that is subject to garnishment under  
7 15 USC 1673 (b) (2). If the clerk of court or support collection designee, whichever  
8 is appropriate, does not receive the money from the person notified, the court shall  
9 provide notice of the assignment to any other person from whom the payer receives  
10 or will receive money. Notice under this subsection may be a notice of the court, a  
11 copy of the executed assignment or a copy of that part of the court order directing  
12 payment.

13 **SECTION 4992.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act  
14 .... (this act), is amended to read:

15 767.265 (2r) Upon entry of each order for child support, maintenance, family  
16 support or support by a spouse and upon approval of each stipulation for child  
17 support, unless the court finds that income withholding is likely to cause the payer  
18 irreparable harm or unless s. 767.267 applies, the court, family court commissioner  
19 or county child support agency under s. 59.53 (5) shall provide notice of the  
20 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (a),  
21 or other electronic means to the last-known address of the person from whom the  
22 payer receives or will receive money. The notice shall provide that the amount  
23 withheld may not exceed the maximum amount that is subject to garnishment under  
24 15 USC 1673 (b) (2). ~~If the clerk of court or support collection~~ department or its  
25 designee, whichever is appropriate, does not receive the money from the person

**SENATE BILL 77****SECTION 4992**

1 notified, the court, family court commissioner or county child support agency under  
2 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the  
3 payer receives or will receive money. Notice under this subsection may be a notice  
4 of the court, a copy of the executed assignment or a copy of that part of the court order  
5 directing payment.

6 **SECTION 4993.** 767.265 (3h) of the statutes is amended to read:

7 767.265 (3h) A person who receives notice of assignment under this section or  
8 s. 767.23 (1) (L), 767.25 (4m) (c) ~~or~~ 767.51 (3m) (c) or 767.62 (4) (b) 3. or similar laws  
9 of another state shall withhold the amount specified in the notice from any money  
10 that person pays to the payer later than one week after receipt of notice of  
11 assignment. Within 5 days after the day the person pays money to the payer, the  
12 person shall send the amount withheld to the clerk of court or support collection  
13 designee, whichever is appropriate, of the jurisdiction providing notice or, in the case  
14 of an amount ordered withheld for health care expenses, to the appropriate health  
15 care insurer, provider or plan. Except as provided in sub. (3m), for each payment sent  
16 to the clerk of court or support collection designee, the person from whom the payer  
17 receives money shall receive an amount equal to the person's necessary  
18 disbursements, not to exceed \$3, which shall be deducted from the money to be paid  
19 to the payer. Section 241.09 does not apply to assignments under this section.

20 **SECTION 4994.** 767.265 (3h) of the statutes, as affected by 1997 Wisconsin Act  
21 .... (this act), is amended to read:

22 767.265 (3h) A person who receives notice of assignment under this section or  
23 s. 767.23 (1) (L), 767.25 (4m) (c), 767.51 (3m) (c) or 767.62 (4) (b) 3. or similar laws  
24 of another state shall withhold the amount specified in the notice from any money  
25 that person pays to the payer later than one week after receipt of notice of



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1 assignment. Within 5 days after the day the person pays money to the payer, the  
2 person shall send the amount withheld to the ~~clerk of court or support collection~~  
3 department or its designee, whichever is appropriate, ~~of the jurisdiction providing~~  
4 ~~notice~~ or, in the case of an amount ordered withheld for health care expenses, to the  
5 appropriate health care insurer, provider or plan. Except as provided in sub. (3m),  
6 for each payment sent to the ~~clerk of court or support collection~~ department or its  
7 designee, the person from whom the payer receives money shall receive an amount  
8 equal to the person's necessary disbursements, not to exceed \$3, which shall be  
9 deducted from the money to be paid to the payer. Section 241.09 does not apply to  
10 assignments under this section.

11 **SECTION 4995.** 767.265 (3m) of the statutes is amended to read:

12 767.265 (3m) Benefits under ch. 108 may be assigned and withheld only in the  
13 manner provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 ~~shall~~  
14 ~~be for an amount certain~~ may be for a percentage of benefits payable or for a fixed  
15 sum, or for a combination of both in the alternative by requiring the withholding of  
16 the greater or lesser of either a percentage of benefits payable or a fixed sum. When  
17 money is to be withheld from these benefits, no fee may be deducted from the amount  
18 withheld and no fine may be levied for failure to withhold the money.

19 **SECTION 4996.** 767.265 (4) of the statutes is amended to read:

20 767.265 (4) A withholding assignment or order under this section or s. 767.23  
21 (1) (L), 767.25 (4m) (c) ~~or~~, 767.51 (3m) (c) or 767.62 (4) (b) 3. has priority over any other  
22 assignment, garnishment or similar legal process under state law.

23 **SECTION 4997.** 767.265 (6) (a) of the statutes is amended to read:

24 767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of  
25 assignment the person from whom the payer receives money fails to withhold the

**SENATE BILL 77****SECTION 4997**

1 money or send the money to the clerk of court or support collection designee or the  
2 appropriate health care insurer, provider or plan as provided in this section or s.  
3 767.23 (1) (L), 767.25 (4m) (c) ~~or~~, 767.51 (3m) (c) or 767.62 (4) (b) 3., the person may  
4 be proceeded against under the principal action under ch. 785 for contempt of court  
5 or may be proceeded against under ch. 778 and be required to forfeit not less than  
6 \$50 nor more than an amount, if the amount exceeds \$50, that is equal to 1% of the  
7 amount not withheld or sent.

8 **SECTION 4998.** 767.265 (6) (a) of the statutes, as affected by 1997 Wisconsin Act  
9 .... (this act), is amended to read:

10 767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of  
11 assignment the person from whom the payer receives money fails to withhold the  
12 money or send the money to the ~~clerk of court or support collection~~ department or its  
13 designee or the appropriate health care insurer, provider or plan as provided in this  
14 section or s. 767.23 (1) (L), 767.25 (4m) (c), 767.51 (3m) (c) or 767.62 (4) (b) 3., the  
15 person may be proceeded against under the principal action under ch. 785 for  
16 contempt of court or may be proceeded against under ch. 778 and be required to  
17 forfeit not less than \$50 nor more than an amount, if the amount exceeds \$50, that  
18 is equal to 1% of the amount not withheld or sent.

19 **SECTION 4999.** 767.265 (6) (b) of the statutes is amended to read:

20 767.265 (6) (b) If an employer who receives an assignment under this section  
21 or s. 767.23 (1) (L), 767.25 (4m) (c) ~~or~~, 767.51 (3m) (c) or 767.62 (4) (b) 3. fails to notify  
22 the clerk of court or support collection designee, whichever is appropriate, within 10  
23 days after an employe is terminated or otherwise temporarily or permanently leaves  
24 employment, the employer may be proceeded against under the principal action  
25 under ch. 785 for contempt of court.

**SENATE BILL 77****SECTION 5000**

1           **SECTION 5000.** 767.265 (6) (b) of the statutes, as affected by 1997 Wisconsin Act  
2 .... (this act), is amended to read:

3           767.265 (6) (b) If an employer who receives an assignment under this section  
4 or s. 767.23 (1) (L), 767.25 (4m) (c), 767.51 (3m) (c) or 767.62 (4) (b) 3. fails to notify  
5 the ~~clerk of court or support collection~~ department or its designee, whichever is  
6 appropriate, within 10 days after an employe is terminated or otherwise temporarily  
7 or permanently leaves employment, the employer may be proceeded against under  
8 the principal action under ch. 785 for contempt of court.

9           **SECTION 5001.** 767.265 (6) (c) of the statutes is amended to read:

10           767.265 (6) (c) No employer may use an assignment under this section or s.  
11 767.23 (1) (L), 767.25 (4m) (c) ~~or~~, 767.51 (3m) (c) or 767.62 (4) (b) 3. as a basis for the  
12 denial of employment to a person, the discharge of an employe or any disciplinary  
13 action against an employe. An employer who denies employment or discharges or  
14 disciplines an employe in violation of this paragraph may be fined not more than  
15 \$500 and may be required to make full restitution to the aggrieved person, including  
16 reinstatement and back pay. Except as provided in this paragraph, restitution shall  
17 be in accordance with s. 973.20. An aggrieved person may apply to the district  
18 attorney or to the department for enforcement of this paragraph.

19           **SECTION 5002.** 767.265 (7) of the statutes is amended to read:

20           767.265 (7) A person who receives more than one notice of assignment under  
21 sub. (3h) may send all money withheld to the ~~clerk of court or support collection~~  
22 department or its designee, whichever is appropriate, in a combined payment,  
23 accompanied by any information the ~~clerk of court or support collection~~ department  
24 or its designee requires.

25           **SECTION 5003.** 767.267 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5003**

1           767.267 (1) If the court or the family court commissioner determines that  
2 income withholding under s. 767.265 is inapplicable, ineffective or insufficient to  
3 ensure payment under an order or stipulation specified in s. 767.265 (1), or that  
4 income withholding under s. 767.25 (4m) (c) or 767.51 (3m) (c) is inapplicable,  
5 ineffective or insufficient to ensure payment of a child's health care expenses,  
6 including payment of health insurance premiums, ordered under s. 767.25 (4m) or  
7 767.51 (3m), the court or family court commissioner may require the payer to identify  
8 or establish a deposit account, owned in whole or in part by the payer, that allows for  
9 periodic transfers of funds and to file with the financial institution at which the  
10 account is located an authorization for transfer from the account to the ~~clerk of court~~  
11 ~~or support collection~~ department or its designee, whichever is appropriate. The  
12 authorization shall be provided on a standard form approved by the court and shall  
13 specify the frequency and the amount of transfer, sufficient to meet the payer's  
14 obligation under the order or stipulation, as required by the court or family court  
15 commissioner. The authorization shall include the payer's consent for the financial  
16 institution or an officer, employe or agent of the financial institution to disclose  
17 information to the court, family court commissioner, ~~clerk of court or support~~  
18 ~~collection~~ county child support agency under s. 59.53 (5), department or  
19 department's designee regarding the account for which the payer has executed the  
20 authorization for transfer.

21           **SECTION 5004.** 767.267 (2) of the statutes is amended to read:

22           767.267 (2) A financial institution that receives an authorization for transfer  
23 under sub. (1) shall transfer the amounts as specified in the authorization or shall  
24 transfer the amount available for transfer if at a time of transfer that amount is less  
25 than the amount specified in the authorization. The financial institution may

**SENATE BILL 77****SECTION 5004**

1 accomplish the transfer by any lawful means, including payment by check, subject  
2 to the terms of the account. The financial institution may deduct from the payer's  
3 account for each transfer its usual fee for such fund transfers. If the account is closed  
4 or if no funds are available at a time of transfer, the financial institution shall notify  
5 the ~~clerk of court or support collection~~ county child support agency under s. 59.53 (5)  
6 or the department or its designee, whichever is appropriate, within 10 days after the  
7 date on which the funds should have been transferred.

8 **SECTION 5005.** 767.267 (5) of the statutes is amended to read:

9 767.267 (5) A financial institution or an officer, employe or agent of a financial  
10 institution may disclose information to the court, family court commissioner, ~~clerk~~  
11 ~~of court or support collection~~ county child support agency under s. 59.53 (5),  
12 department or department's designee concerning an account for which a payer has  
13 executed an authorization for transfer under sub. (1).

14 **SECTION 5006.** 767.27 (2m) of the statutes is amended to read:

15 767.27 (2m) In every action in which the court has ordered a party to pay child  
16 support under s. 767.25 or 767.51 or family support under s. 767.261 and the  
17 circumstances specified in s. 767.075 (1) apply, the court shall require the party who  
18 is ordered to pay the support to annually furnish the disclosure form required under  
19 this section and may require that party to annually furnish a copy of his or her most  
20 recently filed state and federal income tax returns to the ~~designee~~ county child  
21 support agency under s. 59.53 (5) for the county in which the order was entered. In  
22 any action in which the court has ordered a party to pay child support under s. 767.25  
23 or 767.51 or family support under s. 767.261, the court may require the party who  
24 is ordered to pay the support to annually furnish the disclosure form required under  
25 this section and a copy of his or her most recently filed state and federal income tax

**SENATE BILL 77****SECTION 5006**

1 returns to the party for whom the support has been awarded. A party who fails to  
2 furnish the information as required by the court under this subsection may be  
3 proceeded against for contempt of court under ch. 785.

4 **SECTION 5007.** 767.27 (2m) of the statutes, as affected by 1997 Wisconsin Act  
5 .... (this act), is amended to read:

6 **767.27 (2m)** In every action in which the court has ordered a party to pay child  
7 support under s. 767.25 ~~or~~, 767.51 or 767.62 (4) or family support under s. 767.261  
8 and the circumstances specified in s. 767.075 (1) apply, the court shall require the  
9 party who is ordered to pay the support to annually furnish the disclosure form  
10 required under this section and may require that party to annually furnish a copy  
11 of his or her most recently filed state and federal income tax returns to the county  
12 child support agency under s. 59.53 (5) for the county in which the order was entered.  
13 In any action in which the court has ordered a party to pay child support under s.  
14 767.25 ~~or~~, 767.51 or 767.62 (4) or family support under s. 767.261, the court may  
15 require the party who is ordered to pay the support to annually furnish the disclosure  
16 form required under this section and a copy of his or her most recently filed state and  
17 federal income tax returns to the party for whom the support has been awarded. A  
18 party who fails to furnish the information as required by the court under this  
19 subsection may be proceeded against for contempt of court under ch. 785.

20 **SECTION 5008.** 767.27 (4) of the statutes is amended to read:

21 **767.27 (4)** Failure by either party timely to file a complete disclosure statement  
22 as required by this section shall authorize the court to accept as accurate any  
23 information provided in the statement of the other party or obtained under s. 49.22  
24 (2m) by the department or the county child ~~and spousal~~ support agency under s.  
25 59.53 (5).

**SENATE BILL 77****SECTION 5009**

1           **SECTION 5009.** 767.29 (1) of the statutes is renumbered 767.29 (1) (a) and  
2 amended to read:

3           767.29 (1) (a) All orders or judgments providing for temporary or permanent  
4 maintenance, child support or family support payments shall direct the payment of  
5 all such sums to the ~~clerk of court, or support collection designee in a county that has~~  
6 ~~designated a support collection designee under s. 59.07 (97m),~~ department or its  
7 designee for the use of the person for whom the same has been awarded. A party  
8 securing an order for temporary maintenance, child support or family support  
9 payments shall forthwith file the order, together with all pleadings in the action,  
10 with the clerk of court ~~or support collection designee.~~

11           (c) Except as provided in sub. (1m), the ~~clerk or support collection~~ department  
12 or its designee shall disburse the money so received under the judgment or order  
13 ~~within 15 days~~ in the manner required by federal regulations and take receipts  
14 therefor, unless the ~~clerk or support collection~~ department or its designee is unable  
15 to disburse the moneys because they were paid by check or other draft drawn upon  
16 an account containing insufficient funds. All moneys received or disbursed under  
17 this section shall be entered in a record kept by the ~~clerk or support collection~~  
18 department or its designee, whichever is appropriate, which shall be open to  
19 inspection by the ~~department for the administration of the child and spousal support~~  
20 ~~and establishment of paternity program under s. 49.22,~~ the parties to the action and,  
21 their attorneys, and the family court commissioner.

22           (e) If the maintenance, child support or family support payments adjudged or  
23 ordered to be paid ~~shall~~ are not be paid to the ~~clerk or support collection~~ department  
24 or its designee at the time provided in the judgment or order, the ~~clerk or support~~  
25 ~~collection designee~~ county child support agency under s. 59.53 (5) or the family court

**SENATE BILL 77****SECTION 5009**

1 commissioner of the county shall take such proceedings as he or she considers  
2 advisable to secure the payment of the sum including enforcement by contempt  
3 proceedings under ch. 785 or by other means. Copies of any order issued to compel  
4 the payment shall be mailed to counsel who represented each party when the  
5 maintenance, child support or family support payments were awarded. In case any  
6 fees of officers in any of the proceedings, including the compensation of the family  
7 court commissioner at the rate of \$50 per day unless the commissioner is on a  
8 salaried basis, is not collected from the person proceeded against, the fees shall be  
9 paid out of the county treasury upon the order of the presiding judge and the  
10 certificate of the ~~clerk of court or support collection designee~~ department.

11 **SECTION 5010.** 767.29 (1) (b) of the statutes is created to read:

12 767.29 (1) (b) Upon request, after the filing of an order or judgment or the  
13 receipt of an interim disbursement order, the clerk of court shall advise the county  
14 child support agency under s. 59.53 (5) of the terms of the order or judgment within  
15 2 business days after the filing or receipt. The county child support agency shall,  
16 within the time required by federal law, enter the terms of the order or judgment into  
17 the statewide support data system, as required by s. 59.53 (5) (b).

18 **SECTION 5011.** 767.29 (1) (d) of the statutes is created to read:

19 767.29 (1) (d) For receiving and disbursing maintenance, child support or  
20 family support payments, and for maintaining the records required under par. (c),  
21 the department or its designee shall collect an annual fee of \$25 to be paid by each  
22 party ordered to make payments. The court or family court commissioner shall order  
23 each party ordered to make payments to pay the annual fee under this paragraph at  
24 the time of, and in addition to, the first payment to the department or its designee  
25 in each year for which payments are ordered. All fees collected under this paragraph



**SENATE BILL 77****SECTION 5011**

1 shall be deposited in the appropriation account under s. 20.445 (3) (ja). At the time  
2 of ordering the payment of an annual fee under this paragraph, the court or family  
3 court commissioner shall notify each party ordered to make payments of the  
4 requirement to pay the annual fee and of the amount of the annual fee. If the annual  
5 fee under this section is not paid when due, the department or its designee may not  
6 deduct the annual fee from the maintenance or child or family support payment, but  
7 may do any of the following:

8 1. Move the court for a remedial sanction under ch. 785.

9 2. Apply to the court or family court commissioner for an assignment relating  
10 to the annual fee in accordance with s. 767.265.

11 **SECTION 5012.** 767.29 (1) (f) of the statutes is created to read:

12 767.29 (1) (f) If the department determines that the statewide automated  
13 support and maintenance receipt and disbursement system will be operational  
14 before October 1, 1999, the department shall publish a notice in the Wisconsin  
15 Administrative Register that states the date on which the system will begin  
16 operating. Before that date or October 1, 1999, whichever is earlier, the circuit  
17 courts, county child support agencies under s. 59.53 (5), clerks of court and employers  
18 shall cooperate with the department in any measures taken to ensure an efficient  
19 and orderly transition from the countywide system of support receipt and  
20 disbursement to the statewide system.

21 **SECTION 5013.** 767.29 (1m) (intro.) of the statutes is amended to read:

22 767.29 (1m) (intro.) Notwithstanding ss. 767.25 (6), 767.261 and, 767.51 (5p)  
23 and 767.62 (4) (g), if the clerk of court or support collection designee receives support  
24 or maintenance money that exceeds the amount due in the month in which it is  
25 received and that the clerk or support collection designee determines is for support

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1 or maintenance due in a succeeding month, the clerk or support collection designee  
2 may hold the amount of overpayment that does not exceed the amount due in the next  
3 month for disbursement in the next month if any of the following applies:

4 **SECTION 5014.** 767.29 (1m) (intro.) of the statutes, as affected by 1997  
5 Wisconsin Act .... (this act), is amended to read:

6 767.29 (1m) (intro.) Notwithstanding ss. 767.25 (6), 767.261, 767.51 (5p) and  
7 767.62 (4) (g), if the ~~clerk of court or support collection~~ department or its designee  
8 receives support or maintenance money that exceeds the amount due in the month  
9 in which it is received and that the ~~clerk or support collection~~ department or its  
10 designee determines is for support or maintenance due in a succeeding month, the  
11 ~~clerk or support collection~~ department or its designee may hold the amount of  
12 overpayment that does not exceed the amount due in the next month for  
13 disbursement in the next month if any of the following applies:

14 **SECTION 5015.** 767.29 (1m) (d) of the statutes is amended to read:

15 767.29 (1m) (d) The ~~clerk or support collection~~ department or its designee  
16 determines that the overpayment should be held until the month when it is due.

17 **SECTION 5016.** 767.29 (2) of the statutes is amended to read:

18 767.29 (2) If any party entitled to maintenance payments or support money,  
19 or both, is receiving public assistance under ch. 49, the party may assign the party's  
20 right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such  
21 assistance. Such assignment shall be approved by order of the court granting the  
22 maintenance payments or support money, and may be terminated in like manner;  
23 except that it shall not be terminated in cases where there is any delinquency in the  
24 amount of maintenance payments and support money previously ordered or  
25 adjudged to be paid to the assignee without the written consent of the assignee or

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1 upon notice to the assignee and hearing. When an assignment of maintenance  
2 payments or support money, or both, has been approved by the order, the assignee  
3 shall be deemed a real party in interest within s. 803.01 but solely for the purpose  
4 of securing payment of unpaid maintenance payments or support money adjudged  
5 or ordered to be paid, by participating in proceedings to secure the payment thereof.  
6 Notwithstanding assignment under this subsection, and without further order of the  
7 court, the ~~clerk of court or support collection~~ department or its designee, upon  
8 receiving notice that a party or a minor child of the parties is receiving aid under s.  
9 ~~49.19~~ public assistance under ch. 49, shall forward all support assigned under s.  
10 48.57 (3m) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the ~~department~~ assignee under s.  
11 49.19 (4) (h) 1. or 49.45 (19).

12 **SECTION 5017.** 767.29 (3) of the statutes is renumbered 767.29 (3) (a).

13 **SECTION 5018.** 767.29 (3) (b) of the statutes is created to read:

14 767.29 (3) (b) If a child who is the beneficiary of support under a judgment or  
15 order is placed by court order in a child caring institution, juvenile correctional  
16 institution or state mental institution, the right of the child or a parent of the child  
17 to support or maintenance during the period of the child's confinement, including any  
18 right to unpaid support or maintenance accruing during that period, is assigned to  
19 the state. If the judgment or order providing for the support of a child who is placed  
20 in a child caring institution, juvenile correctional institution or state mental  
21 institution includes support for one or more other children, the support under the  
22 judgment or order that is assigned to the state shall be the proportionate share of the  
23 child placed in the institution, except as otherwise ordered by the court or family  
24 court commissioner on the motion of a party.

25 **SECTION 5019.** 767.293 (1) of the statutes is amended to read:

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1           767.293 (1) If an order for child support under this chapter or s. 948.22 (7), an  
2 order for family support under this chapter or a stipulation approved by the court or  
3 the family court commissioner for child support under this chapter requires a payer  
4 to pay child or family support in an amount that is expressed as a percentage of  
5 parental income, the payee, including the state or ~~its designee~~ a county child support  
6 agency under s. 59.53 (5) if the state is a real party in interest under s. 767.075 (1),  
7 may establish an arrearage by filing an affidavit in the action in which the order for  
8 the payment of support was entered or the stipulation for support was approved. The  
9 affidavit shall state the amount of the arrearage and the facts supporting a  
10 reasonable basis on which the arrearage was determined and may state the payer's  
11 current income and the facts supporting a reasonable basis on which the payer's  
12 current income was determined. Not later than 60 days after filing the affidavit, the  
13 payee shall serve the affidavit on the payer in the manner provided in s. 801.11 (1)  
14 (a) or (b) or by sending the affidavit by registered or certified mail to the last-known  
15 address of the payer. After the payee files a proof of service on the payer, the court  
16 shall send a notice to the payer by regular, registered or certified mail to the payer's  
17 last-known address. The notice shall provide that, unless the payer requests a  
18 hearing to dispute the arrearage or the amount of the arrearage not later than 20  
19 days after the date of the notice, the court or family court commissioner may enter  
20 an order against the payer in the amount stated in the affidavit and may provide  
21 notice of assignment under s. 767.265. The notice shall include the mailing address  
22 to which the request for hearing must be mailed or delivered in order to schedule a  
23 hearing under sub. (2).

24           **SECTION 5020.** 767.295 (2) (a) (intro.) of the statutes is amended to read:

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1           767.295 (2) (a) (intro.) In an action for modification of a child support order  
2 under s. 767.32, an action in which an order for child support is required under s.  
3 767.25 (1) ~~or~~, 767.51 (3) or 767.62 (4) (a) or a contempt of court proceeding to enforce  
4 a child support or family support order in a county that contracts under s. 49.36 (2),  
5 the court may order a parent who is not a custodial parent to register for a work  
6 experience and job training program under s. 49.36 if all of the following conditions  
7 are met:

8           **SECTION 5021.** 767.295 (2) (c) of the statutes is amended to read:

9           767.295 (2) (c) If the court enters an order under par. (a), it shall order the  
10 parent to pay child support equal to the amount determined by applying the  
11 percentage standard established under s. 49.22 (9) to the income a person would earn  
12 by working 40 hours per week for the federal minimum hourly wage under 29 USC  
13 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay  
14 in the most recent determination of support under this chapter. The child support  
15 obligation ordered under this paragraph continues until the parent makes timely  
16 payment in full for 3 consecutive months or until the person participates in the  
17 program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide  
18 in its order that the parent must make child support payments calculated under s.  
19 767.25 (1j) or (1m) ~~or~~, 767.51 (4m) or (5) or 767.62 (4) (d) 1. or (e) after the obligation  
20 to make payments ordered under this paragraph ceases.

21           **SECTION 5022.** 767.30 (1) of the statutes is amended to read:

22           767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b)  
23 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363  
24 (2), support or maintenance under s. 767.08, child support, family support or  
25 maintenance under s. 767.23, child support under s. 767.25, maintenance under s.

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1 767.26, family support under s. 767.261, attorney fees under s. 767.262, paternity  
2 obligations under s. 767.51, support arrearages under s. 767.293 or child or spousal  
3 support under s. 948.22 (7), the court may provide that any payment be paid in the  
4 amounts and at the times that it considers expedient.

5 **SECTION 5023.** 767.30 (1) of the statutes, as affected by 1997 Wisconsin Act ...  
6 (this act), is amended to read:

7 767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b)  
8 4., 48.357 (5m), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2),  
9 support or maintenance under s. 767.08, child support, family support or  
10 maintenance under s. 767.23, child support under s. 767.25, maintenance under s.  
11 767.26, family support under s. 767.261, attorney fees under s. 767.262, child support  
12 or a child's health care expenses under s. 767.477, paternity obligations under s.  
13 767.458 (3), 767.51 or 767.62 (4), support arrearages under s. 767.293 or child or  
14 spousal support under s. 948.22 (7), the court may provide that any payment be paid  
15 in the amounts and at the times that it considers expedient.

16 **SECTION 5024.** 767.303 (1) of the statutes is amended to read:

17 767.303 (1) If a person fails to pay a payment ordered for support under s.  
18 767.077, support under s. 767.08, child support or family support under s. 767.23,  
19 child support under s. 767.25, family support under s. 767.261, revised child or  
20 family support under s. 767.32, child support under s. 767.458 (3), child support  
21 under s. 767.477, child support under s. 767.51, child support under s. 767.62 (4) (a),  
22 child support under ch. 769 or child support under s. 948.22 (7), the payment is 90  
23 or more days past due and the court finds that the person has the ability to pay the  
24 amount ordered, the court may suspend the person's operating privilege, as defined  
25 in s. 340.01 (40), until the person pays all arrearages in full or makes payment

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1 arrangements that are satisfactory to the court, except that the suspension period  
2 may not exceed 5 years. If otherwise eligible, the person is eligible for an  
3 occupational license under s. 343.10 at any time.

4 **SECTION 5025.** 767.305 of the statutes is amended to read:

5 **767.305 Enforcement; contempt proceedings.** In all cases where a party  
6 has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2),  
7 767.23, 767.25, 767.255, 767.26, 767.261, 767.262, 767.293, 938.183 ~~(2)~~ (4), 938.355  
8 (2) (b) 4., 938.357 (5m) or 938.363 (2) and has failed within a reasonable time or as  
9 ordered by the court to satisfy such obligation, and where the wage assignment  
10 proceeding under s. 767.265 and the account transfer under s. 767.267 are  
11 inapplicable, impractical or unfeasible, the court may on its own initiative, and shall  
12 on the application of the receiving party, issue an order requiring the payer to show  
13 cause at some reasonable time therein specified why he or she should not be punished  
14 for such misconduct as provided in ch. 785.

15 **SECTION 5026.** 767.305 of the statutes, as affected by 1997 Wisconsin Act ....  
16 (this act), is amended to read:

17 **767.305 Enforcement; contempt proceedings.** In all cases where a party  
18 has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2),  
19 767.23, 767.25, 767.255, 767.26, 767.261, 767.262, 767.293, 767.458 (3), 767.477,  
20 767.51, 767.62 (4), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) and has  
21 failed within a reasonable time or as ordered by the court to satisfy such obligation,  
22 and where the wage assignment proceeding under s. 767.265 and the account  
23 transfer under s. 767.267 are inapplicable, impractical or unfeasible, the court may  
24 on its own initiative, and shall on the application of the receiving party, issue an order

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1 requiring the payer to show cause at some reasonable time therein specified why he  
2 or she should not be punished for such misconduct as provided in ch. 785.

3 **SECTION 5027.** 767.32 (1) (a) of the statutes is amended to read:

4 767.32 (1) (a) After a judgment or order providing for child support under this  
5 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b)  
6 4., 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26  
7 or family support payments under this chapter, or for the appointment of trustees  
8 under s. 767.31, the court may, from time to time, on the petition, motion or order to  
9 show cause of either of the parties, or upon the petition, motion or order to show cause  
10 of the department, a county department under s. 46.215, 46.22 or 46.23 or a county  
11 child support ~~program designee~~ agency under s. 59.53 (5) if an assignment has been  
12 made under s. 46.261, 48.57 (3m) (b) 2., 49.153 (3), 49.19 (4) (h) or 49.45 (19) or if  
13 either party or their minor children receive aid under s. 48.57 (3m) or ch. 49, and  
14 upon notice to the family court commissioner, revise and alter such judgment or order  
15 respecting the amount of such maintenance or child support and the payment  
16 thereof, and also respecting the appropriation and payment of the principal and  
17 income of the property so held in trust, and may make any judgment or order  
18 respecting any of the matters that such court might have made in the original action,  
19 except that a judgment or order that waives maintenance payments for either party  
20 shall not thereafter be revised or altered in that respect nor shall the provisions of  
21 a judgment or order with respect to final division of property be subject to revision  
22 or modification. A revision, under this section, of a judgment or order with respect  
23 to an amount of child or family support may be made only upon a finding of a  
24 substantial change in circumstances. In any action under this section to revise a  
25 judgment or order with respect to maintenance payments, a substantial change in



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1 the cost of living by either party or as measured by the federal bureau of labor  
2 statistics may be sufficient to justify a revision of judgment or order with respect to  
3 the amount of maintenance, except that a change in an obligor's cost of living is not  
4 in itself sufficient if payments are expressed as a percentage of income.

5 **SECTION 5028.** 767.32 (1) (b) 4. of the statutes is amended to read:

6 767.32 (1) (b) 4. A difference between the amount of child support ordered by  
7 the court to be paid by the payer and the amount that the payer would have been  
8 required to pay based on the percentage standard established by the department  
9 under s. 49.22 (9) if the court did not use the percentage standard in determining the  
10 child support payments and did not provide the information required under s. 46.10  
11 (14) (d), 301.12 (14) (d), 767.25 (1n) or 767.51 (5d), whichever is appropriate.

12 **SECTION 5029.** 767.32 (1) (b) 4. of the statutes, as affected by 1997 Wisconsin  
13 Act .... (this act), is amended to read:

14 767.32 (1) (b) 4. A difference between the amount of child support ordered by  
15 the court to be paid by the payer and the amount that the payer would have been  
16 required to pay based on the percentage standard established by the department  
17 under s. 49.22 (9) if the court did not use the percentage standard in determining the  
18 child support payments and did not provide the information required under s. 46.10  
19 (14) (d), 301.12 (14) (d), 767.25 (1n) ~~or~~, 767.51 (5d) or 767.62 (4) (f), whichever is  
20 appropriate.

21 **SECTION 5030.** 767.32 (1) (c) 1. of the statutes is amended to read:

22 767.32 (1) (c) 1. Unless the amount of child support is expressed in the  
23 judgment or order as a percentage of parental income, a change in the payer's  
24 income, evidenced by information received under s. 49.22 (2m) by the department,  
25 or the county child and spousal support agency, under s. ~~49.22 (2m)~~ 59.53 (5) or by

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1 other information, from the payer's income determined by the court in its most recent  
2 judgment or order for child support, including a revision of a child support order  
3 under this section.

4 **SECTION 5031.** 767.32 (1r) of the statutes is amended to read:

5 767.32 (1r) In an action under sub. (1) to revise a judgment or order with  
6 respect to child support or family support, the court may not grant credit to the payer  
7 against support due prior to the date on which the action is commenced for payments  
8 made by the payer on behalf of the child other than payments made to the clerk of  
9 court or support collection designee under s. 59.53 (5m), 1995 stats., under s. 767.265  
10 or, 1995 stats., or s. 767.29, 1995 stats., to the department or its designee under s.  
11 767.265 or 767.29 or as otherwise ordered by the court.

12 **SECTION 5032.** 767.32 (2m) of the statutes is amended to read:

13 767.32 (2m) Upon request by a party, the court may modify the amount of  
14 revised child support payments determined under sub. (2) if, after considering the  
15 factors listed in s. 767.25 (1m) ~~or~~ 767.51 (5) or 767.62 (4) (e), as appropriate, the court  
16 finds, by the greater weight of the credible evidence, that the use of the percentage  
17 standard is unfair to the child or to any of the parties.

18 **SECTION 5033.** 767.32 (2r) of the statutes is amended to read:

19 767.32 (2r) If the court revises a judgment or order providing for child support  
20 that was entered under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2) (4),  
21 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2), the court shall determine child support  
22 in the manner provided in s. 46.10 (14) or 301.12 (14), whichever is applicable.

23 **SECTION 5034.** 767.32 (2s) of the statutes is amended to read:

24 767.32 (2s) In an action under sub. (1), the court may not approve a stipulation  
25 for the revision of a judgment or order with respect to an amount of child support or

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1 family support unless the stipulation provides for payment of an amount of child  
2 support or family support that is determined in the manner required under s. 46.10  
3 (14), 301.12 (14), 767.25 or 767.51, whichever is appropriate.

4 **SECTION 5035.** 767.32 (2s) of the statutes, as affected by 1997 Wisconsin Act  
5 .... (this act), is amended to read:

6 767.32 (2s) In an action under sub. (1), the court may not approve a stipulation  
7 for the revision of a judgment or order with respect to an amount of child support or  
8 family support unless the stipulation provides for payment of an amount of child  
9 support or family support that is determined in the manner required under s. 46.10  
10 (14), 301.12 (14), 767.25 ~~or~~, 767.51 or 767.62 (4), whichever is appropriate.

11 **SECTION 5036.** 767.33 (1) of the statutes is amended to read:

12 767.33 (1) An order for child support under s. 767.23 or 767.25 may provide for  
13 an adjustment in the amount to be paid based on a change in the obligor's income,  
14 as reported on the disclosure form under s. 767.27 (2m) or as disclosed under s. 49.22  
15 (2m) to the department or county child and spousal support agency under s. 49.22  
16 ~~(2m)~~ 59.53 (5). The order may specify the date on which the annual adjustment  
17 becomes effective. No adjustment may be made unless the order so provides and the  
18 party receiving payments applies for an adjustment as provided in sub. (2). An  
19 adjustment under this section may be made only once in any year.

20 **SECTION 5037.** 767.37 (1) (a) of the statutes is amended to read:

21 767.37 (1) (a) In any action affecting the family, if the court orders maintenance  
22 payments or other allowances for a party or children or retains jurisdiction in such  
23 matters, the written judgment shall include a provision that disobedience of the  
24 court order with respect to the same is punishable under ch. 785 by commitment to  
25 the county jail or house of correction until such judgment is complied with and the

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1 costs and expenses of the proceedings are paid or until the party committed is  
2 otherwise discharged, according to law. The written judgment in any action affecting  
3 the family shall include the social security numbers of the parties and of any child  
4 of the parties. The findings of fact and conclusions of law and the written judgment  
5 shall be drafted by the attorney for the moving party, and shall be submitted to the  
6 court and filed with the clerk of the court within 30 days after judgment is granted;  
7 but if the respondent has been represented by counsel, the findings, conclusions and  
8 judgment shall first be submitted to respondent's counsel for approval and if the  
9 family court commissioner has appeared at the trial of the action, such papers shall  
10 also be sent to the family court commissioner for approval. After any necessary  
11 approvals are obtained, the findings of fact, conclusions of law and judgment shall  
12 be submitted to the court. Final stipulations of the parties may be appended to the  
13 judgment and incorporated by reference therein.

14 **SECTION 5038.** 767.45 (1) (intro.) of the statutes is amended to read:

15 767.45 (1) (intro.) The following persons may bring an action or motion,  
16 including an action or motion for declaratory judgment, for the purpose of  
17 determining the paternity of a child or for the purpose of rebutting the presumption  
18 of paternity under s. 891.405 or 891.41 (1):

19 **SECTION 5039.** 767.45 (1) (c) of the statutes is amended to read:

20 767.45 (1) (c) A man presumed to be the child's father under s. 891.405 or 891.41  
21 (1).

22 **SECTION 5040.** 767.45 (1) (c) of the statutes, as affected by 1997 Wisconsin Act  
23 .... (this act), is amended to read:

24 767.45 (1) (c) ~~A~~ Unless s. 767.62 (1) applies, a man presumed to be the child's  
25 father under s. 891.405 or 891.41 (1).

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1           **SECTION 5041.** 767.45 (1) (k) of the statutes is amended to read:

2           767.45 (1) (k) In conjunction with the filing of a petition for visitation with  
3           respect to the child under s. 767.245 (3), a parent of a person who has filed a  
4           declaration of paternal interest under s. 48.025 ~~or~~ with respect to the child or a  
5           parent of a person who, before January 1, 1998, signed and filed a statement  
6           acknowledging paternity under s. 69.15 (3) (b) 3. with respect to the child.

7           **SECTION 5042.** 767.45 (5) (b) of the statutes is amended to read:

8           767.45 (5) (b) An action under this section may be joined with any other action  
9           for child support and shall be governed by the procedures specified in s. 767.05  
10          relating to child support, except that the title of the action shall be “In re the  
11          paternity of A.B.” The petition shall state the name and date of birth of the child if  
12          born or that the mother is pregnant if the child is unborn, the name of any alleged  
13          father, whether or not an action by any of the parties to determine the paternity of  
14          the child or rebut the presumption of paternity to the child has at any time been  
15          commenced, or is pending before any judge or court commissioner, in this state or  
16          elsewhere. If a paternity judgment has been rendered, or if a paternity action has  
17          been dismissed, the petition shall state the court which rendered the judgment or  
18          dismissed the action, and the date and the place the judgment was granted if known.  
19          The petition shall also give notice of a party’s right to request a genetic test under  
20          s. 49.225 or 767.48.

21          **SECTION 5043.** 767.45 (5m) of the statutes is amended to read:

22          767.45 (5m) Except as provided in ss. 767.458 (3), 767.465 (2) and (2m), 767.62  
23          and 769.401, unless a man is either presumed the child’s father under s. 891.41 (1)  
24          or adjudicated the child’s father either under s. 767.51 or by final order or judgment  
25          of a court of competent jurisdiction in another state, no order or temporary order may

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1 be entered for child support, legal custody or physical placement until the man is  
2 adjudicated the father using the procedure set forth in ss. 767.45 to 767.60. Except  
3 as provided in ss. 767.62 and 769.401, the exclusive procedure for establishment of  
4 child support obligations, legal custody or physical placement rights for a man who  
5 is neither presumed the child's father under s. 891.41 (1) nor adjudicated the father  
6 is by an action under ss. 767.45 to 767.60 or under s. 769.701. No person may waive  
7 the use of this procedure. If a presumption under s. 891.41 (1) exists, a party denying  
8 paternity has the burden of rebutting the presumption.

9 **SECTION 5044.** 767.45 (5m) of the statutes, as affected by 1997 Wisconsin Act  
10 .... (this act), is amended to read:

11 767.45 (5m) Except as provided in ss. 767.458 (3), 767.465 (2) and (2m),  
12 ~~767.477~~, 767.62 and 769.401, unless a man is either presumed the child's father  
13 under s. 891.41 (1) ~~or~~ is adjudicated the child's father either under s. 767.51 or by  
14 final order or judgment of a court of competent jurisdiction in another state or has  
15 acknowledged himself to be the child's father, no order or temporary order may be  
16 entered for child support, legal custody or physical placement until the man is  
17 adjudicated the father using the procedure set forth in ss. 767.45 to 767.60. Except  
18 as provided in ss. ~~767.477~~, 767.62 and 769.401, the exclusive procedure for  
19 establishment of child support obligations, legal custody or physical placement  
20 rights for a man who is ~~neither~~ not presumed the child's father under s. 891.41 (1)  
21 ~~nor~~, adjudicated the father or acknowledged to be the father is by an action under ss.  
22 767.45 to 767.60 or under s. 769.701. No person may waive the use of this procedure.  
23 If a presumption under s. 891.41 (1) exists, a party denying paternity has the burden  
24 of rebutting the presumption.

25 **SECTION 5045.** 767.45 (6m) of the statutes is amended to read:

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1           767.45 (6m) The attorney designated under sub. (6) (a) shall commence an  
2           action under this section on behalf of the state within 6 months after receiving  
3           notification under s. 69.03 (15) that no father is named on the birth certificate of a  
4           child who is a resident of the county if paternity has not been adjudicated or  
5           acknowledged, except in situations under s. 69.14 (1) (g) and (h) and as provided by  
6           the department by rule.

7           **SECTION 5046.** 767.45 (6p) of the statutes is repealed.

8           **SECTION 5047.** 767.455 (5g) (form) 2. of the statutes is amended to read:

9           767.455 (5g) (form) 2. You have the right to be represented by an attorney. If  
10          you are unable to afford an attorney, the court will appoint one for you only ~~upon one~~  
11          ~~or more of the genetic tests taken during the proceedings showing if the results of one~~  
12          or more genetic tests show that you are excluded as the father and that the statistical  
13          probability of your being the father is less than 99.0%. In order to determine whether  
14          you are entitled to have an attorney appointed for you, you may call the following  
15          telephone number .... .

16          **SECTION 5048.** 767.455 (5g) (form) 3. of the statutes is amended to read:

17          767.455 (5g) (form) 3. You may request genetic tests which will indicate the  
18          probability that you are or are not the father of the child. The court or county child  
19          support agency will order genetic tests on request by you, the state or any other party.  
20          Any person who refuses to take court-ordered genetic tests may be punished for  
21          contempt of court.

22          **SECTION 5049.** 767.455 (5g) (form) 7. of the statutes is amended to read:

23          767.455 (5g) (form) 7. If you fail to appear at any stage of the proceeding,  
24          including a scheduled court-ordered genetic test, the court will enter a default  
25          judgment finding you to be the father. A default judgment will take effect 30 days

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1 after it is served on or mailed to you at your address on file with the court, unless  
2 within those 30 days you present to the court evidence of good cause for your failure  
3 to appear or your failure to have undergone a court-ordered genetic test. You need  
4 not appear at the time and place specified in the summons if you complete the  
5 attached waiver of first appearance statement and deliver it to the court by the date  
6 specified in the waiver of first appearance statement.

7 **SECTION 5050.** 767.455 (5r) (form) 2. of the statutes is amended to read:

8 767.455 (5r) (form) 2. I understand that I will be notified by the court of all  
9 future stages in the proceeding and agree to appear at those stages. If I fail to appear  
10 at any stage, including a scheduled court-ordered genetic test, the court will enter  
11 a default judgment finding me to be the father. A default judgment will take effect  
12 30 days after it is served on or mailed to me, unless within those 30 days I present  
13 to the court evidence of good cause for my failure to appear or my failure to have  
14 undergone a court-ordered genetic test.

15 **SECTION 5051.** 767.458 (1) (d) of the statutes is amended to read:

16 767.458 (1) (d) Except as provided ~~under sub. in subs.~~ (1m) and (2), the court  
17 will order genetic tests upon the request of any party; and

18 **SECTION 5052.** 767.458 (2) of the statutes is amended to read:

19 767.458 (2) At the first appearance, if it appears from a sufficient petition or  
20 affidavit of the child's mother that there is probable cause to believe that any of the  
21 males named has had sexual intercourse with the mother during a possible time of  
22 the child's conception, the court may, or upon the request of any party shall, order any  
23 of the named persons to submit to genetic tests. The tests shall be conducted in  
24 accordance with s. 767.48. The court is not required to order a person who has



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1 undergone a genetic test under s. 49.225 to submit to another genetic test under this  
2 subsection unless a party requests additional tests under s. 767.48 (2).

3 **SECTION 5053.** 767.458 (2) of the statutes, as affected by 1997 Wisconsin Act  
4 .... (this act), is amended to read:

5 767.458 (2) At the first appearance, if it appears from a sufficient petition or  
6 affidavit of the child's mother or an alleged father, or from sworn testimony of the  
7 child's mother or an alleged father, that there is probable cause to believe that any  
8 of the males named has had sexual intercourse with the mother during a possible  
9 time of the child's conception, the court may, or upon the request of any party shall,  
10 order any of the named persons to submit to genetic tests. The tests shall be  
11 conducted in accordance with s. 767.48. The court is not required to order a person  
12 who has undergone a genetic test under s. 49.225 to submit to another genetic test  
13 under this subsection unless a party requests additional tests under s. 767.48 (2).

14 **SECTION 5054.** 767.458 (3) of the statutes is amended to read:

15 767.458 (3) At the first appearance, if a statement acknowledging paternity  
16 under s. 69.15 (3) (b) 1. or 3. that was signed and filed before January 1, 1998, is on  
17 file, the court may enter an order for child support, legal custody or physical  
18 placement and, if the respondent who filed the statement does not dispute his  
19 paternity, may enter a judgment of paternity.

20 **SECTION 5055.** 767.465 (1m) of the statutes is created to read:

21 767.465 (1m) JUDGMENT WHEN MOTHER FAILS TO APPEAR. Notwithstanding sub.  
22 (1), a court may enter an order adjudicating the alleged father, or man alleging that  
23 he is the father, to be the father of the child under s. 767.51 if the mother of the child  
24 fails to appear at the first appearance, unless the first appearance is not required

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1 under s. 767.457 (2), scheduled genetic test, pretrial hearing or trial if sufficient  
2 evidence exists to establish the man as the father of the child.

3 **SECTION 5056.** 767.465 (2) (a) of the statutes is amended to read:

4 767.465 (2) (a) Except as provided in sub. (2m), if a respondent is the alleged  
5 father and fails to appear at the first appearance, unless the first appearance is not  
6 required under s. 767.457 (2), scheduled court-ordered genetic test, pretrial hearing  
7 or trial, the court shall enter an order adjudicating the respondent to be the father  
8 and appropriate orders for support, legal custody and physical placement. The  
9 orders shall be either served on the respondent or mailed by regular, registered or  
10 certified mail, to the last-known address of the respondent. The orders shall take  
11 effect 30 days after service or 30 days after the date on which the orders were mailed  
12 unless, within that time, the respondent presents to the court or court commissioner  
13 under s. 757.69 (3) (g) evidence of good cause for failure to appear or failure to have  
14 undergone a court-ordered genetic test.

15 **SECTION 5057.** 767.466 (intro.) of the statutes is amended to read:

16 **767.466 Motion to reopen judgment based on statement**  
17 **acknowledging paternity.** (intro.) A judgment which adjudicates a person to be  
18 the father of a child and which was based upon a statement acknowledging paternity  
19 that was signed and filed before January 1, 1998, may, if no trial was conducted, be  
20 reopened under any of the following circumstances:

21 **SECTION 5058.** 767.47 (1) (c) of the statutes is amended to read:

22 767.47 (1) (c) Genetic test results under ss. 49.225, 767.48 or 885.23.

23 **SECTION 5059.** 767.47 (3) of the statutes is amended to read:

24 767.47 (3) ~~In~~ Except as provided in s. 767.48 (4), in an action against an alleged  
25 father, evidence offered by him with respect to an identified man who is not subject

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1 to the jurisdiction of the court concerning that man's sexual intercourse with the  
2 mother at or about the presumptive time of conception of the child is admissible in  
3 evidence only after the alleged father has undergone genetic tests and made the  
4 results available to the court ~~genetic tests as provided in s. 767.48.~~

5 **SECTION 5060.** 767.47 (8) of the statutes is amended to read:

6 767.47 (8) The party bringing an action for the purpose of determining  
7 paternity or for the purpose of declaring the nonexistence of paternity presumed  
8 under s. 891.405 or 891.41 (1) shall have the burden of proving the issues involved  
9 by clear and satisfactory preponderance of the evidence.

10 **SECTION 5061.** 767.47 (11) of the statutes is created to read:

11 767.47 (11) Bills for services or articles related to the pregnancy, childbirth or  
12 genetic testing may be admitted into evidence and are prima facie evidence of the  
13 costs incurred for such services or articles.

14 **SECTION 5062.** 767.475 (2) of the statutes is amended to read:

15 767.475 (2) Presumption of paternity shall be as provided in ss. 891.39, 891.405  
16 and 891.41 (1).

17 **SECTION 5063.** 767.477 of the statutes is created to read:

18 **767.477 Temporary orders. (1)** At any time during the pendency of an action  
19 to establish the paternity of a child, if genetic tests show that the alleged father is  
20 not excluded and that the statistical probability of the alleged father's parentage is  
21 99.0% or higher, on the motion of a party, the court shall make an appropriate  
22 temporary order for the payment of child support and may make a temporary order  
23 assigning responsibility for and directing the manner of payment of the child's health  
24 care expenses.

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1           **(2)** Before making any temporary order under sub. (1), the court shall consider  
2 those factors that the court is required under s. 767.51 to consider when granting a  
3 final judgment on the same subject matter. If the court makes a temporary child  
4 support order that deviates from the amount of support that would be required by  
5 using the percentage standard established by the department under s. 49.22 (9), the  
6 court shall comply with the requirements of s. 767.51 (5d).

7           **SECTION 5064.** 767.48 (1) (a) of the statutes is amended to read:

8           767.48 **(1)** (a) The court may, and upon request of a party shall, require the  
9 child, mother, any male for whom there is probable cause to believe that he had  
10 sexual intercourse with the mother during a possible time of the child's conception,  
11 or any male witness who testifies or will testify about his sexual relations with the  
12 mother at a possible time of conception to submit to genetic tests. Probable cause of  
13 sexual intercourse during a possible time of conception may be established by a  
14 sufficient petition or affidavit of the child's mother filed with the court, or after an  
15 examination under oath of a complainant or witness, when the court determines  
16 such an examination is necessary. The court is not required to order a person who  
17 has undergone a genetic test under s. 49.225 to submit to another test under this  
18 paragraph unless a party requests additional tests under sub. (2).

19           **SECTION 5065.** 767.48 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
20 .... (this act), is amended to read:

21           767.48 **(1)** (a) The court may, and upon request of a party shall, require the  
22 child, mother, any male for whom there is probable cause to believe that he had  
23 sexual intercourse with the mother during a possible time of the child's conception,  
24 or any male witness who testifies or will testify about his sexual relations with the  
25 mother at a possible time of conception to submit to genetic tests. Probable cause of

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1 sexual intercourse during a possible time of conception may be established by a  
2 sufficient petition or affidavit of the child's mother or an alleged father, filed with the  
3 court, or after an examination under oath of a ~~complainant party~~ or witness, when  
4 the court determines such an examination is necessary. The court is not required to  
5 order a person who has undergone a genetic test under s. 49.225 to submit to another  
6 test under this paragraph unless a party requests additional tests under sub. (2).

7 **SECTION 5066.** 767.48 (1m) of the statutes is amended to read:

8 767.48 (1m) ~~Under sub. (1), if the~~ If genetic tests ordered under this section or  
9 s. 49.225 show that the alleged father is not excluded and that the statistical  
10 probability of the alleged father's parentage is 99.0% or higher, the alleged father  
11 shall be rebuttably presumed to be the child's parent.

12 **SECTION 5067.** 767.48 (4) of the statutes is amended to read:

13 767.48 (4) Whenever the results of ~~the~~ genetic tests exclude ~~the~~ an alleged  
14 father as the father of the child, this evidence shall be conclusive evidence of  
15 nonpaternity and the court shall dismiss ~~the~~ any paternity action with respect to that  
16 alleged father. Whenever the results of ~~the~~ genetic tests exclude any male witness  
17 from possible paternity, the tests shall be conclusive evidence of nonpaternity of the  
18 male witness. Testimony relating to sexual intercourse or possible sexual  
19 intercourse of the mother with any person excluded as a possible father, as a result  
20 of a genetic test, is inadmissible as evidence. If any party refuses to submit to a  
21 genetic test, this fact shall be disclosed to the fact finder. ~~This refusal~~ Refusal to  
22 submit to a genetic test ordered by the court is a contempt of the court for failure to  
23 produce evidence under s. 767.47 (5). If the action was brought by the child's mother  
24 but she refuses to submit herself or the child to genetic tests, the action shall be  
25 dismissed.

**SENATE BILL 77****SECTION 5068**

1           **SECTION 5068.** 767.48 (5) (a) of the statutes is amended to read:

2           767.48 (5) (a) At Except as provided in par. (b), at the close of the proceeding  
3 the court may order either or both parties to reimburse the county if the court finds  
4 that they have sufficient resources to pay the costs of the genetic tests.

5           **SECTION 5069.** 767.48 (5) (b) of the statutes is amended to read:

6           767.48 (5) (b) If 2 or more identical series of genetic tests are performed upon  
7 the same person, regardless of whether the tests were ordered under this section or  
8 s. 49.225 or 767.458 (2), the court may require the person requesting the 2nd or  
9 subsequent series of tests to pay for it in advance.

10          **SECTION 5070.** 767.48 (5) (b) of the statutes, as affected by 1997 Wisconsin Act  
11 .... (this act), is amended to read:

12          767.48 (5) (b) If 2 or more identical series of genetic tests are performed upon  
13 the same person, regardless of whether the tests were ordered under this section or  
14 s. 49.225 or 767.458 (2), the court ~~may~~ shall require the person requesting the 2nd  
15 or subsequent series of tests to pay for it in advance, unless the court finds that the  
16 person is indigent.

17          **SECTION 5071.** 767.51 (1) of the statutes is amended to read:

18          767.51 (1) The A judgment or order of the court determining the existence or  
19 nonexistence of paternity is determinative for all purposes.

20          **SECTION 5072.** 767.51 (2) of the statutes is amended to read:

21          767.51 (2) The clerk of court shall file with the state registrar, within 30 days  
22 after the entry of ~~the order or a judgment or order determining paternity,~~ a report  
23 showing the names, dates and birth places of the child and the father and the maiden  
24 name of the mother on a form designated by the state registrar, along with the fee  
25 set forth in s. 69.22 (5), which the clerk of court shall collect.

**SENATE BILL 77****SECTION 5073**

1           **SECTION 5073.** 767.51 (2) of the statutes, as affected by 1997 Wisconsin Act ...  
2 (this act), is amended to read:

3           767.51 (2) The clerk of court shall file with the state registrar, within 30 days  
4 after the entry of a judgment or order determining paternity, a report showing the  
5 names, dates and birth places of the child and the father, the social security numbers  
6 of the mother, father and child and the maiden name of the mother on a form  
7 designated by the state registrar, along with the fee set forth in s. 69.22 (5), which  
8 the clerk of court shall collect.

9           **SECTION 5074.** 767.51 (3) of the statutes is amended to read:

10          767.51 (3) ~~The~~ A judgment or order determining paternity may contain any  
11 other provision directed against the appropriate party to the proceeding, concerning  
12 the duty of support, the legal custody and guardianship of the child, periods of  
13 physical placement, the furnishing of bond or other security for the payment of the  
14 judgment, or any other matter in the best interest of the child. ~~Unless the court~~  
15 ~~orders otherwise, if~~ If there is no presumption of paternity under s. 891.41 (1) and  
16 the father does not request custody of the child, the mother shall have sole legal  
17 custody of the child. ~~If the father requests custody of the child, the court shall~~  
18 determine legal custody in the manner provided in s. 767.24 (1) to (3) and (5). The  
19 court shall determine physical placement rights in the manner provided in s. 767.24  
20 (1), (4) and (5). The court shall order either party or both to pay for the support of  
21 any child of the parties who is less than 18 years old, or any child of the parties who  
22 is less than 19 years old ~~and if the child~~ is pursuing an accredited course of  
23 instruction leading to the acquisition of a high school diploma or its equivalent. The  
24 judgment or order may direct the father to pay or contribute to the reasonable  
25 expenses of the mother's pregnancy and confinement during pregnancy and may

**SENATE BILL 77****SECTION 5074**

1 direct either party to pay or contribute to the costs of genetic tests, attorney fees and  
2 other costs. Contributions to the costs of genetic tests shall be paid to the county  
3 which paid for the genetic tests.

4 **SECTION 5075.** 767.51 (3m) (c) 1. of the statutes is amended to read:

5 767.51 (3m) (c) 1. In directing the manner of payment of a child's health care  
6 expenses, the court may order that payment, including payment for health insurance  
7 premiums, be withheld from income and sent to the appropriate health care insurer,  
8 provider or plan, as provided in s. 767.265 (3h), or sent to the ~~clerk of court or support~~  
9 ~~collection~~ department or its designee, whichever is appropriate, for disbursement to  
10 the person for whom the payment has been awarded if that person is not a health care  
11 insurer, provider or plan. If the court orders income withholding and assignment for  
12 the payment of health care expenses, the court shall send notice of assignment in the  
13 manner provided under s. 767.265 (2r) and may include the notice of assignment  
14 under this subdivision with a notice of assignment under s. 767.265. ~~The clerk of~~  
15 ~~court~~ department or its designee, whichever is appropriate, shall keep a record of all  
16 moneys received and disbursed by the ~~clerk~~ department or its designee for health  
17 care expenses that are directed to be paid to the ~~clerk and the support collection~~  
18 ~~designee shall keep a record of all moneys received and disbursed by the support~~  
19 ~~collection designee for health care expenses that are directed to be paid to the support~~  
20 ~~collection~~ department or its designee.

21 **SECTION 5076.** 767.51 (3m) (d) 2. of the statutes is amended to read:

22 767.51 (3m) (d) 2. Provide family coverage of health care expenses for the child,  
23 if eligible for coverage, upon application by the parent, the child's other parent, the  
24 department or the county designee child support agency under s. 59.53 (5).



**SENATE BILL 77****SECTION 5077**

1           **SECTION 5077.** 767.51 (3m) (d) 2. of the statutes, as affected by 1997 Wisconsin  
2 Act .... (this act), is amended to read:

3           767.51 **(3m)** (d) 2. Provide family coverage of health care expenses for the child,  
4 if eligible for coverage, upon application by the parent, the child's other parent, the  
5 department or the county child support agency under s. 59.53 (5), or upon receiving  
6 a notice under par. (f) 1.

7           **SECTION 5078.** 767.51 (3m) (d) 2m. of the statutes is created to read:

8           767.51 **(3m)** (d) 2m. Inform the county child support agency under s. 59.53 (5)  
9 when coverage of the child under the health benefit plan is in effect and, upon  
10 request, provide copies of necessary program or policy identification to the child's  
11 other parent.

12           **SECTION 5079.** 767.51 (3m) (f) of the statutes is created to read:

13           767.51 **(3m)** (f) 1. If a parent who has been ordered by a court to provide  
14 coverage of the health care expenses of a child changes employers, the county child  
15 support agency under s. 59.53 (5) shall provide notice of the order to the new  
16 employer and to the parent.

17           2. The notice provided to the parent shall inform the parent that coverage for  
18 the child under the new employer's health benefit plan will be in effect upon the  
19 employer's receipt of the notice. The notice shall inform the parent that he or she  
20 may, within 10 days after receiving the notice, by motion request a hearing before the  
21 court on the issue of whether the order to provide coverage of the child's health care  
22 expenses should remain in effect. A motion under this subdivision may be heard by  
23 a family court commissioner. If the parent requests a hearing and the court or family  
24 court commissioner determines that the order to provide coverage of the child's

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1 health care expenses should not remain in effect, the court shall provide notice to the  
2 employer that the order is no longer in effect.

3 **SECTION 5080.** 767.51 (4g) of the statutes is amended to read:

4 767.51 (4g) In determining child support payments, the court may consider all  
5 relevant financial information or other information relevant to the parent's earning  
6 capacity, including information reported under s. 49.22 (2m) to the department, or  
7 the county child and spousal support agency, under s. ~~49.22 (2m)~~ 59.53 (5).

8 **SECTION 5081.** 767.51 (5p) (intro.) of the statutes is amended to read:

9 767.51 (5p) (intro.) A party ordered to pay child support under this section  
10 shall pay simple interest at the rate of 1.5% per month on any amount unpaid,  
11 commencing the first day of the 2nd month after the month in which the amount was  
12 due. Interest under this subsection is in lieu of interest computed under s. 807.01  
13 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support collection~~  
14 department or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the  
15 ~~clerk of court or support collection~~ department or its designee, whichever is  
16 appropriate, shall apply all payments received for child support as follows:

17 **SECTION 5082.** 767.51 (5p) (a) of the statutes is amended to read:

18 767.51 (5p) (a) First, to payment of child support due within the calendar  
19 month during which the payment is withheld from income under s. 767.265 or under  
20 similar laws of another state. If payment is not made through income withholding,  
21 the ~~clerk or support collection~~ department or its designee, whichever is appropriate,  
22 shall first apply child support payments received to payment of child support due  
23 within the calendar month during which the payment is received.

24 **SECTION 5083.** 767.52 (2m) of the statutes is amended to read:

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1           767.52 **(2m)** Representation by an attorney appointed under sub. (1) shall be  
2 provided only after the results of any genetic tests ~~that were ordered by the court~~  
3 have been completed and only if all of the results fail to show that the alleged father  
4 is excluded and fail to give rise to the rebuttable presumption under s. 767.48 (1m)  
5 that the alleged father is the father of the child. ~~genetic~~

6           **SECTION 5084.** 767.62 of the statutes is repealed and recreated to read:

7           **767.62 Voluntary acknowledgment of paternity. (1) CONCLUSIVE**  
8 **DETERMINATION OF PATERNITY.** A statement acknowledging paternity that is on file  
9 with the state registrar under s. 69.15 (3) (b) 3. after the last day on which a person  
10 may timely rescind the statement, as specified in s. 69.15 (3m), is a conclusive  
11 determination, which shall be of the same effect as a judgment, of paternity.

12           **(2) RESCISSION OF ACKNOWLEDGMENT.** (a) Any person who signs a statement  
13 acknowledging paternity that is filed with the state registrar under s. 69.15 (3) (b)  
14 3. may rescind the statement as provided in s. 69.15 (3m).

15           (b) If a statement acknowledging paternity is timely rescinded by either person  
16 who signed the statement, a court or family court commissioner may not enter an  
17 order specified in sub. (4) with respect to the man who signed the statement unless  
18 the man is adjudicated the child's father using the procedures set forth in ss. 767.45  
19 to 767.60.

20           **(3) ACTIONS WHEN PATERNITY ACKNOWLEDGED.** (a) An action affecting the family  
21 under s. 767.02 (1) (e), (f) or (k) may be brought with respect to persons who, with  
22 respect to a child, jointly signed and filed with the state registrar under s. 69.15 (3)  
23 (b) 3. a statement acknowledging paternity that has not been timely rescinded.

24           (b) Except as provided in s. 767.045, in an action specified in par. (a) the court  
25 or family court commissioner may appoint a guardian ad litem for the child and shall

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1 appoint a guardian ad litem for a party who is a minor, unless the minor party is  
2 represented by an attorney.

3 (4) ORDERS WHEN PATERNITY ACKNOWLEDGED. (a) In an action under sub. (3) (a),  
4 if the persons who signed and filed the statement acknowledging paternity had  
5 notice of the hearing, the court or family court commissioner may make an order that  
6 contains any provision directed against the appropriate party to the proceeding  
7 concerning the duty of support, the legal custody or guardianship of the child, periods  
8 of physical placement, the furnishing of bond or other security for the payment of  
9 amounts under the order or any other matter in the best interest of the child. If there  
10 is no presumption of paternity under s. 891.41 (1) and the father does not request  
11 custody of the child, the mother shall have sole legal custody of the child. If the father  
12 requests custody of the child, the court or family court commissioner shall determine  
13 legal custody in the manner provided in s. 767.24 (1) to (3) and (5). The court or family  
14 court commissioner shall determine physical placement rights in the manner  
15 provided in s. 767.24 (1), (4) and (5). The court or family court commissioner shall  
16 order either party or both to pay for the support of any child of the parties who is less  
17 than 18 years old, or any child of the parties who is less than 19 years old if the child  
18 is pursuing an accredited course of instruction leading to the acquisition of a high  
19 school diploma or its equivalent. The order may direct the father to pay or contribute  
20 to the reasonable expenses of the mother's pregnancy and confinement during  
21 pregnancy and may direct either party to pay or contribute to the costs of attorney  
22 fees or other costs.

23 (b) 1. In this paragraph, "health insurance" does not include medical assistance  
24 provided under subch. IV of ch. 49.

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1           2. In addition to ordering child support for a child under par. (a), the court or  
2 family court commissioner shall specifically assign responsibility for and direct the  
3 manner of payment of the child's health care expenses. In assigning responsibility  
4 for a child's health care expenses, the court or family court commissioner shall  
5 consider whether a child is covered under a parent's health insurance policy or plan  
6 at the time the court enters an order under this paragraph, the availability of health  
7 insurance to each parent through an employer or other organization, the extent of  
8 coverage available to a child and the costs to the parent for the coverage of the child.  
9 A parent may be required to initiate or continue health care insurance coverage for  
10 a child under this subdivision. If a parent is required to do so, he or she shall provide  
11 copies of necessary program or policy identification to the other parent and is liable  
12 for any health care costs for which he or she receives direct payment from an insurer.  
13 This paragraph may not be construed to limit the authority of the court or family  
14 court commissioner to enter or modify support orders containing provisions for  
15 payment of medical expenses, medical costs, or insurance premiums that are in  
16 addition to and not inconsistent with this paragraph.

17           3. a. In directing the manner of payment of a child's health care expenses, the  
18 court or family court commissioner may order that payment, including payment for  
19 health insurance premiums, be withheld from income and sent to the appropriate  
20 health care insurer, provider or plan, as provided in s. 767.265 (3h), or sent to the  
21 clerk of court or support collection designee, whichever is appropriate, for  
22 disbursement to the person for whom the payment has been awarded if that person  
23 is not a health care insurer, provider or plan. If the court or family court  
24 commissioner orders income withholding and assignment for the payment of health  
25 care expenses, the court or family court commissioner shall send notice of

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1 assignment in the manner provided under s. 767.265 (2r) and may include that notice  
2 of assignment with a notice of assignment under s. 767.265. The clerk of court shall  
3 keep a record of all moneys received and disbursed by the clerk for health care  
4 expenses that are directed to be paid to the clerk and the support collection designee  
5 shall keep a record of all moneys received and disbursed by the support collection  
6 designee for health care expenses that are directed to be paid to the support collection  
7 designee.

8 b. If the court or family court commissioner orders a parent to initiate or  
9 continue health insurance coverage for a child under a health insurance policy that  
10 is available to the parent through an employer or other organization but the court  
11 or family court commissioner does not specify the manner in which payment of the  
12 health insurance premiums shall be made, the clerk of court may provide notice of  
13 assignment in the manner provided under s. 767.265 (2r) for the withholding from  
14 income of the amount necessary to pay the health insurance premiums. That notice  
15 of assignment may be sent with or included as part of any other notice of assignment  
16 under s. 767.265, if appropriate. A person who receives the notice of assignment shall  
17 send the withheld health insurance premiums to the appropriate health care  
18 insurer, provider or plan, as provided in s. 767.265 (3h).

19 4. If the court or family court commissioner orders a parent to provide coverage  
20 of the health care expenses of the parent's child and the parent is eligible for family  
21 coverage of health care expenses under a health benefit plan that is provided by an  
22 employer on an insured or on a self-insured basis, the employer shall do all of the  
23 following:

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1 a. Permit the parent to obtain family coverage of health care expenses for the  
2 child, if eligible for coverage, without regard to any enrollment period or waiting  
3 period restrictions that may apply.

4 b. Provide family coverage of health care expenses for the child, if eligible for  
5 coverage, upon application by the parent, the child's other parent, the department  
6 or the county child support agency under s. 59.53 (5).

7 c. After the child has coverage under the employer's health benefit plan, and  
8 as long as the parent is eligible for family coverage under the employer's health  
9 benefit plan, continue to provide coverage for the child unless the employer receives  
10 satisfactory written evidence that the order of the court or family court commissioner  
11 is no longer in effect or that the child has coverage of health care expenses under  
12 another health insurance policy or health benefit plan that provides comparable  
13 coverage of health care expenses.

14 5. a. If a parent who has been ordered by a court or family court commissioner  
15 to provide coverage of the health care expenses of a child who is eligible for medical  
16 assistance under subch. IV of ch. 49 receives payment from a 3rd party for the cost  
17 of services provided to the child but does not pay the health care provider for the  
18 services or reimburse the department or any other person who paid for the services  
19 on behalf of the child, the department may obtain a judgment against the parent for  
20 the amount of the 3rd party payment.

21 b. Section 767.265 (4) applies to a garnishment based on a judgment obtained  
22 under subd. 5. a.

23 (c) 1. In making an order of legal custody under par. (a), the court or family court  
24 commissioner shall require a parent who is not granted legal custody to provide to  
25 the court medical and medical history information that is known to the parent. If the

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1 court or family court commissioner orders joint legal custody, the court or family  
2 court commissioner shall require each parent to provide to the court medical and  
3 medical history information that is known to the parent. The court shall keep the  
4 information confidential and may release it only as provided in this paragraph. The  
5 information provided shall include all of the following:

6 a. The known medical history of the parent providing the information,  
7 including specific information about stillbirths or congenital anomalies in the  
8 parent's family, and the medical histories, if known, of the parents and siblings of the  
9 parent and any sibling of the child who is a child of the parent, except that medical  
10 history information need not be provided for a sibling of the child if the parent or  
11 other person who is granted legal custody of the child also has legal custody,  
12 including joint legal custody, of that sibling.

13 b. A report of any medical examination that the parent providing the  
14 information had within one year before the date of the order.

15 2. Upon the joint written request of a physician and a parent or other person  
16 with legal custody of the child, the court shall release the information provided under  
17 subd. 1. to a physician designated in the request. The physician joining in the request  
18 need not be the same physician designated in the request. The physician to whom  
19 the information is released shall keep the information confidential, but may release  
20 to the parent or other person with legal custody who made the request under this  
21 subdivision only that portion of the information that the physician determines is  
22 relevant to the child's medical condition.

23 (d) 1. Except as provided in par. (e), the court or family court commissioner shall  
24 determine child support payments under par. (a) by using the percentage standard  
25 established by the department under s. 49.22 (9).



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1           2. In determining child support payments under par. (a), the court or family  
2 court commissioner may consider all relevant financial information or other  
3 information relevant to the parent's earning capacity, including information  
4 reported under s. 49.22 (2m) to the department or the county child support agency  
5 under s. 59.53 (5).

6           3. Support orders under par. (a) ordinarily shall be for periodic payments which  
7 may vary in amount if appropriate. The payment amount may be expressed as a  
8 percentage of the parent's income or as a fixed sum, or as a combination of both in  
9 the alternative by requiring payment of the greater or lesser of either a percentage  
10 of the parent's income or a fixed sum. The father's liability for past support of the  
11 child shall be limited to support for the period after the birth of the child.

12           (e) Upon request by a party, the court or family court commissioner may modify  
13 the amount of child support payments determined under par. (d) if, after considering  
14 the following factors, the court or family court commissioner finds by the greater  
15 weight of the credible evidence that use of the percentage standard is unfair to the  
16 child or to the requesting party:

17           1. The needs of the child.

18           2. The physical, mental and emotional health needs of the child, including any  
19 costs for health insurance as provided for under par. (b).

20           3. The standard of living and circumstances of the parents, including whether  
21 a parent receives maintenance payments under s. 767.26 and the needs of each party  
22 in order to support himself or herself at a level equal to or greater than that  
23 established under 42 USC 9902 (2).

24           4. The relative financial means of the parents.

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1           5. The earning capacity of each parent, based on each parent's education,  
2 training and work experience and based on the availability of work in or near the  
3 parent's community.

4           6. The need and capacity of the child for education, including higher education.

5           7. The age of the child.

6           8. The financial resources and the earning ability of the child.

7           9. Any physical custody arrangement ordered or decided upon.

8           10. Extraordinary travel expenses incurred in exercising the right to periods  
9 of physical placement.

10          11. The responsibility of the parents for the support of others.

11          12. The value of services contributed by the custodial parent.

12          13. The best interests of the child.

13          14. Any other factors that the court or family court commissioner in each case  
14 determines are relevant to the best interests of the child.

15          (f) If the court or family court commissioner finds under par. (e) that use of the  
16 percentage standard is unfair to the child or the requesting party, the court or family  
17 court commissioner shall state in writing or on the record the amount of support that  
18 would be required by using the percentage standard, the amount by which the court's  
19 or family court commissioner's order deviates from that amount, the reasons for  
20 finding that use of the percentage standard is unfair to the child or the party, the  
21 reasons for the amount of the modification and the basis for the modification.

22          (g) A party ordered to pay child support under this subsection shall pay simple  
23 interest at the rate of 1.5% per month on any amount unpaid, commencing the first  
24 day of the 2nd month after the month in which the amount was due. Interest under  
25 this paragraph is in lieu of interest computed under s. 807.01 (4), 814.04 (4) or 815.05

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1 (8) and is paid to the clerk of court or support collection designee under s. 767.29.  
2 Except as provided in s. 767.29 (1m), the clerk of court or support collection designee,  
3 whichever is appropriate, shall apply all payments received for child support as  
4 follows:

5 1. First, to payment of child support due within the calendar month during  
6 which the payment is withheld from income under s. 767.265 or under similar laws  
7 of another state. If payment is not made through income withholding, the clerk or  
8 support collection designee, whichever is appropriate, shall first apply child support  
9 payments received to payment of child support due within the calendar month  
10 during which the payment is received.

11 2. Second, to payment of unpaid child support due before the payment is  
12 received.

13 3. Third, to payment of interest accruing on unpaid child support.

14 **(5) VOIDING DETERMINATION.** (a) A determination of paternity that arises under  
15 this section may be voided at any time upon a motion or petition stating facts that  
16 show fraud, duress or a mistake of fact. Except for good cause shown, any orders  
17 entered under sub. (4) shall remain in effect during the pendency of a proceeding  
18 under this paragraph.

19 (b) If a court in a proceeding under par. (a) determines that the man is not the  
20 father of the child, the court shall vacate any order entered under sub. (4) with  
21 respect to the man. The court shall notify the state registrar, in the manner provided  
22 in s. 69.15 (1) (b), to remove the man's name as the father of the child from the child's  
23 birth certificate. No paternity action may thereafter be brought against the man  
24 with respect to the child.

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1           **(6) APPLICABILITY.** (a) This section does not apply unless all of the following  
2 apply to the statement acknowledging paternity:

3           1. The statement is made on a form prescribed by the state registrar for use  
4 beginning on January 1, 1998.

5           2. The statement was signed and filed on or after January 1, 1998.

6           3. The statement contains an attestation clause showing that both parties,  
7 before signing the statement, received oral and written notice of the legal  
8 consequences of, the rights and responsibilities arising from and the alternatives to,  
9 signing the statement.

10           (b) Parties who signed and filed a statement acknowledging paternity before  
11 January 1, 1998, may sign and file a new statement that fulfills the requirements  
12 under par. (a). Such a statement supersedes any statement previously filed with the  
13 state registrar and has the effects specified in this section.

14           (c) The notice requirements under s. 69.15 (3) (b) 3. apply to this section  
15 beginning with forms for the acknowledgment of paternity that are prescribed by the  
16 state registrar on January 1, 1998.

17           **SECTION 5085.** 767.62 (4) (b) 3. a. of the statutes, as affected by 1997 Wisconsin  
18 Act .... (this act), is amended to read:

19           767.62 (4) (b) 3. a. In directing the manner of payment of a child's health care  
20 expenses, the court or family court commissioner may order that payment, including  
21 payment for health insurance premiums, be withheld from income and sent to the  
22 appropriate health care insurer, provider or plan, as provided in s. 767.265 (3h), or  
23 sent to the ~~clerk of court or support collection~~ department or its designee, whichever  
24 is appropriate, for disbursement to the person for whom the payment has been  
25 awarded if that person is not a health care insurer, provider or plan. If the court or

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1 family court commissioner orders income withholding and assignment for the  
2 payment of health care expenses, the court or family court commissioner shall send  
3 notice of assignment in the manner provided under s. 767.265 (2r) and may include  
4 that notice of assignment with a notice of assignment under s. 767.265. The ~~elrk~~  
5 ~~of court~~ department or its designee, whichever is appropriate, shall keep a record of  
6 all moneys received and disbursed by the ~~elrk~~ department or its designee for health  
7 care expenses that are directed to be paid to the ~~elrk and the support collection~~  
8 ~~designee shall keep a record of all moneys received and disbursed by the support~~  
9 ~~collection designee for health care expenses that are directed to be paid to the support~~  
10 ~~collection~~ department or its designee.

11 **SECTION 5086.** 767.62 (4) (b) 4. b. of the statutes, as affected by 1997 Wisconsin  
12 Act .... (this act), is amended to read:

13 767.62 (4) (b) 4. b. Provide family coverage of health care expenses for the child,  
14 if eligible for coverage, upon application by the parent, the child's other parent, the  
15 department or the county child support agency under s. 59.53 (5), or upon receiving  
16 a notice under subd. 6.

17 **SECTION 5087.** 767.62 (4) (b) 4. bm. of the statutes is created to read:

18 767.62 (4) (b) 4. bm. Inform the county child support agency under s. 59.53 (5)  
19 when coverage of the child under the health benefit plan is in effect and, upon  
20 request, provide copies of necessary program or policy identification to the child's  
21 other parent.

22 **SECTION 5088.** 767.62 (4) (b) 6. of the statutes is created to read:

23 767.62 (4) (b) 6. a. If a parent who has been ordered by a court to provide  
24 coverage of the health care expenses of a child changes employers, the county child

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1 support agency under s. 59.53 (5) shall provide notice of the order to the new  
2 employer and to the parent.

3 b. The notice provided to the parent shall inform the parent that coverage for  
4 the child under the new employer's health benefit plan will be in effect upon the  
5 employer's receipt of the notice. The notice shall inform the parent that he or she  
6 may, within 10 days after receiving the notice, by motion request a hearing before  
7 the court on the issue of whether the order to provide coverage of the child's health  
8 care expenses should remain in effect. A motion under this subd. 6. b. may be heard  
9 by a family court commissioner. If the parent requests a hearing and the court or  
10 family court commissioner determines that the order to provide coverage of the  
11 child's health care expenses should not remain in effect, the court shall provide notice  
12 to the employer that the order is no longer in effect.

13 **SECTION 5089.** 767.62 (4) (g) (intro.) of the statutes, as affected by 1997  
14 Wisconsin Act .... (this act), is amended to read:

15 767.62 (4) (g) (intro.) A party ordered to pay child support under this subsection  
16 shall pay simple interest at the rate of 1.5% per month on any amount unpaid,  
17 commencing the first day of the 2nd month after the month in which the amount was  
18 due. Interest under this paragraph is in lieu of interest computed under s. 807.01  
19 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support collection~~  
20 department or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the  
21 ~~clerk of court or support collection~~ department or its designee, whichever is  
22 appropriate, shall apply all payments received for child support as follows:

23 **SECTION 5090.** 767.62 (4) (g) 1. of the statutes, as affected by 1997 Wisconsin  
24 Act .... (this act), is amended to read:

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1           767.62 (4) (g) 1. First, to payment of child support due within the calendar  
2 month during which the payment is withheld from income under s. 767.265 or under  
3 similar laws of another state. If payment is not made through income withholding,  
4 the ~~clerk or support collection~~ department or its designee, whichever is appropriate,  
5 shall first apply child support payments received to payment of child support due  
6 within the calendar month during which the payment is received.

7           **SECTION 5091.** 769.101 (7) of the statutes is amended to read:

8           769.101 (7) “Initiating state” means a state ~~in~~ from which a proceeding is  
9 forwarded, or in which a proceeding is filed for forwarding, to a responding state  
10 under this chapter or a law or procedure substantially similar to this chapter, or  
11 under a law or procedure substantially similar to the uniform reciprocal enforcement  
12 of support act or the revised uniform reciprocal enforcement of support act is filed for  
13 forwarding to a responding state Uniform Reciprocal Enforcement of Support Act or  
14 the Revised Uniform Reciprocal Enforcement of Support Act.

15           **SECTION 5092.** 769.101 (16) of the statutes is amended to read:

16           769.101 (16) “Responding state” means a state ~~to~~ in which a proceeding is filed  
17 or to which a proceeding is forwarded for filing from an initiating state under this  
18 chapter or a law substantially similar to this chapter, or under a law or procedure  
19 substantially similar to the uniform reciprocal enforcement of support act or the  
20 revised uniform reciprocal enforcement of support act Uniform Reciprocal  
21 Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of  
22 Support Act.

23           **SECTION 5093.** 769.101 (19) of the statutes is renumbered 769.101 (19) (intro.)

24 and amended to read:

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1           769.101 (19) (intro.) “State” means a state of the United States, the district  
2     District of Columbia, the ~~commonwealth~~ Commonwealth of Puerto Rico or any  
3     territory or insular possession subject to the jurisdiction of the United States. “State”  
4     includes an all of the following:

5           (a) ~~An~~ Indian tribe and includes a.

6           (b) A foreign jurisdiction that has enacted a law or established procedures for  
7     issuance and enforcement of support orders that are substantially similar to the  
8     procedures under this chapter or to the procedures under the Uniform Reciprocal  
9     Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of  
10    Support Act.

11           **SECTION 5094.** 769.207 (title) of the statutes is amended to read:

12           **769.207** (title) **Recognition of controlling child support orders order.**

13           **SECTION 5095.** 769.207 (1) (intro.) of the statutes is renumbered 769.207 (1m)  
14     (intro.) and amended to read:

15           769.207 (1m) (intro.) If a proceeding is brought under this chapter, and ~~one~~ 2  
16     or more child support orders have been issued ~~in~~ by tribunals of this state or another  
17     state with regard to ~~an~~ the same obligor and a child, a tribunal of this state shall  
18     apply the following rules in determining which child support order to recognize for  
19     purposes of continuing, exclusive jurisdiction:

20           **SECTION 5096.** 769.207 (1) (a) of the statutes is repealed.

21           **SECTION 5097.** 769.207 (1) (b) of the statutes is renumbered 769.207 (1m) (a)  
22     and amended to read:

23           769.207 (1m) (a) ~~If 2 or more tribunals have issued child support orders for the~~  
24     ~~same obligor and child and only one of the tribunals would have continuing, exclusive~~



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1 jurisdiction under this chapter, the child support order of that tribunal is controlling  
2 and must be recognized.

3 **SECTION 5098.** 769.207 (1) (c) of the statutes is renumbered 769.207 (1m) (b)  
4 and amended to read:

5 769.207 (1m) (b) ~~If 2 or more tribunals have issued child support orders for the~~  
6 ~~same obligor and child and~~ more than one of the tribunals would have continuing,  
7 exclusive jurisdiction under this chapter, ~~an~~ a child support order issued by a  
8 tribunal in the current home state of the child must be recognized, but if ~~an~~ a child  
9 support order has not been issued in the current home state of the child, the child  
10 support order most recently issued is controlling and must be recognized.

11 **SECTION 5099.** 769.207 (1) (d) of the statutes is renumbered 769.207 (1m) (c)  
12 and amended to read:

13 769.207 (1m) (c) ~~If 2 or more tribunals have issued child support orders for the~~  
14 ~~same obligor and child and~~ none of the tribunals would have continuing, exclusive  
15 jurisdiction under this chapter, the tribunal of this state ~~may~~ having jurisdiction over  
16 the parties must issue a child support order, which is controlling and must be  
17 recognized.

18 **SECTION 5100.** 769.207 (1c) of the statutes is created to read:

19 769.207 (1c) If a proceeding is brought under this chapter and only one tribunal  
20 has issued a child support order, the child support order of that tribunal is controlling  
21 and must be recognized.

22 **SECTION 5101.** 769.207 (1r) of the statutes is created to read:

23 769.207 (1r) If 2 or more child support orders have been issued for the same  
24 obligor and child and if the obligor or the individual obligee resides in this state, a  
25 party may request a tribunal of this state to determine which child support order

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1 controls and must be recognized under sub. (1m). The request must be accompanied  
2 by a certified copy of every child support order issued for the obligor and child that  
3 is in effect. Every party whose rights may be affected by a determination of which  
4 child support order controls must be given notice of the request for that  
5 determination.

6 **SECTION 5102.** 769.207 (2) of the statutes is amended to read:

7 769.207 (2) The tribunal that has issued an the order that is controlling and  
8 must be recognized under sub. ~~(1)~~ (1c), (1m) or (1r) is the tribunal having that has  
9 continuing, exclusive jurisdiction in accordance with s. 769.205.

10 **SECTION 5103.** 769.207 (3) of the statutes is created to read:

11 769.207 (3) A tribunal of this state that determines by order which child  
12 support order is controlling under sub. (1m) (a) or (b), or that issues a new child  
13 support order that is controlling under sub. (1m) (c), shall include in that order the  
14 basis upon which the tribunal made its determination.

15 **SECTION 5104.** 769.207 (4) of the statutes is created to read:

16 769.207 (4) Within 30 days after the issuance of an order determining which  
17 child support order is controlling, the party that obtained the order shall file a  
18 certified copy of the order with each tribunal that had issued or registered an earlier  
19 child support order. Failure of the party obtaining the order to file a certified copy  
20 of the order as required by this subsection subjects the party to appropriate sanctions  
21 by a tribunal in which the issue of failure to file arises, but that failure has no effect  
22 on the validity or enforceability of the controlling child support order.

23 **SECTION 5105.** 769.304 of the statutes is renumbered 769.304 (1).

24 **SECTION 5106.** 769.304 (2) of the statutes is created to read:

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1           769.304 (2) If a responding state has not enacted this chapter or a law or  
2 procedure substantially similar to this chapter, a tribunal of this state may issue a  
3 certificate or other documents and make findings required by the law of the  
4 responding state. If the responding state is a foreign jurisdiction, the tribunal may  
5 specify the amount of support sought and provide other documents necessary to  
6 satisfy the requirements of the responding state.

7           **SECTION 5107.** 769.305 (1) of the statutes is amended to read:

8           769.305 (1) Whenever a responding tribunal of this state receives a petition or  
9 comparable pleading from an initiating tribunal or directly under s. 769.301 (3), it  
10 shall cause the petition or pleading to be filed and notify the petitioner by 1st class  
11 mail, or if the petition was filed by a support enforcement agency, notify the support  
12 enforcement agency by any federally approved transmittal system, where and when  
13 it was filed.

14           **SECTION 5108.** 769.305 (5) of the statutes is amended to read:

15           769.305 (5) If a responding tribunal of this state issues an order under this  
16 chapter, the tribunal shall send a copy of the order by 1st class mail to the petitioner  
17 and the respondent and to the initiating tribunal, if any.

18           **SECTION 5109.** 769.306 of the statutes is amended to read:

19           **769.306 Inappropriate tribunal.** If a petition or comparable pleading is  
20 received by an inappropriate tribunal of this state, it shall forward the pleading and  
21 accompanying documents to an appropriate tribunal in this state or another state  
22 and notify the petitioner by 1st class mail, or if the petition was filed by a support  
23 enforcement agency, notify the support enforcement agency by any federally  
24 approved transmittal system, where and when the pleading was sent.

25           **SECTION 5110.** 769.307 (2) (d) of the statutes is amended to read:

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1           769.307 (2) (d) Within 10 days, exclusive of Saturdays, Sundays and legal  
2 holidays, after receipt of a written notice from an initiating, responding or  
3 registering tribunal, send a copy of the notice by ~~1st class mail~~ to the petitioner.

4           **SECTION 5111.** 769.307 (2) (e) of the statutes is amended to read:

5           769.307 (2) (e) Within 10 days, exclusive of Saturdays, Sundays and legal  
6 holidays, after receipt of a written communication from the respondent or the  
7 respondent's attorney, send a copy of the communication by ~~1st class mail~~ to the  
8 petitioner.

9           **SECTION 5112.** 769.319 of the statutes is amended to read:

10           **769.319 Receipt and disbursement of payments.** A support enforcement  
11 agency ~~or, its designee or a~~ tribunal of this state shall disburse promptly any amounts  
12 received under a support order, as directed by the order. The agency ~~or, its designee~~  
13 or the tribunal shall furnish to a requesting party or tribunal of another state a  
14 certified statement by the custodian of the record of the amounts and dates of all  
15 payments received.

16           **SECTION 5113.** Subchapter V (title) of chapter 769 [precedes 769.501] of the  
17 statutes is amended to read:

**CHAPTER 769****SUBCHAPTER V****~~DIRECT~~ ENFORCEMENT OF ORDER****OF ANOTHER STATE****WITHOUT REGISTRATION**

23           **SECTION 5114.** 769.501 (1) (intro.) of the statutes is renumbered 769.501 and  
24 amended to read:

**SENATE BILL 77****SECTION 5114**

1           **769.501** (title) ~~Recognition~~ Employer's receipt of income-withholding  
2 **order of another state.** An income-withholding order issued in another state may  
3 be sent by ~~1st class mail~~ to the obligor's employer without first filing a petition or  
4 comparable pleading or registering the income-withholding order with a tribunal of  
5 this state. ~~Upon receipt of the order, the employer shall do all of the following:~~

6           **SECTION 5115.** 769.501 (1) (a) of the statutes is repealed.

7           **SECTION 5116.** 769.501 (1) (b) of the statutes is repealed.

8           **SECTION 5117.** 769.501 (1) (c) of the statutes is repealed.

9           **SECTION 5118.** 769.501 (2) (intro.) of the statutes is renumbered 769.506 (1) and  
10 amended to read:

11           769.506 (1) An obligor may contest the validity or enforcement of an  
12 income-withholding order issued in another state and received directly by an  
13 employer in this state in the same manner as if the order had been issued by a  
14 tribunal of this state. Section 769.604 applies to the contest.

15           **(2)** The obligor shall give notice of the contest to any all of the following:

16           (a) A support enforcement agency providing services to the obligee ~~and to either~~  
17 ~~of the following:~~

18           **SECTION 5119.** 769.501 (2) (a) of the statutes is renumbered 769.506 (2) (c) and  
19 amended to read:

20           769.506 (2) (c) The Except as provided in par. (d), the person or agency  
21 designated to receive payments in the income-withholding order.

22           **SECTION 5120.** 769.501 (2) (b) of the statutes is renumbered 769.506 (2) (d) and  
23 amended to read:

24           769.506 (2) (d) If no person or agency is designated to receive payments in the  
25 income-withholding order, the obligee.

**SENATE BILL 77****SECTION 5121**

1           **SECTION 5121.** 769.502 of the statutes is repealed and recreated to read:

2           **769.502 Employer's compliance with income-withholding order of**  
3 **another state.** (1) Upon receipt of an income-withholding order under s. 769.501,  
4 the obligor's employer shall immediately provide a copy of the order to the obligor.

5           (2) The employer shall treat an income-withholding order issued in another  
6 state that appears to be regular on its face as if it had been issued by a tribunal of  
7 this state.

8           (3) Except as provided in sub. (4) and s. 769.503, the employer shall withhold  
9 and distribute the funds as directed in the income-withholding order by complying  
10 with the terms of the order, as applicable, that specify any of the following:

11           (a) The duration and amount of periodic payments of current child support,  
12 stated as a sum certain.

13           (b) The person or agency designated to receive payments and the address to  
14 which the payments are to be forwarded.

15           (c) Medical support, whether in the form of periodic cash payments, stated as  
16 a sum certain, or the provision of health insurance coverage for the child under a  
17 policy available through the obligor's employment.

18           (d) The amounts of periodic payments of fees and costs for a support  
19 enforcement agency, the issuing tribunal or the obligee's attorney, stated as sums  
20 certain.

21           (e) The amount of periodic payments of arrears and interest on arrears, stated  
22 as a sum certain.

23           (4) The employer shall comply with the law of the state of the obligor's principal  
24 place of employment for withholding from income with respect to all of the following:

25           (a) The employer's fee for processing an income-withholding order.

**SENATE BILL 77****SECTION 5121**

1 (b) The maximum amount permitted to be withheld from the obligor's income.

2 (c) The time periods within which the employer must implement the  
3 income-withholding order and forward the child support payment.

4 **SECTION 5122.** 769.503 of the statutes is created to read:

5 **769.503 Compliance with multiple income-withholding orders.** If an  
6 obligor's employer receives multiple orders to withhold support from the earnings of  
7 the same obligor, the employer shall be considered to have satisfied the terms of the  
8 multiple orders if the employer complies with the law of the state of the obligor's  
9 principal place of employment to establish the priorities for withholding and  
10 allocating income withheld for multiple child support obligees.

11 **SECTION 5123.** 769.504 of the statutes is created to read:

12 **769.504 Immunity from civil liability.** An employer that complies with an  
13 income-withholding order issued in another state in accordance with this  
14 subchapter is not subject to civil liability to any individual or agency with regard to  
15 the employer's withholding of child support from an obligor's income.

16 **SECTION 5124.** 769.505 of the statutes is created to read:

17 **769.505 Penalties for noncompliance.** An employer that wilfully fails to  
18 comply with an income-withholding order issued by another state and received for  
19 enforcement is subject to the same penalties that may be imposed for noncompliance  
20 with an income-withholding order issued by a tribunal of this state.

21 **SECTION 5125.** 769.506 (title) of the statutes is created to read:

22 **769.506 (title) Contest by obligor.**

23 **SECTION 5126.** 769.506 (2) (b) of the statutes is created to read:

24 769.506 (2) (b) Each employer that has directly received an  
25 income-withholding order.

**SENATE BILL 77****SECTION 5127**

1           **SECTION 5127.** 769.507 of the statutes is created to read:

2           **769.507 Administrative enforcement of orders.** (1) A party seeking to  
3 enforce a support order or an income-withholding order, or both, issued by a tribunal  
4 of another state may send the documents required for registering the order to a  
5 support enforcement agency of this state.

6           (2) Upon receipt of the documents, the support enforcement agency, without  
7 initially seeking to register the order, shall consider and, if appropriate, use any  
8 administrative procedure authorized by the law of this state to enforce a support  
9 order or an income-withholding order, or both. If the obligor does not contest  
10 administrative enforcement, the order need not be registered. If the obligor contests  
11 the validity or administrative enforcement of the order, the support enforcement  
12 agency shall register the order as provided in this chapter.

13           **SECTION 5128.** 769.605 (1) of the statutes is amended to read:

14           769.605 (1) Whenever a support order or income-withholding order issued in  
15 another state is registered, the registering tribunal shall notify the nonregistering  
16 party. ~~Notice must be given by 1st class, certified or registered mail or by any means~~  
17 ~~of personal service authorized by the law of this state.~~ The notice must be  
18 accompanied by a copy of the registered order and the documents and relevant  
19 information accompanying the order.

20           **SECTION 5129.** 769.606 (3) of the statutes is amended to read:

21           769.606 (3) If a nonregistering party requests a hearing to contest the validity  
22 or enforcement of the registered order, the registering tribunal shall schedule the  
23 matter for hearing and give notice to the parties ~~by 1st class mail~~ of the date, time  
24 and place of the hearing.

25           **SECTION 5130.** 769.611 (1) (intro.) of the statutes is amended to read:



**SENATE BILL 77****SECTION 5130**

1           769.611 (1) (intro.) After a child support order issued in another state has been  
2 registered in this state, unless s. 769.613 applies the responding tribunal of this state  
3 may modify that child support order only if, after notice and hearing, it finds at least  
4 one of the following:

5           **SECTION 5131.** 769.611 (1) (b) of the statutes is amended to read:

6           769.611 (1) (b) That an individual party or the child is subject to the personal  
7 jurisdiction of the tribunal and that all of the individual parties have filed a written  
8 consent in the issuing tribunal providing that a tribunal of this state may modify the  
9 child support order and assume continuing, exclusive jurisdiction over the child  
10 support order. However, if the issuing state is a foreign jurisdiction that has not  
11 enacted this chapter, the written consent of the individual party residing in this state  
12 is not required for the tribunal to assume jurisdiction to modify the child support  
13 order.

14           **SECTION 5132.** 769.611 (3) of the statutes is amended to read:

15           769.611 (3) A tribunal of this state may not modify any aspect of a child support  
16 order that may not be modified under the law of the issuing state. If 2 or more  
17 tribunals have issued child support orders for the same obligor and child, the child  
18 support order that is controlling and must be recognized under s. 769.207 establishes  
19 the nonmodifiable aspects of the support order.

20           **SECTION 5133.** 769.611 (5) of the statutes is renumbered 769.614 and amended  
21 to read:

22           **769.614** (title) **Notice to issuing tribunal of modification.** Within 30 days  
23 after issuance of a modified child support order, the party obtaining the modification  
24 shall file a certified copy of the modified child support order with the issuing tribunal  
25 that had continuing, exclusive jurisdiction over the earlier child support order, and

**SENATE BILL 77****SECTION 5133**

1 in each tribunal in which the party knows that the earlier child support order has  
2 been registered. Failure of the party obtaining the modified child support order to  
3 file a certified copy as required by this section subjects the party to appropriate  
4 sanctions by a tribunal in which the issue of failure to file arises, but that failure has  
5 no effect on the validity or enforceability of the modified child support order of the  
6 new tribunal of continuing, exclusive jurisdiction.

7 **SECTION 5134.** 769.613 of the statutes is created to read:

8 **769.613 Jurisdiction to modify support order of another state when**  
9 **individual parties reside in this state.** (1) If all of the individual parties reside  
10 in this state and the child does not reside in the issuing state, a tribunal of this state  
11 has jurisdiction to enforce and to modify the issuing state's child support order in a  
12 proceeding to register that order.

13 (2) A tribunal of this state exercising jurisdiction as provided in sub. (1) shall  
14 apply the provisions of this subchapter and subchs. I and II to the enforcement or  
15 modification proceeding. Subchapters III to V, VII and VIII do not apply, and the  
16 tribunal shall apply the procedural and substantive law of this state.

17 **SECTION 5135.** 769.701 (1) of the statutes is amended to read:

18 769.701 (1) A tribunal of this state may serve as an initiating or responding  
19 tribunal in a proceeding brought under this chapter or a law substantially similar  
20 to this chapter, the ~~uniform reciprocal enforcement of support act or the revised~~  
21 ~~uniform reciprocal enforcement of support act~~ Uniform Reciprocal Enforcement of  
22 Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to  
23 determine that the petitioner is a parent of a particular child or to determine that  
24 a respondent is a parent of that child.

25 **SECTION 5136.** 769.802 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5136**

1           769.802 (2) If, under this chapter or a law substantially similar to this chapter,  
2           ~~the uniform reciprocal enforcement of support act or the revised uniform reciprocal~~  
3           ~~enforcement of support act~~ Uniform Reciprocal Enforcement of Support Act or the  
4           Revised Uniform Reciprocal Enforcement of Support Act, the governor of another  
5           state makes a demand that the governor of this state surrender an individual  
6           charged criminally in that state with having failed to provide for the support of a  
7           child or other individual to whom a duty of support is owed, the governor may require  
8           a prosecutor to investigate the demand and report whether a proceeding for support  
9           has been initiated or would be effective. If it appears that a proceeding would be  
10          effective but has not been initiated, the governor may delay honoring the demand for  
11          a reasonable time to permit the initiation of a proceeding.

12           **SECTION 5137.** 778.02 of the statutes is amended to read:

13           **778.02 Action in name of state; complaint; attachment.** Every such  
14          forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to  
15          allege in the complaint that the defendant is indebted to the plaintiff in the amount  
16          of the forfeiture claimed, according to the provisions of the statute that imposes it,  
17          specifying the statute and for the penalty assessment imposed by s. 165.87, the jail  
18          assessment imposed by s. 302.46 (1), the crime laboratories assessment imposed by  
19          s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c) and  
20          any applicable domestic abuse assessment imposed by s. 973.055 (1). If the statute  
21          imposes a forfeiture for several offenses or delinquencies the complaint shall specify  
22          the particular offense or delinquency for which the action is brought, with a demand  
23          for judgment for the amount of the forfeiture, penalty assessment, jail assessment,  
24          crime laboratories assessment, any applicable enforcement assessment and any

**SENATE BILL 77****SECTION 5137**

1 applicable domestic abuse assessment. If the defendant is a nonresident of the state,  
2 an attachment may issue.

3 **SECTION 5138.** 778.03 of the statutes is amended to read:

4 **778.03 Complaint to recover forfeited goods.** In an action to recover  
5 property forfeited by any statute it shall be sufficient to allege in the complaint that  
6 the property has been forfeited, specifying the statute, with a demand of judgment  
7 for the delivery of the property, or the value thereof and for payment of the penalty  
8 assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the  
9 crime laboratories assessment imposed by s. 165.755, the enforcement assessment  
10 imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse  
11 assessment imposed by s. 973.055 (1).

12 **SECTION 5139.** 778.06 of the statutes is amended to read:

13 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a  
14 specific sum or when it is not less than one sum or more than another, the action may  
15 be brought for the highest sum specified and for the penalty assessment imposed by  
16 s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories  
17 assessment imposed by s. 165.755, the enforcement assessment imposed under s.  
18 253.06 (4) (c) or (5) (c) and any applicable domestic abuse assessment imposed by s.  
19 973.055 (1); and judgment may be rendered for such sum as the court or jury shall  
20 assess or determine to be proportionate to the offense.

21 **SECTION 5140.** 778.10 of the statutes is amended to read:

22 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
23 any ordinance or regulation of any county, town, city or village, or of any other  
24 domestic corporation may be sued for and recovered, under this chapter, in the name  
25 of the county, town, city, village or corporation. It is sufficient to allege in the

**SENATE BILL 77****SECTION 5140**

1 complaint that the defendant is indebted to the plaintiff in the amount of the  
2 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
3 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
4 (1), the crime laboratories assessment imposed by s. 165.755 and any applicable  
5 domestic abuse assessment imposed by s. 973.055 (1). If the ordinance or regulation  
6 imposes a penalty or forfeiture for several offenses or delinquencies the complaint  
7 shall specify the particular offenses or delinquency for which the action is brought,  
8 with a demand for judgment for the amount of the forfeiture, the penalty assessment  
9 imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime  
10 laboratories assessment imposed by s. 165.755 and any applicable domestic abuse  
11 assessment imposed by s. 973.055 (1). All moneys collected on the judgment shall  
12 be paid to the treasurer of the county, town, city, village or corporation, except that  
13 all jail assessments shall be paid to the county treasurer.

14 **SECTION 5141.** 778.105 of the statutes is amended to read:

15 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by  
16 any court or any branch thereof for the violation of any municipal or county  
17 ordinance shall be paid to the municipality or county. Penalty assessment payments  
18 shall be made as provided in s. 165.87. Jail assessment payments shall be made as  
19 provided in s. 302.46 (1). Crime laboratories assessment payments shall be paid as  
20 provided in s. 165.755. Domestic abuse assessments shall be made as provided in s.  
21 973.055.

22 **SECTION 5142.** 778.13 of the statutes is amended to read:

23 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor  
24 of the state for forfeiture, except the portion to be paid to any person who sues with  
25 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the

**SENATE BILL 77****SECTION 5142**

1 county within which the forfeiture was incurred within 20 days after its receipt. In  
2 case of any failure in the payment the county treasurer may collect the payment of  
3 the officer by action, in the name of the office and upon the official bond of the officer,  
4 with interest at the rate of 12% per year from the time when it should have been paid.  
5 Penalty assessment payments shall be made as provided in s. 165.87. Jail  
6 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories  
7 assessment payments shall be paid as provided in s. 165.755. Domestic abuse  
8 assessments shall be made as provided in s. 973.055. Enforcement assessments  
9 shall be made as provided in s. 253.06 (4) (c).

10 **SECTION 5143.** 778.18 of the statutes is amended to read:

11 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her  
12 own will, dismisses any action brought before the judge under this chapter, unless  
13 by order of the district attorney or attorney general or the person joined as plaintiff  
14 with the state, or renders a less judgment therein than is prescribed by law, or  
15 releases or discharges any such judgment or part thereof without payment or  
16 collection, the judge and the judge's sureties shall be liable, in an action upon the  
17 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture  
18 imposed by the judge and for the penalty assessment imposed by s. 165.87, the jail  
19 assessment imposed by s. 302.46 (1), the crime laboratories assessment imposed by  
20 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1),  
21 or for an amount equal to the amount in which any such judgment or any part thereof  
22 is released or discharged. If any municipal judge gives time or delay to any person  
23 against whom any such judgment is rendered by the judge, or takes any bond or  
24 security for its future payment, the judge and the judge's sureties shall also be liable  
25 for the payment of the judgment upon the judge's bond.

**SENATE BILL 77****SECTION 5144**

1           **SECTION 5144.** 778.25 (2) (g) of the statutes is amended to read:

2           778.25 (2) (g) Notice that if the defendant makes a deposit and fails to appear  
3 in court at the time fixed in the citation, the failure to appear will be considered  
4 tender of a plea of no contest and submission to a forfeiture, penalty assessment and  
5 , jail assessment and crime laboratories assessment plus costs, including any  
6 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The  
7 notice shall also state that the court may decide to summon the defendant or, if the  
8 defendant is an adult, issue an arrest warrant for the defendant rather than accept  
9 the deposit and plea.

10           **SECTION 5145.** 778.25 (2) (h) of the statutes is amended to read:

11           778.25 (2) (h) Notice that if the defendant makes a deposit and signs the  
12 stipulation, the stipulation is treated as a plea of no contest and submission to a  
13 forfeiture, penalty assessment and, jail assessment and crime laboratories  
14 assessment plus costs, including any applicable fees prescribed in ch. 814, not to  
15 exceed the amount of the deposit. The notice shall also state that the court may  
16 decide to summon the defendant or, if the defendant is an adult, issue an arrest  
17 warrant for the defendant rather than accept the deposit and stipulation, and that  
18 the defendant may, at any time prior to or at the time of the court appearance date,  
19 move the court for relief from the effect of the stipulation.

20           **SECTION 5146.** 778.25 (3) of the statutes is amended to read:

21           778.25 (3) If a person is issued a citation under this section the person may  
22 deposit the amount of money the issuing officer directs by mailing or delivering the  
23 deposit and a copy of the citation to the clerk of court of the county where the violation  
24 occurred or the sheriff's office or police headquarters of the officer who issued the  
25 citation prior to the court appearance date. The basic amount of the deposit shall be

**SENATE BILL 77****SECTION 5146**

1 determined under a deposit schedule established by the judicial conference. The  
2 judicial conference shall annually review and revise the schedule. In addition to the  
3 basic amount determined by the schedule the deposit shall include costs, including  
4 any applicable fees prescribed in ch. 814, penalty assessment ~~and~~, jail assessment  
5 and crime laboratories assessment.

6 **SECTION 5147.** 778.25 (4) of the statutes is amended to read:

7 778.25 (4) A person may make a stipulation of no contest by submitting a  
8 deposit and a stipulation in the manner provided by sub. (3) prior to the court  
9 appearance date. The signed stipulation is a plea of no contest and submission to a  
10 forfeiture plus costs and a penalty assessment ~~and~~, jail assessment and crime  
11 laboratories assessment not exceeding the amount of the deposit.

12 **SECTION 5148.** 778.25 (5) of the statutes is amended to read:

13 778.25 (5) Except as provided by sub. (6) a person receiving a deposit shall  
14 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
15 stating that the defendant may inquire at the office of the clerk of court regarding  
16 the disposition of the deposit, and notifying the defendant that if he or she fails to  
17 appear in court at the time fixed in the citation he or she will be deemed to have  
18 tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~,  
19 jail assessment and crime laboratories assessment plus costs, including any  
20 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which  
21 the court may accept. The original of the receipt shall be delivered to the defendant  
22 in person or by mail. If the defendant pays by check, the check is the receipt.

23 **SECTION 5149.** 778.25 (6) of the statutes is amended to read:

24 778.25 (6) The person receiving a deposit and stipulation of no contest shall  
25 prepare a receipt in triplicate showing the purpose for which the deposit is made,



**SENATE BILL 77****SECTION 5149**

1 stating that the defendant may inquire at the office of the clerk of court regarding  
2 the disposition of the deposit, and notifying the defendant that if the stipulation of  
3 no contest is accepted by the court the defendant will be considered to have submitted  
4 to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories  
5 assessment plus costs, including any applicable fees prescribed in ch. 814, not to  
6 exceed the amount of the deposit. Delivery of the receipt shall be made in the same  
7 manner as in sub. (5).

8 **SECTION 5150.** 778.25 (8) (b) of the statutes is amended to read:

9 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as  
10 the initial pleading and the defendant shall be considered to have tendered a plea  
11 of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment  
12 and crime laboratories assessment plus costs, including any applicable fees  
13 prescribed in ch. 814, not exceeding the amount of the deposit. The court may either  
14 accept the plea of no contest and enter judgment accordingly, or reject the plea and  
15 issue a summons or arrest warrant, except if the defendant is a minor the court shall  
16 proceed under s. 938.28. Chapter 938 governs taking and holding a minor in custody.  
17 If the court accepts the plea of no contest, the defendant may move within 90 days  
18 after the date set for appearance to withdraw the plea of no contest, open the  
19 judgment and enter a plea of not guilty if the defendant shows to the satisfaction of  
20 the court that failure to appear was due to mistake, inadvertence, surprise or  
21 excusable neglect. If a party is relieved from the plea of no contest, the court or judge  
22 may order a written complaint or petition to be filed. If on reopening the defendant  
23 is found not guilty, the court shall delete the record of conviction and shall order the  
24 defendant's deposit returned.

25 **SECTION 5151.** 778.25 (8) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5151**

1           778.25 (8) (c) If the defendant has made a deposit and stipulation of no contest,  
2 the citation serves as the initial pleading and the defendant shall be considered to  
3 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment  
4 and, jail assessment and crime laboratories assessment plus costs, including any  
5 applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The  
6 court may either accept the plea of no contest and enter judgment accordingly, or  
7 reject the plea and issue a summons or arrest warrant, except if the defendant is a  
8 minor the court shall proceed under s. 938.28. Chapter 938 governs taking and  
9 holding a minor in custody. After signing a stipulation of no contest, the defendant  
10 may, at any time prior to or at the time of the court appearance date, move the court  
11 for relief from the effect of the stipulation. The court may act on the motion, with or  
12 without notice, for cause shown by affidavit and upon just terms, and relieve the  
13 defendant from the stipulation and the effects of the stipulation.

14           **SECTION 5152.** 778.25 (10) of the statutes is amended to read:

15           778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment,  
16 jail assessment, crime laboratories assessment and costs under this section shall pay  
17 the same to the appropriate municipal or county treasurer within 20 days after its  
18 receipt by the officer, except that all jail assessments shall be paid to the county  
19 treasurer. If the officer fails to make timely payment, the municipal or county  
20 treasurer may collect the payment from the officer by an action in the treasurer's  
21 name of office and upon the official bond of the officer, with interest at the rate of 12%  
22 per year from the time when it should have been paid.

23           **SECTION 5153.** 778.26 (2) (e) of the statutes is amended to read:

24           778.26 (2) (e) The maximum forfeiture, penalty assessment and, jail  
25 assessment and crime laboratories assessment for which the defendant is liable.

**SENATE BILL 77****SECTION 5154**

1           **SECTION 5154.** 778.26 (2) (g) of the statutes is amended to read:

2           778.26 (2) (g) Notice that if the defendant makes a deposit and fails to appear  
3 in court at the time specified in the citation, the failure to appear will be considered  
4 tender of a plea of no contest and submission to a forfeiture, penalty assessment and,  
5 jail assessment and crime laboratories assessment plus costs not to exceed the  
6 amount of the deposit. The notice shall also state that the court, instead of accepting  
7 the deposit and plea, may decide to summon the defendant or may issue an arrest  
8 warrant for the defendant upon failure to respond to a summons.

9           **SECTION 5155.** 778.26 (2) (h) of the statutes is amended to read:

10          778.26 (2) (h) Notice that if the defendant makes a deposit and signs the  
11 stipulation, the stipulation will be treated as a plea of no contest and submission to  
12 a forfeiture, penalty assessment and, jail assessment and crime laboratories  
13 assessment plus costs not to exceed the amount of the deposit. The notice shall also  
14 state that the court, instead of accepting the deposit and stipulation, may decide to  
15 summon the defendant or issue an arrest warrant for the defendant upon failure to  
16 respond to a summons, and that the defendant may, at any time prior to or at the time  
17 of the court appearance date, move the court for relief from the effect of the  
18 stipulation.

19          **SECTION 5156.** 778.26 (3) of the statutes is amended to read:

20          778.26 (3) A defendant issued a citation under this section may deposit the  
21 amount of money the issuing officer directs by mailing or delivering the deposit and  
22 a copy of the citation prior to the court appearance date to the clerk of the circuit court  
23 in the county where the violation occurred or to the sheriff's office or police  
24 headquarters of the officer who issued the citation. The basic amount of the deposit  
25 shall be determined under a deposit schedule established by the judicial conference.

**SENATE BILL 77****SECTION 5156**

1 The judicial conference shall annually review and revise the schedule. In addition  
2 to the basic amount determined by the schedule the deposit shall include the penalty  
3 assessment, jail assessment, crime laboratories assessment and costs.

4 **SECTION 5157.** 778.26 (4) of the statutes is amended to read:

5 778.26 (4) A defendant may make a stipulation of no contest by submitting a  
6 deposit and a stipulation in the manner provided by sub. (3) prior to the court  
7 appearance date. The signed stipulation is a plea of no contest and submission to a  
8 forfeiture plus the penalty assessment, jail assessment, crime laboratories  
9 assessment and costs not to exceed the amount of the deposit.

10 **SECTION 5158.** 778.26 (5) of the statutes is amended to read:

11 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall  
12 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
13 stating that the defendant may inquire at the office of the clerk of the circuit court  
14 regarding the disposition of the deposit, and notifying the defendant that if he or she  
15 fails to appear in court at the time specified in the citation he or she shall be  
16 considered to have tendered a plea of no contest and submitted to a forfeiture,  
17 penalty assessment and, jail assessment and crime laboratories assessment plus  
18 costs not to exceed the amount of the deposit and that the court may accept the plea.  
19 The original of the receipt shall be delivered to the defendant in person or by mail.  
20 If the defendant pays by check, the canceled check is the receipt.

21 **SECTION 5159.** 778.26 (6) of the statutes is amended to read:

22 778.26 (6) The person receiving a deposit and stipulation of no contest shall  
23 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
24 stating that the defendant may inquire at the office of the clerk of the circuit court  
25 regarding the disposition of the deposit, and notifying the defendant that if the

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1 stipulation of no contest is accepted by the court the defendant will be considered to  
2 have submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime  
3 laboratories assessment plus costs not to exceed the amount of the deposit. Delivery  
4 of the receipt shall be made in the same manner as provided in sub. (5).

5 **SECTION 5160.** 778.26 (7) (b) of the statutes is amended to read:

6 778.26 (7) (b) If the defendant has made a deposit, the citation may serve as  
7 the initial pleading and the defendant shall be considered to have tendered a plea  
8 of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment  
9 and crime laboratories assessment plus costs not to exceed the amount of the deposit.

10 The court may either accept the plea of no contest and enter judgment accordingly,  
11 or reject the plea and issue a summons. If the defendant fails to appear in response  
12 to the summons, the court shall issue an arrest warrant. If the court accepts the plea  
13 of no contest, the defendant may, within 90 days after the date set for appearance,  
14 move to withdraw the plea of no contest, open the judgment and enter a plea of not  
15 guilty if the defendant shows to the satisfaction of the court that failure to appear  
16 was due to mistake, inadvertence, surprise or excusable neglect. If a defendant is  
17 relieved from the plea of no contest, the court may order a written complaint or  
18 petition to be filed. If on reopening the defendant is found not guilty, the court shall  
19 delete the record of conviction and shall order the defendant's deposit returned.

20 **SECTION 5161.** 778.26 (7) (c) of the statutes is amended to read:

21 778.26 (7) (c) If the defendant has made a deposit and stipulation of no contest,  
22 the citation serves as the initial pleading and the defendant shall be considered to  
23 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment  
24 ~~and~~, jail assessment and crime laboratories assessment plus costs not to exceed the  
25 amount of the deposit. The court may either accept the plea of no contest and enter

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1 judgment accordingly, or reject the plea and issue a summons or an arrest warrant.  
2 After signing a stipulation of no contest, the defendant may, at any time prior to or  
3 at the time of the court appearance date, move the court for relief from the effect of  
4 the stipulation. The court may act on the motion, with or without notice, for cause  
5 shown by affidavit and upon just terms, and relieve the defendant from the  
6 stipulation and the effects of the stipulation.

7 **SECTION 5162.** 778.26 (9) of the statutes is amended to read:

8 778.26 (9) An officer who collects a forfeiture, penalty assessment, jail  
9 assessment and crime laboratories assessment and costs under this section shall pay  
10 the money to the county treasurer within 20 days after its receipt. If the officer fails  
11 to make timely payment, the county treasurer may collect the payment from the  
12 officer by an action in the treasurer's name of office and upon the official bond of the  
13 officer, with interest at the rate of 12% per year from the time when it should have  
14 been paid.

15 **SECTION 5163.** 779.01 (4) of the statutes is amended to read:

16 779.01 (4) PRIORITY OF CONSTRUCTION LIEN. The lien provided in sub. (3) shall  
17 be prior to any lien which originates subsequent to the visible commencement in  
18 place of the work of improvement, except as otherwise provided by ss. 215.21 (4) (a),  
19 292.31 (8) (i), ~~144.77 292.41 (6) (d)~~, 292.81 and 706.11 (1). When new construction  
20 is the principal improvement involved, commencement is deemed to occur no earlier  
21 than the beginning of substantial excavation for the foundations, footings or base of  
22 the new construction, except where the new construction is to be added to a  
23 substantial existing structure, in which case the commencement is the time of the  
24 beginning of substantial excavation or the time of the beginning of substantial  
25 preparation of the existing structure to receive the added new construction,

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1       whichever is earlier. The lien also shall be prior to any unrecorded mortgage given  
2       prior to the commencement of the work of improvement, if the lien claimant has no  
3       actual notice of the mortgage before the commencement. Lien claimants who  
4       perform work or procure its performance or furnish any labor or materials or plans  
5       or specifications for an improvement prior to the visible commencement of the work  
6       of improvement shall have lien rights, but shall have only the priority accorded to  
7       other lien claimants.

8               **SECTION 5164.** 779.35 of the statutes is amended to read:

9               **779.35 Mining liens.** Any person who shall perform any labor or services for  
10       any person or corporation engaged in or organized for the purpose of mining,  
11       smelting or manufacturing iron, copper, silver or other ores or minerals, and any  
12       bona fide holder of any draft, time check or order for the payment of money due for  
13       any such labor, issued or drawn by any such person or corporation, shall have a lien  
14       for the wages due for the amount due on such draft, check or order upon all the  
15       personal property connected with such mining, smelting or manufacturing industry  
16       belonging to such person or corporation, including the ores or products of such mine  
17       or manufactory, together with the machinery and other personal property used in the  
18       operation of such mine or manufactory and all the interest of such person or  
19       corporation in any real estate belonging thereto and connected with such business,  
20       which said lien shall take precedence of all other debts, judgments, decrees, liens or  
21       mortgages against such person or corporation, except liens accruing for taxes, fines  
22       or penalties and liens under ss. 292.31 (8) (i), ~~292.41 (6) (d)~~ and 292.81, subject to the  
23       exceptions and limitations hereinafter set forth.

24               **SECTION 5165.** 779.40 (1) of the statutes is amended to read:

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1           779.40 (1) Any person who shall perform any labor for an employer not the  
2 owner of the real estate, engaged in quarrying, crushing, cutting or otherwise  
3 preparing stone for use or for manufacturing lime and any bona fide holder of any  
4 draft, time check or order for the payment of money due for any such labor issued by  
5 such employer, shall have a lien for wages owed and for the amount due on such draft,  
6 check or order upon the personal property connected with such industry owned by  
7 such employer, including interest in the product of such quarry or factory and  
8 machinery and other personal property used in the operation of such quarry or  
9 factory, and all interest in any lease of the real estate connected with such business,  
10 which lien shall take precedence of all other debts, judgments, decrees, liens or  
11 mortgages against such employer, except taxes, fines or penalties and mortgages or  
12 judgments recorded or entered before such labor is performed and except liens under  
13 ss. 292.31 (8) (i), ~~144.77 292.41 (6) (d)~~ and 292.81.

14           **SECTION 5166.** 800.02 (2) (a) 8. of the statutes is amended to read:

15           800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear  
16 in court at the time fixed in the citation, the defendant is deemed to have tendered  
17 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment  
18 and crime laboratories assessment and any applicable domestic abuse assessment  
19 plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of  
20 the deposit. The notice shall also state that the court may decide to summon the  
21 defendant rather than accept the deposit and plea.

22           **SECTION 5167.** 800.02 (3) (a) 5. of the statutes is amended to read:

23           800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
24 event or occurrence from which the violation arose and showing that the plaintiff is  
25 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action



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1 is based and a demand for a forfeiture, the amount of which shall not exceed the  
2 maximum set by the statute involved, the penalty assessment, the jail assessment,  
3 the crime laboratories assessment, any applicable domestic abuse assessment and  
4 such other relief that is sought by the plaintiff.

5 **SECTION 5168.** 800.03 (3) of the statutes is amended to read:

6 800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
7 shall not be effective until approved by the governing body of the municipality. The  
8 amount shall not exceed the maximum penalty for the offense, including any penalty  
9 assessment that would be applicable under s. 165.87, any jail assessment that would  
10 be applicable under s. 302.46 (1), any crime laboratories assessment that would be  
11 applicable under s. 165.755 and any domestic abuse assessment that would be  
12 applicable under s. 973.055 (1), plus court costs, including the fee prescribed in s.  
13 814.65 (1).

14 **SECTION 5169.** 800.04 (2) (b) of the statutes is amended to read:

15 800.04 (2) (b) If the municipal judge determines that the defendant should not  
16 be released under par. (a) and the defendant is charged with a traffic or boating  
17 violation, the municipal judge shall release the defendant on a deposit in the amount  
18 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.  
19 For other violations, the municipal judge shall establish a deposit in an amount not  
20 to exceed the maximum penalty for the offense, including any penalty assessment  
21 that would be applicable under s. 165.87, any jail assessment that would be  
22 applicable under s. 302.46 (1), any crime laboratories assessment that would be  
23 applicable under s. 165.755 and any domestic abuse assessment that would be  
24 applicable under s. 973.055 (1). If the judge in a 1st class city determines that a  
25 defendant appearing before the judge through interactive video and audio

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1 transmission should not be released under par. (a), the judge shall inform the  
2 defendant that he or she has the right to appear personally before a judge for a  
3 determination, not prejudiced by the first appearance, as to whether he or she should  
4 be released without a deposit. On failure of the defendant to make a deposit under  
5 this paragraph, he or she may be committed to jail pending trial only if the judge finds  
6 that there is a reasonable basis to believe the person will not appear in court.

7 **SECTION 5170.** 800.04 (2) (c) of the statutes is amended to read:

8 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
9 and does not appear, he or she is deemed to have tendered a plea of no contest and  
10 submits to a forfeiture, a penalty assessment imposed by s. 165.87, a jail assessment  
11 imposed by s. 302.46 (1), a crime laboratories assessment imposed by s. 165.755 and  
12 any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs,  
13 including the fee prescribed in s. 814.65 (1), not exceeding the amount of the deposit.  
14 The court may either accept the plea of no contest and enter judgment accordingly,  
15 or reject the plea and issue a summons. If the court finds that the violation meets  
16 the conditions in s. 800.093 (1), the court may summon the alleged violator into court  
17 to determine if restitution shall be ordered under s. 800.093. If the defendant fails  
18 to appear in response to the summons, the court shall issue a warrant under s.  
19 968.09. If the defendant has made a deposit but does appear, the court shall allow  
20 the defendant to withdraw the plea of no contest.

21 **SECTION 5171.** 800.09 (1) (intro.) of the statutes is amended to read:

22 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
23 may render judgment by ordering restitution under s. 800.093 and payment of a  
24 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed  
25 by s. 302.46 (1), the crime laboratories assessment imposed by s. 165.755 and any

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1 applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs of  
2 prosecution, including the fee prescribed in s. 814.65 (1). The court shall apply any  
3 payment received on a judgment that includes restitution to first satisfy any  
4 payment of restitution ordered, then to pay the forfeiture, assessments and costs.  
5 If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any  
6 combination of those paragraphs, as follows:

7 **SECTION 5172.** 800.09 (1) (a) of the statutes is amended to read:

8 800.09 (1) (a) The court may defer payment of any judgment or provide for  
9 instalment payments. At the time the judgment is rendered, the court shall inform  
10 the defendant, orally and in writing, of the date by which restitution and the  
11 payment of the forfeiture, the penalty assessment, the jail assessment, the crime  
12 laboratories assessment and any applicable domestic abuse assessment plus costs  
13 must be made, and of the possible consequences of failure to do so in timely fashion,  
14 including imprisonment, as provided in s. 800.095, or suspension of the defendant's  
15 motor vehicle operating privilege, as provided in par. (c), if applicable. If the  
16 defendant is not present, the court shall ensure that the information is sent to the  
17 defendant by mail. In 1st class cities, all of the written information required by this  
18 paragraph shall be printed in English and Spanish and provided to each defendant.

19 **SECTION 5173.** 800.09 (2) (b) of the statutes is amended to read:

20 800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
21 at the time fixed for hearing of the case, the defendant may be deemed to have  
22 entered a plea of no contest and the money deposited, if any, or such portion thereof  
23 as the court determines to be an adequate penalty, plus the penalty assessment, the  
24 jail assessment, the crime laboratories assessment and any applicable domestic  
25 abuse assessment plus costs, including the fee prescribed in s. 814.65 (1), may be

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1 declared forfeited by the court or may be ordered applied upon the payment of any  
2 penalty which may be imposed, together with the penalty assessment, the jail  
3 assessment, the crime laboratories assessment and any applicable domestic abuse  
4 assessment plus costs. If the court finds that the violation meets the conditions in  
5 s. 800.093 (1), the court may summon the alleged violator into court to determine if  
6 restitution shall be ordered under s. 800.093. Any money remaining after payment  
7 of any penalties, assessments, costs and restitution shall be refunded to the person  
8 who made the deposit.

9 **SECTION 5174.** 800.12 (2) of the statutes is amended to read:

10 800.12 (2) A municipality may by ordinance provide that a municipal judge  
11 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50  
12 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87 and, jail  
13 assessment under s. 302.46 and crime laboratories assessment under s. 165.755 and  
14 any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not  
15 to exceed 7 days.

16 **SECTION 5175.** 801.50 (5) of the statutes is amended to read:

17 801.50 (5) Venue of an action to review a probation, community supervision or  
18 parole revocation or a refusal of parole by certiorari shall be the county in which the  
19 relator was last convicted of an offense for which the relator was on probation,  
20 community supervision or parole or for which the relator is currently incarcerated.

21 **SECTION 5176.** 802.12 (3) (d) 1. of the statutes is amended to read:

22 802.12 (3) (d) 1. Custody and physical placement under s. 767.24, 767.458 (3),  
23 767.51 (3) or 767.62 (4) (a).

24 **SECTION 5177.** 802.12 (3) (d) 3. of the statutes is amended to read:

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1           802.12 **(3)** (d) 3. Child support under s. 767.25 ~~or s.~~ 767.458 (3), 767.51 or  
2           767.62 (4) (a).

3           **SECTION 5178.** 803.03 (2) (b) of the statutes is amended to read:

4           803.03 **(2)** (b) *Options after joinder.* Any party joined pursuant to par. (a) may  
5           1. participate in the prosecution of the action, 2. agree to have his or her interest  
6           represented by the party who caused the joinder, or 3. move for dismissal with or  
7           without prejudice. If the party joined chooses to participate in the prosecution of the  
8           action, the party joined shall have an equal voice with other claimants in such  
9           prosecution. If Except as provided in par. (bm), if the party joined chooses to have  
10          his or her interest represented by the party who caused the joinder, the party joined  
11          shall sign a written waiver of the right to participate which shall express consent to  
12          be bound by the judgment in the action. Such waiver shall become binding when filed  
13          with the court, but a party may withdraw the waiver upon timely motion to the judge  
14          to whom the case has been assigned with notice to the other parties. A party who  
15          represents the interest of another party and who obtains a judgment favorable to  
16          such other party may be awarded reasonable attorneys fees by the court. If the party  
17          joined moves for dismissal without prejudice as to his or her claim, the party shall  
18          demonstrate to the court that it would be unjust to require the party to prosecute the  
19          claim with the principal claim. In determining whether to grant the motion to  
20          dismiss, the court shall weigh the possible prejudice to the movant against the state's  
21          interest in economy of judicial effort.

22          **SECTION 5179.** 803.03 (2) (bm) of the statutes is created to read:

23          803.03 **(2)** (bm) *Joinders because of implication of medical assistance.* If the  
24          department of health and family services is joined as a plaintiff pursuant to par. (a)  
25          and s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the

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1 department of health and family services need not sign a waiver of the right to  
2 participate in order to have its interests represented by the party that caused the  
3 joinder. If the department of health and family services makes no selection under  
4 par. (b), the party causing the joinder shall represent the interests of the department  
5 of health and family services and the department of health and family services shall  
6 be bound by the judgment in the action. Regardless of whether the department of  
7 health and family services joins in prosecuting the claim, the portion of the proceeds  
8 of the claim that represents benefits paid under subch. IV of ch. 49 as a result of the  
9 occurrence of injury, sickness or death for which the claim arose shall be paid to the  
10 department of health and family services pursuant to s. 49.89 (5).

11 **SECTION 5180.** 808.075 (4) (d) 9. of the statutes is amended to read:

12 808.075 (4) (d) 9. Enforcement of payments under s. 767.30 ~~or~~, 767.51 or 767.62  
13 (4).

14 **SECTION 5181.** 808.075 (4) (d) 10. of the statutes is amended to read:

15 808.075 (4) (d) 10. Enforcement of orders under s. 767.305 ~~or~~, 767.51 or 767.62  
16 (4).

17 **SECTION 5182.** 808.075 (4) (d) 11. of the statutes is amended to read:

18 808.075 (4) (d) 11. Enforcement or modification of assignments under s. 767.25  
19 (4m), 767.265 ~~or~~, 767.51 (3m) or 767.62 (4) (b) 3.

20 **SECTION 5183.** 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 corporation supervised by the division of savings and loan institutions, home  
23 loan bank board, U.S. office of thrift supervision, federal deposit insurance  
24 corporation or resolution trust corporation, the court, unless the opposing party

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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 5184.** 814.03 (3) of the statutes is created to read:

4 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health  
5 and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and  
6 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, and where  
7 the interests of the department of health and family services or of the county are  
8 represented under s. 803.03 (2) (b) or (bm) by the party who caused the joinder, the  
9 department of health and family services or the county shall not be liable for costs  
10 to any prevailing defendant.

11 **SECTION 5185.** 814.60 (2) (an) of the statutes is created to read:

12 814.60 (2) (an) Crime laboratories assessment imposed under s. 165.755.

13 **SECTION 5186.** 814.60 (2) (cg) of the statutes is created to read:

14 814.60 (2) (cg) Enforcement assessment imposed by s. 253.06 (4) (c).

15 **SECTION 5187.** 814.61 (12) (b) of the statutes, as affected by 1997 Wisconsin Act  
16 .... (this act), is repealed.

17 **SECTION 5188.** 814.61 (12) (b) (intro.) of the statutes is amended to read:

18 814.61 (12) (b) *Maintenance payments and support.* (intro.) Except in counties  
19 that have designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53  
20 (5m), for receiving and disbursing money deposited as payment for maintenance  
21 payments, child support or family support payments, under interim or final orders  
22 in an action affecting the family, and for maintaining the records required under s.  
23 59.40 (2) (h), an annual fee of up to \$25 to be paid by each party ordered to make  
24 payments. Except in counties that have designated a county support collection  
25 designee under s. ~~59.07 (97m)~~ 59.53 (5m), the court shall order each party ordered

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1 to make payments to pay the annual fee under this paragraph at the time of, and in  
2 addition to, the first payment to the clerk in each year for which payments are  
3 ordered. At the time of ordering the payment of an annual fee under this paragraph,  
4 the court shall notify each party ordered to make payments of the requirement to pay  
5 the annual fee and of the amount of the annual fee. If the annual fee under this  
6 paragraph is not paid when due, the clerk may not deduct the annual fee from the  
7 maintenance or support payment, but:

8 **SECTION 5189.** 814.61 (12) (cm) of the statutes is repealed.

9 **SECTION 5190.** 814.612 of the statutes, as affected by 1997 Wisconsin Act ...  
10 (this act), is repealed.

11 **SECTION 5191.** 814.612 (intro.) of the statutes is amended to read:

12 **814.612 Fees of designee for receiving and disbursing support.** (intro.)  
13 In a county that has designated a county support collection designee under s. ~~59.07~~  
14 ~~(97m)~~ 59.53 (5m), the support collection designee, for receiving and disbursing  
15 money deposited as payment for maintenance payments, child support or family  
16 support payments, under interim or final orders in an action affecting the family, and  
17 for maintaining the records required under s. ~~59.07 (97m) (b) 1.~~ 59.53 (5m) (b) 1.,  
18 shall collect an annual fee of up to \$25 to be paid by each party ordered to make  
19 payments. In such a county, the court shall order each party ordered to make  
20 payments to pay the annual fee under this section at the time of, and in addition to,  
21 the first payment to the support collection designee in each year for which payments  
22 are ordered. At the time of ordering the payment of an annual fee under this section,  
23 the court shall notify each party ordered to make payments of the requirement to pay  
24 the annual fee and of the amount of the annual fee. If the annual fee under this



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1 section is not paid when due, the support collection designee may not deduct the  
2 annual fee from the maintenance or support payment, but:

3 **SECTION 5192.** 814.63 (3) (am) of the statutes is created to read:

4 814.63 (3) (am) Crime laboratories assessment imposed under s. 165.755.

5 **SECTION 5193.** 814.63 (3) (bg) of the statutes is created to read:

6 814.60 (3) (bg) Enforcement assessment imposed by s. 253.06 (4) (c).

7 **SECTION 5194.** 814.635 (1) of the statutes is amended to read:

8 814.635 (1) Except for an action for a safety belt use violation under s. 347.48  
9 (2m), the clerk of circuit court shall charge and collect a \$5 ~~\$7~~ justice information  
10 system fee from any person, including any governmental unit as defined in s. 108.02  
11 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)  
12 or 814.63 (1). The justice information system fee is in addition to the other fees listed  
13 in this section.

14 **SECTION 5195.** 814.70 (9) (a) (intro.) of the statutes is amended to read:

15 814.70 (9) (a) (intro.) A fee of \$50 ~~\$150~~, of which \$25 ~~\$75~~ shall be prepaid and  
16 nonrefundable, for all necessary activities of the sheriff in connection with the sale  
17 of real estate by the sheriff or other officers, under any judgment or order of court,  
18 and making all the necessary papers and notices, including but not limited to:

19 **SECTION 5196.** 815.19 (2) of the statutes is amended to read:

20 815.19 (2) If the property seized is an automobile which is appraised and can  
21 be sold for more than \$1,000 or if the property seized is a tractor used in farming  
22 operations which is appraised and can be sold for more than \$1,500, the officer may  
23 sell such automobile or tractor and out of the proceeds of such sale the officer shall  
24 pay to the debtor or the debtor's spouse the exempted value of such automobile or  
25 tractor. The balance of the proceeds of such sale shall be applied on the execution or

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1 attachment. This subsection does not apply to automobiles or tractors levied against  
2 under s. 49.854.

3 **SECTION 5197.** 815.20 (1) of the statutes is amended to read:

4 815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a  
5 resident owner and occupied by him or her shall be exempt from execution, from the  
6 lien of every judgment and from liability for the debts of the owner to the amount of  
7 \$40,000, except mortgages, laborers', mechanics' and purchase money liens, liens  
8 under s. 49.854 and taxes and except as otherwise provided. The exemption shall not  
9 be impaired by temporary removal with the intention to reoccupy the premises as a  
10 homestead nor by the sale of the homestead, but shall extend to the proceeds derived  
11 from the sale to an amount not exceeding \$40,000, while held, with the intention to  
12 procure another homestead with the proceeds, for 2 years. The exemption extends  
13 to land owned by husband and wife jointly or in common or as marital property, and  
14 when they reside in the same household may be claimed by either or may be divided  
15 in any proportion between them, but the exemption may not exceed \$40,000 for the  
16 household. If the husband and wife fail to agree on the division of exemption, the  
17 exemption shall be divided between them by the court in which the first judgment  
18 was taken. The exemption extends to the interest therein of tenants in common,  
19 having a homestead thereon with the consent of the cotenants, and to any estate less  
20 than a fee.

21 **SECTION 5198.** 823.115 (1) of the statutes is amended to read:

22 823.115 (1) If personal and real property are ordered sold under s. 823.114, and  
23 the real property is not released to the owner under s. 823.15, the plaintiff in the  
24 action under s. 823.113 shall sell the property at the highest available price. The city,  
25 town or village may sell the property at either a public or private sale. The proceeds

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1 of the sale shall be applied to the payment of the costs of the action and abatement  
2 and any liens on the property, and the balance, if any, paid as provided in sub. (2).  
3 The plaintiff may file a notice of the pendency of the action as in actions affecting the  
4 title to real estate and if the owner of the building or structure, or the owner of the  
5 land upon which the building or structure is located, is found guilty of the nuisance,  
6 the judgment for costs of the action not paid out of the proceeds of the sale of the  
7 property shall constitute a lien on the real estate prior to any other lien created after  
8 the filing of the lis pendens, except a lien under s. 292.31 (8) (i), ~~292.41 (6) (d)~~ or  
9 292.81.

10 **SECTION 5199.** 852.05 (2) of the statutes is amended to read:

11 852.05 (2) Property of a nonmarital child passes in accordance with s. 852.01  
12 except that the father or the father's kindred can inherit only if the father has been  
13 adjudicated to be the father in a paternity proceeding under ch. 767 or has been  
14 determined to be the father under s. 767.62 (1).

15 **SECTION 5200.** 859.07 (2) of the statutes is amended to read:

16 859.07 (2) If the decedent was at the time of death or at any time prior thereto  
17 a patient or inmate of any state or county hospital or institution or any person  
18 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,  
19 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent  
20 ever received medical assistance under subch. IV of ch. 49, long-term community  
21 support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the  
22 personal representative shall send notice in writing of the date set under s. 859.01  
23 by registered or certified mail to the department of health and family services or the  
24 department of corrections, as applicable, and the county clerk of the applicable  
25 county not less than 30 days before the date set under s. 859.01, upon such blanks

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1 and containing such information as the applicable department or county clerk may  
2 provide. The applicable county is the county of residence, as defined in s. 49.001 (6).

3 **SECTION 5201.** 867.03 (1) of the statutes is renumbered 867.03 (1g), and 867.03  
4 (1g) (intro.), as renumbered, is amended to read:

5 867.03 **(1g)** GENERALLY. (intro.) When a decedent leaves solely owned property  
6 in this state which does not exceed \$10,000 in value, any heir of the decedent or  
7 person who was guardian of the decedent at the time of the decedent's death may  
8 collect any money due the decedent, receive the property of the decedent if it is not  
9 an interest in or lien on real property and have any evidence of interest, obligation  
10 to or right of the decedent transferred to the affiant upon furnishing the person owing  
11 the money, having custody of the property or acting as registrar or transfer agent of  
12 the evidences of interest, obligation to or right, with proof of prior mailed notice  
13 under sub. (1m) if applicable and with an affidavit in duplicate showing all of the  
14 following:

15 **SECTION 5202.** 867.03 (1c) of the statutes is created to read:

16 867.03 **(1c)** DEFINITION. In this section, "guardian" has the meaning given in  
17 s. 880.01 (3).

18 **SECTION 5203.** 867.03 (1m) (a) of the statutes is amended to read:

19 867.03 **(1m)** (a) Whenever an heir or person who was guardian of the decedent  
20 at the time of the decedent's death intends to transfer a decedent's property by  
21 affidavit under sub. (1) (1g) and the decedent or the decedent's spouse ever received  
22 medical assistance under subch. IV of ch. 49, long-term community support services  
23 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the heir or person  
24 who was guardian of the decedent at the time of the decedent's death shall give notice  
25 to the department of health and family services of his or her intent. The notice shall

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1 include the information in the affidavit under sub. (1) (1g) and the heir or person who  
2 was guardian of the decedent at the time of the decedent's death shall give the notice  
3 by certified mail, return receipt requested.

4 **SECTION 5204.** 867.03 (1m) (b) of the statutes is amended to read:

5 867.03 (1m) (b) An heir or person who was guardian of the decedent at the time  
6 of the decedent's death who files an affidavit under sub. (1) (1g) that states that the  
7 decedent or the decedent's spouse received medical assistance under subch. IV of ch.  
8 49, long-term community support services funded under s. 46.27 (7) or aid under s.  
9 49.68, 49.683 or 49.685 shall attach to the affidavit the proof of mail delivery of the  
10 notice required under par. (a) showing a delivery date that is not less than 10 days  
11 before the day on which the heir or person who was guardian of the decedent at the  
12 time of the decedent's death files the affidavit.

13 **SECTION 5205.** 867.03 (2) of the statutes is amended to read:

14 867.03 (2) RELEASE OF LIABILITY OF TRANSFEROR. Upon the transfer to the heir  
15 or person who was guardian of the decedent at the time of the decedent's death  
16 furnishing the affidavit with an attached proof of mail delivery if required under sub.  
17 (1m) (b), the transferor is released to the same extent as if the transfer had been made  
18 to the personal representative of the estate of the decedent.

19 **SECTION 5206.** 867.035 (1) (intro.) of the statutes is renumbered 867.035 (1) (a)  
20 (intro.) and amended to read:

21 867.035 (1) (a) (intro.) The Except as provided in par. (bm), the department of  
22 health and family services may collect from the property; ~~except interests in or liens~~  
23 ~~on real property; wearing apparel; jewelry; household furniture, furnishings and~~  
24 ~~appliances; motor vehicles and recreational vehicles;~~ of a decedent, including funds  
25 of a decedent that are held by the decedent immediately before death in a joint

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1 account or a P.O.D. account, by affidavit under this section an amount equal to the  
2 medical assistance that is recoverable under s. 49.496 (3) (a), the long-term  
3 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)  
4 1. or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s. 49.682 (2)  
5 (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the  
6 following conditions are satisfied:

7 **SECTION 5207.** 867.035 (1) (a), (am) and (b) of the statutes are renumbered  
8 867.035 (1) (a) 1., 2. and 3.

9 **SECTION 5208.** 867.035 (1) (bm) of the statutes is created to read:

10 867.035 (1) (bm) The department of health and family services may not collect  
11 by affidavit under this section from any of the following property of the decedent:

- 12 1. Interests in or liens on real property.
- 13 2. Wearing apparel and jewelry.
- 14 3. Household furniture, furnishings and appliances.
- 15 4. Motor vehicles and recreational vehicles.

16 **SECTION 5209.** 867.035 (1) (d) of the statutes is renumbered 867.035 (1) (a) 4.  
17 and amended to read:

18 867.035 (1) (a) 4. The value of the solely owned property in this state left by the  
19 decedent, after payment of burial costs, does not exceed the amount under s. 867.03  
20 (~~1~~) (1g) (intro.).

21 **SECTION 5210.** 867.035 (2) of the statutes is amended to read:

22 867.035 (2) A person who possesses property of a decedent shall transmit the  
23 property to the department of health and family services upon receipt of an affidavit  
24 by a person designated by the secretary of health and family services to administer  
25 this section showing that the conditions in sub. (1) (a) are satisfied. Upon

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1 transmittal, the person is released from any obligation to other creditors or heirs of  
2 the decedent.

3 **SECTION 5211.** 867.035 (4) of the statutes is amended to read:

4 867.035 (4) From the appropriation under s. 20.435 (1) (5) (im), with respect  
5 to funds collected by the department under sub. (1) related to medical assistance paid  
6 on behalf of the decedent or the decedent's spouse, the department of health and  
7 family services shall pay claims under sub. (3), shall pay to the federal government  
8 from the amount recovered under this section and not paid out as claims under sub.  
9 (3) an amount equal to the amount of federal funds used to pay the benefits recovered  
10 under this section and shall spend the remainder of the amount recovered under this  
11 section for medical assistance benefits under subch. IV of ch. 49.

12 **SECTION 5212.** 885.01 (5) of the statutes is created to read:

13 885.01 (5) By the department of industry, labor and job development or a  
14 county child support agency under s. 59.53 (5) in the administration of ss. 49.145,  
15 49.19, 49.22, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011  
16 to 2029.

17 **SECTION 5213.** 887.23 (1) of the statutes is amended to read:

18 887.23 (1) WHO MAY REQUIRE. The department of health and social services, the  
19 department of corrections, the ~~department of education~~ state superintendent of  
20 public instruction or the board of regents of the university of Wisconsin system may  
21 order the deposition of any witness to be taken concerning any institution under his,  
22 her or its government or superintendence, or concerning the conduct of any officer  
23 or agent thereof, or concerning any matter relating to the interests thereof. Upon  
24 presentation of a certified copy of such order to any municipal judge, notary public  
25 or court commissioner, the officer shall take the desired deposition in the manner

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1 provided for taking depositions to be used in actions. When any officer or agent of  
2 any institution is concerned and will be affected by the testimony, 2 days' written  
3 notice of the time and place of taking the deposition shall be given him or her. Any  
4 party interested may appear in person or by counsel and examine the witness  
5 touching the matters mentioned in the order. The deposition, duly certified, shall be  
6 delivered to the authority which ordered it.

7 **SECTION 5214.** 891.39 (1) (a) of the statutes is amended to read:

8 891.39 (1) (a) Whenever it is established in an action or proceeding that a child  
9 was born to a woman while she was the lawful wife of a specified man, any party  
10 asserting in such action or proceeding that the husband was not the father of the  
11 child shall have the burden of proving that assertion by a clear and satisfactory  
12 preponderance of the evidence. In all such actions or proceedings the husband and  
13 the wife are competent to testify as witnesses to the facts. The court or judge in such  
14 cases shall appoint a guardian ad litem to appear for and represent the child whose  
15 paternity is questioned. Results of a genetic test, as defined in s. 767.001 (1m),  
16 showing that a man other than the husband is not excluded as the father of the child  
17 and that the statistical probability of the man's parentage is 99.0% or higher  
18 constitute a clear and satisfactory preponderance of the evidence of the assertion  
19 under this paragraph, even if the husband is unavailable to submit to genetic tests,  
20 as defined in s. 767.001 (1m).

21 **SECTION 5215.** 891.405 of the statutes is amended to read:

22 **891.405 Presumption of paternity based on acknowledgment.** A man  
23 is presumed to be the natural father of a child if he and the mother have  
24 acknowledged paternity under s. 69.15 (3) (b) 1. or 3. and no other man is presumed  
25 to be the father under s. 891.41 (1).



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1           **SECTION 5216.** 891.41 of the statutes is renumbered 891.41 (1), and 891.41 (1)  
2 (b), as renumbered, is amended to read:

3           891.41 (1) (b) He and the child's natural mother were married to each other  
4 after the child was born but he and the child's natural mother had a relationship with  
5 one another during the period of time within which the child was conceived and no  
6 other man has been adjudicated to be the father or presumed to be the father of the  
7 child under ~~sub. (1)~~ par. (a).

8           **SECTION 5217.** 891.41 (2) of the statutes is created to read:

9           891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is  
10 rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a  
11 man other than the man presumed to be the father under sub. (1) is not excluded as  
12 the father of the child and that the statistical probability of the man's parentage is  
13 99.0% or higher, even if the man presumed to be the father under sub. (1) is  
14 unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

15           **SECTION 5218.** 893.80 (6m) of the statutes is created to read:

16           893.80 (6m) A local governmental unit, as defined in s. 345.05 (1) (bg), its  
17 officers, officials, agents or employees shall not be liable for any claim for damages to  
18 person or property arising out of the operation of a snowplow, as defined in s. 340.01  
19 (58m).

20           **SECTION 5219.** 893.80 (8) of the statutes is amended to read:

21           893.80 (8) This section does not apply to actions commenced under s. 19.37 ~~or~~,  
22 19.97 or 281.99.

23           **SECTION 5220.** 895.035 (2m) (b) of the statutes is amended to read:

24           895.035 (2m) (b) If a child fails to pay a forfeiture or surcharge as ordered by  
25 a court assigned to exercise jurisdiction under chs. 48 and 938 or a forfeiture as

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1 ordered by a municipal court or if it appears likely that the child will not pay the  
2 forfeiture or surcharge as ordered, the representative of the public interest under s.  
3 938.09, the agency, as defined in s. 938.38 (1) (a), supervising the child or the law  
4 enforcement agency that issued the citation to the child may petition the court  
5 assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount of  
6 the forfeiture or surcharge unpaid by the child be entered and docketed as a  
7 judgment against the child and the parent with custody of the child and in favor of  
8 the county or appropriate municipality. A petition under this paragraph may be filed  
9 after the expiration of the dispositional order or sentence under which the forfeiture  
10 or surcharge is payable, but no later than one year after the expiration of the  
11 dispositional order or sentence or any extension of the dispositional order or  
12 sentence.

13 **SECTION 5221.** 895.035 (2m) (bm) 1. of the statutes is amended to read:

14 895.035 (2m) (bm) 1. Before issuing an order under par. (a) or (b), the court  
15 assigned to exercise jurisdiction under chs. 48 and 938 shall give the child and the  
16 parent notice of the intent to issue the order and an opportunity to be heard  
17 regarding the order. The court shall give the child and the parent an opportunity to  
18 present evidence as to the amount of the restitution ~~or~~, forfeiture or surcharge  
19 unpaid, but not as to the amount of the restitution ~~or~~, forfeiture or surcharge  
20 originally ordered. The court shall also give the child and the parent an opportunity  
21 to present evidence as to the reason for the failure to pay the restitution ~~or~~, forfeiture  
22 or surcharge and the ability of the child or the parent to pay the restitution ~~or~~,  
23 forfeiture or surcharge. In considering the ability of the child or the parent to pay  
24 the restitution ~~or~~, forfeiture or surcharge, the court may consider the assets, as well  
25 as the income, of the child or the parent and may consider the future ability of the

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1 child or parent to pay the restitution ~~or~~, forfeiture or surcharge within the time  
2 specified in s. 893.40.

3 **SECTION 5222.** 895.035 (2m) (c) of the statutes is amended to read:

4 895.035 **(2m)** (c) The court assigned to exercise jurisdiction under chs. 48 and  
5 938 may order that the child perform community service work for a public agency or  
6 nonprofit charitable organization that is designated by the court in lieu of making  
7 restitution or paying the forfeiture or surcharge. If the parent agrees to perform  
8 community service work in lieu of making restitution or paying the forfeiture or  
9 surcharge, the court may order that the parent perform community service work for  
10 a public agency or a nonprofit charitable organization that is designated by the court.  
11 Community service work may be in lieu of restitution only if also agreed to by the  
12 public agency or nonprofit charitable organization and by the person to whom  
13 restitution is owed. The court may utilize any available resources, including any  
14 community service work program, in ordering the child or parent to perform  
15 community service work. The number of hours of community service work required  
16 may not exceed the number determined by dividing the amount owed on the  
17 restitution ~~or~~, forfeiture or surcharge by the minimum wage established under ch.  
18 104 for adults in nonagriculture, nontipped employment. The court shall ensure that  
19 the child or parent is provided with a written statement of the terms of the  
20 community service order and that the community service order is monitored.

21 **SECTION 5223.** 895.055 (3) of the statutes is amended to read:

22 895.055 **(3)** This section does not apply to any promise, agreement, note, bill,  
23 bond, mortgage, conveyance or other security that is permitted under chs. ~~561~~ 562  
24 to 569 or under state or federal laws relating to the conduct of gaming on Indian  
25 lands.

**SENATE BILL 77****SECTION 5224**

1           **SECTION 5224.** 895.056 (4) of the statutes is amended to read:

2           895.056 (4) This section does not apply to any property that is permitted to be  
3 played, bet or wagered under chs. ~~561~~ 562 to 569 or under state or federal laws  
4 relating to the conduct of gaming on Indian lands.

5           **SECTION 5225.** 895.46 (9) of the statutes is created to read:

6           895.46 (9) (a) Subject to par. (b), the protection afforded by this section applies  
7 to a student enrolled in a public or private institution of higher education and under  
8 the direct supervision of a health care provider, as defined in s. 146.81 (1), who  
9 provides health care services to prisoners incarcerated in a state prison described  
10 under s. 302.01 pursuant to a contract between a state agency, as defined in s. 20.001  
11 (1), and a public or private institution of higher education.

12           (b) Failure by the student to give notice to the secretary of health and family  
13 services of an action or special proceeding commenced against the student as soon  
14 as reasonably possible is a bar to recovery by the student from the state of reasonable  
15 attorney fees and costs of defending the action. The attorney fees and costs shall not  
16 be recoverable if the state offers the student legal counsel and the offer is refused by  
17 the student. If the student refuses to cooperate in the defense of the litigation, the  
18 student is not eligible for any indemnification or for the provision of legal counsel by  
19 the state under this section.

20           **SECTION 5226.** 895.48 (title) of the statutes is amended to read:

21           **895.48 (title) Civil liability exemption; emergency care, health care at**  
22 **athletic events and health care, hazardous substances and information**  
23 **concerning paternity.**

24           **SECTION 5227.** 895.48 (3) of the statutes is created to read:

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1           895.48 **(3)** Any member of the staff of a hospital who is designated by the  
2 hospital and trained by the department of industry, labor and job development under  
3 s. 69.14 (1) (cm) and who in good faith provides to a child's available parents written  
4 information that is provided by the department of industry, labor and job  
5 development and oral information about the form that is prescribed by the state  
6 registrar under s. 69.15 (3) (b) 3. and about the significance and benefits of  
7 establishing paternity, under the requirements of s. 69.14 (1) (cm), is immune from  
8 civil liability for his or her acts or omissions in providing that written and oral  
9 information.

10           **SECTION 5228.** 938.02 (2m) of the statutes is amended to read:

11           938.02 **(2m)** "Court", when used without further qualification, means the court  
12 assigned to exercise jurisdiction under this chapter and ch. 48 or, when used with  
13 reference to a juvenile who is subject to s. 938.183 ~~(2)~~, a court of criminal jurisdiction  
14 or, when used with reference to a juvenile who is subject to s. 938.17 (2), a municipal  
15 court.

16           **SECTION 5229.** 938.02 (10) of the statutes is amended to read:

17           938.02 **(10)** "Judge", if used without further qualification, means the judge of  
18 the court assigned to exercise jurisdiction under this chapter and ch. 48 or, if used  
19 with reference to a juvenile who is subject to s. 938.183 ~~(2)~~, the judge of the court of  
20 criminal jurisdiction or, when used with reference to a juvenile who is subject to s.  
21 938.17 (2), the judge of the municipal court.

22           **SECTION 5230.** 938.02 (13) of the statutes is amended to read:

23           938.02 **(13)** "Parent" means either a biological parent, a husband who has  
24 consented to the artificial insemination of his wife under s. 891.40, or a parent by  
25 adoption. If the juvenile is a nonmarital child who is not adopted or whose parents

**SENATE BILL 77****SECTION 5230**

1 do not subsequently intermarry under s. 767.60, "parent" includes a person adjudged  
2 in a judicial proceeding adjudicated or acknowledged to be the biological father.  
3 "Parent" does not include any person whose parental rights have been terminated.

4 **SECTION 5231.** 938.02 (14m) of the statutes is amended to read:

5 938.02 (14m) "Pupil assistance program" means a program provided by a  
6 school board under s. ~~115.362 (4) (b) 2.~~ 46.73 (6) (d) 2. b. to intervene in the abuse of  
7 alcohol and other drugs by pupils.

8 **SECTION 5232.** 938.06 (1) (a) 1. of the statutes is amended to read:

9 938.06 (1) (a) 1. In counties with a population of 500,000 or more, the county  
10 board of supervisors shall provide the court with the services necessary for  
11 investigating and supervising cases under this chapter by operating a children's  
12 court center under the supervision of a director who is appointed as provided in s.  
13 46.21 (1m) (a). The director is the chief administrative officer of the center and of the  
14 intake and probation sections under this chapter and secure detention facilities of  
15 the center except as otherwise provided in this subsection. The director is charged  
16 with administration of the personnel and services of the sections and of the secure  
17 detention facilities, and is responsible for supervising both the operation of the  
18 physical plant and the maintenance and improvement of the buildings and grounds  
19 of the center. The center shall include investigative services for all juveniles alleged  
20 to be in need of protection or services to be provided by the county department, ~~and~~  
21 The center shall also include the services of an assistant district attorney or assistant  
22 corporation counsel or both, who shall be assigned to the center to provide  
23 investigative as well as legal work in the cases under this chapter and ch. 48.

24 **SECTION 5233.** 938.06 (1) (a) 2. of the statutes is amended to read:

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1           938.06 (1) (a) 2. The chief judge of the judicial administrative district shall  
2           formulate written judicial policy governing intake and court services for juvenile  
3           matters under this chapter and the director shall be charged with executing the  
4           judicial policy. The chief judge shall direct and supervise the work of all personnel  
5           of the court, except the work of the district attorney or corporation counsel assigned  
6           to the court. The chief judge may delegate his or her supervisory functions under s.  
7           938.065 (1).

8           **SECTION 5234.** 938.06 (1) (am) 1. of the statutes is amended to read:

9           938.06 (1) (am) 1. All intake workers ~~beginning~~ providing services under this  
10          chapter who begin employment after May 15, 1980, shall have the qualifications  
11          required to perform entry level social work in a county department and shall have  
12          successfully completed 30 hours of intake training approved or provided by the  
13          department prior to the completion of the first 6 months of employment in the  
14          position. The department shall monitor compliance with this subdivision according  
15          to rules promulgated by the department.

16          **SECTION 5235.** 938.06 (1) (am) 2. of the statutes is amended to read:

17          938.06 (1) (am) 2. The department shall make training programs available  
18          annually that permit intake workers providing services under this chapter to satisfy  
19          the requirements specified under subd. 1.

20          **SECTION 5236.** 938.06 (2) (a) of the statutes is amended to read:

21          938.06 (2) (a) In counties having less than 500,000 population, the county  
22          board of supervisors shall authorize the county department or court or both to  
23          provide intake services required by s. 938.067 and the staff needed to carry out the  
24          objectives and provisions of this chapter under s. 938.069. Intake services under this  
25          chapter shall be provided by employes of the court or county department and may

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1 not be subcontracted to other individuals or agencies, except as provided in par. (am).  
2 Intake workers shall be governed in their intake work, including their  
3 responsibilities for recommending the filing of a petition and entering into a deferred  
4 prosecution agreement, by general written policies which shall be formulated by the  
5 circuit judges for the county, subject to the approval of the chief judge of the judicial  
6 administrative district.

7 **SECTION 5237.** 938.06 (2) (am) 1. of the statutes is amended to read:

8 938.06 (2) (am) 1. Notwithstanding par. (a), any county which had intake  
9 services under this chapter subcontracted from the county sheriff's department on  
10 April 1, 1980, may continue to subcontract those intake services from the county  
11 sheriff's department.

12 **SECTION 5238.** 938.06 (2) (am) 2. of the statutes is amended to read:

13 938.06 (2) (am) 2. Notwithstanding par. (a), any county in which the county  
14 sheriff's department operates a secure detention facility may subcontract intake  
15 services under this chapter from the county sheriff's department as provided in this  
16 subdivision. If a county subcontracts intake services under this chapter from the  
17 county sheriff's department, employees of the county sheriff's department who staff  
18 the secure detention facility may make secure custody determinations under s.  
19 938.208 between the hours of 6 p.m. and 6 a.m. and any determination under s.  
20 938.208 made by an employe of the county sheriff's department shall be reviewed by  
21 an intake worker employed by the court or county department within 24 hours after  
22 that determination is made.

23 **SECTION 5239.** 938.06 (2) (b) 1. of the statutes is amended to read:

24 938.06 (2) (b) 1. All intake workers beginning providing services under this  
25 chapter who begin employment after May 15, 1980, excluding county sheriff's



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1 department employes who provide intake services under par. (am) 2., shall have the  
2 qualifications required to perform entry level social work in a county department.  
3 All intake workers ~~beginning providing services under this chapter who begin~~  
4 employment after May 15, 1980, including county sheriff's department employes  
5 who provide intake services under par. (am) 2., shall have successfully completed 30  
6 hours of intake training approved or provided by the department prior to the  
7 completion of the first 6 months of employment in the position. The department shall  
8 monitor compliance with this subdivision according to rules promulgated by the  
9 department.

10 **SECTION 5240.** 938.06 (2) (b) 2. of the statutes is amended to read:

11 938.06 (2) (b) 2. The department shall make training programs available  
12 annually that permit intake workers providing services under this chapter to satisfy  
13 the requirements specified under subd. 1.

14 **SECTION 5241.** 938.183 (1m) (c) of the statutes is amended to read:

15 938.183 (1m) (c) If the juvenile is convicted of a lesser offense and if any of the  
16 conditions specified in s. ~~938.183 (2) (a) 1. or 2.~~ sub. (2) (a) or (b) applies, the court  
17 of criminal jurisdiction may impose a criminal penalty or a disposition specified in  
18 s. 938.34.

19 **SECTION 5242.** 938.183 (2) (a) of the statutes is renumbered 938.183 (2).

20 **SECTION 5243.** 938.183 (2) (b) of the statutes is renumbered 938.183 (3) and  
21 amended to read:

22 938.183 (3) When a juvenile who is subject to a criminal penalty under ~~par. (a)~~  
23 sub. (1m) or (2) attains the age of 17 years, the department may place the juvenile  
24 in a state prison named in s. 302.01. If a juvenile who is subject to a criminal penalty  
25 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the

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1 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as  
2 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under  
3 par. (a) sub. (1m) or (2) for an act committed before July 1, 1998, is eligible for parole  
4 under s. 304.06.

5 **SECTION 5244.** 938.183 (2) (c) of the statutes is renumbered 938.183 (4) and  
6 amended to read:

7 938.183 (4) If the juvenile is placed outside the juvenile's home under this  
8 ~~subsection~~ section, the order shall contain, a designation of the amount of support,  
9 if any, to be paid by the juvenile's parent, guardian or trustee, specifying that the  
10 support obligation begins on the date of the placement, or a referral to the county  
11 designee child support agency under s. ~~59.07 (97)~~ 59.53 (5) for establishment of child  
12 support.

13 **SECTION 5245.** 938.22 (title) of the statutes is amended to read:

14 **938.22 (title) Establishment of secure detention facilities, child caring**  
15 **institutions and shelter care facilities.**

16 **SECTION 5246.** 938.22 (1) (a) of the statutes is amended to read:

17 938.22 (1) (a) The county board of supervisors ~~may establish a secure detention~~  
18 ~~facility or a shelter care facility or both~~ of any county, or the county boards of  
19 supervisors for 2 or more counties ~~may jointly,~~ may establish a secure detention  
20 facility, a child caring institution or a shelter care facility or ~~both~~ any combination  
21 of those facilities or institutions in accordance with ss. 46.16, 46.20 and 301.36.

22 **SECTION 5247.** 938.22 (1) (b) of the statutes is amended to read:

23 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less  
24 than 500,000, the nonjudicial operational policies of the secure detention facility,  
25 child caring institution or shelter care facility shall be determined by the county

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1 board of supervisors or, in the case of a secure detention facility, child caring  
2 institution or shelter care facility established by 2 or more counties, by the county  
3 boards of supervisors for the 2 or more counties jointly. Those policies shall be  
4 executed by the superintendent appointed under sub. (3) (a).

5 **SECTION 5248.** 938.22 (2) (a) of the statutes is amended to read:

6 938.22 (2) (a) Counties shall submit plans for the secure detention facility or  
7 juvenile portion of the county jail to the department of corrections and submit plans  
8 for the child caring institution or shelter care facility to the department of health and  
9 family services. The applicable department shall review the submitted plans. The  
10 counties may not implement any such plan unless the applicable department has  
11 approved the plan. The department of corrections shall promulgate rules  
12 establishing minimum requirements for the approval of the operation of secure  
13 detention facilities and the juvenile portion of county jails. The plans and rules shall  
14 be designed to protect the health, safety and welfare of the juveniles in these  
15 facilities.

16 **SECTION 5249.** 938.22 (3) (a) of the statutes is amended to read:

17 938.22 (3) (a) In counties having a population of less than 500,000, public  
18 secure detention facilities, public child caring institutions and public shelter care  
19 facilities shall be in the charge of a superintendent. The county board of supervisors  
20 or, where 2 or more counties operate joint public secure detention facilities, public  
21 child caring institutions or public shelter care facilities, the county boards of  
22 supervisors for the 2 or more counties jointly shall appoint the superintendent and  
23 other necessary personnel for the care and education of the juveniles in secure  
24 detention facilities, child caring institutions or shelter care facilities, subject to par.  
25 (am) and to civil service regulations in counties having civil service.

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1           **SECTION 5250.** 938.22 (7) (a) of the statutes is amended to read:

2           938.22 (7) (a) No person may establish a shelter care facility without first  
3 obtaining a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate  
4 a shelter care facility, a person must meet the minimum requirements for a license  
5 established by the department of health and family services under s. 48.67 and pay  
6 the license fee under par. (b). A license issued under s. 48.66 (1) to operate a shelter  
7 care facility is valid for ~~2 years after the date of issuance, unless sooner revoked or~~  
8 ~~suspended~~ until revoked or suspended, but shall be reviewed every 2 years as  
9 provided in s. 48.66 (5).

10           **SECTION 5251.** 938.22 (7) (b) of the statutes is amended to read:

11           938.22 (7) (b) Before the department of health and family services may issue  
12 a license under s. 48.66 (1) to operate a shelter care facility, the shelter care facility  
13 must pay to that department a biennial fee of ~~\$50~~ \$55, plus a biennial fee of ~~\$15~~  
14 \$16.50 per juvenile, based on the number of juveniles that the shelter care facility  
15 is licensed to serve. A shelter care facility that wishes to ~~renew~~ continue a license  
16 issued under s. 48.66 (1) shall pay the fee under this paragraph by the ~~renewal~~  
17 continuation date of the license. A new shelter care facility shall pay the fee under  
18 this paragraph by no later than 30 days before the opening of the shelter care facility.

19           **SECTION 5252.** 938.22 (7) (b) of the statutes, as affected by 1997 Wisconsin Act  
20 .... (this act), is repealed and recreated to read:

21           938.22 (7) (b) Before the department of health and family services may issue  
22 a license under s. 48.66 (1) to operate a shelter care facility, the shelter care facility  
23 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15  
24 per juvenile, based on the number of juveniles that the shelter care facility is licensed  
25 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66

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1 (1) shall pay the fee under this paragraph by the continuation date of the license.  
2 A new shelter care facility shall pay the fee under this paragraph by no later than  
3 30 days before the opening of the shelter care facility.

4 **SECTION 5253.** 938.22 (7) (c) of the statutes is amended to read:

5 938.22 (7) (c) A shelter care facility that wishes to ~~renew~~ continue a license  
6 issued under s. 48.66 (1) and that fails to pay the fee under par. (b) by the ~~renewal~~  
7 continuation date of the license or a new shelter care facility that fails to pay the fee  
8 under par. (b) by 30 days before the opening of the shelter care facility shall pay an  
9 additional fee of \$5 per day for every day after the deadline that the facility fails to  
10 pay the fee.

11 **SECTION 5254.** 938.223 (1) of the statutes is amended to read:

12 938.223 (1) The county board of supervisors of any county may contract with  
13 one or more counties in Minnesota that operate a secure detention facility for the use  
14 of one or more Minnesota secure detention facilities for the holding of juveniles who  
15 meet the criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a) or 938.208 or who are  
16 subject to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s.  
17 938.355 (6) (d) 1. or short-term detention under s. 938.355 (6d) or 938.534 (1).

18 **SECTION 5255.** 938.224 of the statutes is created to read:

19 **938.224 Contracts with department for secure detention facility**  
20 **services.** (1) The county board of supervisors of any county may contract with the  
21 department for the use of a secured correctional facility operated by the department  
22 for the holding of juveniles who meet the criteria under s. 48.208, 938.17 (1), 938.183  
23 (1m) (a) or 938.208 or who are subject to a disposition under s. 938.17 (1) (b) or 938.34  
24 (3) (f), a sanction under s. 938.355 (6) (d) 1. or short-term detention under s. 938.355  
25 (6d) or 938.534 (1).

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1           **(2)** A contract under sub. (1) shall require all of the following:

2           (a) That the county may use a secured correctional facility for holding a juvenile  
3 under sub. (1) only if any of the following criteria are met:

4           1. There is no county-operated secure detention facility approved by the  
5 department within 75 miles of the county seat of the county.

6           2. There is no bed space available in a county-operated secure detention facility  
7 approved by the department within 75 miles of the county seat of the county.

8           (b) That the county may use a secured correctional facility for holding a juvenile  
9 under sub. (1) only if the department approves that use based on the availability of  
10 beds in the secured correctional facility and on the programming needs of the  
11 juvenile.

12           **(3)** In addition to the requirements under sub. (2), a contract under sub. (1)  
13 shall include all of the following:

14           (a) The per person daily rate to be paid by the county for holding a juvenile  
15 under sub. (1) and the charges to be paid by the county for any extraordinary medical  
16 and dental expenses and any programming provided for the juvenile by the  
17 department.

18           (b) Any other matters that are necessary and appropriate concerning the  
19 obligations, responsibilities and rights of the contracting county and the  
20 department.

21           **(4)** A juvenile held in custody under sub. (1) is under the supervision and  
22 control of the department and is subject to the rules and discipline of the department.

23           **SECTION 5256.** 938.296 (6) of the statutes is amended to read:

24           938.296 **(6)** The court may order the county to pay for the cost of a test or series  
25 of tests ordered under sub. (4). This subsection does not prevent recovery of

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1 reasonable contribution toward the cost of that test or series of tests from the parent  
2 or guardian of the juvenile as the court may order based on the ability of the parent  
3 or guardian to pay. This subsection is subject to s. ~~46.03~~ 301.03 (18).

4 **SECTION 5257.** 938.30 (6) of the statutes is amended to read:

5 938.30 (6) If a petition is not contested, the court shall set a date for the  
6 dispositional hearing which allows reasonable time for the parties to prepare but is  
7 no more than 10 days from the plea hearing for a juvenile who is held in secure  
8 custody and no more than 30 days from the plea hearing for a juvenile who is not held  
9 in secure custody. If it appears to the court that disposition of the case may include  
10 placement of the juvenile outside the juvenile's home, the court shall order the  
11 juvenile's parent to provide a statement of income, assets, debts and living expenses  
12 to the court or the designated agency under s. 938.33 (1) at least 5 days before the  
13 scheduled date of the dispositional hearing or as otherwise ordered by the court. The  
14 clerk of court shall provide, without charge, to any parent ordered to provide a  
15 statement of income, assets, debts and living expenses a document setting forth the  
16 percentage standard established by the department of ~~health and family services~~  
17 industry, labor and job development under s. ~~46.25~~ 49.22 (9) and listing the factors  
18 that a court may consider under s. ~~46.10~~ 301.12 (14) (c). If all parties consent the  
19 court may proceed immediately with the dispositional hearing. If a citation is not  
20 contested, the court may proceed immediately to enter a dispositional order.

21 **SECTION 5258.** 938.31 (7) of the statutes is amended to read:

22 938.31 (7) At the close of the fact-finding hearing, the court shall set a date for  
23 the dispositional hearing which allows a reasonable time for the parties to prepare  
24 but is no more than 10 days after the fact-finding hearing for a juvenile in secure  
25 custody and no more than 30 days after the fact-finding hearing for a juvenile not

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1 held in secure custody. If it appears to the court that disposition of the case may  
2 include placement of the juvenile outside the juvenile's home, the court shall order  
3 the juvenile's parent to provide a statement of income, assets, debts and living  
4 expenses to the court or the designated agency under s. 938.33 (1) at least 5 days  
5 before the scheduled date of the dispositional hearing or as otherwise ordered by the  
6 court. The clerk of court shall provide, without charge, to any parent ordered to  
7 provide a statement of income, assets, debts and living expenses a document setting  
8 forth the percentage standard established by the department of ~~health and family~~  
9 ~~services~~ industry, labor and job development under s. ~~46.25~~ 49.22 (9) and listing the  
10 factors that a court may consider under s. ~~46.10~~ 301.12 (14) (c). If all parties consent,  
11 the court may immediately proceed with a dispositional hearing.

12 **SECTION 5259.** 938.33 (3) (b) of the statutes is amended to read:

13 938.33 (3) (b) A recommendation for an amount of child support to be paid by  
14 either or both of the juvenile's parents or for referral to the county ~~designee~~ child  
15 support agency under s. ~~59.07 (97)~~ 59.53 (5) for the establishment of child support.

16 **SECTION 5260.** 938.33 (4) (b) of the statutes is amended to read:

17 938.33 (4) (b) A recommendation for an amount of child support to be paid by  
18 either or both of the juvenile's parents or for referral to the county ~~designee~~ child  
19 support agency under s. ~~59.07 (97)~~ 59.53 (5) for the establishment of child support.

20 **SECTION 5261.** 938.33 (4m) (intro.) of the statutes is amended to read:

21 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In  
22 making a recommendation for an amount of child support under sub. (3) or (4), the  
23 agency shall consider the factors that the court considers under s. ~~46.10~~ 301.12 (14)  
24 (c) for deviation from the percentage standard. At or before the dispositional hearing



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1 under s. 938.335, the agency shall provide the juvenile's parent with all of the  
2 following:

3 **SECTION 5262.** 938.33 (4m) (b) of the statutes is amended to read:

4 938.33 (4m) (b) A written explanation of how the parent may request that the  
5 court modify the amount of child support under s. ~~46.10~~ 301.12 (14) (c).

6 **SECTION 5263.** 938.34 (8d) of the statutes is created to read:

7 938.34 (8d) DELINQUENCY VICTIM AND WITNESS ASSISTANCE SURCHARGE. (a) In  
8 addition to any other disposition imposed under this section, the court shall impose  
9 a delinquency victim and witness assistance surcharge of \$20.

10 (b) The clerk of court shall collect and transmit the amount to the county  
11 treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to  
12 the state treasurer under s. 59.25 (3) (f) 2.

13 (c) If a juvenile placed in a secured correctional facility or a secured child caring  
14 institution fails to pay the surcharge under par. (a), the department shall assess and  
15 collect the amount owed from the juvenile's wages or other moneys. Any amount  
16 collected shall be transmitted to the state treasurer.

17 (d) If the juvenile fails to pay the surcharge under par. (a), the court may vacate  
18 the surcharge and order other alternatives under this section, in accordance with the  
19 conditions specified in this chapter; or the court may suspend any license issued  
20 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
21 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more  
22 than 5 years. If the court suspends any license under this subsection, the clerk of the  
23 court shall immediately take possession of the suspended license and forward it to  
24 the department which issued the license, together with a notice of suspension clearly  
25 stating that the suspension is for failure to pay a surcharge imposed by the court.

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1 If the surcharge is paid during the period of suspension, the suspension shall be  
2 reduced to the time period which has already elapsed and the court shall  
3 immediately notify the department which shall then return the license to the  
4 juvenile.

5 **SECTION 5264.** 938.343 (7) of the statutes is amended to read:

6 938.343 (7) If the violation is related to the unsafe use of firearms, order the  
7 juvenile to attend a course under the hunter education and firearm safety program  
8 under s. 29.225 that includes the firearm safety component.

9 **SECTION 5265.** 938.345 (1) (c) of the statutes is amended to read:

10 938.345 (1) (c) Order payment of a forfeiture or surcharge.

11 **SECTION 5266.** 938.355 (2) (b) 4. of the statutes is amended to read:

12 938.355 (2) (b) 4. If the juvenile is placed outside the juvenile's home, a  
13 designation of the amount of support, if any, to be paid by the juvenile's parent,  
14 guardian or trustee, specifying that the support obligation begins on the date of the  
15 placement, or a referral to the county designee child support agency under s. 59.07  
16 ~~(97)~~ 59.53 (5) for establishment of child support.

17 **SECTION 5267.** 938.357 (4) (b) 2. of the statutes is amended to read:

18 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child  
19 caring institution under s. 938.34 (4d) violates a condition of his or her placement in  
20 the Type 2 child caring institution, the child welfare agency operating the Type 2  
21 child caring institution shall notify the county department that has supervision over  
22 the juvenile and, if the county department agrees to a change in placement under this  
23 subdivision, the child welfare agency shall notify the department and the  
24 department, after consulting with the child welfare agency, may place the juvenile  
25 in a Type 1 secured correctional facility under the supervision of the department,

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1 without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed  
2 in a Type 1 secured correctional facility under this subdivision, the county  
3 department that has supervision over the juvenile shall reimburse the child welfare  
4 agency operating the Type 2 child caring institution in which the juvenile was placed  
5 at the rate established under s. 46.037, and that child welfare agency shall reimburse  
6 the department at the rate specified in s. 301.26 (4) (d) ~~3m.~~ 2., 3. or 4., whichever is  
7 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
8 correctional facility.

9 **SECTION 5268.** 938.357 (4) (d) of the statutes is created to read:

10 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type  
11 1 secured correctional facility to the Racine youthful offender correctional facility  
12 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile  
13 offender review in the department has determined that the conduct of the juvenile  
14 in the Type 1 secured correctional facility presents a serious problem to the juvenile  
15 or others. The factors that the office of juvenile offender review may consider in  
16 making that determination shall include, but are not limited to, whether and to what  
17 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and  
18 disruptive, the security needs of the Type 1 secured correctional facility and whether  
19 and to what extent the juvenile is refusing to cooperate or participate in the  
20 treatment programs provided for the juvenile in the Type 1 secured correctional  
21 facility. Notwithstanding sub. (1), a juvenile is not entitled to a hearing regarding  
22 the department's exercise of authority under this paragraph unless the department  
23 provides for a hearing by rule. A juvenile may seek review of a decision of the  
24 department under this paragraph only by the common law writ of certiorari. If the  
25 department transfers a juvenile under this paragraph, the department shall send

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1 written notice of the transfer to the parent, guardian, legal custodian and  
2 committing court.

3 **SECTION 5269.** 938.357 (4g) (b) of the statutes is amended to read:

4 938.357 (4g) (b) The department may waive the time period within which an  
5 aftercare plan must be prepared and submitted under par. (a) if the department  
6 anticipates that the juvenile will remain in the secured correctional facility or  
7 secured child caring institution for a period exceeding 8 months or if the juvenile is  
8 subject to s. 48.366 or 938.183 (2). If the department waives that time period, the  
9 aftercare provider designated under s. 938.34 (4n) shall prepare the aftercare plan  
10 within 30 days after the date on which the department requests the aftercare plan.

11 **SECTION 5270.** 938.357 (5m) of the statutes is amended to read:

12 938.357 (5m) If a proposed change in placement changes a juvenile's placement  
13 from a placement in the juvenile's home to a placement outside the juvenile's home,  
14 the court shall order the juvenile's parent to provide a statement of income, assets,  
15 debts and living expenses to the court or the person or agency primarily responsible  
16 for implementing the dispositional order by a date specified by the court. The clerk  
17 of court shall provide, without charge, to any parent ordered to provide a statement  
18 of income, assets, debts and living expenses a document setting forth the percentage  
19 standard established by the department of ~~health and family services~~ industry, labor  
20 and job development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may  
21 consider under s. ~~46.10~~ 301.12 (14) (c). If the juvenile is placed outside the juvenile's  
22 home, the court shall determine the liability of the parent in the manner provided  
23 in s. ~~46.10~~ 301.12 (14).

24 **SECTION 5271.** 938.36 (1) (a) of the statutes is amended to read:

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1           938.36 (1) (a) If legal custody is transferred from the parent or guardian or the  
2 court otherwise designates an alternative placement for the juvenile by a disposition  
3 made under s. 938.183 (2), 938.34 or 938.345 or by a change in placement under s.  
4 938.357, the duty of the parent or guardian to provide support shall continue even  
5 though the legal custodian or the placement designee may provide the support. A  
6 copy of the order transferring custody or designating alternative placement for the  
7 juvenile shall be submitted to the agency or person receiving custody or placement  
8 and the agency or person may apply to the court for an order to compel the parent  
9 or guardian to provide the support. Support payments for residential services, when  
10 purchased or otherwise funded or provided by the department of corrections, or a  
11 county department under s. 46.215, 46.22, or 46.23, ~~51.42 or 51.437~~, shall be  
12 determined under s. ~~46.10~~ 301.12 (14). Support payments for residential services,  
13 when purchased or otherwise funded by the department of health and family  
14 services, or a county department under s. 51.42 or 51.437, shall be determined under  
15 s. 46.10 (14).

16           **SECTION 5272.** 938.36 (1) (b) of the statutes is amended to read:

17           938.36 (1) (b) In determining the amount of support under par. (a), the court  
18 may consider all relevant financial information or other information relevant to the  
19 parent's earning capacity, including information reported under s. 49.22 (2m) to the  
20 department of ~~health and family services~~, industry, labor and job development or the  
21 county child and spousal support agency, under s. ~~46.25 (2m)~~ 59.53 (5). If the court  
22 has insufficient information with which to determine the amount of support, the  
23 court shall order the juvenile's parent to furnish a statement of income, assets, debts  
24 and living expenses, if the parent has not already done so, to the court within 10 days

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1 after the court's order transferring custody or designating an alternative placement  
2 is entered or at such other time as ordered by the court.

3 **SECTION 5273.** 938.36 (2) of the statutes is amended to read:

4 938.36 (2) If a juvenile whose legal custody has not been taken from a parent  
5 or guardian is given educational and social services, or medical, psychological or  
6 psychiatric treatment by order of the court, the cost thereof, if ordered by the court,  
7 shall be a charge upon the county. This section does not prevent recovery of  
8 reasonable contribution toward the costs from the parent or guardian of the juvenile  
9 as the court may order based on the ability of the parent or guardian to pay. This  
10 subsection is subject to s. ~~46.03~~ 301.03 (18).

11 **SECTION 5274.** 938.363 (1) of the statutes is amended to read:

12 938.363 (1) A juvenile, the juvenile's parent, guardian or legal custodian, any  
13 person or agency bound by a dispositional order or the district attorney or  
14 corporation counsel in the county in which the dispositional order was entered may  
15 request a revision in the order that does not involve a change in placement, including  
16 a revision with respect to the amount of child support to be paid by a parent, or the  
17 court may on its own motion propose such a revision. The request or court proposal  
18 shall set forth in detail the nature of the proposed revision and what new information  
19 is available that affects the advisability of the court's disposition. The request or  
20 court proposal shall be submitted to the court. The court shall hold a hearing on the  
21 matter if the request or court proposal indicates that new information is available  
22 which affects the advisability of the court's dispositional order and prior to any  
23 revision of the dispositional order, unless written waivers of objections to the revision  
24 are signed by all parties entitled to receive notice and the court approves. If a hearing  
25 is held, the court shall notify the juvenile, the juvenile's parent, guardian and legal

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1 custodian, all parties bound by the dispositional order, the juvenile's foster parent,  
2 treatment foster parent or other physical custodian described in s. 48.62 (2), and the  
3 district attorney or corporation counsel in the county in which the dispositional order  
4 was entered at least 3 days prior to the hearing. A copy of the request or proposal  
5 shall be attached to the notice. If the proposed revision is for a change in the amount  
6 of child support to be paid by a parent, the court shall order the juvenile's parent to  
7 provide a statement of income, assets, debts and living expenses to the court and the  
8 person or agency primarily responsible for implementing the dispositional order by  
9 a date specified by the court. The clerk of court shall provide, without charge, to any  
10 parent ordered to provide a statement of income, assets, debts and living expenses  
11 a document setting forth the percentage standard established by the department of  
12 ~~health and family services~~ industry, labor and job development under s. 46.25 (9)  
13 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If  
14 all parties consent, the court may proceed immediately with the hearing. No revision  
15 may extend the effective period of the original order, or revise an original order under  
16 s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention, nonsecure  
17 custody or inpatient treatment on a child.

18 **SECTION 5275.** 938.365 (2g) (a) of the statutes is amended to read:

19 938.365 (2g) (a) At the hearing the person or agency primarily responsible for  
20 providing services to the juvenile shall file with the court a written report stating to  
21 what extent the dispositional order has been meeting the objectives of the plan for  
22 the juvenile's rehabilitation or care and treatment. The office of juvenile offender  
23 review program may file a written report regarding any juvenile examined by the  
24 program.

25 **SECTION 5276.** 938.396 (4) of the statutes is amended to read:

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1           938.396 (4) When a court revokes, suspends or restricts a juvenile's operating  
2 privilege under this chapter, the department of transportation shall not disclose  
3 information concerning or relating to the revocation, suspension or restriction to any  
4 person other than a court, district attorney, county corporation counsel, city, village  
5 or town attorney, law enforcement agency, or the ~~minor~~ juvenile whose operating  
6 privilege is revoked, suspended or restricted, or his or her parent or guardian.  
7 Persons entitled to receive this information may not disclose the information to other  
8 persons or agencies. This subsection does not apply to any information requested by  
9 the department of industry, labor and job development under s. 49.22 (2m).

10           **SECTION 5277.** 938.48 (4) of the statutes is amended to read:

11           938.48 (4) Provide appropriate care and training for juveniles under its  
12 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including  
13 serving those juveniles in their own homes, placing them in licensed foster homes or  
14 licensed treatment foster homes in accordance with s. 48.63 or licensed group homes,  
15 contracting for their care by licensed child welfare agencies or replacing them in  
16 juvenile correctional institutions or secured child caring institutions in accordance  
17 with rules promulgated under ch. 227, except that the department may not purchase  
18 the educational component of private day treatment programs for juveniles in its  
19 custody unless the department, the school board as defined in s. 115.001 (7) and the  
20 ~~secretary of education~~ state superintendent of public instruction all determine that  
21 an appropriate public education program is not available. Disputes between the  
22 department and the school district shall be resolved by the ~~secretary of education~~  
23 state superintendent of public instruction.

24           **SECTION 5278.** 938.48 (14) of the statutes is amended to read:



**SENATE BILL 77****SECTION 5278**

1           938.48 (14) Pay maintenance, tuition and related expenses from the  
2           appropriation under s. 20.410 (3) ~~(am)~~ and (ho) for persons who when they reached  
3           17 years of age were students regularly attending a school, college or university or  
4           regularly attending a course of vocational or technical training designed to fit them  
5           for gainful employment, and who when reaching that age were under the supervision  
6           of the department under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) as a result  
7           of a judicial decision.

8           **SECTION 5279.** 938.53 of the statutes is amended to read:

9           **938.53 Duration of control of department over delinquents.** Except as  
10          provided under ss. 48.366 and 938.183, all juveniles adjudged delinquent who have  
11          been placed under the supervision of the department under s. 938.183, 938.34 (4h),  
12          ~~(4m)~~, ~~(4h)~~ or (4n) or 938.357 (4) shall be discharged as soon as the department  
13          determines that there is a reasonable probability that it is no longer necessary either  
14          for the rehabilitation and treatment of the juvenile or for the protection of the public  
15          that the department retain supervision.

16          **SECTION 5280.** 938.533 (2) of the statutes is amended to read:

17          938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.  
18          20.410 (3) (hr), the department shall provide a corrective sanctions program to serve  
19          an average daily population of ~~105~~ 119 juveniles in fiscal year 1997-98 and 161  
20          juveniles in fiscal year 1998-99, or an average daily population of more than ~~105~~ 119  
21          juveniles in fiscal year 1997-98 and 161 juveniles in fiscal year 1998-99 if the  
22          appropriation under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and  
23          the positions for the program are increased under s. 13.101 or 16.505 (2) or if funding  
24          and positions to serve more than those average daily populations are otherwise  
25          available, in not less than 3 counties, including Milwaukee County. The office of

**SENATE BILL 77****SECTION 5280**

1 juvenile offender review ~~program~~ in the department shall evaluate and select for  
2 participation in the program juveniles who have been placed under the supervision  
3 of the department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The  
4 department shall place a program participant in the community, provide intensive  
5 surveillance of that participant and provide an average of \$5,000 per year per slot  
6 to purchase community-based treatment services for each participant. The  
7 department shall make the intensive surveillance required under this subsection  
8 available 24 hours a day, 7 days a week, and may purchase or provide electronic  
9 monitoring for the intensive surveillance of program participants. The department  
10 shall provide a report center in Milwaukee County to provide on-site programming  
11 after school and in the evening for juveniles from Milwaukee County who are placed  
12 in the corrective sanctions program. A contact worker providing services under the  
13 program ~~shall have a case load of approximately 10 juveniles and, during the initial~~  
14 ~~phase of placement in the community under the program of~~ for a juvenile who is  
15 assigned to that contact worker, shall have not less than one face-to-face contact per  
16 day with that juvenile. ~~Case management services under the program shall be~~  
17 ~~provided by a corrective sanctions agent who shall have a case load of approximately~~  
18 ~~15 juveniles~~ during the initial phase of placement in the community under the  
19 program. The department shall promulgate rules to implement the program.

20 **SECTION 5281.** 938.538 (3) (a) 1. of the statutes is amended to read:

21 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured  
22 correctional facility, a secured child caring institution or, if the participant is 17 years  
23 of age or over or 15 years of age or over and transferred under s. 938.357 (4) (d), a  
24 Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years.

25 **SECTION 5282.** 938.538 (3) (a) 1m. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5282**

1           938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for  
2 committing an act that would be a Class A felony if committed by an adult, placement  
3 in a Type 1 secured correctional facility, a secured child caring institution or, if the  
4 participant is 17 years of age or over or 15 years of age or over and transferred under  
5 s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant  
6 reaches 25 years of age, unless the participant is released sooner, subject to a  
7 mandatory minimum period of confinement of not less than one year.

8           **SECTION 5283.** 938.538 (5) (a) of the statutes is amended to read:

9           938.538 (5) (a) The office of juvenile offender review program in the division  
10 of juvenile corrections in the department may release a participant to aftercare  
11 supervision under s. 301.03 (10) (d) at any time after the participant has completed  
12 2 years of participation in the serious juvenile offender program. Aftercare  
13 supervision of the participant shall be provided by the department.

14           **SECTION 5284.** 938.538 (5) (c) of the statutes is amended to read:

15           938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of  
16 placement and revisions of orders for a juvenile who is a participant in the serious  
17 juvenile offender program, except that s. 938.357 (4) (d) applies to the transfer of a  
18 participant to the Racine youthful offender correctional facility named in s. 302.01.

19           **SECTION 5285.** 938.57 (1) (c) of the statutes is amended to read:

20           938.57 (1) (c) Provide appropriate protection and services for juveniles in its  
21 care, including providing services for juveniles and their families in their own homes,  
22 placing the juveniles in licensed foster homes, licensed treatment foster homes or  
23 licensed group homes in this state or another state within a reasonable proximity to  
24 the agency with legal custody or contracting for services for them by licensed child  
25 welfare agencies or replacing them in juvenile correctional institutions or secured

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1 child caring institutions in accordance with rules promulgated under ch. 227, except  
2 that the county department may not purchase the educational component of private  
3 day treatment programs unless the county department, the school board as defined  
4 in s. 115.001 (7) and the ~~secretary of education~~ state superintendent of public  
5 instruction all determine that an appropriate public education program is not  
6 available. Disputes between the county department and the school district shall be  
7 resolved by the ~~secretary of education~~ state superintendent of public instruction.

8 **SECTION 5286.** 938.57 (4) of the statutes is amended to read:

9 938.57 (4) A county department may provide aftercare supervision under s.  
10 ~~48.34~~ 938.34 (4n) for juveniles who are released from secured correctional facilities  
11 or secured child caring institutions operated by the department. If a county  
12 department intends to change its policy regarding whether the county department  
13 or the department shall provide aftercare supervision for juveniles released from  
14 secured correctional facilities or secured child caring institutions operated by the  
15 department, the county executive or county administrator, or, if the county has no  
16 county executive or county administrator, the chairperson of the county board of  
17 supervisors, or, for multicounty departments, the chairpersons of the county boards  
18 of supervisors jointly, shall submit a letter to the department stating that intent  
19 before July 1 of the year preceding the year in which the policy change will take effect.

20 **SECTION 5287.** 938.78 (2) (d) 5. of the statutes is amended to read:

21 938.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 or on community  
22 supervision under s. 302.113 or 302.114.

23 **SECTION 5288.** 938.991 (1) of the statutes is amended to read:

24 938.991 (1) ARTICLE I - FINDINGS AND PURPOSES. That juveniles who are not  
25 under proper supervision and control, or who have absconded, escaped or run away,

**SENATE BILL 77****SECTION 5288**

1 are likely to endanger their own health, morals and welfare, and the health, morals  
2 and welfare of others. The cooperation of the states party to this compact is therefore  
3 necessary to provide for the welfare and protection of juveniles and of the public with  
4 respect to (1) cooperative supervision of delinquent juveniles on probation,  
5 community supervision or parole; (2) the return, from one state to another, of  
6 delinquent juveniles who have escaped or absconded; (3) the return, from one state  
7 to another, of nondelinquent juveniles who have run away from home; and (4)  
8 additional measures for the protection of juveniles and of the public, which any 2 or  
9 more of the party states may find desirable to undertake cooperatively. In carrying  
10 out the provisions of this compact the party states shall be guided by the noncriminal,  
11 reformative and protective policies which guide their laws concerning delinquent,  
12 neglected or dependent juveniles generally. It shall be the policy of the states party  
13 to this compact to cooperate and observe their respective responsibilities for the  
14 prompt return and acceptance of juveniles and delinquent juveniles who become  
15 subject to the provisions of this compact. The provisions of this compact shall be  
16 reasonably and liberally construed to accomplish the foregoing purposes.

17 **SECTION 5289.** 938.991 (3) (c) of the statutes is amended to read:

18 938.991 (3) (c) “Probation, community supervision or parole” means any kind  
19 of conditional release of juveniles authorized under the laws of the states party  
20 hereto.

21 **SECTION 5290.** 938.991 (5) (a) of the statutes is amended to read:

22 938.991 (5) (a) That the appropriate person or authority from whose probation,  
23 community supervision or parole supervision a delinquent juvenile has absconded  
24 or from whose institutional custody the delinquent juvenile has escaped shall  
25 present to the appropriate court or to the executive authority of the state where the

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1 delinquent juvenile is alleged to be located a written requisition for the return of the  
2 delinquent juvenile. The requisition shall state the name and age of the delinquent  
3 juvenile, the particulars of that person's adjudication as a delinquent juvenile, the  
4 circumstances of the breach of the terms of the delinquent juvenile's probation,  
5 community supervision or parole or of the delinquent juvenile's escape from an  
6 institution or agency vested with legal custody or supervision of the delinquent  
7 juvenile, and the location of the delinquent juvenile, if known, at the time the  
8 requisition is made. The requisition shall be verified by affidavit, shall be executed  
9 in duplicate, and shall be accompanied by 2 certified copies of the judgment, formal  
10 adjudication, or order of commitment which subjects the delinquent juvenile to  
11 probation, community supervision or parole or to the legal custody of the institution  
12 or agency concerned. Further affidavits and other documents as may be deemed  
13 proper may be submitted with the requisition. One copy of the requisition shall be  
14 filed with the compact administrator of the demanding state, there to remain on file  
15 subject to the provisions of law governing records of the appropriate court. Upon the  
16 receipt of a requisition demanding the return of a delinquent juvenile who has  
17 absconded or escaped, the court or the executive authority to whom the requisition  
18 is addressed shall issue an order to any peace officer or other appropriate person  
19 directing that person to take into custody and detain the delinquent juvenile. The  
20 detention order must substantially recite the facts necessary to the validity of its  
21 issuance hereunder. No delinquent juvenile detained upon a detention order shall  
22 be delivered over to the officer whom the appropriate person or authority demanding  
23 the delinquent juvenile shall have appointed to receive the delinquent juvenile,  
24 unless the delinquent juvenile shall first be taken forthwith before a judge of an  
25 appropriate court in the state, who shall inform the delinquent juvenile of the

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1 demand made for the return of the delinquent juvenile and who may appoint counsel  
2 or guardian ad litem for the delinquent juvenile. If the judge shall find that the  
3 requisition is in order, the judge shall deliver the delinquent juvenile over to the  
4 officer whom the appropriate person or authority demanding shall have appointed  
5 to receive the delinquent juvenile. The judge, however, may fix a reasonable time to  
6 be allowed for the purpose of testing the legality of the proceeding.

7 **SECTION 5291.** 938.991 (5) (am) of the statutes is amended to read:

8 938.991 (5) (am) Upon reasonable information that a person is a delinquent  
9 juvenile who has absconded while on probation, community supervision or parole,  
10 or escaped from an institution or agency vested with legal custody or supervision of  
11 the person in any state party to this compact, the person may be taken into custody  
12 in any other state party to this compact without a requisition. In that event, the  
13 person must be taken forthwith before a judge of the appropriate court, who may  
14 appoint counsel or guardian ad litem for the person and who shall determine, after  
15 a hearing, whether sufficient cause exists to hold the person subject to the order of  
16 the court for a time, not exceeding 90 days, as will enable the person's detention  
17 under a detention order issued on a requisition pursuant to this subsection. If, at  
18 the time when a state seeks the return of a delinquent juvenile who has either  
19 absconded while on probation, community supervision or parole or escaped from an  
20 institution or agency vested with legal custody or supervision of the delinquent  
21 juvenile, there is pending in the state wherein the delinquent juvenile is detained  
22 any criminal charge or any proceeding to have the delinquent juvenile adjudicated  
23 a delinquent juvenile for an act committed in that state, or if the delinquent juvenile  
24 is suspected of having committed within such state a criminal offense or an act of  
25 juvenile delinquency, the delinquent juvenile shall not be returned without the

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1 consent of that state until discharged from prosecution or other form of proceeding,  
2 imprisonment, detention or supervision for such offense or juvenile delinquency. The  
3 duly accredited officers of any state party to this compact, upon the establishment  
4 of the officers' authority and the identity of the delinquent juvenile being returned,  
5 shall be permitted to transport the delinquent juvenile through any and all states  
6 party to this compact, without interference. Upon the return of the delinquent  
7 juvenile to the state from which the delinquent juvenile escaped or absconded, the  
8 delinquent juvenile shall be subject to such further proceedings as may be  
9 appropriate under the laws of that state.

10 **SECTION 5292.** 938.991 (6) of the statutes is amended to read:

11 938.991 (6) ARTICLE VI - VOLUNTARY RETURN PROCEDURE. That any delinquent  
12 juvenile who has absconded while on probation, community supervision or parole,  
13 or escaped from an institution or agency vested with legal custody or supervision of  
14 the delinquent juvenile in any state party to this compact, and any juvenile who has  
15 run away from any state party to this compact, who is taken into custody without a  
16 requisition in another state party to this compact under sub. (4) (a) or (5) (a), may  
17 consent to his or her immediate return to the state from which the juvenile or  
18 delinquent juvenile absconded, escaped or ran away. Consent shall be given by the  
19 juvenile or delinquent juvenile and his or her counsel or guardian ad litem, if any,  
20 by executing or subscribing a writing, in the presence of a judge of the appropriate  
21 court, which states that the juvenile or delinquent juvenile and his or her counsel or  
22 guardian ad litem, if any, consent to the return of the juvenile or delinquent juvenile  
23 to the demanding state. Before the consent shall be executed or subscribed, however,  
24 the judge, in the presence of counsel or guardian ad litem, if any, shall inform the  
25 juvenile or delinquent juvenile of his or her rights under this compact. When the



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1 consent has been duly executed, it shall be forwarded to and filed with the compact  
2 administrator of the state in which the court is located and the judge shall direct the  
3 officer having the juvenile or delinquent juvenile in custody to deliver the juvenile  
4 or delinquent juvenile to the duly accredited officer or officers of the state demanding  
5 the return of the juvenile or delinquent juvenile, and shall cause to be delivered to  
6 the officer or officers a copy of the consent. The court may, however, upon the request  
7 of the state to which the juvenile or delinquent juvenile is being returned, order the  
8 juvenile or delinquent juvenile to return unaccompanied to that state and shall  
9 provide the juvenile or delinquent juvenile with a copy of the court order; in that  
10 event a copy of the consent shall be forwarded to the compact administrator of the  
11 state to which the juvenile or delinquent juvenile is ordered to return.

12 **SECTION 5293.** 938.991 (7) (title) of the statutes is amended to read:

13 938.991 (7) (title) ARTICLE VII - COOPERATIVE SUPERVISION OF PROBATIONERS,  
14 PERSONS ON COMMUNITY SUPERVISION AND PAROLEES.

15 **SECTION 5294.** 938.991 (7) (a) of the statutes is amended to read:

16 938.991 (7) (a) That the duly constituted judicial and administrative  
17 authorities of a state party to this compact (herein called "sending state") may permit  
18 any delinquent juvenile within such state, placed on probation, community  
19 supervision or parole, to reside in any other state party to this compact (herein called  
20 "receiving state") while on probation, community supervision or parole, and the  
21 receiving state shall accept such delinquent juvenile, if the parent, guardian or  
22 person entitled to the legal custody of such delinquent juvenile is residing or  
23 undertakes to reside within the receiving state. Before granting such permission,  
24 opportunity shall be given to the receiving state to make such investigations as it  
25 deems necessary. The authorities of the sending state shall send to the authorities

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1 of the receiving state copies of pertinent court orders, social case studies and all other  
2 available information which may be of value to and assist the receiving state in  
3 supervising a probationer ~~or~~, parolee or person under community supervision under  
4 this compact. A receiving state, in its discretion, may agree to accept supervision of  
5 a probationer ~~or~~, parolee or person under community supervision in cases where the  
6 parent, guardian or person entitled to legal custody of the delinquent juvenile is not  
7 a resident of the receiving state, and if so accepted the sending state may transfer  
8 supervision accordingly.

9 **SECTION 5295.** 938.991 (7) (b) of the statutes is amended to read:

10 938.991 (7) (b) That each receiving state will assume the duties of visitation  
11 and of supervision over any such delinquent juvenile and in the exercise of those  
12 duties will be governed by the same standards of visitation and supervision that  
13 prevail for its own delinquent juveniles released on probation, community  
14 supervision or parole.

15 **SECTION 5296.** 938.991 (7) (c) of the statutes is amended to read:

16 938.991 (7) (c) That, after consultation between the appropriate authorities of  
17 the sending state and of the receiving state as to the desirability and necessity of  
18 returning such a delinquent juvenile, the duly accredited officers of a sending state  
19 may enter a receiving state and there apprehend and retake any such delinquent  
20 juvenile on probation, community supervision or parole. For that purpose, no  
21 formalities will be required, other than establishing the authority of the officer and  
22 the identity of the delinquent juvenile to be retaken and returned. The decision of  
23 the sending state to retake a delinquent juvenile on probation, community  
24 supervision or parole shall be conclusive upon and not reviewable within the  
25 receiving state, but if, at the time the sending state seeks to retake a delinquent

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1 juvenile on probation, community supervision or parole, there is pending against the  
2 delinquent juvenile within the receiving state any criminal charge or any proceeding  
3 to have the delinquent juvenile adjudicated a delinquent juvenile for any act  
4 committed in that state, or if the delinquent juvenile is suspected of having  
5 committed within that state a criminal offense or an act of juvenile delinquency, the  
6 delinquent juvenile shall not be returned without the consent of the receiving state  
7 until discharged from prosecution or other form of proceeding, imprisonment,  
8 detention or supervision for such offense or juvenile delinquency. The duly  
9 accredited officers of the sending state shall be permitted to transport delinquent  
10 juveniles being so returned through any and all states party to this compact, without  
11 interference.

12 **SECTION 5297.** 938.991 (14) of the statutes is amended to read:

13 938.991 (14) ARTICLE XIV - RENUNCIATION. That this compact shall continue in  
14 force and remain binding upon each executing state until renounced by it.  
15 Renunciation of this compact shall be by the same authority which executed it, by  
16 sending 6 months notice in writing of its intention to withdraw from the compact to  
17 the other states party hereto. The duties and obligations of a renouncing state under  
18 sub. (7) shall continue as to parolees and, probationers and persons on community  
19 supervision residing therein at the time of withdrawal until retaken or finally  
20 discharged. Supplementary agreements entered into under sub. (10) shall be subject  
21 to renunciation as provided by such supplementary agreements, and shall not be  
22 subject to the 6 months' renunciation notice of the present Article.

23 **SECTION 5298.** 938.993 (2) of the statutes is amended to read:

24 938.993 (2) The compact administrator shall determine for this state whether  
25 to receive juvenile probationers and, parolees and persons on community

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1 supervision of other states under s. 938.991 (7) and shall arrange for the supervision  
2 of each such probationer ~~or~~, parolee or person on community supervision received,  
3 either by the department or by a person appointed to perform supervision service for  
4 the court assigned to exercise jurisdiction under this chapter and ch. 48 for the  
5 county where the juvenile is to reside, whichever is more convenient. Those persons  
6 shall in all such cases make periodic reports to the compact administrator regarding  
7 the conduct and progress of the juveniles.

8 **SECTION 5299.** 939.50 (3) (b) of the statutes is amended to read:

9 939.50 (3) (b) For a Class B felony, imprisonment not to exceed 40 60 years.

10 **SECTION 5300.** 939.50 (3) (bc) of the statutes is amended to read:

11 939.50 (3) (bc) For a Class BC felony, a fine not to exceed \$10,000 or  
12 imprisonment not to exceed 20 30 years, or both.

13 **SECTION 5301.** 939.50 (3) (c) of the statutes is amended to read:

14 939.50 (3) (c) For a Class C felony, a fine not to exceed \$10,000 or imprisonment  
15 not to exceed 10 15 years, or both.

16 **SECTION 5302.** 939.50 (3) (d) of the statutes is amended to read:

17 939.50 (3) (d) For a Class D felony, a fine not to exceed \$10,000 or imprisonment  
18 not to exceed 5 10 years, or both.

19 **SECTION 5303.** 939.50 (3) (e) of the statutes is amended to read:

20 939.50 (3) (e) For a Class E felony, a fine not to exceed \$10,000 or imprisonment  
21 not to exceed 2 5 years, or both.

22 **SECTION 5304.** 939.62 (2m) (b) of the statutes is amended to read:

23 939.62 (2m) (b) The actor is a persistent repeater if he or she has been convicted  
24 of a serious felony on 2 or more separate occasions at any time preceding the serious  
25 felony for which he or she presently is being sentenced under ch. 973, which

**SENATE BILL 77****SECTION 5304**

1 convictions remain of record and unreversed and, that of the 2 or more previous  
2 convictions, at least one conviction must have occurred before the date of violation  
3 of at least one of the other felonies for which the actor was previously convicted. It  
4 is immaterial that the sentence for a previous conviction was stayed, withheld or  
5 suspended, or that he or she was pardoned, unless the pardon was granted on the  
6 ground of innocence. The term of imprisonment for the felony for which the  
7 persistent repeater presently is being sentenced under ch. 973 is life imprisonment  
8 without the possibility of parole or community supervision.

9 **SECTION 5305.** 940.20 (2m) (title) of the statutes is amended to read:

10 940.20 (2m) (title) BATTERY TO PROBATION, COMMUNITY SUPERVISION AND PAROLE  
11 AGENTS AND AFTERCARE AGENTS.

12 **SECTION 5306.** 940.20 (2m) (a) 2. of the statutes is amended to read:

13 940.20 (2m) (a) 2. "Probation, community supervision and parole agent" means  
14 any person authorized by the department of corrections to exercise control over a  
15 probationer ~~or~~, parolee or person on community supervision.

16 **SECTION 5307.** 940.20 (2m) (b) of the statutes is amended to read:

17 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,  
18 community supervision and parole agent or an aftercare agent, acting in an official  
19 capacity and the person knows or has reason to know that the victim is a probation,  
20 community supervision and parole agent or an aftercare agent, by an act done  
21 without the consent of the person so injured, is guilty of a Class D felony.

22 **SECTION 5308.** 942.06 (2m) (a) of the statutes is amended to read:

23 942.06 (2m) (a) An employe or agent of the department of corrections who  
24 conducts a lie detector test of a probationer ~~or~~, parolee or person on community  
25 supervision under the rules promulgated under s. 301.132.

**SENATE BILL 77****SECTION 5309**

1           **SECTION 5309.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

2           942.06 **(2q)** (a) (intro.) An employe or agent of the department of corrections  
3 who discloses, to any of the following, the fact that a probationer ~~or~~, parolee or person  
4 on community supervision has had a lie detector test under the rules promulgated  
5 under s. 301.132 or the results of such a lie detector test:

6           **SECTION 5310.** 943.01 (2) (d) of the statutes is amended to read:

7           943.01 **(2)** (d) If the total property damaged in violation of sub. (1) is reduced  
8 in value by more than \$1,000 \$1,500. For the purposes of this paragraph, property  
9 is reduced in value by the amount which it would cost either to repair or replace it,  
10 whichever is less.

11           **SECTION 5311.** 943.01 (2g) (c) of the statutes is amended to read:

12           943.01 **(2g)** (c) The total property damaged in violation of sub. (1) is reduced  
13 in value by more than \$500 but not more than \$1,000 \$1,500. For purposes of this  
14 paragraph, property is reduced in value by the amount that it would cost to repair  
15 or replace it, whichever is less, plus other monetary losses associated with the  
16 damage.

17           **SECTION 5312.** 943.017 (2) (d) of the statutes is amended to read:

18           943.017 **(2)** (d) If the total property affected in violation of sub. (1) is reduced  
19 in value by more than \$1,000 \$1,500. For the purposes of this paragraph, property  
20 is reduced in value by the amount which it would cost to repair or replace it or to  
21 remove the marking, drawing, writing or etching, whichever is less.

22           **SECTION 5313.** 943.13 (1e) (ej) of the statutes is created to read:

23           943.13 **(1e)** (ej) "Public access requirement" means any requirement under a  
24 federal, state or local law that land to which the law applies must be open to public  
25 access, including access for specified purposes only.

**SENATE BILL 77****SECTION 5314**

1           **SECTION 5314.** 943.13 (1m) (intro.) of the statutes is amended to read:

2           943.13 **(1m)** (intro.) Whoever does any of the following is subject to a Class B  
3           C forfeiture:

4           **SECTION 5315.** 943.13 (1m) (a) of the statutes is amended to read:

5           943.13 **(1m)** (a) Enters any enclosed, cultivated or undeveloped land of another,  
6           other than undeveloped land specified in par. (e) ~~or~~, (f) or (g), without the express or  
7           implied consent of the owner or occupant.

8           **SECTION 5316.** 943.13 (1m) (f) of the statutes is amended to read:

9           943.13 **(1m)** (f) Enters undeveloped private land from an abutting parcel of  
10          land that is owned or leased by the United States, this state or a local governmental  
11          unit, or remains on such land, after having been notified by the owner or occupant  
12          not to enter or remain on the land.

13          **SECTION 5317.** 943.13 (1m) (g) of the statutes is created to read:

14          943.13 **(1m)** (g) Enters undeveloped private land from an abutting parcel of  
15          land that is open to the public under a public access requirement, or remains on such  
16          land, after having been notified by the owner or occupant not to enter or remain on  
17          the land.

18          **SECTION 5318.** 943.13 (2) (intro.) of the statutes is amended to read:

19          943.13 **(2)** (intro.) A person has received notice from the owner or occupant  
20          within the meaning of sub. (1m) (b), (e) ~~or~~, (f) or (g) if he or she has been notified  
21          personally, either orally or in writing, or if the land is posted. Land is considered to  
22          be posted under this subsection under either of the following procedures:

23          **SECTION 5319.** 943.20 (3) (a) of the statutes is amended to read:

24          943.20 **(3)** (a) If the value of the property does not exceed \$1,000 \$1,500, is  
25          guilty of a Class A misdemeanor.

**SENATE BILL 77****SECTION 5320**

1           **SECTION 5320.** 943.20 (3) (b) of the statutes is amended to read:

2           943.20 (3) (b) If the value of the property exceeds ~~\$1,000~~ \$1,500 but not \$2,500,  
3 is guilty of a Class E felony.

4           **SECTION 5321.** 943.21 (3) (a) of the statutes is amended to read:

5           943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any  
6 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~  
7 \$1,500 or less.

8           **SECTION 5322.** 943.21 (3) (b) of the statutes is amended to read:

9           943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,  
10 lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$1,500.

11           **SECTION 5323.** 943.24 (1) of the statutes is amended to read:

12           943.24 (1) Whoever issues any check or other order for the payment of not more  
13 than ~~\$1,000~~ \$1,500 which, at the time of issuance, he or she intends shall not be paid  
14 is guilty of a Class A misdemeanor.

15           **SECTION 5324.** 943.24 (2) of the statutes is amended to read:

16           943.24 (2) Whoever issues any single check or other order for the payment of  
17 more than ~~\$1,000~~ \$1,500 or whoever within a 15-day period issues more than one  
18 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$1,500 which,  
19 at the time of issuance, the person intends shall not be paid is guilty of a Class E  
20 felony.

21           **SECTION 5325.** 943.34 (1) (a) of the statutes is amended to read:

22           943.34 (1) (a) A Class A misdemeanor, if the value of the property does not  
23 exceed ~~\$1,000~~ \$1,500.

24           **SECTION 5326.** 943.34 (1) (b) of the statutes is amended to read:



**SENATE BILL 77****SECTION 5326**

1           943.34 (1) (b) A Class E felony, if the value of the property exceeds \$1,000  
2           \$1,500 but not more than \$2,500.

3           **SECTION 5327.** 943.38 (1) (intro.) of the statutes is amended to read:

4           943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a  
5           writing or object of any of the following kinds so that it purports to have been made  
6           by another, or at another time, or with different provisions, or by authority of one who  
7           did not give such authority, ~~is guilty of a Class C felony~~ may be penalized as provided  
8           in sub. (1m):

9           **SECTION 5328.** 943.38 (1) (a) of the statutes is amended to read:

10          943.38 (1) (a) A writing or object whereby legal rights or obligations are  
11          created, terminated or transferred, or any writing commonly relied upon in business  
12          or commercial transactions as evidence of debt or property rights; ~~or~~

13          **SECTION 5329.** 943.38 (1) (b) of the statutes is amended to read:

14          943.38 (1) (b) A public record or a certified or authenticated copy thereof; ~~or of~~  
15          a public record.

16          **SECTION 5330.** 943.38 (1) (c) of the statutes is amended to read:

17          943.38 (1) (c) An official authentication or certification of a copy of a public  
18          record; ~~or~~

19          **SECTION 5331.** 943.38 (1m) of the statutes is created to read:

20          943.38 (1m) Whoever violates sub. (1):

21          (a) Is guilty of a Class A misdemeanor if the value or purported value,  
22          whichever is greater, of the writing or object does not exceed \$1,500.

23          (b) Is guilty of a Class C felony if the value or purported value, whichever is  
24          greater, of the writing or object exceeds \$1,500.

25          **SECTION 5332.** 943.38 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5332**

1           943.38 (2) Whoever utters as genuine or possesses with intent to utter as false  
2 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have  
3 been thus falsely made or altered, is guilty of a Class C felony if the value or  
4 purported value, whichever is greater, of the writing or object exceeds \$1,500 and a  
5 Class A misdemeanor if the value or purported value of the writing or object does not  
6 exceed \$1,500.

7           **SECTION 5333.** 943.395 (2) (a) of the statutes is amended to read:

8           943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or  
9 benefit does not exceed \$1,000 \$1,500.

10          **SECTION 5334.** 943.395 (2) (b) of the statutes is amended to read:

11          943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit  
12 exceeds \$1,000 \$1,500.

13          **SECTION 5335.** 943.41 (8) (c) of the statutes is amended to read:

14          943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),  
15 if the value of the money, goods, services or property illegally obtained does not  
16 exceed \$1,000 \$1,500 is guilty of a Class A misdemeanor; if the value of the money,  
17 goods, services or property exceeds \$1,000 \$1,500 but does not exceed \$2,500, in a  
18 single transaction or in separate transactions within a period not exceeding 6  
19 months, the person is guilty of a Class E felony; or if the value of the money, goods,  
20 services or property exceeds \$2,500, the person is guilty of a Class C felony.

21          **SECTION 5336.** 943.50 (4) (a) of the statutes is amended to read:

22          943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not  
23 exceed \$1,000 \$1,500.

24          **SECTION 5337.** 943.50 (4) (b) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5337**

1           943.50 (4) (b) A Class E felony, if the value of the merchandise exceeds \$1,000  
2           \$1,500 but not \$2,500.

3           **SECTION 5338.** 943.61 (5) (a) of the statutes is amended to read:

4           943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does  
5           not exceed \$1,000 \$1,500.

6           **SECTION 5339.** 943.61 (5) (b) of the statutes is amended to read:

7           943.61 (5) (b) A Class E felony, if the value of the library materials exceeds  
8           \$1,000 \$1,500 but not \$2,500.

9           **SECTION 5340.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

10          944.21 (8) (b) 3. a. Is a technical college, is a school approved by the ~~department~~  
11          of education educational approval board under s. ~~38.51~~ 39.51 or is a school described  
12          in s. ~~38.51~~ 39.51 (9) (f), (g) or (h); and

13          **SECTION 5341.** 945.01 (5) (am) of the statutes is amended to read:

14          945.01 (5) (am) "Lottery" does not include bingo or a raffle conducted under ch.  
15          563, pari-mutuel wagering conducted under ch. 562 or the state lottery or any  
16          ~~multistate~~ multijurisdictional lottery conducted under ch. 565.

17          **SECTION 5342.** 945.095 (1) (d), (f), (g) and (h) of the statutes are amended to  
18          read:

19          945.095 (1) (d) The person provides the ~~gaming board~~ department of  
20          administration, prior to the importation of the gambling devices into the state, all  
21          records that account for the gambling devices, including the identification number  
22          affixed to each gambling device by the manufacturer, and that identify the location  
23          where the gambling devices will be stored prior to the installation of the gambling  
24          devices on the vessel.

**SENATE BILL 77****SECTION 5342**

1 (f) If the person removes used gambling devices from a vessel, the person shall  
2 provide the ~~gaming board~~ department of administration with an inventory of the  
3 used gambling devices prior to their removal from the vessel. The inventory shall  
4 include the identification number affixed to each gambling device by the  
5 manufacturer.

6 (g) The person submits documentation to the ~~gaming board~~ department of  
7 administration, no later than 30 days after the date of delivery, that the vessel  
8 equipped with gambling devices has been delivered to the customer who ordered the  
9 work performed on the vessel.

10 (h) The person does not sell a gambling device to any other person except to a  
11 customer who shall use or possess the gambling device outside of this state in a  
12 locality where the use or possession of the gambling device is lawful. If a person sells  
13 a gambling device to such a customer, the person shall submit documentation to the  
14 ~~gaming board~~ department of administration, no later than 30 days after the date of  
15 delivery, that the gambling device has been delivered to the customer.

16 **SECTION 5343.** 946.42 (1) (a) of the statutes is amended to read:

17 946.42 (1) (a) "Custody" includes without limitation actual custody of an  
18 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a  
19 secured child caring institution, as defined in s. 938.02 (15g), a secure detention  
20 facility, as defined in s. 938.02 (16), a Type 2 child caring institution, as defined in  
21 s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution  
22 guard and constructive custody of prisoners and juveniles subject to an order under  
23 s. 48.366, 938.183, 938.34 (4d), (4h) or (4m) or 938.357 (4) or (5) (e) temporarily  
24 outside the institution whether for the purpose of work, school, medical care, a leave  
25 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or

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1 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the  
2 county to which the prisoner was transferred after conviction. It does not include the  
3 custody of a probationer ~~or~~, parolee or person on community supervision by the  
4 department of corrections or a probation, community supervision or parole officer or  
5 the custody of a person who has been released to aftercare supervision under ch. 938  
6 unless the person is in actual custody or is subject to a confinement order under s.  
7 973.09 (4).

8 **SECTION 5344.** 946.46 of the statutes is amended to read:

9 **946.46** (title) **Encouraging violation of probation, community**  
10 **supervision or parole.** Whoever intentionally aids or encourages a parolee ~~or~~,  
11 probationer or person on community supervision or any person committed to the  
12 custody or supervision of the department of corrections or a county department  
13 under s. 46.215, 46.22 or 46.23 by reason of crime or delinquency to abscond or violate  
14 a term or condition of parole, community supervision or probation is guilty of a Class  
15 A misdemeanor.

16 **SECTION 5345.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

17 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the ~~department~~  
18 of education educational approval board under s. ~~38.51~~ 39.51 or is a school described  
19 in s. ~~38.51~~ 39.51 (9) (f), (g) or (h); and

20 **SECTION 5346.** 948.22 (4) (b) of the statutes is amended to read:

21 948.22 (4) (b) For a person not subject to a court order requiring child,  
22 grandchild or spousal support payments, when the person knows or reasonably  
23 should have known that he or she has a dependent, failure to provide support equal  
24 to at least the amount established by rule by the department of ~~health and family~~  
25 ~~services~~ industry, labor and job development under s. ~~46.25 (9) (a)~~ 49.22 (9) or causing

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1 a spouse, grandchild or child to become a dependent person, or continue to be a  
2 dependent person, as defined in s. 49.01 (2).

3 **SECTION 5347.** 949.16 of the statutes is amended to read:

4 **949.16 Confidentiality of records.** The record of a proceeding before an  
5 examiner or the department under this chapter is a public record. Any record or  
6 report obtained by an examiner or the department, the confidentiality of which is  
7 protected by any other law or rule, shall remain confidential, except that the  
8 department shall provide information from any such record or report in response to  
9 a request for information made under s. 49.22 (2m).

10 **SECTION 5348.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440,  
11 is amended to read:

12 **950.045 Victims; application for parole or pardon; releases; escapes;**  
13 **corrections programs.** Victims of crimes have the right to provide written  
14 statements concerning parole applications under s. 304.06 (1) (e), to have direct input  
15 in the parole decision-making process under s. 304.06 (1) (em) and to provide written  
16 statements concerning pardon applications under s. 304.10 (2). Victims of crimes  
17 have the right to be notified by district attorneys under s. 971.17 (4m) regarding  
18 conditional releases under s. 971.17. Victims of crimes have the right to be notified  
19 by the department of health and family services under s. 971.17 (6m) regarding  
20 terminations or discharges under s. 971.17. Victims of crimes have the right to be  
21 notified by the department of corrections under s. 301.046 (4) regarding community  
22 residential confinements, under s. 301.048 (4m) regarding participation in the  
23 intensive sanctions program, under s. 301.38 regarding escapes from a Type 1  
24 prison, under s. 302.115 regarding the expiration of sentences and under s. 304.063  
25 regarding community supervision and parole releases. Victims of acts of sexual

**SENATE BILL 77****SECTION 5348**

1 violence have the right to be notified by the department of health and family services  
2 under s. 980.11 regarding supervised releases under s. 980.06 and discharges under  
3 s. 980.09 or 980.10. Victims have the right to be notified of the registration of a person  
4 and the update of information regarding that person under s. 301.46. Victims of  
5 crimes have the right to be sent a copy of an inmate's petition for community  
6 supervision and to be notified of the hearing on that petition under s. 301.114 (6).

7 **SECTION 5349.** 961.41 (1) (a) of the statutes is amended to read:

8 961.41 (1) (a) Except as provided in par. (d), a controlled substance included  
9 in schedule I or II which is a narcotic drug, or a controlled substance analog of a  
10 controlled substance included in schedule I or II which is a narcotic drug, may be  
11 fined not more than \$25,000 or imprisoned for not more than ~~15~~ 22 years and 6  
12 months or both.

13 **SECTION 5350.** 961.41 (1) (b) of the statutes is amended to read:

14 961.41 (1) (b) Except as provided in pars. (cm) and (e) to (h), any other  
15 controlled substance included in schedule I, II or III, or a controlled substance analog  
16 of any other controlled substance included in schedule I or II, may be fined not more  
17 than \$15,000 or imprisoned for not more than ~~5~~ 7 years and 6 months or both.

18 **SECTION 5351.** 961.41 (1) (cm) 1. of the statutes is amended to read:

19 961.41 (1) (cm) 1. Five grams or less, the person shall be fined not more than  
20 \$500,000 and may be imprisoned for not more than ~~10~~ 15 years.

21 **SECTION 5352.** 961.41 (1) (cm) 2. of the statutes is amended to read:

22 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person  
23 shall be fined not more than \$500,000 and shall be imprisoned for not less than one  
24 year nor more than ~~15~~ 22 years and 6 months.

25 **SECTION 5353.** 961.41 (1) (cm) 3. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5353**

1           961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person  
2 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3  
3 years nor more than ~~20~~ 30 years.

4           **SECTION 5354.** 961.41 (1) (cm) 4. of the statutes is amended to read:

5           961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person  
6 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5  
7 years nor more than ~~30~~ 45 years.

8           **SECTION 5355.** 961.41 (1) (cm) 5. of the statutes is amended to read:

9           961.41 (1) (cm) 5. More than 100 grams, the person shall be fined not more than  
10 \$500,000 and shall be imprisoned for not less than 10 years nor more than ~~30~~ 45  
11 years.

12           **SECTION 5356.** 961.41 (1) (d) 1. of the statutes is amended to read:

13           961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than  
14 \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~15~~ 22 years  
15 and 6 months.

16           **SECTION 5357.** 961.41 (1) (d) 2. of the statutes is amended to read:

17           961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person  
18 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
19 for not less than 6 months nor more than ~~15~~ 22 years and 6 months.

20           **SECTION 5358.** 961.41 (1) (d) 3. of the statutes is amended to read:

21           961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
23 for not less than one year nor more than ~~15~~ 22 years and 6 months.

24           **SECTION 5359.** 961.41 (1) (d) 4. of the statutes is amended to read:



**SENATE BILL 77****SECTION 5359**

1           961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 5360.** 961.41 (1) (d) 5. of the statutes is amended to read:

5           961.41 (1) (d) 5. More than 200 grams but not more than 400 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 5361.** 961.41 (1) (d) 6. of the statutes is amended to read:

9           961.41 (1) (d) 6. More than 400 grams, the person shall be fined not less than  
10 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
11 nor more than ~~30~~ 45 years.

12           **SECTION 5362.** 961.41 (1) (e) 1. of the statutes is amended to read:

13           961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than  
14 \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ 7 years  
15 and 6 months.

16           **SECTION 5363.** 961.41 (1) (e) 2. of the statutes is amended to read:

17           961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person  
18 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
19 for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

20           **SECTION 5364.** 961.41 (1) (e) 3. of the statutes is amended to read:

21           961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
23 for not less than one year nor more than ~~15~~ 7 years and 6 months.

24           **SECTION 5365.** 961.41 (1) (e) 4. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5365**

1           961.41 (1) (e) 4. More than 50 grams but not more than 200 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 5366.** 961.41 (1) (e) 5. of the statutes is amended to read:

5           961.41 (1) (e) 5. More than 200 grams but not more than 400 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 5367.** 961.41 (1) (e) 6. of the statutes is amended to read:

9           961.41 (1) (e) 6. More than 400 grams, the person shall be fined not less than  
10 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
11 nor more than ~~30~~ 45 years.

12           **SECTION 5368.** 961.41 (1) (f) 1. of the statutes is amended to read:

13           961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000  
14 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ 7 years and 6  
15 months.

16           **SECTION 5369.** 961.41 (1) (f) 2. of the statutes is amended to read:

17           961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall  
18 be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not  
19 less than 6 months nor more than ~~5~~ 7 years and 6 months.

20           **SECTION 5370.** 961.41 (1) (f) 3. of the statutes is amended to read:

21           961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than  
22 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
23 nor more than ~~15~~ 22 years and 6 months.

24           **SECTION 5371.** 961.41 (1) (g) 1. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5371**

1           961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less  
2           than \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ 7  
3           years and 6 months.

4           **SECTION 5372.** 961.41 (1) (g) 2. of the statutes is amended to read:

5           961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person  
6           shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
7           for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

8           **SECTION 5373.** 961.41 (1) (g) 3. of the statutes is amended to read:

9           961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than  
10          \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
11          nor more than ~~15~~ 22 years and 6 months.

12          **SECTION 5374.** 961.41 (1) (h) 1. of the statutes is amended to read:

13          961.41 (1) (h) 1. Five hundred grams or less, or 10 or fewer plants containing  
14          tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than  
15          \$25,000 and may be imprisoned for not more than ~~3~~ 4 years and 6 months.

16          **SECTION 5375.** 961.41 (1) (h) 2. of the statutes is amended to read:

17          961.41 (1) (h) 2. More than 500 grams but not more than 2,500 grams, or more  
18          than 10 plants containing tetrahydrocannabinols but not more than 50 plants  
19          containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor  
20          more than \$50,000 and shall be imprisoned for not less than 3 months nor more than  
21          ~~5~~ 7 years and 6 months.

22          **SECTION 5376.** 961.41 (1) (h) 3. of the statutes is amended to read:

23          961.41 (1) (h) 3. More than 2,500 grams, or more than 50 plants containing  
24          tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than

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1 \$100,000 and shall be imprisoned for not less than one year nor more than ~~10~~ 15  
2 years.

3 **SECTION 5377.** 961.41 (1) (i) of the statutes is amended to read:

4 961.41 (1) (i) A substance included in schedule IV, may be fined not more than  
5 \$10,000 or imprisoned for not more than ~~3~~ 4 years and 6 months or both.

6 **SECTION 5378.** 961.41 (1) (j) of the statutes is amended to read:

7 961.41 (1) (j) A substance included in schedule V, may be fined not more than  
8 \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

9 **SECTION 5379.** 961.41 (1m) (a) of the statutes is amended to read:

10 961.41 (1m) (a) Except as provided in par. (d), a controlled substance included  
11 in schedule I or II which is a narcotic drug or a controlled substance analog of a  
12 controlled substance included in schedule I or II which is a narcotic drug, may be  
13 fined not more than \$25,000 or imprisoned for not more than ~~15~~ 22 years and 6  
14 months or both.

15 **SECTION 5380.** 961.41 (1m) (b) of the statutes is amended to read:

16 961.41 (1m) (b) Except as provided in pars. (cm) and (e) to (h), any other  
17 controlled substance included in schedule I, II or III, or a controlled substance analog  
18 of any other controlled substance included in schedule I or II, may be fined not more  
19 than \$15,000 or imprisoned for not more than ~~5~~ 7 years and 6 months or both.

20 **SECTION 5381.** 961.41 (1m) (cm) 1. of the statutes is amended to read:

21 961.41 (1m) (cm) 1. Five grams or less, the person shall be fined not more than  
22 \$500,000 and may be imprisoned for not more than ~~10~~ 15 years.

23 **SECTION 5382.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

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1           961.41 **(1m)** (cm) 2. More than 5 grams but not more than 15 grams, the person  
2 shall be fined not more than \$500,000 and shall be imprisoned for not less than one  
3 year nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 5383.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

5           961.41 **(1m)** (cm) 3. More than 15 grams but not more than 40 grams, the  
6 person shall be fined not more than \$500,000 and shall be imprisoned for not less  
7 than 3 years nor more than ~~20~~ 30 years.

8           **SECTION 5384.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

9           961.41 **(1m)** (cm) 4. More than 40 grams but not more than 100 grams, the  
10 person shall be fined not more than \$500,000 and shall be imprisoned for not less  
11 than 5 years nor more than ~~30~~ 45 years.

12          **SECTION 5385.** 961.41 (1m) (cm) 5. of the statutes is amended to read:

13          961.41 **(1m)** (cm) 5. More than 100 grams, the person shall be fined not more  
14 than \$500,000 and shall be imprisoned for not less than 10 years nor more than ~~30~~  
15 45 years.

16          **SECTION 5386.** 961.41 (1m) (d) 1. of the statutes is amended to read:

17          961.41 **(1m)** (d) 1. Three grams or less, the person shall be fined not less than  
18 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~15~~ 22 years  
19 and 6 months.

20          **SECTION 5387.** 961.41 (1m) (d) 2. of the statutes is amended to read:

21          961.41 **(1m)** (d) 2. More than 3 grams but not more than 10 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
23 for not less than 6 months nor more than ~~15~~ 22 years and 6 months.

24          **SECTION 5388.** 961.41 (1m) (d) 3. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5388**

1           961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than one year nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 5389.** 961.41 (1m) (d) 4. of the statutes is amended to read:

5           961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 5390.** 961.41 (1m) (d) 5. of the statutes is amended to read:

9           961.41 (1m) (d) 5. More than 200 grams but not more than 400 grams, the  
10 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
11 imprisoned for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

12           **SECTION 5391.** 961.41 (1m) (d) 6. of the statutes is amended to read:

13           961.41 (1m) (d) 6. More than 400 grams, the person shall be fined not less than  
14 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
15 nor more than ~~30~~ 45 years.

16           **SECTION 5392.** 961.41 (1m) (e) 1. of the statutes is amended to read:

17           961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than  
18 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ 7 years  
19 and 6 months.

20           **SECTION 5393.** 961.41 (1m) (e) 2. of the statutes is amended to read:

21           961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
23 for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

24           **SECTION 5394.** 961.41 (1m) (e) 3. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5394**

1           961.41 **(1m)** (e) 3. More than 10 grams but not more than 50 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than one year nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 5395.** 961.41 (1m) (e) 4. of the statutes is amended to read:

5           961.41 **(1m)** (e) 4. More than 50 grams but not more than 200 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 5396.** 961.41 (1m) (e) 5. of the statutes is amended to read:

9           961.41 **(1m)** (e) 5. More than 200 grams but not more than 400 grams, the  
10 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
11 imprisoned for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

12          **SECTION 5397.** 961.41 (1m) (e) 6. of the statutes is amended to read:

13          961.41 **(1m)** (e) 6. More than 400 grams, the person shall be fined not less than  
14 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
15 nor more than ~~30~~ 45 years.

16          **SECTION 5398.** 961.41 (1m) (f) 1. of the statutes is amended to read:

17          961.41 **(1m)** (f) 1. One gram or less, the person shall be fined not less than  
18 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ 7 years  
19 and 6 months.

20          **SECTION 5399.** 961.41 (1m) (f) 2. of the statutes is amended to read:

21          961.41 **(1m)** (f) 2. More than one gram but not more than 5 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
23 for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

24          **SECTION 5400.** 961.41 (1m) (f) 3. of the statutes is amended to read:

**SENATE BILL 77****SECTION 5400**

1           961.41 (1m) (f) 3. More than 5 grams, the person shall be fined not less than  
2           \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
3           nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 5401.** 961.41 (1m) (g) 1. of the statutes is amended to read:

5           961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less  
6           than \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ 7  
7           years and 6 months.

8           **SECTION 5402.** 961.41 (1m) (g) 2. of the statutes is amended to read:

9           961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the  
10          person shall be fined not less than \$1,000 nor more than \$200,000 and shall be  
11          imprisoned for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

12          **SECTION 5403.** 961.41 (1m) (g) 3. of the statutes is amended to read:

13          961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than  
14          \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
15          nor more than ~~15~~ 7 years and 6 months.

16          **SECTION 5404.** 961.41 (1m) (h) 1. of the statutes is amended to read:

17          961.41 (1m) (h) 1. Five hundred grams or less, or 10 or fewer plants containing  
18          tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than  
19          \$25,000 and may be imprisoned for not more than ~~3~~ 4 years and 6 months.

20          **SECTION 5405.** 961.41 (1m) (h) 2. of the statutes is amended to read:

21          961.41 (1m) (h) 2. More than 500 grams but not more than 2,500 grams, or more  
22          than 10 plants containing tetrahydrocannabinols but not more than 50 plants  
23          containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor  
24          more than \$50,000 and shall be imprisoned for not less than 3 months nor more than  
25          ~~5~~ 7 years and 6 months.



**SENATE BILL 77****SECTION 5406**

1           **SECTION 5406.** 961.41 (1m) (h) 3. of the statutes is amended to read:

2           961.41 (**1m**) (h) 3. More than 2,500 grams, or more than 50 plants containing  
3 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than  
4 \$100,000 and shall be imprisoned for not less than one year nor more than ~~10~~ 15  
5 years.

6           **SECTION 5407.** 961.41 (1m) (i) of the statutes is amended to read:

7           961.41 (**1m**) (i) A substance included in schedule IV, may be fined not more than  
8 \$10,000 or imprisoned for not more than ~~3~~ 4 years and 6 months or both.

9           **SECTION 5408.** 961.41 (1m) (j) of the statutes is amended to read:

10          961.41 (**1m**) (j) A substance included in schedule V, may be fined not more than  
11 \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

12          **SECTION 5409.** 961.41 (1n) (c) of the statutes is amended to read:

13          961.41 (**1n**) (c) A person who violates par. (a) or (b) may be fined not more than  
14 \$250,000 or imprisoned for not more than ~~10~~ 15 years or both.

15          **SECTION 5410.** 961.41 (2) (a) of the statutes is amended to read:

16          961.41 (**2**) (a) A counterfeit substance included in schedule I or II which is a  
17 narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than  
18 ~~15~~ 22 years and 6 months or both.

19          **SECTION 5411.** 961.41 (2) (b) of the statutes is amended to read:

20          961.41 (**2**) (b) Any other counterfeit substance included in schedule I, II or III,  
21 may be fined not more than \$15,000 or imprisoned for not more than ~~5~~ 7 years and  
22 6 months or both.

23          **SECTION 5412.** 961.41 (2) (c) of the statutes is amended to read:

24          961.41 (**2**) (c) A counterfeit substance included in schedule IV, may be fined not  
25 more than \$10,000 or imprisoned for not more than ~~3~~ 4 years and 6 months or both.

**SENATE BILL 77****SECTION 5413**

1           **SECTION 5413.** 961.41 (2) (d) of the statutes is amended to read:

2           961.41 (2) (d) A counterfeit substance included in schedule V, may be fined not  
3 more than \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

4           **SECTION 5414.** 961.41 (3g) (a) 1. of the statutes is amended to read:

5           961.41 (3g) (a) 1. Except as provided in subd. 2., if the person possesses a  
6 controlled substance included in schedule I or II which is a narcotic drug, or  
7 possesses a controlled substance analog of a controlled substance included in  
8 schedule I or II which is a narcotic drug, the person may, upon a first conviction, be  
9 fined not more than \$5,000 or imprisoned for not more than ~~one year~~ 2 or both, and  
10 for a 2nd or subsequent offense, the person may be fined not more than \$10,000 or  
11 imprisoned for not more than ~~2~~ 3 years or both.

12           **SECTION 5415.** 961.41 (3g) (a) 2. of the statutes is amended to read:

13           961.41 (3g) (a) 2. If the person possesses or attempts to possess heroin or a  
14 controlled substance analog of heroin, the person may be fined not more than \$5,000  
15 or imprisoned for not more than ~~one year~~ 2 years or both.

16           **SECTION 5416.** 961.41 (4) (am) 3. of the statutes is amended to read:

17           961.41 (4) (am) 3. A person convicted of violating this paragraph may be fined  
18 not more than \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

19           **SECTION 5417.** 961.42 (2) of the statutes is amended to read:

20           961.42 (2) Any person who violates this section may be fined not more than  
21 \$25,000 or imprisoned not more than ~~one year~~ 2 years or both.

22           **SECTION 5418.** 961.43 (2) of the statutes is amended to read:

23           961.43 (2) Any person who violates this section may be fined not more than  
24 \$30,000 or imprisoned not more than ~~4~~ 6 years or both.

25           **SECTION 5419.** 961.455 (1) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5419**

1           961.455 (1) Any person who has attained the age of 17 years who knowingly  
2           solicits, hires, directs, employs or uses a person who is 17 years of age or under for  
3           the purpose of violating s. 961.41 (1) may be fined not more than \$50,000 or  
4           imprisoned for not more than ~~10~~ 15 years or both.

5           **SECTION 5420.** 961.49 (2) (a) of the statutes is amended to read:

6           961.49 (2) (a) Except as provided in par. (b), if any person violates s. 961.41 (1)  
7           by delivering or distributing, or violates s. 961.41 (1m) by possessing with intent to  
8           deliver or distribute, a controlled substance included in schedule I or II or a  
9           controlled substance analog of a controlled substance included in schedule I or II  
10          while in or on the premises of a scattered-site public housing project, while in or on  
11          or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or  
12          correctional facility, a multiunit public housing project, a swimming pool open to  
13          members of the public, a youth center or a community center, while in or on or  
14          otherwise within 1,000 feet of any private or public school premises or while in or on  
15          or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court  
16          shall sentence the person to at least 3 years in prison, but otherwise the penalties  
17          for the crime apply. Except as provided in s. 961.438, the court shall not place the  
18          person on probation. The Except as provided in s. 973.01 (6), the person is not eligible  
19          for parole until he or she has served at least 3 years, with no modification by the  
20          calculation under s. 302.11 (1).

21          **SECTION 5421.** 961.49 (2) (b) of the statutes is amended to read:

22          961.49 (2) (b) If the conduct described in par. (a) involves only the delivery or  
23          distribution, or the possession with intent to deliver or distribute, of not more than  
24          25 grams of tetrahydrocannabinols, included in s. 961.14 (4) (t), or not more than 5  
25          plants containing tetrahydrocannabinols, the court shall sentence the person to at

**SENATE BILL 77****SECTION 5421**

1 least one year in prison, but otherwise the penalties for the crime apply. Except as  
2 provided in s. 961.438, the court shall not place the person on probation. The Except  
3 as provided in s. 973.01 (6), the person is not eligible for parole until he or she has  
4 served at least one year, with no modification by the calculation under s. 302.11 (1).

5 **SECTION 5422.** 967.02 (2) of the statutes is amended to read:

6 967.02 (2) "Department" means the department of corrections, except as  
7 provided in ~~ss. 973.135 (1) (a) and s.~~ 975.001.

8 **SECTION 5423.** 969.01 (4) of the statutes is amended to read:

9 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,  
10 it shall be only in the amount found necessary to assure the appearance of the  
11 defendant. Conditions of release, other than monetary conditions, may be imposed  
12 for the purpose of protecting members of the community from serious bodily harm  
13 or preventing intimidation of witnesses. Proper considerations in determining  
14 whether to release the defendant without bail, fixing a reasonable amount of bail or  
15 imposing other reasonable conditions of release are: the ability of the arrested person  
16 to give bail, the nature, number and gravity of the offenses and the potential penalty  
17 the defendant faces, whether the alleged acts were violent in nature, the defendant's  
18 prior record of criminal convictions and delinquency adjudications, if any, the  
19 character, health, residence and reputation of the defendant, the character and  
20 strength of the evidence which has been presented to the judge, whether the  
21 defendant is currently on probation, community supervision or parole, whether the  
22 defendant is already on bail or subject to other release conditions in other pending  
23 cases, whether the defendant has been bound over for trial after a preliminary  
24 examination, whether the defendant has in the past forfeited bail or violated a

**SENATE BILL 77****SECTION 5423**

1 condition of release or was a fugitive from justice at the time of arrest, and the policy  
2 against unnecessary detention of the defendant's pending trial.

3 **SECTION 5424.** 971.11 (1) of the statutes is amended to read:

4 971.11 (1) Whenever the warden or superintendent receives notice of an  
5 untried criminal case pending in this state against an inmate of a state prison, the  
6 warden or superintendent shall, at the request of the inmate, send by certified mail  
7 a written request to the district attorney for prompt disposition of the case. The  
8 request shall state the sentence then being served, the date of parole eligibility, if  
9 applicable, or the date of release to community supervision, the approximate  
10 discharge or conditional release date, and prior decision relating to parole. If there  
11 has been no preliminary examination on the pending case, the request shall state  
12 whether the inmate waives such examination, and, if so, shall be accompanied by a  
13 written waiver signed by the inmate.

14 **SECTION 5425.** 971.14 (3) (dm) (intro.) of the statutes is amended to read:

15 971.14 (3) (dm) (intro.) If sufficient information is available to the examiner to  
16 reach an opinion, the examiner's opinion on whether the defendant ~~needs medication~~  
17 ~~or treatment and whether the defendant~~ is not competent to refuse medication or  
18 treatment. The defendant is not competent to refuse medication or treatment if,  
19 because of mental illness, developmental disability, alcoholism or drug dependence,  
20 and after the advantages and disadvantages of and alternatives to accepting the  
21 particular medication or treatment have been explained to the defendant, one of the  
22 following is true:

23 **SECTION 5426.** 971.14 (4) (b) of the statutes is amended to read:

24 971.14 (4) (b) If the district attorney, the defendant and defense counsel waive  
25 their respective opportunities to present other evidence on the issue, the court shall

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1 promptly determine the defendant's competency and, if at issue, competency to  
2 refuse medication or treatment for the defendant's mental condition on the basis of  
3 the report filed under sub. (3) or (5). In the absence of these waivers, the court shall  
4 hold an evidentiary hearing on the issue. Upon a showing by the proponent of good  
5 cause under s. 807.13 (2) (c), testimony may be received into the record of the hearing  
6 by telephone or live audio-visual means. At the commencement of the hearing, the  
7 judge shall ask the defendant whether he or she claims to be competent or  
8 incompetent. If the defendant stands mute or claims to be incompetent, the  
9 defendant shall be found incompetent unless the state proves by the greater weight  
10 of the credible evidence that the defendant is competent. If the defendant claims to  
11 be competent, the defendant shall be found competent unless the state proves by  
12 evidence that is clear and convincing that the defendant is incompetent. If the  
13 defendant is found incompetent and if the state proves by evidence that is clear and  
14 convincing that the defendant is not competent to refuse medication or treatment,  
15 under the standard specified in sub. (3) (dm), the court shall make a determination  
16 without a jury and issue an order that the defendant is not competent to refuse  
17 medication or treatment for the defendant's mental condition and that whoever  
18 administers the medication or treatment to the defendant shall observe appropriate  
19 medical standards medication or treatment for the defendant's mental condition  
20 may be administered to the defendant regardless of his or her consent under the  
21 conditions specified in s. 51.61 (1) (g) 3r.

22 **SECTION 5427.** 971.14 (5) (am) of the statutes is amended to read:

23 971.14 (5) (am) If the defendant is not subject to a court order determining the  
24 defendant to be not competent to refuse medication or treatment for the defendant's  
25 mental condition and if the treatment facility determines that the defendant should

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1 be subject to such a court order, the treatment facility may file with the court with  
2 notice to the counsel for the defendant, the defendant and the district attorney, a  
3 motion for a hearing, under the standard specified in sub. (3) (dm), on whether the  
4 defendant is not competent to refuse medication or treatment. A report on which the  
5 motion is based shall accompany the motion and notice of motion and shall include  
6 a statement signed by a licensed physician that asserts that the defendant needs  
7 ~~medication or treatment and that the defendant~~ is not competent to refuse  
8 medication or treatment, based on an examination of the defendant by a licensed  
9 physician. Within 10 days after a motion is filed under this paragraph, the court  
10 shall, under the procedures and standards specified in sub. (4) (b), determine the  
11 defendant's competency to refuse medication or treatment for the defendant's mental  
12 condition. At the request of the defendant, the defendant's counsel or the district  
13 attorney, the hearing may be postponed, but in no case may the postponed hearing  
14 be held more than 20 days after a motion is filed under this paragraph. If the court  
15 determines at a hearing under this paragraph that the defendant is not competent  
16 to refuse medication or treatment, the court shall issue an order that the defendant  
17 is not competent to refuse medication or treatment for the defendant's mental  
18 condition and that medication or treatment for the defendant's mental condition may  
19 be administered to the defendant regardless of his or her consent under the  
20 conditions specified in s. 51.61 (1) (g) 3r.

21 **SECTION 5428.** 971.16 (3) of the statutes is amended to read:

22 971.16 (3) Not less than 10 days before trial, or at any other time that the court  
23 directs, any physician or psychologist appointed under sub. (2) shall file a report of  
24 his or her examination of the defendant with the judge, who shall cause copies to be  
25 transmitted to the district attorney and to counsel for the defendant. The contents

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1 of the report shall be confidential until the physician or psychologist has testified or  
2 at the completion of the trial. The report shall contain an opinion regarding the  
3 ability of the defendant to appreciate the wrongfulness of the defendant's conduct or  
4 to conform the defendant's conduct with the requirements of law at the time of the  
5 commission of the criminal offense charged and, if sufficient information is available  
6 to the physician or psychologist to reach an opinion, his or her opinion on whether  
7 the defendant ~~needs medication or treatment and whether the defendant is not~~  
8 competent to refuse medication or treatment. The defendant is not competent to  
9 refuse medication or treatment if, because of mental illness, developmental  
10 disability, alcoholism or drug dependence, and after the advantages and  
11 disadvantages of and alternatives to accepting the particular medication or  
12 treatment have been explained to the defendant, one of the following is true:

13 **SECTION 5429.** 971.16 (5) of the statutes is amended to read:

14 971.16 (5) If a physician, psychologist or other expert who has examined the  
15 defendant testifies concerning the defendant's mental condition, he or she shall be  
16 permitted to make a statement as to the nature of his or her examination, his or her  
17 diagnosis of the mental condition of the defendant at the time of the commission of  
18 the offense charged, his or her opinion as to the ability of the defendant to appreciate  
19 the wrongfulness of the defendant's conduct or to conform to the requirements of law  
20 and, if sufficient information is available to the physician, psychologist or expert to  
21 reach an opinion, his or her opinion on whether the defendant ~~needs medication or~~  
22 ~~treatment and whether the defendant is not competent to refuse medication or~~  
23 treatment for the defendant's mental condition. Testimony concerning the  
24 defendant's ~~need for medication or treatment and~~ competence to refuse medication  
25 or treatment may not be presented before the jury that is determining the ability of



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1 the defendant to appreciate the wrongfulness of his or her conduct or to conform his  
2 or her conduct with the requirements of law at the time of the commission of the  
3 criminal offense charged. The physician, psychologist or other expert shall be  
4 permitted to make an explanation reasonably serving to clarify his or her diagnosis  
5 and opinion and may be cross-examined as to any matter bearing on his or her  
6 competency or credibility or the validity of his or her diagnosis or opinion.

7 **SECTION 5430.** 971.17 (3) (b) of the statutes is amended to read:

8 971.17 (3) (b) If the state proves by clear and convincing evidence that the  
9 person is not competent to refuse medication or treatment for the person's mental  
10 condition, under the standard specified in s. 971.16 (3), the court shall issue, as part  
11 of the commitment order, an order that the person is not competent to refuse  
12 medication or treatment for the person's mental condition and that ~~whoever~~  
13 ~~administers the medication or treatment to the person shall observe appropriate~~  
14 medical standards medication or treatment for the person's mental condition may be  
15 administered to the person regardless of his or her consent under the conditions  
16 specified in s. 51.61 (1) (g) 3r.

17 **SECTION 5431.** 971.17 (3) (c) of the statutes is amended to read:

18 971.17 (3) (c) If the court order specifies institutional care, the department of  
19 health and family services shall place the person in an institution under s. 51.37 (3)  
20 that the department considers appropriate in light of the rehabilitative services  
21 required by the person and the protection of public safety. If the person is not subject  
22 to a court order determining the person to be not competent to refuse medication or  
23 treatment for the person's mental condition and if the institution in which the person  
24 is placed determines that the person should be subject to such a court order, the  
25 institution may file with the court, with notice to the person and his or her counsel

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1 and the district attorney, a motion for a hearing, under the standard specified in s.  
2 971.16 (3), on whether the person is not competent to refuse medication or treatment.  
3 A report on which the motion is based shall accompany the motion and notice of  
4 motion and shall include a statement signed by a licensed physician that asserts that  
5 the person ~~needs medication or treatment and that the person~~ is not competent to  
6 refuse medication or treatment, based on an examination of the person by a licensed  
7 physician. Within 10 days after a motion is filed under this paragraph, the court  
8 shall determine the person's competency to refuse medication or treatment for the  
9 person's mental condition. At the request of the person, his or her counsel or the  
10 district attorney, the hearing may be postponed, but in no case may the postponed  
11 hearing be held more than 20 days after a motion is filed under this paragraph. If  
12 the district attorney, the person and his or her counsel waive their respective  
13 opportunities to present other evidence on the issue, the court shall determine the  
14 person's competency to refuse medication or treatment on the basis of the report  
15 accompanying the motion. In the absence of these waivers, the court shall hold an  
16 evidentiary hearing on the issue. If the state proves by evidence that is clear and  
17 convincing that the person is not competent to refuse medication or treatment, under  
18 the standard specified in s. 971.16 (3), the court shall order that the person is not  
19 competent to refuse medication or treatment for the person's mental condition and  
20 that ~~whoever administers the medication or treatment to the person shall observe~~  
21 ~~appropriate medical standards~~ medication or treatment for the person's mental  
22 condition may be administered to the person regardless of his or her consent under  
23 the conditions specified in s. 51.61 (1) (g) 3r.

24 **SECTION 5432.** 971.17 (6m) (d) of the statutes, as affected by 1995 Wisconsin  
25 Act 440, is amended to read:

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1           971.17 **(6m)** (d) The department of health and family services shall design and  
2       prepare cards for persons specified in par. (b) 1. to send to the department. The cards  
3       shall have space for these persons to provide their names and addresses, the name  
4       of the applicable defendant and any other information the department determines  
5       is necessary. The department shall provide the cards, without charge, to district  
6       attorneys. District attorneys shall provide the cards, without charge, to persons  
7       specified in par. (b) 1. These persons may send completed cards to the department.  
8       All departmental records or portions of records that relate to mailing addresses of  
9       these persons are not subject to inspection or copying under s. 19.35 (1), except as  
10      needed to comply with a request under sub. (4m) (d) or s. 301.46 (3) (d) and except  
11      that the department shall provide information from records kept under this  
12      paragraph in response to a request for information made under s. 49.22 (2m).

13           **SECTION 5433.** 972.13 (6) of the statutes is amended to read:

14           972.13 **(6)** The following forms may be used for judgments:

15       STATE OF WISCONSIN

16       .... County

17       In.... Court

18       The State of Wisconsin

19       vs.

20       ....(Name of defendant)

21           UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

22           IT IS ADJUDGED That the defendant has been convicted upon the defendant's  
23       plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)  
24       (no contest) on the.... day of..., 19.., of the crime of.... in violation of s.....; and the  
25       court having asked the defendant whether the defendant has anything to state why

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1 sentence should not be pronounced, and no sufficient grounds to the contrary being  
2 shown or appearing to the court.

3 \*IT IS ADJUDGED That the defendant is guilty as convicted.

4 \*IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin  
5 state prisons (county jail of... county) for an indeterminate term of not more than....

6 \*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated  
7 sentence consisting of .... year(s) of confinement in prison and .... months/years of  
8 community supervision.

9 \*IT IS ADJUDGED That the defendant is placed in the intensive sanctions  
10 program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes  
11 and the following conditions:....

12 \*IT IS ADJUDGED That the defendant is hereby committed to detention in  
13 (the defendant's place of residence or place designated by judge) for a term of not  
14 more than....

15 \*IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the  
16 costs of this action).

17 \*IT IS ADJUDGED That the defendant pay restitution to....

18 \*IT IS ADJUDGED That the defendant is restricted in his or her use of  
19 computers as follows:....

20 \*The.... at.... is designated as the Reception Center to which the defendant  
21 shall be delivered by the sheriff.

22 \*IT IS ORDERED That the clerk deliver a duplicate original of this judgment  
23 to the sheriff who shall forthwith execute the same and deliver it to the warden.

24 Dated this.... day of...., 19...

25 BY THE COURT...

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1 Date of Offense....,

2 District Attorney....,

3 Defense Attorney...

4 \*Strike inapplicable paragraphs.

5 STATE OF WISCONSIN

6 .... County

7 In.... Court

8 The State of Wisconsin

9 vs.

10 ....(Name of defendant)

11 On the.... day of...., 19.., the district attorney appeared for the state and the  
12 defendant appeared in person and by... the defendant's attorney.

13 UPON ALL THE FILES, RECORDS AND PROCEEDINGS

14 IT IS ADJUDGED That the defendant has been found not guilty by the verdict  
15 of the jury (by the court) and is therefore ordered discharged forthwith.

16 Dated this.... day of...., 19...

17 BY THE COURT...

18 **SECTION 5434.** 972.15 (5) (intro.) of the statutes is amended to read:

19 972.15 (5) (intro.) The department may use the presentence investigation  
20 report for correctional programming, parole consideration or care and treatment of  
21 any person sentenced to imprisonment or the intensive sanctions program, placed  
22 on probation, released on parole or community supervision or committed to the  
23 department under ch. 51 or 971 or any other person in the custody of the department  
24 or for research purposes. The department may make the report available to other  
25 agencies or persons to use for purposes related to correctional programming, parole

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1 consideration, care and treatment, or research. Any use of the report under this  
2 subsection is subject to the following conditions:

3 **SECTION 5435.** 973.01 of the statutes is created to read:

4 **973.01 Bifurcated sentence of imprisonment and community**  
5 **supervision. (1) BIFURCATED SENTENCE REQUIRED.** Except as provided in sub. (3),  
6 whenever a court sentences a person to imprisonment in the Wisconsin state prisons  
7 for a felony committed on or after July 1, 1998, the court shall impose a bifurcated  
8 sentence that consists of a term of confinement in prison followed by a term of  
9 community supervision under s. 302.113.

10 **(2) STRUCTURE OF BIFURCATED SENTENCES.** The court shall ensure that a  
11 bifurcated sentence imposed under sub. (1) complies with all of the following:

12 (a) *Total length of bifurcated sentence.* Except as provided in par. (c), the total  
13 length of the bifurcated sentence may not exceed the maximum period of  
14 imprisonment for the felony.

15 (b) *Imprisonment portion of bifurcated sentence.* The portion of the bifurcated  
16 sentence that imposes a term of confinement in prison may not be less than one year,  
17 subject to any minimum sentence prescribed for the felony, and, except as provided  
18 in par. (c), may not exceed whichever of the following is applicable:

19 1. For a Class B felony, the term of confinement in prison may not exceed 40  
20 years.

21 2. For a Class BC felony, the term of confinement in prison may not exceed 20  
22 years.

23 3. For a Class C felony, the term of confinement in prison may not exceed 10  
24 years.

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1           4. For a Class D felony, the term of confinement in prison may not exceed 5  
2 years.

3           5. For a Class E felony, the term of confinement in prison may not exceed 2  
4 years.

5           6. For any felony other than a felony specified in subds. 1. to 5., the term of  
6 confinement in prison may not exceed 75% of the total length of the bifurcated  
7 sentence.

8           (c) *Penalty enhancement.* The maximum term of confinement in prison  
9 specified in par. (b) may be increased by any applicable penalty enhancement. If the  
10 maximum term of confinement in prison specified in par. (b) is increased under this  
11 paragraph, the total length of the bifurcated sentence that may be imposed is  
12 increased by the same amount.

13           (d) *Minimum term of community supervision.* The term of community  
14 supervision that follows the term of confinement in prison may not be less than 25%  
15 of the length of the term of confinement in prison imposed under par. (b).

16           **(3) NOT APPLICABLE TO LIFE SENTENCES.** If a person is being sentenced for a felony  
17 that is punishable by life imprisonment, he or she is not subject to this section but  
18 shall be sentenced under s. 973.014 (1g).

19           **(4) NO GOOD TIME; EXTENSION OF TERM OF IMPRISONMENT.** A person sentenced to  
20 a bifurcated sentence under sub. (1) shall serve the term of confinement in prison  
21 portion of the sentence without reduction for good behavior. The term of confinement  
22 in prison portion is subject to extension under s. 302.113 (3). When the court imposes  
23 a bifurcated sentence under sub. (1), the court shall inform the person of the  
24 requirements of this subsection and s. 302.113 (3).

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1           **(5) COMMUNITY SUPERVISION CONDITIONS.** Whenever the court imposes a  
2 bifurcated sentence under sub. (1), the court may impose conditions upon the term  
3 of community supervision.

4           **(6) NO PAROLE.** A person serving a bifurcated sentence imposed under sub. (1)  
5 is not eligible for release on parole.

6           **(7) NO DISCHARGE.** The department of corrections may not discharge a person  
7 who is serving a bifurcated sentence from custody, control and supervision until the  
8 person has served the entire bifurcated sentence, including any periods of extension  
9 imposed under s. 302.113 (3).

10           **SECTION 5436.** 973.013 (1) (b) of the statutes is amended to read:

11           973.013 (1) (b) The Except as provided in s. 973.01, the sentence shall have the  
12 effect of a sentence at hard labor for the maximum term fixed by the court, subject  
13 to the power of actual release from confinement by parole by the department or by  
14 pardon as provided by law. If a person is sentenced for a definite time for an offense  
15 for which the person may be sentenced under this section, the person is in legal effect  
16 sentenced as required by this section, said definite time being the maximum period.  
17 A defendant convicted of a crime for which the minimum penalty is life shall be  
18 sentenced for life.

19           **SECTION 5437.** 973.013 (2) of the statutes is amended to read:

20           973.013 (2) Upon the recommendation of the department, the governor may,  
21 without the procedure required by ch. 304, discharge absolutely, or upon such  
22 conditions and restrictions and under such limitation as the governor thinks proper,  
23 any inmate committed to the Wisconsin state prisons after he or she has served the  
24 minimum term of punishment prescribed by law for the offense for which he or she  
25 was sentenced, except that if the term was life imprisonment, 5 years must elapse



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1 after release on parole or community supervision before such a recommendation can  
2 be made to the governor. The discharge has the effect of an absolute or conditional  
3 pardon, respectively.

4 **SECTION 5438.** 973.0135 (2) (intro.) of the statutes is amended to read:

5 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a  
6 prior offender to imprisonment in a state prison for a serious felony committed on or  
7 after April 21, 1994, but before July 1, 1998, the court shall make a parole eligibility  
8 determination regarding the person and choose one of the following options:

9 **SECTION 5439.** 973.014 (title) of the statutes is amended to read:

10 **973.014 (title) Sentence of life imprisonment; parole eligibility**  
11 **determination; community supervision eligibility determination.**

12 **SECTION 5440.** 973.014 (1) (intro.) of the statutes is amended to read:

13 973.014 (1) (intro.) Except as provided in sub. (2), when a court sentences a  
14 person to life imprisonment for a crime committed on or after July 1, 1988, but before  
15 July 1, 1998, the court shall make a parole eligibility determination regarding the  
16 person and choose one of the following options:

17 **SECTION 5441.** 973.014 (1) (c) of the statutes is amended to read:

18 973.014 (1) (c) The person is not eligible for parole. This paragraph applies only  
19 if the court sentences a person for a crime committed on or after August 31, 1995, but  
20 before July 1, 1998.

21 **SECTION 5442.** 973.014 (1g) of the statutes is created to read:

22 973.014 (1g) (a) Except as provided in sub. (2), when a court sentences a person  
23 to life imprisonment for a crime committed on or after July 1, 1998, the court shall  
24 make a community supervision eligibility date determination regarding the person  
25 and choose one of the following options:

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1           1. The person is eligible for release to community supervision after serving 20  
2 years.

3           2. The person is eligible for release to community supervision on a date set by  
4 the court. Under this subdivision, the court may set any later date than that  
5 provided in subd. 1., but may not set a date that occurs before the earliest possible  
6 date under subd. 1.

7           3. The person is not eligible for release to community supervision.

8           (b) When sentencing a person to life imprisonment under par. (a), the court  
9 shall inform the person of the provisions of s. 302.114 (3) and the procedure for  
10 petitioning under s. 302.114 (5) for release to community supervision.

11           (c) A person sentenced to life imprisonment under par. (a) is not eligible for  
12 release on parole.

13           **SECTION 5443.** 973.014 (2) of the statutes is amended to read:

14           973.014 (2) When a court sentences a person to life imprisonment under s.  
15 939.62 (2m), the court shall provide that the sentence is without the possibility of  
16 parole or community supervision.

17           **SECTION 5444.** 973.032 (5) of the statutes is amended to read:

18           973.032 (5) (title) PAROLE OR COMMUNITY SUPERVISION RESTRICTIONS. A person  
19 sentenced under sub. (1) is eligible for parole, except as provided in ss. 302.11, 304.02  
20 and 304.06, or is eligible for release to community supervision, whichever is  
21 applicable.

22           **SECTION 5445.** 973.046 (1) (intro.) of the statutes is amended to read:

23           973.046 (1) (intro.) ~~Beginning on August 12, 1993, if~~ If a court imposes a  
24 sentence or places a person on probation under any of the following circumstances,  
25 the court shall impose a deoxyribonucleic acid analysis surcharge of \$250:

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1           **SECTION 5446.** 973.046 (1) (a) of the statutes is amended to read:

2           973.046 (1) (a) The person violated s. 940.225, ~~943.10~~ or 948.02 (1) or (2).

3           **SECTION 5447.** 973.05 (1) of the statutes is amended to read:

4           973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
5 permission for the payment of the fine, of the penalty assessment imposed by s.  
6 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
7 assistance surcharge under s. 973.045, the crime laboratories assessment imposed  
8 by s. 165.755, any applicable deoxyribonucleic acid analysis surcharge under s.  
9 973.046, any applicable drug abuse program improvement surcharge imposed by s.  
10 961.41 (5), any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c)  
11 1. or 973.055, any applicable driver improvement surcharge imposed by s. 346.655,  
12 any applicable enforcement assessment imposed by s. 253.06 (4) (c), any applicable  
13 weapons assessment imposed by s. 167.31, any applicable uninsured employer  
14 assessment imposed by s. 102.85 (4), any applicable environmental assessment  
15 imposed by s. 299.93, any applicable wild animal protection assessment imposed by  
16 s. 29.9965, any applicable natural resources assessment imposed by s. 29.997 and  
17 any applicable natural resources restitution payment imposed by s. 29.998 to be  
18 made within a period not to exceed 120 days. If no such permission is embodied in  
19 the sentence, the fine, the penalty assessment, the jail assessment, the crime victim  
20 and witness assistance surcharge, the crime laboratories assessment, any applicable  
21 deoxyribonucleic acid analysis surcharge, any applicable drug abuse program  
22 improvement surcharge, any applicable domestic abuse assessment, any applicable  
23 driver improvement surcharge, any applicable weapons assessment, any applicable  
24 uninsured employer assessment, any applicable environmental assessment, any  
25 applicable wild animal protection assessment, any applicable natural resources

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1 assessment and any applicable natural resources restitution payment shall be  
2 payable immediately.

3 **SECTION 5448.** 973.05 (2) of the statutes is amended to read:

4 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on  
5 probation, the court may make the payment of the fine, the penalty assessment, the  
6 jail assessment, the crime victim and witness assistance surcharge, the crime  
7 laboratories assessment, any applicable deoxyribonucleic acid analysis surcharge,  
8 any applicable drug abuse program improvement surcharge, any applicable  
9 domestic abuse assessment, any applicable uninsured employer assessment, any  
10 applicable driver improvement surcharge, any applicable enforcement assessment  
11 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable  
12 environmental assessment, any applicable wild animal protection assessment, any  
13 applicable natural resources assessment and any applicable natural resources  
14 restitution payments a condition of probation. When the payments are made a  
15 condition of probation by the court, payments thereon shall be applied first to  
16 payment of the penalty assessment until paid in full, shall then be applied to the  
17 payment of the jail assessment until paid in full, shall then be applied to the payment  
18 of part A of the crime victim and witness assistance surcharge until paid in full, shall  
19 then be applied to part B of the crime victim and witness assistance surcharge until  
20 paid in full, shall then be applied to the crime laboratories assessment until paid in  
21 full, shall then be applied to the deoxyribonucleic acid analysis surcharge until paid  
22 in full, shall then be applied to the drug abuse improvement surcharge until paid in  
23 full, shall then be applied to payment of the driver improvement surcharge until paid  
24 in full, shall then be applied to payment of the domestic abuse assessment until paid  
25 in full, shall then be applied to payment of the natural resources assessment if

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1 applicable until paid in full, shall then be applied to payment of the natural resources  
2 restitution payment until paid in full, shall then be applied to the payment of the  
3 environmental assessment if applicable until paid in full, shall then be applied to the  
4 payment of the wild animal protection assessment if applicable until paid in full,  
5 shall then be applied to payment of the weapons assessment until paid in full, shall  
6 then be applied to payment of the uninsured employer assessment until paid in full,  
7 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)  
8 (c), if applicable, until paid in full and shall then be applied to payment of the fine.

9 **SECTION 5449.** 973.05 (5) (a) of the statutes is amended to read:

10 973.05 (5) (a) Upon entry of the assignment under sub. (4) (b), unless the court  
11 finds that income withholding is likely to cause the defendant irreparable harm, the  
12 court shall provide notice of the assignment by regular mail to the last-known  
13 address of the person from whom the defendant receives or will receive money. If the  
14 clerk does not receive the money from the person notified, the court shall provide  
15 notice of the assignment to any other person from whom the defendant receives or  
16 will receive money. Notice under this paragraph may be a notice of the court, a copy  
17 of the executed assignment or a copy of that part of the court order directing payment.  
18 If the court issues an order under sub. (4) (b) assigning lottery prizes, the court shall  
19 send the notice of that order to the administrator of the lottery division of the ~~gaming~~  
20 ~~commission~~ department of revenue, including a statement of the amount owed under  
21 the judgment and the name and address of the person owing the judgment. The court  
22 shall notify the administrator of the lottery division of the ~~gaming commission~~  
23 department of revenue when the judgment that is the basis of the assignment has  
24 been paid in full.

25 **SECTION 5450.** 973.055 (3) of the statutes is amended to read:

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1           973.055 (3) All moneys collected from domestic abuse assessments shall be  
2 deposited by the state treasurer in s. 20.435 (1) (3) (hh) and utilized in accordance  
3 with s. 46.95.

4           **SECTION 5451.** 973.07 of the statutes is amended to read:

5           **973.07 Failure to pay fine or costs or to comply with certain**  
6 **community service work.** If the fine, costs, penalty assessment, jail assessment,  
7 crime victim and witness assistance surcharge, crime laboratories assessment,  
8 applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program  
9 improvement surcharge, applicable domestic abuse assessment, applicable driver  
10 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),  
11 applicable weapons assessment, applicable uninsured employer assessment,  
12 applicable environmental assessment, applicable wild animal protection  
13 assessment, applicable natural resources assessment and applicable natural  
14 resources restitution payments are not paid or community service work under s.  
15 943.017 (3) is not completed as required by the sentence, the defendant may be  
16 committed to the county jail until the fine, costs, penalty assessment, jail  
17 assessment, crime victim and witness assistance surcharge, crime laboratories  
18 assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug  
19 abuse program improvement surcharge, applicable domestic abuse assessment,  
20 applicable driver improvement surcharge, applicable enforcement assessment  
21 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured  
22 employer assessment, applicable environmental assessment, applicable wild animal  
23 protection assessment, applicable natural resources assessment or applicable  
24 natural resources restitution payments are paid or discharged, or the community

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1 service work under s. 943.017 (3) is completed, for a period fixed by the court not to  
2 exceed 6 months.

3 **SECTION 5452.** 973.075 (1) (b) (intro.) of the statutes is amended to read:

4 973.075 (1) (b) (intro.) All vehicles, as defined in s. 939.22 (44), which are used  
5 to transport any property or weapon used or to be used or received in the commission  
6 of any felony, which are used in the commission of a crime under s. 946.70, which are  
7 used in the commission of a crime in violation of s. 944.30, 944.31, 944.32, 944.33 or  
8 944.34, which are used in the commission of a crime relating to a submerged cultural  
9 resource in violation of s. 44.47 or which are used to cause more than \$1,000 \$1,500  
10 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or  
11 943.012, but:

12 **SECTION 5453.** 973.09 (3) (b) of the statutes is amended to read:

13 973.09 (3) (b) The department shall notify the sentencing court, any person to  
14 whom unpaid restitution is owed and the district attorney of the status of the ordered  
15 restitution payments unpaid at least 90 days before the probation expiration date.  
16 If payment as ordered has not been made, the court shall hold a probation review  
17 hearing prior to the expiration date, unless the hearing is voluntarily waived by the  
18 probationer with the knowledge that waiver may result in an extension of the  
19 probation period or in a revocation of probation. If the court does not extend  
20 probation, it shall issue a judgment for the unpaid restitution and direct the clerk  
21 of circuit court to file and enter the judgment in the judgment and lien docket,  
22 without fee, unless it finds that the victim has already recovered a judgment against  
23 the probationer for the damages covered by the restitution order. If the court issues  
24 a judgment for the unpaid restitution, the court shall send to the person at his or her  
25 last-known address written notification that a civil judgment has been issued for the

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1 unpaid restitution. The judgment has the same force and effect as judgments  
2 entered under s. 806.10.

3 **SECTION 5454.** 973.09 (3) (bm) of the statutes is created to read:

4 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's  
5 period of probation, the department may notify the sentencing court and the district  
6 attorney that a probationer owes unpaid fees to the department under s. 304.073 or  
7 304.074.

8 2. Upon receiving notice from the department under subd. 1., the court shall  
9 schedule a probation review hearing to be held before the expiration date of the  
10 period of probation unless the probationer either pays the fees before the scheduled  
11 hearing date or voluntarily waives the hearing. A waiver of a probation review  
12 hearing under this subdivision shall include an acknowledgement by the probationer  
13 that waiver may result in an extension of the probation period, a modification of the  
14 terms and conditions of probation or a revocation of probation.

15 3. At a probation review hearing under subd. 2., the department has the burden  
16 of proving that the probationer owes unpaid fees under s. 304.073 or 304.074 and the  
17 amount of the unpaid fees. If the department proves by a preponderance of the  
18 evidence that the probationer owes unpaid fees under s. 304.073 or 304.074, the court  
19 may, by order, extend the period of probation for a stated period, modify the terms  
20 and conditions of probation or revoke the probationer's probation.

21 4. If the court does not extend, revoke or modify the terms of probation under  
22 subd. 3., it shall issue a judgment for the unpaid fees and direct the clerk of circuit  
23 court to file and enter the judgment in the judgment and lien docket, without fee.  
24 If the court issues a judgment for the unpaid fees, the court shall send to the  
25 department a written notification that a civil judgment has been issued for the



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1 unpaid fees. The judgment has the same force and effect as judgments entered under  
2 s. 806.10.

3 **SECTION 5455.** 973.09 (3) (c) 1. and 2. of the statutes are amended to read:

4 973.09 (3) (c) 1. The probationer has not made a good faith effort to discharge  
5 court-ordered payment obligations or to pay fees owed under s. 304.073 or 304.074.

6 2. The probationer is not presently able to make required restitution payments  
7 and the probationer and the person to whom restitution is owed consent to the  
8 performance of community service work under sub. (7m) in satisfaction of restitution  
9 ordered for that person, for which an extended period of probation is required.

10 **SECTION 5456.** 973.10 (1) of the statutes is amended to read:

11 973.10 (1) Imposition of probation shall have the effect of placing the defendant  
12 in the custody of the department and shall subject the defendant to the control of the  
13 department under conditions set by the court and rules and regulations established  
14 by the department for the supervision of probationers and, parolees and persons on  
15 community supervision.

16 **SECTION 5457.** 973.135 (title) of the statutes is amended to read:

17 **973.135 (title) Courts to report convictions to the department of**  
18 **education state superintendent of public instruction.**

19 **SECTION 5458.** 973.135 (1) (a) of the statutes is repealed.

20 **SECTION 5459.** 973.135 (1) (am) of the statutes is renumbered 973.135 (1) (a).

21 **SECTION 5460.** 973.135 (1) (b) of the statutes is created to read:

22 973.135 (1) (b) "State superintendent" means the state superintendent of  
23 public instruction.

24 **SECTION 5461.** 973.135 (2) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5461**

1           973.135 (2) If a court determines that a person convicted of a crime specified  
2 in ch. 948, including a crime specified in s. 948.015, a felony for which the maximum  
3 term of imprisonment is at least 5 years, 4th degree sexual assault under s. 940.225  
4 (3m) or a crime in which the victim was a child, is employed by an educational agency,  
5 the clerk of the court in which such conviction occurred shall promptly forward to the  
6 department state superintendent the record of conviction.

7           **SECTION 5462.** 973.135 (3) of the statutes is amended to read:

8           973.135 (3) If a conviction under sub. (2) is reversed, set aside or vacated, the  
9 clerk of the court shall promptly forward to the department state superintendent a  
10 certificate stating that the conviction has been reversed, set aside or vacated.

11           **SECTION 5463.** 973.15 (2) (b) of the statutes is amended to read:

12           973.15 (2) (b) The court may not impose a sentence to the intensive sanctions  
13 program consecutive to any other sentence. The court may not impose a sentence to  
14 the intensive sanctions program concurrent with a sentence imposing  
15 imprisonment, except that the court may impose a sentence to the program  
16 concurrent with an imposed and stayed imprisonment sentence or with a prison  
17 sentence for which the offender has been released on community supervision or  
18 parole. The court may impose concurrent intensive sanctions program sentences.  
19 The court may impose an intensive sanctions program sentence concurrent to  
20 probation. The court may impose any sentence for an escape from a sentence to the  
21 intensive sanctions program concurrent with the sentence to the intensive sanctions  
22 program.

23           **SECTION 5464.** 973.15 (6) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5464**

1           973.15 (6) Sections 302.11 and 304.06 are applicable to an inmate serving a  
2 sentence to the Wisconsin state prisons for a crime committed before July 1, 1998,  
3 but confined in a federal institution or an institution in another state.

4           **SECTION 5465.** 973.155 (1) (b) of the statutes is amended to read:

5           973.155 (1) (b) The categories in par. (a) include custody of the convicted  
6 offender which is in whole or in part the result of a probation, community supervision  
7 or parole hold under s. 304.06 (3) or 973.10 (2) placed upon the person for the same  
8 course of conduct as that resulting in the new conviction.

9           **SECTION 5466.** 973.155 (2) of the statutes is amended to read:

10          973.155 (2) After the imposition of sentence, the court shall make and enter a  
11 specific finding of the number of days for which sentence credit is to be granted,  
12 which finding shall be included in the judgment of conviction. In the case of  
13 revocation of probation, community supervision or parole, the department, if the  
14 hearing is waived, or the division of hearings and appeals in the department of  
15 administration, in the case of a hearing, shall make such a finding, which shall be  
16 included in the revocation order.

17          **SECTION 5467.** 973.155 (5) of the statutes is amended to read:

18          973.155 (5) If this section has not been applied at sentencing to any person who  
19 is in custody or to any person who is on probation, community supervision or parole,  
20 the person may petition the department to be given credit under this section. Upon  
21 proper verification of the facts alleged in the petition, this section shall be applied  
22 retroactively to the person. If the department is unable to determine whether credit  
23 should be given, or otherwise refuses to award retroactive credit, the person may  
24 petition the sentencing court for relief. This subsection applies to any person,  
25 regardless of the date he or she was sentenced.

**SENATE BILL 77****SECTION 5468**

1           **SECTION 5468.** 973.20 (1r) of the statutes is amended to read:

2           973.20 (1r) When imposing sentence or ordering probation for any crime for  
3 which the defendant was convicted, the court, in addition to any other penalty  
4 authorized by law, shall order the defendant to make full or partial restitution under  
5 this section to any victim of a crime considered at sentencing or, if the victim is  
6 deceased, to his or her estate, unless the court finds substantial reason not to do so  
7 and states the reason on the record. Restitution ordered under this section is a  
8 condition of probation, community supervision or parole served by the defendant for  
9 a crime for which the defendant was convicted. After the termination of probation,  
10 community supervision or parole, or if the defendant is not placed on probation,  
11 community supervision or parole, restitution ordered under this section is  
12 enforceable in the same manner as a judgment in a civil action by the victim named  
13 in the order to receive restitution or enforced under ch. 785.

14           **SECTION 5469.** 973.20 (10) of the statutes is amended to read:

15           973.20 (10) The court may require that restitution be paid immediately, within  
16 a specified period or in specified instalments. If the defendant is placed on probation  
17 or sentenced to imprisonment, the end of a specified period shall not be later than  
18 the end of any period of probation, community supervision or parole. If the defendant  
19 is sentenced to the intensive sanctions program, the end of a specified period shall  
20 not be later than the end of the sentence under s. 973.032 (3) (a).

21           **SECTION 5470.** 975.10 (1) of the statutes is amended to read:

22           975.10 (1) Any person committed as provided in this chapter may be paroled  
23 if it appears to the satisfaction of the department of health and family services after  
24 recommendation by a special review board, appointed by the department, a majority  
25 of whose members shall not be connected with the department, that the person is

**SENATE BILL 77****SECTION 5470**

1 capable of making an acceptable adjustment in society. Before a person is released  
2 on parole under this section, the department of health and family services shall so  
3 notify the municipal police department and county sheriff for the area where the  
4 person will be residing. The notification requirement does not apply if a municipal  
5 department or county sheriff submits to the department of health and family services  
6 a written statement waiving the right to be notified. Probation, community  
7 supervision and parole agents of the department of corrections shall supervise  
8 persons paroled under this section.

9 **SECTION 5471.** 976.03 (3) of the statutes is amended to read:

10 976.03 (3) FORM OF DEMAND. No demand for the extradition of a person charged  
11 with a crime in another state shall be recognized by the governor unless in writing  
12 alleging, except in cases arising under sub. (6), that the accused was present in the  
13 demanding state at the time of the commission of the alleged crime, and that  
14 thereafter the accused fled from the state, and accompanied by a copy of an  
15 indictment found or by an information supported by affidavit in the state having  
16 jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there,  
17 together with a copy of any warrant which was issued thereon; or by a copy of a  
18 judgment of conviction or of a sentence imposed in execution thereof, together with  
19 a statement by the executive authority of the demanding state that the person  
20 claimed has escaped from confinement or has broken the terms of the person's bail,  
21 probation, community supervision or parole. The indictment, information or  
22 affidavit made before the magistrate must substantially charge the person  
23 demanded with having committed a crime under the law of that state; and the copy  
24 of indictment, information, affidavit, judgment of conviction or sentence must be  
25 authenticated by the executive authority making the demand.

**SENATE BILL 77****SECTION 5472**

1           **SECTION 5472.** 976.03 (13) of the statutes is amended to read:

2           **976.03 (13) ARREST PRIOR TO REQUISITION.** Whenever any person within this  
3 state shall be charged on the oath of any credible person before any judge of this state  
4 with the commission of any crime in any other state and, except in cases arising  
5 under sub. (6), with having fled from justice, or with having been convicted of a crime  
6 in that state and having escaped from confinement, or having broken the terms of  
7 his or her bail, probation, community supervision or parole, or whenever complaint  
8 shall have been made before any judge in this state setting forth on the affidavit of  
9 any credible person in another state that a crime has been committed in such other  
10 state and that the accused has been charged in such state with the commission of the  
11 crime, and, except in cases arising under sub. (6), has fled from justice, or with having  
12 been convicted of a crime in that state and having escaped from confinement, or  
13 having broken the terms of his or her bail, probation, community supervision or  
14 parole, and is believed to be in this state, the judge shall issue a warrant directed to  
15 any peace officer commanding the officer to apprehend the person named therein,  
16 wherever the person may be found in this state, and to bring the person before the  
17 same or any other judge or court who or which may be available in or convenient of  
18 access to the place where the arrest may be made, to answer the charge or complaint  
19 and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon  
20 which the warrant is issued shall be attached to the warrant.

21           **SECTION 5473.** 976.03 (22) of the statutes is amended to read:

22           **976.03 (22) FUGITIVES FROM THIS STATE, DUTY OF GOVERNOR.** Whenever the  
23 governor of this state shall demand a person charged with crime or with escaping  
24 from confinement or breaking the terms of his or her bail, probation, community  
25 supervision or parole in this state from the executive authority of any other state, or

**SENATE BILL 77****SECTION 5473**

1 from the chief justice or an associate justice of the district court of the United States  
2 for the District of Columbia authorized to receive such demand under the laws of the  
3 United States, the governor shall issue a warrant under the seal of this state, to some  
4 agent, commanding the agent to receive the person so charged if delivered to the  
5 agent and convey the person to the proper officer of the county in this state in which  
6 the offense was committed.

7 **SECTION 5474.** 976.03 (23) (b) of the statutes is amended to read:

8 976.03 **(23)** (b) When the return to this state is required of a person who has  
9 been convicted of a crime in this state and has escaped from confinement or broken  
10 the terms of his or her bail, probation, community supervision or parole, the  
11 prosecuting attorney of the county in which the offense was committed, the secretary  
12 of corrections, or the warden of the institution or sheriff of the county from which  
13 escape was made, shall present to the governor a written application for a requisition  
14 for the return of the person, in which application shall be stated the name of the  
15 person, the crime of which the person was convicted, the circumstances of escape  
16 from confinement or of the breach of the terms of bail, probation, community  
17 supervision or parole, and the state in which the person is believed to be, including  
18 the location of the person therein at the time application is made.

19 **SECTION 5475.** 976.03 (27) (a) of the statutes is amended to read:

20 976.03 **(27)** (a) Any person arrested in this state charged with having  
21 committed any crime in another state or alleged to have escaped from confinement,  
22 or broken the terms of his or her bail, probation, community supervision or parole  
23 may waive the issuance and service of the warrant provided for in subs. (7) and (8)  
24 and all other procedure incidental to extradition proceedings, by executing or  
25 subscribing in the presence of a judge of any court of record within this state a writing

**SENATE BILL 77****SECTION 5475**

1 which states that the person consents to return to the demanding state; however,  
2 before such waiver shall be executed or subscribed by such person the judge shall  
3 inform such person of the person's rights to the issuance and service of a warrant of  
4 extradition and to commence an action for habeas corpus as provided in sub. (10).

5 **SECTION 5476.** 976.05 (3) (a) of the statutes is amended to read:

6 976.05 (3) (a) Whenever a person has entered upon a term of imprisonment in  
7 a penal or correctional institution of a party state, and whenever during the  
8 continuance of the term of imprisonment there is pending in any other party state  
9 any untried indictment, information or complaint on the basis of which a detainer  
10 has been lodged against the prisoner, the prisoner shall be brought to trial within 180  
11 days after the prisoner has caused to be delivered to the prosecuting officer and the  
12 appropriate court of the prosecuting officer's jurisdiction written notice of the place  
13 of his or her imprisonment and his or her request for a final disposition to be made  
14 of the indictment, information or complaint, but for good cause shown in open court,  
15 the prisoner or the prisoner's counsel being present, the court having jurisdiction of  
16 the matter may grant any necessary or reasonable continuance. The request of the  
17 prisoner shall be accompanied by a certificate of the appropriate official having  
18 custody of the prisoner, stating the term of commitment under which the prisoner is  
19 being held, the time already served, the time remaining to be served on the sentence,  
20 the amount of good time earned, the time of parole eligibility or date of release to  
21 community supervision of the prisoner and any decisions of the department relating  
22 to the prisoner.

23 **SECTION 5477.** 976.05 (4) (b) of the statutes is amended to read:

24 976.05 (4) (b) Upon receipt of the officer's written request under par. (a), the  
25 appropriate authorities having the prisoner in custody shall furnish the officer with



**SENATE BILL 77****SECTION 5477**

1 a certificate stating the term of commitment under which the prisoner is being held,  
2 the time already served, the time remaining to be served on the sentence, the amount  
3 of good time earned, the time of parole eligibility or date of release to community  
4 supervision of the prisoner, and any decisions of the state parole agency relating to  
5 the prisoner. Said authorities simultaneously shall furnish all other officers and  
6 appropriate courts in the receiving state who lodged detainers against the prisoner  
7 with similar certificates and with notices informing them of the request for custody  
8 or availability and of the reasons therefor.

9 **SECTION 5478.** 977.05 (6) (h) (intro.) of the statutes is amended to read:

10 977.05 (6) (h) (intro.) The state public defender may not provide legal services  
11 or assign counsel in parole or community supervision revocation proceedings unless  
12 all of the following apply:

13 **SECTION 5479.** 977.05 (6) (h) 1. of the statutes is amended to read:

14 977.05 (6) (h) 1. The parolee or person on community supervision is contesting  
15 the revocation of parole or community supervision.

16 **SECTION 5480.** 977.05 (6) (h) 2. of the statutes is amended to read:

17 977.05 (6) (h) 2. The department of corrections seeks to have the parolee or  
18 person on community supervision imprisoned upon the revocation of parole or  
19 community supervision.

20 **SECTION 5481.** 977.06 (4) (bm) of the statutes is created to read:

21 977.06 (4) (bm) The state public defender shall provide information from any  
22 statement, affidavit or other information provided by a person regarding financial  
23 eligibility under s. 977.07 in response to a request for information made under s.  
24 49.22 (2m).

25 **SECTION 5482.** 977.06 (4) (c) of the statutes is amended to read:

**SENATE BILL 77****SECTION 5482**

1           977.06 (4) (c) ~~Paragraph~~ Paragraphs (b) ~~does~~ and (bm) do not limit the  
2 authority of the state public defender to release a copy of ~~the~~ a statement, affidavit  
3 or other information regarding financial eligibility under s. 977.07 under other  
4 circumstances.

5           **SECTION 5483.** 977.08 (5) (b) (intro.) of the statutes is amended to read:

6           977.08 (5) (b) (intro.) ~~Any~~ Except as provided in par. (bn), any of the following  
7 constitutes an annual caseload standard for an assistant state public defender in the  
8 subunit responsible for trials:

9           **SECTION 5484.** 977.08 (5) (bn) of the statutes is created to read:

10           977.08 (5) (bn) Beginning on the effective date of this paragraph .... [revisor  
11 inserts date], and ending on June 30, 1999, any of the following constitutes an annual  
12 caseload standard for an assistant state public defender in the subunit responsible  
13 for trials:

14           1. Felony cases not specified in subd. 1m.: 184.5.

15           1m. First-degree intentional homicide cases: 15.

16           1r. Cases representing persons under ss. 980.05 and 980.06: 15.

17           2. Misdemeanor cases: 492.

18           3. Cases not covered under subd. 1., 1m., 1r. or 2.: 246.

19           **SECTION 5485.** 978.07 (1) (c) 1. of the statutes is amended to read:

20           978.07 (1) (c) 1. Any case record of a felony punishable by life imprisonment  
21 or a related case, after the defendant's parole eligibility date under s. 304.06 (1) or  
22 973.014 (1) or date of eligibility for release to community supervision under s.  
23 973.014 (1g) (a) 1. or 2., whichever is applicable, or 50 years after the commencement  
24 of the action, whichever occurs later. If there is no parole eligibility date or no date

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1 for release to community supervision, the district attorney may destroy the case  
2 record after the defendant's death.

3 **SECTION 5486.** 978.13 (1) (b) of the statutes is amended to read:

4 978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
5 and fringe benefit costs of 2 clerk positions providing clerical services to the  
6 prosecutors in the district attorney's office handling cases involving felony violations  
7 under ch. 961. The state treasurer shall pay the amount authorized under this  
8 paragraph to the county treasurer pursuant to a voucher submitted by the district  
9 attorney to the department of administration from the appropriation under s. 20.475  
10 (1) (h) (i). The amount paid under this paragraph may not exceed ~~\$65,800~~ \$70,500  
11 in the ~~1995-96~~ 1997-98 fiscal year and ~~\$68,100~~ \$73,000 in the ~~1996-97~~ 1998-99  
12 fiscal year.

13 **SECTION 5487.** 978.13 (1) (c) of the statutes is amended to read:

14 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and  
15 fringe benefit costs of clerk positions in the district attorney's office necessary for the  
16 prosecution of violent crime cases primarily involving felony violations under s.  
17 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,  
18 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall  
19 pay the amount authorized under this paragraph to the county treasurer pursuant  
20 to a voucher submitted by the district attorney to the secretary of administration  
21 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph  
22 may not exceed ~~\$82,600~~ \$88,500 in the ~~1995-96~~ 1997-98 fiscal year and ~~\$85,500~~  
23 \$91,600 in the ~~1996-97~~ 1998-99 fiscal year.

24 **SECTION 5488.** 980.015 (2) (a) of the statutes is amended to read:

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1           980.015 (2) (a) The anticipated discharge from a sentence, anticipated release  
2 on parole or community supervision or anticipated release from imprisonment of a  
3 person who has been convicted of a sexually violent offense.

4           **SECTION 5489.** 980.02 (1) (b) 2. of the statutes is amended to read:

5           980.02 (1) (b) 2. The county in which the person will reside or be placed upon  
6 his or her discharge from a sentence, release on parole or community supervision,  
7 release from imprisonment, from a secured correctional facility, as defined in s.  
8 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
9 from a commitment order.

10          **SECTION 5490.** 980.02 (2) (ag) of the statutes is amended to read:

11          980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,  
12 community supervision or otherwise, from a sentence that was imposed for a  
13 conviction for a sexually violent offense, from a secured correctional facility, as  
14 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
15 (15g), if the person was placed in the facility for being adjudicated delinquent under  
16 s. 938.34 on the basis of a sexually violent offense or from a commitment order that  
17 was entered as a result of a sexually violent offense.

18          **SECTION 5491.** 980.02 (4) (am) of the statutes is amended to read:

19          980.02 (4) (am) The circuit court for the county in which the person will reside  
20 or be placed upon his or her discharge from a sentence, release on parole or  
21 community supervision, release from imprisonment, from a secured correctional  
22 facility, as defined in s. 938.02 (15m), or a secured child caring institution, as defined  
23 in s. 938.02 (15g), or from a commitment order.

24          **SECTION 5492.** 980.11 (4) of the statutes, as affected by 1995 Wisconsin Act 440,  
25 is amended to read:

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1           980.11 (4) The department shall design and prepare cards for persons specified  
2 in sub. (2) (am) to send to the department. The cards shall have space for these  
3 persons to provide their names and addresses, the name of the person committed  
4 under this chapter and any other information the department determines is  
5 necessary. The department shall provide the cards, without charge, to the  
6 department of justice and district attorneys. The department of justice and district  
7 attorneys shall provide the cards, without charge, to persons specified in sub. (2)  
8 (am). These persons may send completed cards to the department of health and  
9 family services. All records or portions of records of the department of health and  
10 family services that relate to mailing addresses of these persons are not subject to  
11 inspection or copying under s. 19.35 (1), except as needed to comply with a request  
12 by the department of corrections under s. 301.46 (3) (d) and except that the  
13 department shall provide information from records kept under this subsection in  
14 response to a request for information made under s. 49.22 (2m).

15           **SECTION 5493.** 985.01 (3) of the statutes is amended to read:

16           985.01 (3) “~~Municipality~~” “Local governmental unit” has the meaning in s.  
17 345.05 (1) (e) (~~bg~~) and “governing body” the meaning in s. 345.05 (1) (b) with reference  
18 to such ~~municipality~~ local governmental unit.

19           **SECTION 5494.** 985.02 (1) of the statutes is amended to read:

20           985.02 (1) Except as otherwise provided by law, a legal notice shall be published  
21 in a newspaper likely to give notice in the area or to the person affected. Whenever  
22 the law requires publication in a newspaper published in a designated ~~municipality~~  
23 local governmental unit or area and no newspaper is published therein publication  
24 shall be made in a newspaper likely to give notice.

25           **SECTION 5495.** 985.02 (2) (intro.) of the statutes is amended to read:

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1           985.02 (2) (intro.) If the governing body of a ~~municipality~~ local governmental  
2 unit elects to post under s. 985.05 (1) it shall post in the following manner:

3           **SECTION 5496.** 985.05 (title) of the statutes is amended to read:

4           **985.05** (title) **Official ~~municipal~~ local newspapers.**

5           **SECTION 5497.** 985.05 (1) of the statutes is amended to read:

6           985.05 (1) The governing body of every ~~municipality~~ local governmental unit  
7 not required to have an official newspaper may designate a newspaper published or  
8 having general circulation in the ~~municipality~~ local governmental unit and eligible  
9 under s. 985.03 as its official newspaper or utilize the same for specific notices. The  
10 governing body of such ~~municipality~~ local governmental unit may, in lieu of  
11 newspaper publication, direct other form of publication or posting under s. 985.02  
12 (2). Other publication or posting, however, shall not be substituted for newspaper  
13 publication in proceedings relating to: tax redemptions or sales of land acquired by  
14 the county or city authorized to act under s. 74.87 for delinquent taxes, charges or  
15 assessments; civil annexations, detachments, consolidations or incorporations  
16 under chs. 59 to 66; or legal notices directed to specific individuals. Posting may not  
17 be substituted for publication in school board elections conducted under s. 120.06 or  
18 publication under s. 60.80 (2) of town ordinances imposing forfeitures. If an eligible  
19 newspaper is published in the ~~municipality~~ local governmental unit, other  
20 publication or posting shall not be substituted for newspaper publication under s.  
21 61.32 or 61.50.

22           **SECTION 5498.** 985.05 (2) of the statutes is amended to read:

23           985.05 (2) When any ~~municipality~~ local governmental unit has designated an  
24 official newspaper, all legal notices published in a newspaper by such ~~municipality~~

**SENATE BILL 77****SECTION 5498**

1 local governmental unit shall be published in such newspaper unless otherwise  
2 specifically required by law.

3 **SECTION 5499.** 992.21 of the statutes is created to read:

4 **992.21 Actions by division of savings and loan validated.** Any action  
5 taken by the division of savings and loan between July 1, 1996, and the effective date  
6 of this section .... [revisor inserts date], under the name of the division of savings  
7 institutions has the same force and effect in all respects as if the action had been  
8 taken under the name of the division of savings and loan.

9 **SECTION 5500.** Laws of 1937, chapter 201, section 11, as last amended by  
10 chapter 267, laws of 1963, is amended to read:

11 [Laws of 1937, chapter 201] Section 11. All Except as provided in section 49.852  
12 of the statutes, as created by 1997 Wisconsin Act .... (this act), and subject to section  
13 767.265 of the statutes, all moneys and assets of the retirement system and all  
14 benefits and allowances, and every portion thereof, both before and after payment  
15 to any beneficiary, granted under the retirement system shall be exempt from any  
16 state, county or municipal tax, and from attachment or garnishment process, and  
17 shall not be seized, taken, detained or levied upon by virtue of any executions, or any  
18 process or proceeding whatsoever issued out of or by any court of this state, for the  
19 payment and ratification in whole or in part of any debt, claim, damage, demand or  
20 judgment against any member of or beneficiary under the retirement system, and no  
21 member of or beneficiary under the retirement system shall have any right to assign  
22 his benefit or allowance, or any part thereof, either by way of mortgage or otherwise,  
23 provided, however, that the annuity and pension board may at its option and under  
24 rules and regulations promulgated by it permit retired members to assign a portion  
25 of their retirement allowance for the regular monthly payment of medical, surgical

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1 and hospital care. The exemption from taxation contained herein shall not apply  
2 with respect to any tax on income.

3 **SECTION 5501.** Laws of 1937, chapter 201, section 21b is created to read:

4 [Laws of 1937, chapter 201] Section 21b. Notwithstanding SECTION 21, no  
5 county may enact an ordinance that prevents a retirement system from complying  
6 with section 49.852 of the statutes, as created by 1997 Wisconsin Act ... (this act).

7 **SECTION 5502.** 1995 Wisconsin Act 27, section 9126 (26j) (a) is renumbered  
8 46.705 of the statutes and amended to read:

9 **46.705 Contract with Red Cliff Band of Lake Superior Chippewas. (1)**

10 The department of ~~health and social services~~ shall ~~establish~~ administer a pilot  
11 project under which the Red Cliff Band of Lake Superior Chippewas may directly  
12 negotiate a contract with the department of ~~health and social services~~ to provide  
13 certain social services for tribal members who reside within the boundaries of the  
14 reservation of the Red Cliff Band of Lake Superior Chippewas. Specific programs,  
15 services and funding levels that are to be provided under the project shall be  
16 determined by negotiations between the department of ~~health and social services~~  
17 and the Red Cliff Band of Lake Superior Chippewas and shall be specified in the  
18 contract. As a condition of the contract, the Red Cliff Band of Lake Superior  
19 Chippewas shall contract for performance of an independent evaluation of the  
20 project.

21 **(2)** This section does not apply after June 30, 1999.

22 **SECTION 5503.** 1995 Wisconsin Act 27, section 9126 (26j) (b) is repealed.

23 **SECTION 5504.** 1995 Wisconsin Act 113, section 9155 (4m) (title) is renumbered  
24 85.105 (title) of the statutes and amended to read:

25 **85.105 (title) ~~Department~~ Sale of motor vehicle records.**



**SENATE BILL 77****SECTION 5505**

1           **SECTION 5505.** 1995 Wisconsin Act 113, section 9155 (4m) (a) is renumbered  
2 85.105 of the statutes and amended to read:

3           **85.105** Notwithstanding section ~~s.~~ 343.24 (2m) of the statutes, as affected by  
4 this act, the department of transportation may contract with a person to periodically  
5 furnish that person with any records on computer tape or other electronic media that  
6 contain information from files of motor vehicle accidents or uniform traffic citations  
7 and which were produced for or developed by the department for purposes related  
8 to maintenance of the operating record file data base. The department and the  
9 person desiring to contract with the department shall make a good faith effort to  
10 negotiate the purchase price for the records to be provided under this paragraph. No  
11 record may be furnished under this subsection after June 30, 1997 section.

12           **SECTION 5506.** 1995 Wisconsin Act 113, section 9155 (4m) (b), (c) and (d) are  
13 repealed.

14           **SECTION 5507.** 1995 Wisconsin Act 289, section 275 (6) is amended to read:

15           [1995 Wisconsin Act 289] Section 275 (6) KINSHIP CARE ASSESSMENTS AND  
16 BACKGROUND INVESTIGATIONS. Beginning on July 1, 1996, each county department of  
17 human services or social services under sections 46.215, 46.22 and 46.23 of the  
18 statutes, when conducting its regularly scheduled reinvestigation under section  
19 49.19 (5) (e) of the statutes of each nonlegally responsible relative who is providing  
20 care for a dependent child, as defined in section 49.19 (1) (a) of the statutes, under  
21 a program administered by that county department, shall assess and conduct a  
22 background investigation of the relative to determine if the relative is eligible to  
23 receive kinship care payments under section 48.57 (3m) (am) of the statutes, as  
24 created by this act. Immediately after conducting the assessment and background  
25 investigation, each county department of human services or social services under

**SENATE BILL 77****SECTION 5507**

1 section 46.215, 46.22 and 46.23 of the statutes shall end income maintenance  
2 payments under section 49.33 of the statutes to the nonlegally responsible relative  
3 and, if the relative is determined to be eligible to receive kinship care payments  
4 under section 48.57 (3m) (am) of the statutes, as created by this act, the department  
5 of ~~industry, labor and job development~~ health and family services shall begin making  
6 those kinship care payments or, if the relative is determined eligible to receive foster  
7 care payments under section 48.62 (4) of the statutes, the county department shall  
8 begin making those foster care payments. Each county department of human  
9 services or social services under sections 46.215, 46.22 and 46.23 shall complete all  
10 of the assessments and background investigations required under this subsection  
11 and shall end all income maintenance payments under section 49.33 of the statutes  
12 to those relatives by ~~July 1, 1997~~ December 31, 1997.

13 **SECTION 5508.** 1995 Wisconsin Act 351, section 41 (1) is amended to read:

14 [1995 Wisconsin Act 351] Section 41 (1) RECONCILIATION. ~~Cellular mobile radio~~  
15 ~~telecommunications utilities~~ Persons that provide commercial mobile service and  
16 telephone companies that provide basic local exchange service shall reconcile their  
17 first payments under subchapter V of chapter 76 of the statutes, as created by this  
18 act, to reflect their overpayment or under payment of their final instalment of gross  
19 receipts taxes. All other telephone companies shall reconcile their first payments  
20 under subchapter IV of chapter 76 of the statutes, as created by this act, to reflect  
21 their overpayment or underpayment of their final instalment of gross receipts taxes.

22 **SECTION 5509.** 1995 Wisconsin Act 445, section 14 is repealed.

23 **SECTION 5510.** 1995 Wisconsin Act 445, section 23 (1) is amended to read:

24 [1995 Wisconsin Act 445] Section 23 (1) The repeal of sections 14.26 (4m) and  
25 20.395 (5) (qr) of the statutes and the amendment of sections 341.14 (6r) ~~(bm)~~ 1. ~~(by~~

**SENATE BILL 77****SECTION 5510**

1     ~~SECTION 14~~, (c) (by SECTION 16) and (e) (by SECTION 18) and 341.16 (1) (b) (by SECTION  
2     22) of the statutes take effect on January 1, 1999.

3             **SECTION 9101. Nonstatutory provisions; administration.**

4             (1) TRANSFER OF LAND INFORMATION FUNCTIONS.

5             (a) *Employee transfers.* All incumbent employes holding positions with the land  
6     information board are transferred on the effective date of this paragraph to the  
7     department of administration.

8             (b) *Employee status.* Employes transferred under paragraph (a) have all the  
9     rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
10    statutes in the department of administration that they enjoyed with the land  
11    information board immediately before the transfer. Notwithstanding section 230.28  
12    (4) of the statutes, no employe so transferred who has attained permanent status in  
13    class is required to serve a probationary period.

14            (c) *Rules and orders.* All rules promulgated by the land information board that  
15    are in effect on the effective date of this paragraph remain in effect until their  
16    specified expiration date or until amended or repealed by the department of  
17    administration. All orders issued by the land information board that are in effect on  
18    the effective date of this paragraph remain in effect until their specified expiration  
19    date or until modified or rescinded by the department of administration.

20            (d) *Pending matters.* Any matter pending with the land information board on  
21    the effective date of this paragraph is transferred to the department of  
22    administration and all materials submitted to or actions taken by the land  
23    information board with respect to the pending matter are considered as having been  
24    submitted to or taken by the department of administration.

**SENATE BILL 77****SECTION 9101**

1           (2) WISCONSIN LAND COUNCIL. Notwithstanding the length of term specified in  
2 section 15.107 (16) (d) of the statutes, as created by this act, the initial terms of 3 of  
3 the members appointed under section 15.107 (16) (b) 8. to 13. of the statutes, as  
4 created by this act, shall expire on July 1, 2000, the initial terms of 3 other members  
5 so appointed shall expire on July 1, 2001, and the initial terms of 3 other members  
6 so appointed shall expire on July 1, 2002.

7           (3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and  
8 program revenue moneys appropriated to the department of administration for the  
9 office of justice assistance under section 20.505 (6) (g) and (pb) of the statutes, the  
10 department shall expend \$253,200 in fiscal year 1997-98 and \$256,500 in fiscal year  
11 1998-99 to provide the multi-jurisdictional enforcement group serving Milwaukee  
12 County with funding for 3 assistant district attorneys to prosecute criminal  
13 violations of chapter 961 of the statutes. The funding is not subject to the grant  
14 procedure under section 16.964 (2m) of the statutes.

15           (4) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program  
16 revenue moneys appropriated to the department of administration for the office of  
17 justice assistance under section 20.505 (6) (g) and (pb) of the statutes, the  
18 department shall expend \$81,600 in fiscal year 1997-98 and \$84,900 in fiscal year  
19 1998-99 to provide the multi-jurisdictional enforcement group serving Dane County  
20 with funding for one assistant district attorney to prosecute criminal violations of  
21 chapter 961 of the statutes. The funding is not subject to the grant procedure under  
22 section 16.964 (2m) of the statutes.

23           (5) INITIAL TERMS OF MEMBERS OF ENVIRONMENTAL SCIENCE COUNCIL.  
24 Notwithstanding the length of terms of the members of the environmental science  
25 council specified under section 15.107 (17) of the statutes, as created by this act, 3

**SENATE BILL 77****SECTION 9101**

1 members initially appointed to the council shall be appointed for a term expiring on  
2 July 1, 1998, 3 members initially appointed to the council shall be appointed for a  
3 term expiring on July 1, 1999, and 3 members initially appointed to the council shall  
4 be appointed for a term expiring on July 1, 2000.

5 (6) DISTRICT ATTORNEYS FOR PROSECUTION OF SEXUALLY VIOLENT PERSONS  
6 COMMITMENT CASES. Of the authorized FTE positions for the department of  
7 administration for assistant district attorneys under sections 978.03 and 978.04 of  
8 the statutes, 4.0 GPR project positions shall be used for the period ending on June  
9 30, 1999, to provide one assistant district attorney for Brown County, one assistant  
10 district attorney for Dane County, one assistant district attorney for Marathon  
11 County and one assistant district attorney for Milwaukee County, to file and  
12 prosecute proceedings under chapter 980 of the statutes in any prosecutorial unit,  
13 as defined in section 978.001 (2) of the statutes, in this state.

14 (7) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON COMMITMENT CASES.

15 (a) In any case in which the district attorney files a sexually violent person  
16 petition under section 980.02 (1) (b) of the statutes, as affected by this act, on or after  
17 the effective date of this paragraph but before July 1, 1999, the district attorney shall  
18 maintain a record of the amount of time spent by the district attorney and by any  
19 deputy district attorneys or assistant district attorneys doing all of the following:

20 1. Prosecuting the petition through trial under section 980.05 of the statutes  
21 and, if applicable, commitment of the person subject to the petition under section  
22 980.06 of the statutes.

23 2. If applicable, representing the state on petitions for supervised release under  
24 section 980.08 of the statutes or for discharge under section 980.09 or 980.10 of the  
25 statutes brought by the person who is the subject of the petition.

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1 (b) Annually, on a date specified by the department of administration, the  
2 district attorney shall submit to the department of administration a report  
3 summarizing the records under paragraph (a) covering the preceding 12-month  
4 period. The department of administration shall maintain the information submitted  
5 under this paragraph by district attorneys.

6 (8) LEGISLATION TO CONFORM HEALTH INSURANCE PROVISIONS. No later than May  
7 1, 1997, the department of administration shall submit to the cochairpersons of the  
8 joint committee on finance proposed legislation that conforms the health insurance  
9 provisions of the statutes with P.L. 104-191, the Health Insurance Portability and  
10 Accountability Act of 1996. The proposed legislation shall permit the state to enforce  
11 under state law those provisions of P.L. 104-191 that relate to group health  
12 insurance and guaranteed renewability of individual health insurance policies.

13 (9) INITIAL APPOINTMENTS TO TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN  
14 WISCONSIN BOARD. Notwithstanding section 15.105 (25) (intro.) of the statutes, as  
15 created by this act, the initial members of the technology for educational  
16 achievement in Wisconsin board appointed under section 15.105 (25) (a) and (b) of  
17 the statutes, as created by this act, and one of the initial members appointed under  
18 section 15.105 (25) (c) of the statutes, as created by this act, shall serve for terms  
19 expiring on May 1, 2001; 2 of the initial members of the technology for educational  
20 achievement in Wisconsin board appointed under section 15.105 (25) (c) of the  
21 statutes, as created by this act, shall serve for terms expiring on May 1, 1999; and  
22 2 of the initial members of the technology for educational achievement in Wisconsin  
23 board appointed under section 15.105 (25) (c) of the statutes, as created by this act,  
24 shall serve for terms expiring on May 1, 2003.

25 (10) EDUCATIONAL TECHNOLOGY BOARD.

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1           (a) *Contracts.* All contracts entered into by the educational technology board  
2 in effect on the effective date of this paragraph remain in effect and are transferred  
3 to the technology for educational achievement in Wisconsin board. The technology  
4 for educational achievement in Wisconsin board shall carry out any such contractual  
5 obligations until modified or rescinded by the technology for educational  
6 achievement in Wisconsin board to the extent allowed under the contract.

7           (b) *Rules and orders.* All rules promulgated by the educational technology  
8 board that are in effect on the effective date of this paragraph remain in effect until  
9 their specified expiration date or until amended or repealed by the technology for  
10 educational achievement in Wisconsin board. All orders issued by the educational  
11 technology board that are in effect on the effective date of this paragraph remain in  
12 effect until their specified expiration date or until modified or rescinded by the  
13 technology for educational achievement in Wisconsin board.

14           (c) *Pending matters.* Any matter pending with the educational technology  
15 board on the effective date of this paragraph is transferred to the technology for  
16 educational achievement in Wisconsin board and all materials submitted to or  
17 actions taken by the educational technology board with respect to the pending  
18 matter are considered as having been submitted to or taken by the technology for  
19 educational achievement in Wisconsin board.

20           (11) INFORMATION TECHNOLOGY DEVELOPMENT PROJECT GRANTS FOR 1997-98 FISCAL  
21 YEAR. Notwithstanding section 16.971 (5) (b) of the statutes, as affected by this act,  
22 the department of administration may award additional grants for information  
23 technology development projects under section 16.971 (5) of the statutes, as affected  
24 by this act, for the 1997-98 fiscal year, on a date after the effective date of this  
25 subsection specified by the secretary of administration based on applications

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1 received by March 1, 1997, or a later date specified by the secretary of  
2 administration. Following award of any such grants, the secretary of administration  
3 shall notify the cochairpersons of the joint committee on finance under section 16.515  
4 (1) of the statutes of any proposed supplementation of appropriations for the  
5 implementation of projects for which grants are awarded.

6 **SECTION 9102. Nonstatutory provisions; adolescent pregnancy**  
7 **prevention and pregnancy services board.**

8 (1) TRANSFER OF EMPLOYEES OF ADOLESCENT PREGNANCY PREVENTION AND  
9 PREGNANCY SERVICES BOARD.

10 (a) All incumbent employes holding positions in the adolescent pregnancy  
11 prevention and pregnancy services board are transferred on the effective date of this  
12 paragraph to the department of health and family services.

13 (b) Employes transferred under paragraph (a) have all the rights and the same  
14 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
15 department of health and family services that they enjoyed in the adolescent  
16 pregnancy prevention and pregnancy services board immediately before the  
17 transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so  
18 transferred who has attained permanent status in class is required to serve a  
19 probationary period.

20 **SECTION 9104. Nonstatutory provisions; agriculture, trade and**  
21 **consumer protection.**

22 (1) FOOD INSPECTION PROGRAM EFFICIENCY STUDY. The department of agriculture,  
23 trade and consumer protection shall study its current procedures in its food  
24 inspection programs, identify areas in those food inspection programs that could  
25 become more efficient, develop a plan to streamline its food inspection procedures



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1 and operations and identify any cost-saving mechanisms that could be implemented  
2 as a result of the efficiencies and improved procedures identified in the study. The  
3 department of agriculture, trade and consumer protection shall submit its findings  
4 and plan to the secretary of administration by October 1, 1997.

5 **SECTION 9110. Nonstatutory provisions; commerce.**

6 (1) PLAT REVIEW TRANSFER.

7 (a) On the effective date of this paragraph, the assets and liabilities of the  
8 department of commerce primarily related to the municipal boundary and plat  
9 review responsibilities given to the department of revenue by this act shall become  
10 the assets and liabilities of the department of administration.

11 (b) On the effective date of this paragraph, the employes of the department of  
12 commerce primarily performing duties related to the municipal boundary and plat  
13 review responsibilities given to the department of administration by this act are  
14 transferred to the department of administration.

15 (c) Employes transferred under paragraph (b) to the department of  
16 administration have all of the rights and the same status under subchapter V of  
17 chapter 111 and chapter 230 of the statutes in the department of administration that  
18 they enjoyed in the department of commerce immediately before the transfer.  
19 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
20 has attained permanent status in class is required to serve a probationary period.

21 (d) On the effective date of this paragraph, all tangible personal property,  
22 including records, of the department of commerce that is primarily related to the  
23 municipal boundary and plat review responsibilities given to the department of  
24 administration by this act is transferred to the department of administration.

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1 (e) Any matter pending with the department of commerce on the effective date  
2 of this paragraph relating to the municipal boundary and plat review responsibilities  
3 given to the department of administration by this act is transferred to the  
4 department of administration and all materials submitted to or actions taken by the  
5 department of commerce with respect to the pending matter are considered to have  
6 been submitted to or taken by the department of administration.

7 (2) BROWNFIELDS MEMORANDUM OF UNDERSTANDING. No later than December 31,  
8 1997, the department of administration, the department of commerce and the  
9 department of natural resources shall enter into a memorandum of understanding  
10 that addresses at least all of the following:

11 (a) Providing advice and guidance to the governor and state agencies on issues  
12 related to brownfields, as defined in section 560.13 (1) (a) of the statutes, as created  
13 by this act.

14 (b) Criteria priorities, within statutory guidelines, for awarding grants and  
15 loans under brownfields redevelopment programs.

16 (c) Procedures for each of the departments to follow in making  
17 recommendations to another department on awarding grants or loans under a  
18 brownfields redevelopment program.

19 (d) Remediation activities that qualify as in-kind contributions under section  
20 560.13 (2) (b) 1. of the statutes, as created by this act.

21 (e) A mechanism for resolving conflicts and disagreements among the 3  
22 departments related to brownfields issues.

23 (3) RULES FOR BROWNFIELDS FUNDING GUIDELINES. The department of commerce  
24 shall submit in proposed form the rules required under section 560.13 (6) of the

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1 statutes, as created by this act, to the legislative council staff under section 227.15  
2 (1) of the statutes no later than December 31, 1997.

3 (4) **EXEMPTION FROM EMERGENCY RULE-MAKING PROCEDURES.** Using the procedure  
4 under section 227.24 of the statutes, the department of commerce may promulgate  
5 rules under section 560.13 (6) of the statutes, as created by this act, for the period  
6 before the effective date of the permanent rules promulgated under section 560.13  
7 (6) of the statutes, as created by this act, but not to exceed the period authorized  
8 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24  
9 (1) and (3) of the statutes, the department is not required to make a finding of  
10 emergency.

11 (5) **PETROLEUM DISCHARGES; INTEREST REIMBURSEMENT RULES.** Using the  
12 procedure under section 227.24 of the statutes, the department of commerce shall  
13 promulgate rules required under section 101.143 (4) (c) 8. of the statutes, as created  
14 by this act, for the period before the effective date of the permanent rules under that  
15 provision, but not to exceed the period authorized under section 227.24 (1) (c) and (2)  
16 of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the  
17 department need not provide evidence of the necessity of preservation of the public  
18 peace, health, safety or welfare in promulgating rules under this subsection.

19 **SECTION 9111. Nonstatutory provisions; corrections.**

20 (1) **CRIMINAL GANG DATA BANK AND CRIMINAL GANG DATA INFORMATION; COMMITTEE**  
21 **ON PLANNING AND IMPLEMENTATION.** No later than the first day of the 4th month  
22 beginning after the effective date of this subsection, the secretary of corrections shall  
23 establish a committee under section 15.04 (1) (c) of the statutes to advise the  
24 department of corrections on the planning and implementation of the criminal gang  
25 data bank under section 301.47 (2) of the statutes, as created by this act, and to

**SENATE BILL 77****SECTION 9111**

1 advise the department of corrections on the development and implementation of the  
2 policy required under section 301.47 (3) of the statutes, as created by this act,  
3 concerning new criminal gang information. The committee shall consist of  
4 representatives of the department of corrections, the department of justice,  
5 correctional authorities, as defined in section 301.47 (1) (a) of the statutes, as created  
6 by this act, and law enforcement agencies, as defined in section 165.83 (1) (b) of the  
7 statutes. The secretary of corrections, or a person designated by the secretary, shall  
8 serve as the chairperson of the committee.

9 (2) TEMPORARY PLACEMENT OF YOUNG ADULT OFFENDERS.

10 (a) Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and (26v), the  
11 department of corrections may, until July 1, 1998, operate the juvenile secured  
12 correctional facility authorized under 1995 Wisconsin Act 27, section 9126 (26v) as  
13 a state prison named in section 302.01 of the statutes, as affected by this act, for the  
14 placement of prisoners, as defined in section 301.01 (2) of the statutes, who are young  
15 adults. The secretary of corrections may direct the division of adult institutions in  
16 the department of corrections and the division of juvenile correctional services in  
17 that department to enter into an intra-agency agreement for the use of that secured  
18 correctional facility as a state prison. The agreement shall require the division of  
19 adult institutions in the department of corrections to reimburse the division of  
20 juvenile correctional services in that department, from the appropriation account  
21 under section 20.410 (1) (a) of the statutes, as affected by this act, for the full cost,  
22 not to exceed \$65 per person per day, of operating that secured correctional facility  
23 as a state prison during the term of the agreement. The division of juvenile  
24 corrections in the department of corrections shall credit all moneys received under  
25 this paragraph to the appropriation account under section 20.410 (3) (hm) of the

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1 statutes, as affected by this act, and use those moneys to operate the state prison  
2 authorized under this subsection.

3 (b) For all purposes of discipline and for judicial proceedings, the correctional  
4 institution authorized under paragraph (a) and the precincts thereof shall be deemed  
5 to be in Crawford County, and the courts of that county shall have jurisdiction of all  
6 crimes committed within that county. Every activity conducted under the  
7 jurisdiction of and by the institution, wherever located, is a precinct of the  
8 institution; and each precinct is part of the institution.

9 (3) **MANAGED HEALTH CARE STUDY FOR PRISONERS.** The department of corrections  
10 shall enter into a contract with a consulting firm to study the most cost-effective  
11 method for the distribution of medication to prisoners and the feasibility of  
12 contracting with a private health care organization for managed health care services  
13 for prisoners. Of the moneys appropriated to the department of corrections under  
14 section 20.410 (1) (a) of the statutes, as affected by this act, the department of  
15 corrections shall allocate \$60,000 for fiscal year 1997-98 for the purpose of entering  
16 into this contract.

17 **SECTION 9120. Nonstatutory provisions; gaming board.**

18 (1) **ELIMINATION OF GAMING BOARD; TRANSFER OF GAMING FUNCTIONS TO THE**  
19 **DEPARTMENT OF ADMINISTRATION.**

20 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and  
21 liabilities of the gaming board shall become the assets and liabilities of the  
22 department of administration.

23 (b) *Tangible personal property.* On the effective date of this paragraph, all  
24 tangible personal property, including records, of the gaming board is transferred to  
25 the department of administration.

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1           (c) *Contracts.* All contracts entered into by the gaming board which are in effect  
2 on the effective date of this paragraph remain in effect and are transferred to the  
3 department of administration. The department of administration shall carry out  
4 any such contractual obligations until modified or rescinded by the department of  
5 administration to the extent allowed under the contracts.

6           (d) *Employe transfers and status.* On the effective date of this paragraph, all  
7 incumbent employes holding positions in the gaming board are transferred to the  
8 department of administration. Employes transferred under this paragraph have all  
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
10 statutes that they enjoyed in the gaming board. Notwithstanding section 230.28 (4)  
11 of the statutes, no employe so transferred who has attained permanent status in  
12 class may be required to serve a probationary period.

13           (e) *Pending matters.* Any matters pending with the gaming board on the  
14 effective date of this paragraph are transferred to the department of administration  
15 and all materials submitted to or actions taken by the gaming board with respect to  
16 any pending matter are considered as having been submitted to or taken by the  
17 department of administration.

18           (f) *Rules and orders.* All rules promulgated by the gaming board, other than  
19 rules that relate to chapter 565 of the statutes, that are in effect on the effective date  
20 of this paragraph remain in effect until their specified expiration date or until  
21 amended or repealed by the department of administration. All orders issued by the  
22 gaming board, other than orders that relate to chapter 565 of the statutes, that are  
23 in effect on the effective date of this paragraph remain in effect until their specified  
24 expiration date or until modified or rescinded by the department of administration.

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1           (2) LOTTERY FUNCTIONS TRANSFER. All rules that relate to chapter 565 of the  
2 statutes that are in effect before the effective date of this subsection shall remain in  
3 effect until their specified expiration date or until amended or repealed by the  
4 department of revenue. All orders that relate to chapter 565 of the statutes that are  
5 in effect before the effective date of this subsection shall remain in effect until their  
6 specified expiration date or until amended or rescinded by the department of  
7 revenue.

8           **SECTION 9123. Nonstatutory provisions; health and family services.**

9           (1) MILWAUKEE CHILD WELFARE TRANSFER.

10           (a) *Tangible personal property.* On the effective date of this paragraph, all  
11 tangible personal property, including records, of the Milwaukee County department  
12 of social services and of the Milwaukee County children's court center that is  
13 primarily related to providing child welfare services under chapter 48 of the statutes  
14 is transferred to the department of health and family services. The Milwaukee  
15 County department of social services, the Milwaukee County children's court center  
16 and the department of health and family services shall jointly identify this tangible  
17 personal property, including records, and shall jointly develop and implement a plan  
18 for the orderly transfer thereof. In the event of any disagreement, the secretary of  
19 administration shall resolve the dispute and shall develop a plan for the orderly  
20 transfer thereof.

21           (b) *Pending matters.* Any matter pending under chapter 48 of the statutes with  
22 the Milwaukee County department of social services or with the Milwaukee County  
23 children's court center on the effective date of this paragraph is transferred to the  
24 department of health and family services. All materials submitted or actions taken  
25 by the Milwaukee County department of social services or by the Milwaukee County

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1 children's court center with respect to the pending matter are considered as having  
2 been submitted to or taken by the department of health and family services.

3 (c) *Custody*. On the effective date of this paragraph, all persons who are under  
4 the legal custody, supervision or guardianship of the Milwaukee County department  
5 of social services under chapter 48 of the statutes are transferred to the legal custody,  
6 supervision or guardianship of the department of health and family services. The  
7 Milwaukee County department of social services and the department of health and  
8 family services shall jointly determine those persons and shall jointly develop a plan  
9 for the orderly transfer thereof. In the event of any disagreement, the secretary of  
10 administration shall resolve the dispute and shall develop a plan for the orderly  
11 transfer thereof.

12 (2) CARRY-OVER FOR LONG-TERM CARE PILOT PROJECT. The department of health  
13 and family services may carry forward funds allocated under section 46.27 of the  
14 statutes from the appropriation account under section 20.435 (7) (bd) of the statutes,  
15 as affected by this act, that are not spent or encumbered by counties by December  
16 31 or carried forward under section 46.27 (7) (fm) or (g) of the statutes for the purpose  
17 of establishing and operating a pilot project under section 46.271 (2m) of the statutes,  
18 as created by this act. All funds carried forward under this subsection that are not  
19 spent or encumbered by June 30, 1999, shall lapse to the general fund on July 1, 1999.

20 (3) SUPPLEMENTAL PAYMENTS FOR CHILDREN OF SUPPLEMENTAL SECURITY INCOME  
21 RECIPIENTS. Notwithstanding section 49.775 (2) of the statutes, as created by this act,  
22 the department of health and family services may make a payment under section  
23 49.775 (2) of the statutes, as created by this act, to a custodial parent on behalf of a  
24 dependent child for whom aid is paid under section 49.19 of the statutes beginning  
25 on the later of the following:



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1           (a) The first day of the 3rd month beginning after the effective date of this  
2 paragraph.

3           (b) The first day of the first month beginning after the first regularly scheduled  
4 reinvestigation under section 49.19 (5) (e) of the statutes conducted after the  
5 effective date of this paragraph.

6           (4) EXEMPTION FROM EMERGENCY RULE PROCEDURES FOR MANDATORY HEALTH  
7 INSURANCE RISK-SHARING PLAN. Using the procedure under section 227.24 of the  
8 statutes, the department of health and family services may promulgate any rules  
9 that the department is authorized or required to promulgate under chapter 149 of  
10 the statutes, as affected by this act, for the period before the effective date of any  
11 permanent rules promulgated by the department under chapter 149 of the statutes,  
12 as affected by this act, but not to exceed the period authorized under section 227.24  
13 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the  
14 statutes, the department is not required to make a finding of emergency.

15           (5) HEALTH INSURANCE PROGRAM FOR UNINSURED CHILDREN. By July 1, 1998, the  
16 department of health and family services shall conduct and report to the governor  
17 on the results of a study to explore, on a statewide basis, possible provision of a health  
18 insurance program for uninsured school-age children, as determined by the  
19 department. If the health insurance program appears to be feasible, the department  
20 shall, with the report, include proposed statutory language necessary to implement  
21 the program.

22           (6) HEALTH PROGRAMS FOR WOMEN. From the appropriation account under  
23 section 20.435 (5) (cb) of the statutes, as created by this act, the department of health  
24 and family services shall do all of the following:

25           (a) Conduct a women's health campaign to do all of the following:

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1           1. Increase women's awareness of issues that affect their health.

2           2. Reduce the prevalence of chronic and debilitating health conditions that  
3 affect women.

4           (b) Distribute funds to applying individuals, institutions or organizations for  
5 the conduct of projects to enhance activities of communities in establishing and  
6 maintaining a comprehensive women's health program that addresses all major risk  
7 factors for chronic disease for middle-aged and older women.

8           (7) DEVELOPMENT OF A FACILITY LICENSING AND CERTIFICATION SYSTEM. In fiscal  
9 year 1997-98, the department of health and family services shall distribute \$50,000  
10 from the appropriation under section 20.435 (3) (a) of the statutes, \$100,000 from the  
11 appropriation under section 20.435 (6) (a) of the statutes and \$100,000 from the  
12 appropriation under section 20.435 (6) (jm) of the statutes and in fiscal year 1998-99,  
13 the department of health and family services shall distribute \$150,000 from the  
14 appropriation under section 20.435 (3) (a) of the statutes, to develop and extend use  
15 of a facility licensing and certification system. However, the secretary of  
16 administration may, under section 16.50 (2) of the statutes, withhold approval of an  
17 expenditure estimate of the funds under this subsection until he or she determines  
18 that the department of health and family services has adequately explored and  
19 planned for the use of a common licensing and certification system with the  
20 department of regulation and licensing.

21           (8) TRANSFER OF INFORMATION SERVICES.

22           (a) *Employe transfers.* On the effective date of this paragraph, 9.5 FTE PR  
23 positions in the department of health and family services that are primarily related  
24 to internet and print services functions and the incumbents holding these positions,

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1 as determined by the secretary of administration, are transferred to the department  
2 of administration.

3 (b) *Employe status.* Employes transferred under paragraph (a) have all the  
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
5 statutes in the department of administration that they enjoyed in the department  
6 of health and family services immediately before the transfer. Notwithstanding  
7 section 230.28 (4) of the statutes, no employe so transferred who has attained  
8 permanent status in class is required to serve a probationary period.

9 (9) **EMERGENCY RULES FOR APPROVAL OF NONTREATMENT UNITS OR FACILITIES.** Using  
10 the procedure under section 227.24 of the statutes, the department of health and  
11 family services may promulgate rules regarding approval of nontreatment units or  
12 facilities under section 51.055 of the statutes, as created by this act, for the period  
13 before the effective date of the permanent rules promulgated under section 51.055  
14 of the statutes, as created by this act, but not to exceed the period authorized under  
15 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a)  
16 and (2) (b) of the statutes, the department need not provide evidence of the necessity  
17 of preservation of the public peace, health, safety or welfare in promulgating rules  
18 under this subsection.

19 (10) **BREAST CANCER SCREENING ACTIVITIES.** From the appropriation under  
20 section 20.435 (5) (cc) of the statutes, the department of health and family services  
21 shall award a single grant of \$500,000 in fiscal year 1997-98 and \$100,000 in fiscal  
22 year 1998-99 to an applying entity for the performance of breast cancer screening  
23 activities with the use of a mobile mammography van.

24 **SECTION 9124. Nonstatutory provisions; historical society.**

25 (1) **AGENCY REQUEST.**

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1           (a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting  
2 information under section 16.42 of the statutes for purposes of the 1999-2001  
3 biennial budget bill, the historical society shall submit a dollar amount for the  
4 2000-01 fiscal year for the appropriation under section 20.245 (1) (a) of the statutes  
5 that is \$205,000 less than the total amount appropriated under section 20.245 (1) (a)  
6 of the statutes for the 1998-99 fiscal year, before submitting any information  
7 relating to any increase or decrease in the dollar amount for that appropriation for  
8 the 1999-2001 fiscal biennium.

9           (b) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting  
10 information under section 16.42 of the statutes for purposes of the 1999-2001  
11 biennial budget bill, the historical society shall submit a dollar amount for the  
12 2000-01 fiscal year for the appropriation under section 20.245 (1) (am) of the statutes  
13 that is \$205,000 more than the total amount appropriated under section 20.245 (1)  
14 (am) of the statutes for the 1998-99 fiscal year, before submitting any information  
15 relating to any increase or decrease in the dollar amount for that appropriation for  
16 the 1999-2001 fiscal biennium.

17           **SECTION 9125. Nonstatutory provisions; housing and economic**  
18 **development authority.**

19           (1) MEMORANDUM OF UNDERSTANDING. The department of commerce and the  
20 Wisconsin Housing and Economic Development Authority shall enter into a  
21 memorandum of understanding that establishes standards for the economic  
22 development activities of, and the economic development programs administered by,  
23 the department and the authority. The standards shall be established to ensure that  
24 the department does not duplicate the functions and efforts of the authority, and that  
25 the authority does not duplicate the functions and efforts of the department, with

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1 respect to the economic development activities and programs, and the intended  
2 beneficiaries of the economic development activities and programs, of each entity.  
3 The memorandum of understanding shall include sufficiently detailed descriptions  
4 of the department's and authority's activities and programs, and the intended  
5 beneficiaries of each, as to permit a clear delineation of which entity has principal  
6 responsibility for which specific economic development activities and programs. A  
7 copy of the memorandum of understanding, signed by the secretary of commerce and  
8 the executive director of the Wisconsin Housing and Economic Development  
9 Authority, shall be submitted to the cochairpersons of the joint committee on finance  
10 no later than 6 months after the effective date of this subsection.

11 **SECTION 9126. Nonstatutory provisions; industry, labor and job**  
12 **development.**

13 (1) FINANCIAL RECORD MATCHING PROGRAM. The department of industry, labor  
14 and job development shall submit in proposed form the rules required under section  
15 49.853 of the statutes, as created by this act, to the legislative council staff under  
16 section 227.15 (1) of the statutes no later than the first day of the 6th month  
17 beginning after the effective date of this subsection.

18 (2) DEFINITION OF NEEDY PERSON. Using the procedure under section 227.24 of  
19 the statutes, the department of industry, labor and job development shall  
20 promulgate the rule required under section 49.138 (1d) (b) of the statutes, as created  
21 by this act, for the period before the effective date of the permanent rule promulgated  
22 under section 49.138 (1d) (b) of the statutes, as created by this act, but not to exceed  
23 the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
24 Notwithstanding section 227.24 (1) and (3) of the statutes, the department of  
25 industry, labor and job development is not required to make a finding of emergency.

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1           (3) STATEWIDE CONCERN. Notwithstanding chapter 201, laws of 1937, section 21,  
2 as created by chapter 405, laws of 1965, the treatment of section 49.852 of the  
3 statutes, as created by this act, and chapter 201, laws of 1937, sections 11 and 21b,  
4 is a matter of statewide concern and is not a matter of local affair or government,  
5 whether a retirement system is affected or otherwise.

**SECTION 9127. Nonstatutory provisions; insurance.**

7           (1) TRANSFER OF FUNCTIONS OF OFFICE OF HEALTH CARE INFORMATION.

8           (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and  
9 liabilities of the office of the commissioner of insurance primarily related to the  
10 functions of the office of health care information shall become the assets and  
11 liabilities of the department of health and family services. The department of health  
12 and family services and the office of the commissioner of insurance shall jointly  
13 determine these assets and liabilities and shall jointly develop and implement a plan  
14 for the orderly transfer thereof. In the event of any disagreement between the  
15 department and the office of the commissioner of insurance, the secretary of  
16 administration shall decide the question.

17           (b) *Employe transfers.* On the effective date of this paragraph, 19.0 FTE PR  
18 positions in the office of the commissioner of insurance that are primarily related to  
19 the functions of the office of health care information and the incumbents holding  
20 these positions, as determined by the secretary of administration, are transferred to  
21 the department of health and family services.

22           (c) *Employe status.* Employes transferred under paragraph (b) have all the  
23 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
24 statutes, as affected by this act, in the department of health and family services that  
25 they enjoyed in the office of the commissioner of insurance immediately before the

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1 transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so  
2 transferred who has attained permanent status in class is required to serve a  
3 probationary period.

4 (d) *Supplies and equipment.* On the effective date of this paragraph, all  
5 tangible personal property, including records, of the office of the commissioner of  
6 insurance primarily related to the functions of the office of health care information  
7 are transferred to the department of health and family services. The department of  
8 health and family services and the office of the commissioner of insurance shall  
9 jointly identify the tangible personal property, including records, and shall jointly  
10 develop and implement a plan for the orderly transfer thereof. In the event of any  
11 disagreement between the department and the office of the commissioner of  
12 insurance, the secretary of administration shall decide the question.

13 (e) *Pending matters.* On the effective date of this paragraph, any matter  
14 pending with the office of the commissioner of insurance primarily related to the  
15 functions of the office of health care information is transferred to the department of  
16 health and family services. All materials submitted or actions taken by the office  
17 of the commissioner of insurance with respect to the pending matter are considered  
18 as having been submitted to or taken by the department of health and family  
19 services.

20 (f) *Contracts.* On the effective date of this paragraph, all contracts entered into  
21 by the office of the commissioner of insurance primarily related to the functions of  
22 the office of health care information which are in effect on the effective date of this  
23 paragraph, remain in effect and are transferred to the department of health and  
24 family services. The department of health and family services and the office of the  
25 commissioner of insurance shall jointly identify these contracts and shall jointly

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1 develop and implement a plan for the orderly transfer thereof. In the event of any  
2 disagreement between the department and the office of the commissioner of  
3 insurance, the secretary of administration shall decide the question. The  
4 department of health and family services shall carry out any such contractual  
5 obligations until modified or rescinded by the department of health and family  
6 services to the extent allowed under the contract.

7 (g) *Rules and orders.* All rules promulgated by the office of the commissioner  
8 of insurance that are in effect on the effective date of this paragraph and that are  
9 primarily related to the functions of the office of health care information remain in  
10 effect until their specified expiration date or until amended or repealed by the  
11 department of health and family services. All orders issued by the office of the  
12 commissioner of insurance that are in effect on the effective date of this paragraph  
13 and that are primarily related to the functions of the office of health care information  
14 remain in effect until their specified expiration date or until modified or rescinded  
15 by the department of health and family services.

16 (2) TRANSFER OF MANDATORY HEALTH INSURANCE RISK-SHARING PLAN.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and  
18 liabilities of the office of the commissioner of insurance primarily related to the  
19 mandatory health insurance risk-sharing plan shall become the assets and  
20 liabilities of the department of health and family services. The department of health  
21 and family services and the office of the commissioner of insurance shall jointly  
22 determine these assets and liabilities and shall jointly develop and implement a plan  
23 for the orderly transfer thereof. In the event of any disagreement between the  
24 department and the office of the commissioner of insurance, the secretary of  
25 administration shall decide the question.



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1           (b) *Employe transfers.* On the effective date of this paragraph, 1.5 FTE SEG  
2 positions in the office of the commissioner of insurance that are primarily related to  
3 the mandatory health insurance risk-sharing plan and the incumbents holding  
4 these positions, as determined by the secretary of administration, are transferred to  
5 the department of health and family services.

6           (c) *Employe status.* Employes transferred under paragraph (b) have all the  
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
8 statutes in the department of health and family services that they enjoyed in the  
9 office of the commissioner of insurance immediately before the transfer.  
10 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
11 has attained permanent status in class is required to serve a probationary period.

12           (d) *Supplies and equipment.* On the effective date of this paragraph, all  
13 tangible personal property, including records, of the office of the commissioner of  
14 insurance primarily related to the mandatory health insurance risk-sharing plan  
15 are transferred to the department of health and family services. The department of  
16 health and family services and the office of the commissioner of insurance shall  
17 jointly identify the tangible personal property, including records, and shall jointly  
18 develop and implement a plan for the orderly transfer thereof. In the event of any  
19 disagreement between the department and the office of the commissioner of  
20 insurance, the secretary of administration shall decide the question.

21           (e) *Pending matters.* On the effective date of this paragraph, any matter  
22 pending with the office of the commissioner of insurance primarily related to the  
23 mandatory health insurance risk-sharing plan is transferred to the department of  
24 health and family services. All materials submitted or actions taken by the office of

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1 the commissioner of insurance with respect to the pending matter are considered as  
2 having been submitted to or taken by the department of health and family services.

3 (f) *Contracts.* On the effective date of this paragraph, all contracts entered into  
4 by the office of the commissioner of insurance primarily related to the mandatory  
5 health insurance risk-sharing plan that are in effect on the effective date of this  
6 paragraph remain in effect and are transferred to the department of health and  
7 family services. The department of health and family services and the office of the  
8 commissioner of insurance shall jointly identify these contracts and shall jointly  
9 develop and implement a plan for the orderly transfer thereof. In the event of any  
10 disagreement between the department and the office of the commissioner of  
11 insurance, the secretary of administration shall decide the question. The  
12 department of health and family services shall carry out any such contractual  
13 obligations until modified or rescinded by the department of health and family  
14 services to the extent allowed under the contract.

15 (g) *Rules and orders.* All rules promulgated by the office of the commissioner  
16 of insurance that are in effect on the effective date of this paragraph and that are  
17 primarily related to the mandatory health insurance risk-sharing plan remain in  
18 effect until their specified expiration date or until amended or repealed by the  
19 department of health and family services. All orders issued by the office of the  
20 commissioner of insurance that are in effect on the effective date of this paragraph  
21 and that are primarily related to the mandatory health insurance risk-sharing plan  
22 remain in effect until their specified expiration date or until modified or rescinded  
23 by the department of health and family services.

24 **SECTION 9132. Nonstatutory provisions; legislature.**

**SENATE BILL 77****SECTION 9132**

1           (1) LEVEL A EMERGENCY RESPONSE TEAMS STUDY. The joint legislative audit  
2 committee is requested to direct the legislative audit bureau to perform a financial  
3 and performance evaluation audit of the emergency response teams that respond to  
4 Level A releases of hazardous substances, as defined in section 166.20 (1) (ge) (intro.)  
5 of the statutes.

6           **SECTION 9137. Nonstatutory provisions; natural resources.**

7           (1) FISH AND GAME APPROVAL ISSUING SYSTEM AND CAMPGROUND RESERVATION  
8 SYSTEM. The department of natural resources may use the procedure under section  
9 227.24 of the statutes to promulgate rules under sections 27.01 (7) (e) 2., (7m) (c) and  
10 (11) (b) and 29.09 (3m) and (3r) of the statutes, as created by this act. If the  
11 department uses this procedure to promulgate any of these rules, the department  
12 shall promulgate the rules within 90 days after the effective date of this subsection.  
13 Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not  
14 required to make a finding of emergency for a rule promulgated under this  
15 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the  
16 effective period of a rule promulgated under this subsection is for one year after its  
17 promulgation and may not be further extended under section 227.24 (2) of the  
18 statutes.

19           (2) EMERGENCY RULES FOR LAND RECYCLING LOAN PROGRAM. Before July 1, 1998,  
20 using the procedure under section 227.24 of the statutes, the department of natural  
21 resources may promulgate rules required under section 281.60 (13) (b) and (c) of the  
22 statutes, as created by this act, for the period before the effective date of the  
23 permanent rules required under those provisions, but not to exceed the period  
24 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
25 section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide

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1 evidence of the necessity of preservation of the public peace, health, safety or welfare  
2 in promulgating rules under this subsection.

3 (3) RECREATIONAL BOATING PROJECT; HIGH CLIFF STATE PARK. From the  
4 appropriation under section 20.370 (5) (cq) of the statutes, the department of natural  
5 resources shall expend the amount that is necessary for the construction of  
6 breakwater structures in Lake Winnebago at the entrance of High Cliff State Park  
7 harbor to provide for boater safety, but the amount may not exceed \$500,000. The  
8 department may either expend the amount directly or provide it as a grant to  
9 Calumet County. Notwithstanding section 30.92 (4) (b) 2. of the statutes, neither the  
10 department nor Calumet County need contribute any moneys to match the amount  
11 expended from the appropriation under section 20.370 (5) (cq) of the statutes.  
12 Notwithstanding section 30.92 (4) (a) of the statutes, the department may expend  
13 directly the amount authorized under this subsection even though Lake Winnebago  
14 is not an inland lake without a public access facility. The amount expended under  
15 this subsection shall be considered an expenditure for an inland water project as  
16 provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed on  
17 the priority list under section 30.92 (3) (a) of the statutes. Section 20.924 (1) of the  
18 statutes, as affected by this act, does not apply to the construction of these  
19 breakwater structures. This subsection does not apply after June 30, 2000.

20 (4) INITIAL TERMS OF THE MEMBERS OF THE ENVIRONMENTAL PERFORMANCE COUNCIL.  
21 Notwithstanding the length of terms of the members of the environmental  
22 performance council specified in section 15.347 (10) (b) of the statutes, as created by  
23 this act, the terms of the initial members of the council shall expire as follows:

24 (a) Four of the members appointed under section 15.347 (10) (a) 4. of the  
25 statutes, as created by this act, on July 1, 1999.

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1 (b) Four of the members appointed under section 15.347 (10) (a) 4. of the  
2 statutes, as created by this act, on July 1, 2001.

3 (5) PERMIT GUARANTEE PROGRAM. The department of natural resources shall  
4 submit proposed rules required under section 299.05 of the statutes, as created by  
5 this act, to the legislative council staff for review under section 227.15 (1) of the  
6 statutes no later than the first day of the 13th month beginning after the effective  
7 date of this subsection.

8 (6) HIGHWAY LANDSCAPING.

9 (a) The department of natural resources and the department of transportation  
10 shall jointly develop a plan for landscaping along the highways of this state, with  
11 priority given to highways located in the region composed of Adams, Calumet,  
12 Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa,  
13 Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Manitowoc, Marquette,  
14 Milwaukee, Monroe, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Vernon,  
15 Walworth, Washington, Waukesha, Waushara and Winnebago counties. The  
16 departments shall submit the plan before January 1, 1998, to the department of  
17 administration for its approval.

18 (b) From the appropriation under section 20.370 (1) (mu) of the statutes, as  
19 affected by this act, the department of natural resources shall allocate \$500,000 in  
20 fiscal year 1997-98 and \$500,000 in fiscal year 1998-99 for the landscaping. The  
21 department shall contract with the department of corrections to provide work crews  
22 of inmates and with the Wisconsin conservation corps to provide work crews to do  
23 the landscaping. The department of natural resources shall expend at least 50% of  
24 the moneys allocated under this paragraph to reimburse the department of  
25 corrections for the use of its work crews.

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1           (7) TECHNOLOGY MIGRATION REPORT. No later than January 1, 1998, the  
2 department of natural resources shall submit a plan to the department of  
3 administration detailing proposed expenditures from the appropriation under  
4 section 20.370 (8) (mt) of the statutes, as affected by this act, necessary to conform  
5 the department of natural resources' information technology to any guidelines and  
6 standards established under section 16.971 (2) (j) of the statutes by the division of  
7 technology management in the department of administration.

8           (8) RECREATIONAL BOATING PROJECT; STOCKBRIDGE HARBOR. From the  
9 appropriation under section 20.370 (5) (cq) of the statutes, the department of natural  
10 resources shall provide to Calumet County the amount that is necessary for the  
11 completion of Stockbridge Harbor on Lake Winnebago, but the amount may not  
12 exceed \$700,000. Notwithstanding section 30.92 (4) (b) 2. of the statutes, Calumet  
13 County need not contribute any moneys to match the amount expended from the  
14 appropriation under section 20.370 (5) (cq) of the statutes. The amount expended  
15 under this subsection shall be considered an expenditure for an inland water project  
16 as provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed  
17 on the priority list under section 30.92 (3) (a) of the statutes. This subsection does  
18 not apply after June 30, 2000.

19           (9) RECREATIONAL BOATING PROJECT; COLUMBIA COUNTY PARK. From the  
20 appropriation under section 20.370 (5) (cq) of the statutes, the department of natural  
21 resources shall provide to Fond du Lac County the amount that is necessary for boat  
22 launching facilities at Columbia County Park on Lake Winnebago, but the amount  
23 may not exceed \$750,000. Notwithstanding section 30.92 (4) (b) 2. of the statutes,  
24 Fond du Lac County need not contribute any moneys to match the amount expended  
25 from the appropriation under section 20.370 (5) (cq) of the statutes. The amount

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1 expended under this subsection shall be considered an expenditure for an inland  
2 water project as provided in section 30.92 (4) (b) 6. of the statutes. This project need  
3 not be placed on the priority list under section 30.92 (3) (a) of the statutes. This  
4 subsection does not apply after June 30, 2000.

5 (10) RECREATIONAL BOATING PROJECT; PETENWELL LAKE. From the appropriation  
6 under section 20.370 (5) (cq) of the statutes, the department of natural resources  
7 shall provide to Adams County the amount that is necessary to construct boat  
8 launching facilities and a harbor of refuge on Petenwell Lake, but the amount may  
9 not exceed \$1,200,000. Notwithstanding section 30.92 (4) (b) 2. of the statutes,  
10 Adams County need not contribute any moneys to match the amount expended from  
11 the appropriation under section 20.370 (5) (cq) of the statutes. The amount expended  
12 under this subsection shall be considered an expenditure for an inland water project  
13 as provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed  
14 on the priority list under section 30.92 (3) (a) of the statutes. This subsection does  
15 not apply after June 30, 2000.

16 **SECTION 9139. Nonstatutory provisions; public defender board.**

17 (1) REPORT ON REPRESENTATION OF SEXUALLY VIOLENT PERSONS. By October 1,  
18 1998, the state public defender shall submit a report to the legislature in the manner  
19 provided in section 13.172 (2) of the statutes and to the governor specifying and  
20 evaluating the time spent by the state public defender in representing persons under  
21 chapter 980 of the statutes.

22 **SECTION 9140. Nonstatutory provisions; public instruction.**

23 (1) RESIDENTIAL SCHOOLS.

**SENATE BILL 77****SECTION 9140**

1 (a) By October 1, 1997, and by October 1, 1998, the state superintendent of  
2 public instruction shall submit to the secretary of administration a plan specifying  
3 all of the following:

4 1. How the state superintendent will allocate \$74,000 from the appropriation  
5 under section 20.255 (1) (b) of the statutes in each fiscal year of the 1997-99 biennium  
6 for maintenance projects at the Wisconsin School for the Deaf.

7 2. How the state superintendent will allocate \$17,200 from the appropriation  
8 under section 20.255 (1) (b) of the statutes in each fiscal year of the 1997-99 biennium  
9 for maintenance projects at the Wisconsin School for the Visually Handicapped.

10 (b) 1. Of the moneys appropriated to the department of public instruction under  
11 section 20.255 (1) (b) of the statutes, \$74,000 in each fiscal year of the 1997-99  
12 biennium is allocated for maintenance projects at the Wisconsin School for the Deaf,  
13 and \$17,200 in each fiscal year of the 1997-99 biennium is allocated for maintenance  
14 projects at the Wisconsin School for the Visually Handicapped.

15 2. The moneys specified under subdivision 1. may not be encumbered or  
16 expended until the applicable plan under paragraph (a) has been approved by the  
17 secretary of administration.

18 (2) TRANSFER OF PREVENTION AND INTERVENTION GRANT PROGRAMS.

19 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and  
20 liabilities of the department of public instruction primarily related to its functions  
21 under sections 115.36, 115.361 (3) to (7) and 115.362 of the statutes, as affected by  
22 this act, as determined by the secretary of administration, shall become the assets  
23 and liabilities of the department of health and family services.

24 (b) *Employe transfers.* On the effective date of this paragraph, 5.0 FTE  
25 positions in the department of public instruction that are primarily related to its



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1 functions under sections 115.36, 115.361 (3) to (7) and 115.362 of the statutes, as  
2 affected by this act, and the incumbents holding these positions, as determined by  
3 the secretary of administration, are transferred to the department of health and  
4 family services.

5 (c) *Employe status.* Employes transferred under paragraph (b) have all the  
6 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
7 statutes, as affected by this act, in the department of health and family services that  
8 they enjoyed in the department of public instruction immediately before the transfer.  
9 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
10 has attained permanent status in class is required to serve a probationary period.

11 (d) *Tangible personal property.* On the effective date of this paragraph, all  
12 tangible personal property, including records, of the department of public instruction  
13 primarily related to its functions under sections 115.36, 115.361 (3) to (7) and 115.362  
14 of the statutes, as affected by this act, as determined by the secretary of  
15 administration, are transferred to the department of health and family services.

16 (e) *Pending matters.* On the effective date of this paragraph, any matter  
17 pending with the department of public instruction primarily related to its functions  
18 under sections 115.36, 115.361 (3) to (7) and 115.362 of the statutes, as affected by  
19 this act, is transferred to the department of health and family services. All materials  
20 submitted or actions taken by the department of public instruction with respect to  
21 the pending matter are considered as having been submitted to or taken by the  
22 department of health and family services.

23 (f) *Contracts.* All contracts entered into by the department of public instruction  
24 in effect on the effective date of this paragraph that are primarily related to its  
25 functions under sections 115.36, 115.361 (3) to (7) and 115.362 of the statutes, as

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1 affected by this act, as determined by the secretary of administration, remain in  
2 effect and are transferred to the department of health and family services. The  
3 department of health and family services shall carry out any such contractual  
4 obligations until modified or rescinded by the department of health and family  
5 services to the extent allowed under the contract.

6 (g) *Rules and orders.* All rules promulgated by the department of public  
7 instruction that are in effect on the effective date of this paragraph and that are  
8 primarily related to its functions under sections 115.36, 115.361 (3) to (7) and 115.362  
9 of the statutes, as affected by this act, remain in effect until their specified expiration  
10 date or until amended or repealed by the department of health and family services.  
11 All orders issued by the department of public instruction that are in effect on the  
12 effective date of this paragraph and that are primarily related to its functions under  
13 sections 115.36, 115.361 (3) to (7) and 115.362 of the statutes, as affected by this act,  
14 remain in effect until their specified expiration date or until modified or rescinded  
15 by the department of health and family services.

16 (3) TRANSFER OF POSITIONS AND EMPLOYEES.

17 (a) On the effective date of this paragraph, 13.0 FTE positions in the  
18 department of public instruction that are primarily related to school-to-work  
19 programs, as determined by the secretary of administration, and the incumbent  
20 employes holding those positions, are transferred to the department of industry,  
21 labor and job development.

22 (b) Employes transferred under paragraph (a) have all the rights and the same  
23 status under subchapter V of chapter 111 and chapter 230 of the statutes, as affected  
24 by this act, in the department of industry, labor and job development that they  
25 enjoyed in the department of public instruction immediately before the transfer.

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1 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
2 has attained permanent status in class is required to serve a probationary period.

3 (4) EDUCATIONAL TECHNOLOGY BLOCK GRANTS. Notwithstanding section 44.72 (2)  
4 (c) of the statutes, as created by this act, if in a common school district the annual  
5 meeting required to be held between May 15, 1997, and September 30, 1997, has been  
6 held before the effective date of this subsection, the school district is eligible for a  
7 grant under section 44.72 (2) (a) or (b) of the statutes, as created by this act, in the  
8 1997-98 school year if the school board adopts a resolution requesting the grant.

9 **SECTION 9141. Nonstatutory provisions; public service commission.**

10 (1) EDUCATIONAL TELECOMMUNICATIONS ACCESS. Using the procedure under  
11 section 227.24 of the statutes, the public service commission shall promulgate the  
12 rules required under section 196.218 (4r) (b) of the statutes, as created by this act,  
13 for the period before the effective date of permanent rules promulgated under section  
14 196.218 (4r) (b) of the statutes, as created by this act, but not to exceed the period  
15 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
16 section 227.24 of the statutes, the commission need not provide evidence of the  
17 necessity of preservation of the public peace, health, safety or welfare in  
18 promulgating rules under this subsection. The public service commission shall  
19 promulgate rules under this subsection no later than the 60th day after the effective  
20 date of this subsection.

21 **SECTION 9143. Nonstatutory provisions; revenue.**

22 (1) TAXATION OF NONRESIDENTS AND PART-YEAR RESIDENTS.

23 (a) Not later than March 17, 1997, or the effective date of this paragraph,  
24 whichever is later, the department of revenue shall provide the legislative reference  
25 bureau and the department of administration with drafting instructions that are

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1 sufficient to enable the legislative reference bureau to include language in the  
2 1997-99 budget bill that changes the proration formula for the individual income tax  
3 treatment of nonresidents and part-year residents as described in this subsection.  
4 The new proration formula shall first apply to taxable years beginning on January  
5 1, 1998.

6 (b) The drafting instructions provided by the department of revenue shall  
7 analyze, and contain procedures for, the calculation of tax liability by a nonresident  
8 and a part-year resident as follows:

9 1. Determine Wisconsin adjusted gross income of a nonresident and a  
10 part-year resident as if he or she were a resident, by taking federal adjusted gross  
11 income and making the modifications under section 71.05 of the statutes, as affected  
12 by this act, except for any adjustments related to situs of income.

13 2. Calculate net tax by subtracting from the number determined in subdivision  
14 1. the dependent and elderly credits under section 71.07 (8) (a) and (b) of the statutes,  
15 the itemized deductions credit under section 71.07 (9) of the statutes and the school  
16 property tax credit under section 71.07 (8) of the statutes.

17 3. Determine the proration factor, which is a fraction, the denominator of which  
18 is the amount calculated in subdivision 1. and the numerator of which is the amount  
19 determined in subdivision 1. that is attributable to Wisconsin.

20 4. Determine prorated net tax by multiplying the net tax by the proration  
21 formula.

22 5. Determine whether prorated net tax may be further reduced by the historic  
23 rehabilitation tax credits under section 71.07 (9m) and (9r) of the statutes.

24 6. To prorated net tax add any amount of alternative minimum tax that exceeds  
25 prorated net tax.

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1           7. From prorated net tax, subtract the married persons credit under section  
2           71.07 (6) of the statutes and the development zones credits under section 71.07 (2dj)  
3           to (2ds) of the statutes.

4           (c) The drafting instructions provided by the department of revenue shall also  
5           analyze the following issues and determine whether any of the calculations or  
6           procedures described in paragraph (b) need to be modified:

7           1. Determine whether changes need to be made to the computation of the  
8           alternative minimum tax for nonresidents and part-year residents.

9           2. Determine how to address the treatment of capital losses, net operating loss  
10          carry-forwards and farm losses.

11          3. Determine how to address any additional issues that arise in the analysis  
12          and preparation of instructions under this subsection.

13           **SECTION 9146. Nonstatutory provisions; supreme court.**

14          (1) STATE BAR MEMBERSHIP; FAILURE TO PAY SUPPORT OR TAXES OR TO PROVIDE SOCIAL  
15          SECURITY NUMBER. The supreme court is requested to promulgate rules under section  
16          751.15 of the statutes, as created by this act, so that those rules are effective  
17          beginning on April 1, 1998.

18           **SECTION 9147. Nonstatutory provisions; technical college system.**

19          (1) TRANSFER OF POSITION AND EMPLOYEE.

20          (a) On the effective date of this paragraph, 1.0 FTE position in the technical  
21          college system that is primarily related to the administration of school-to-work  
22          programs, as determined by the secretary of administration, and the incumbent  
23          employee holding that position, is transferred to the department of industry, labor and  
24          job development.

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1 (b) The employe transferred under paragraph (a) has all the rights and the  
2 same status under subchapter V of chapter 111 and chapter 230 of the statutes, as  
3 affected by this act, in the department of industry, labor and job development that  
4 he or she enjoyed in the technical college system immediately before the transfer.  
5 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
6 has attained permanent status in class is required to serve a probationary period.

**SECTION 9148. Nonstatutory provisions; tourism.**

7  
8 (1) PROMULGATION OF RULES. The department of tourism shall submit in  
9 proposed form the rules required under section 41.23 (5) of the statutes, as created  
10 by this act, to the legislative council staff under section 227.15 of the statutes no later  
11 than the first day of the 6th month beginning after the effective date of this  
12 subsection.

**SECTION 9149. Nonstatutory provisions; transportation.**

13  
14 (1) FARM TRAILER REGISTRATION. Notwithstanding section 341.26 (3) (b) of the  
15 statutes, as affected by this act, and section 341.264 of the statutes, upon receipt of  
16 a completed application for the renewal of registration of a farm trailer that is  
17 registered under s. 341.26 (3) (b), 1995 stats., and used with a farm truck tractor  
18 together with the registration fee of \$5, the department of transportation shall  
19 register that farm trailer under section 341.264 of the statutes and shall issue a  
20 permanent semitrailer registration plate to the owner of the farm trailer. Upon  
21 receipt of such registration plate, the owner of the farm trailer shall dispose of the  
22 plate previously issued for that farm trailer in a manner prescribed by the  
23 department of transportation.

24 (2) CERTIFICATES OF TITLE. Notwithstanding chapter 342 of the statutes, as  
25 affected by this act, beginning on the effective date of this subsection, the department

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1 of transportation may, for 6 months after the effective date of this subsection, issue  
2 and deliver certificates of title under applicable provisions of chapter 342 of the  
3 statutes that are in effect on the day before the effective date of this subsection.

4 (3) REGISTRATION OF LEASED VEHICLES. Notwithstanding chapter 341 of the  
5 statutes, as affected by this act, the department of transportation may, for one year  
6 after the effective date of this subsection, issue an original registration of a vehicle  
7 under applicable provisions of chapter 341 of the statutes that are in effect on the day  
8 before the effective date of this subsection.

9 (4) FOLDED HIGHWAY MAPS STUDY.

10 (a) The department of transportation shall create a committee to study the sale  
11 of advertising space on folded highway maps produced under section 84.02 (5) of the  
12 statutes and the sale and distribution of such maps, with or without advertising. The  
13 committee shall consist of the following members:

14 1. Two members, representing private sector business or industry, appointed  
15 by the governor.

16 2. One member of the senate, appointed by the majority leader of the senate.

17 3. One member of the senate, appointed by the senate minority leader.

18 4. One member of the assembly, appointed by the speaker of the assembly.

19 5. One member of the assembly, appointed by the assembly minority leader.

20 6. One member appointed by the secretary of transportation.

21 7. One member appointed by the secretary of natural resources.

22 8. One member appointed by the secretary of tourism.

23 (b) Not later than July 1, 1998, the committee shall submit a report containing  
24 its findings, conclusions, and recommendations for the sale of advertising space on  
25 folded highway maps and for the sale and distribution of the maps, with or without

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1 advertising, to the legislature in the manner provided under section 13.172 (2) of the  
2 statutes and to the governor.

3 **SECTION 9150. Nonstatutory provisions; treasurer.**

4 (1) TRANSFER OF DIVISION OF TRUST LANDS AND INVESTMENTS.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and  
6 liabilities of the office of the state treasurer relating to the division of trust lands and  
7 investments shall become the assets and liabilities of the department of  
8 administration.

9 (b) *Tangible personal property.* On the effective date of this paragraph, all  
10 tangible personal property, including records, of the office of the state treasurer  
11 relating to the division of trust lands and investments is transferred to the  
12 department of administration.

13 (c) *Contracts.* All contracts entered into by the office of the state treasurer  
14 relating to the division of trust lands and investments, which are in effect on the  
15 effective date of this paragraph, remain in effect and are transferred to the  
16 department of administration. The department of administration shall carry out  
17 any such contractual obligations until modified or rescinded by the department of  
18 administration to the extent allowed under the contract.

19 (d) *Employee transfers and status.* On the effective date of this paragraph, all  
20 incumbent employees holding positions in the office of the state treasurer relating to  
21 the division of trust lands and investments, as determined by the secretary of  
22 administration, are transferred to the department of administration. Employees  
23 transferred under this paragraph have all rights and the same status under  
24 subchapter V of chapter 111 and chapter 230 of the statutes, as affected by this act,  
25 that they enjoyed in the office of the state treasurer. Notwithstanding section 230.28



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1 (4) of the statutes, no employe so transferred who has attained permanent status in  
2 class may be required to serve a probationary period.

3 (e) *Pending matters.* Any matter pending with the office of the state treasurer  
4 relating to the division of trust lands and investments on the effective date of this  
5 paragraph is transferred to the department of administration and all materials  
6 submitted to or actions taken by the office of the state treasurer with respect to the  
7 pending matter are considered as having been submitted to or taken by the  
8 department of administration.

9 (f) *Rules and orders.* All rules promulgated by the office of the state treasurer  
10 relating to the division of trust lands and investments that are in effect on the  
11 effective date of this paragraph remain in effect until their specified expiration dates  
12 or until amended or repealed by the department of administration. All orders issued  
13 by the office of the state treasurer relating to the division of trust lands and  
14 investments 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.

17 **SECTION 9154. Nonstatutory provisions; veterans affairs.**

18 (1) RULES ON PERSONAL LOANS. Using the procedure under section 227.24 of the  
19 statutes, the department of veterans affairs shall promulgate rules for the  
20 administration of the veterans personal loan program under section 45.356 of the  
21 statutes, as affected by this act. Notwithstanding section 227.24 (1) (a) and (2) (b)  
22 of the statutes, the department need not provide evidence of the necessity of  
23 preservation of the public peace, health, safety or welfare in promulgating rules  
24 under this subsection.

25 **SECTION 9156. Nonstatutory provisions; other.**

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1 (1) RECREATION OF HIGHER EDUCATIONAL AIDS BOARD.

2 (a) On the effective date of this paragraph, the assets and liabilities identified  
3 by 1995 Wisconsin Act 27, section 9127 (1) (c), and any other assets and liabilities of  
4 a successor agency of the higher educational aids board that are primarily related  
5 to higher educational aids, as determined by the secretary of administration, shall  
6 become the assets and liabilities of the higher educational aids board.

7 (b) All incumbent employes transferred by 1995 Wisconsin Act 27, section 9127  
8 (1) (d), and any other incumbent employes holding positions in a successor agency  
9 of the higher educational aids board performing duties primarily related to higher  
10 educational aids, are transferred on the effective date of this paragraph to the higher  
11 educational aids board.

12 (c) Employes transferred under paragraph (b) have all the rights and the same  
13 status under subchapter V of chapter 111 and chapter 230 of the statutes, as affected  
14 by this act, in the higher educational aids board that they enjoyed immediately  
15 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe  
16 so transferred who has attained permanent status in class is required to serve a  
17 probationary period.

18 (d) On the effective date of this paragraph, all tangible personal property,  
19 including records, identified by 1995 Wisconsin Act 27, section 9127 (1) (f), and any  
20 other tangible personal property, including records, of a successor agency of the  
21 higher educational aids board that are primarily related to higher educational aids  
22 are transferred to the higher educational aids board.

23 (e) All contracts identified by 1995 Wisconsin Act 27, section 9127 (1) (g), and  
24 any other contracts entered into by a successor agency of the higher educational aids  
25 board that are primarily related to higher educational aids, that are in effect on the

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1 effective date of this paragraph, remain in effect and are transferred to the higher  
2 educational aids board. The higher educational aids board shall carry out any such  
3 contractual obligations until modified or rescinded by the higher educational aids  
4 board to the extent allowed under the contract.

5 (f) All rules identified by 1995 Wisconsin Act 27, section 9127 (1) (h), and any  
6 other rules of a successor agency of the higher educational aids board that are  
7 primarily related to higher educational aids, that are in effect on the effective date  
8 of this paragraph, remain in effect until their specified expiration date or until  
9 amended or repealed by the higher educational aids board. All orders identified by  
10 1995 Wisconsin Act 27, section 9127 (1) (h), and any other orders of a successor  
11 agency of the higher educational aids board that are primarily related to higher  
12 educational aids, that are in effect on the effective date of this paragraph, remain in  
13 effect until their specified expiration date or until modified or rescinded by the higher  
14 educational aids board.

15 (g) Any matter identified by 1995 Wisconsin Act 27, section 9127 (1) (i), and any  
16 other matter of a successor agency of the higher educational aids board that is  
17 primarily related to higher educational aids, that is pending on the effective date of  
18 this paragraph, is transferred to the higher educational aids board and all materials  
19 submitted to or actions taken with respect to any pending matter identified in this  
20 paragraph are considered as having been submitted to or taken by the higher  
21 educational aids board.

22 (h) The higher educational aids board, with the assistance of the educational  
23 approval board, shall conduct a study to identify all statutes relating to the functions  
24 and duties of each board that are obsolete or antiquated. The higher educational aids  
25 board shall report its findings, conclusions and recommendations, including

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1 recommended statutory changes, on or before July 1, 1998, to the legislature in the  
2 manner provided under section 13.172 (2) of the statutes and to the governor.

3 (2) RECREATION OF EDUCATIONAL APPROVAL BOARD.

4 (a) On the effective date of this paragraph, the assets and liabilities identified  
5 by 1995 Wisconsin Act 27, section 9154 (1) (c), and any other assets and liabilities of  
6 a successor agency of the educational approval board that are primarily related to  
7 the functions previously performed by the educational approval board, as  
8 determined by the secretary of administration, shall become the assets and liabilities  
9 of the educational approval board.

10 (b) All incumbent employes transferred by 1995 Wisconsin Act 27, section 9154  
11 (1) (d), and any other incumbent employes holding positions in a successor agency  
12 of the educational approval board performing duties primarily related to the  
13 functions previously performed by the educational approval board, as determined by  
14 the secretary of administration, are transferred on the effective date of this  
15 paragraph to the educational approval board.

16 (c) Employes transferred under paragraph (b) have all the rights and the same  
17 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
18 educational approval board that they enjoyed immediately before the transfer.  
19 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who  
20 has attained permanent status in class is required to serve a probationary period.

21 (d) On the effective date of this paragraph, all tangible personal property,  
22 including records, identified by 1995 Wisconsin Act 27, section 9154 (1) (f), and any  
23 other tangible personal property, including records, of a successor agency of the  
24 educational approval board that are primarily related to the functions previously

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1 performed by the educational approval board, as determined by the secretary of  
2 administration, are transferred to the educational approval board.

3 (e) All contracts identified by 1995 Wisconsin Act 27, section 9154 (1) (g), and  
4 any other contracts entered into by a successor agency of the educational approval  
5 board that are primarily related to the functions previously performed by the  
6 educational approval board, as determined by the secretary of administration, that  
7 are in effect on the effective date of this paragraph, remain in effect and are  
8 transferred to the educational approval board. The educational approval board shall  
9 carry out any such contractual obligations until modified or rescinded by the  
10 educational approval board to the extent allowed under the contract.

11 (f) All rules identified by 1995 Wisconsin Act 27, section 9154 (1) (h), and any  
12 other rules of a successor agency of the educational approval board that are primarily  
13 related to the functions previously performed by the educational approval board, as  
14 determined by the secretary of administration, that are in effect on the effective date  
15 of this paragraph, remain in effect until their specified expiration date or until  
16 amended or repealed by the educational approval board. All orders identified by  
17 1995 Wisconsin Act 27, section 9154 (1) (h), and any other orders of a successor  
18 agency of the educational approval board that are primarily related to the functions  
19 previously performed by the educational approval board, as determined by the  
20 secretary of administration, that are in effect on the effective date of this paragraph,  
21 remain in effect until their specified expiration date or until modified or rescinded  
22 by the educational approval board.

23 (g) Any matter identified by 1995 Wisconsin Act 27, section 9154 (1) (i), and any  
24 other matter of a successor agency of the educational approval board that is  
25 primarily related to the functions previously performed by the educational approval

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1 board, as determined by the secretary of administration, that is pending on the  
2 effective date of this paragraph, is transferred to the educational approval board and  
3 all materials submitted to or actions taken with respect to any pending matter  
4 identified in this paragraph are considered as having been submitted to or taken by  
5 the educational approval board.

6 (3) SPECIAL AMENDMENTS OF INFORMATION TECHNOLOGY STRATEGIC PLANS.

7 (a) In this subsection, "executive branch agency" has the meaning given in  
8 section 16.70 (4) of the statutes.

9 (b) No later than October 1, 1997, each executive branch agency that receives  
10 funding under this act for an information technology development project shall file  
11 with the department of administration an amendment to its strategic plan for the  
12 utilization of information technology under section 16.971 (2) (L) of the statutes, as  
13 affected by this act. The amendment shall identify each information technology  
14 development project for which funding is provided under this act and shall specify,  
15 in a form prescribed by the secretary of administration, the benefits that the agency  
16 expects to realize from undertaking the project. The agency may then proceed to  
17 carry out the project in accordance with its amended plan unless the department of  
18 administration notifies the agency in writing that the amended plan is not approved.

19 (4) EFFICIENCY MEASURES. No later than October 1, 1997, the following agencies  
20 shall submit a report to the governor and the joint committee on finance concerning  
21 the agency's preference for allocating appropriation reductions, resulting from  
22 budgetary efficiency measures, among sum certain appropriations made to the  
23 agency from general purpose revenue totaling the following amounts in each fiscal  
24 year indicated:

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		<b>Amount of Reduction</b>	
<b><u>State Agency</u></b>		<b><u>1997-98</u></b>	<b><u>1998-99</u></b>
		<b><u>Fiscal Year</u></b>	<b><u>Fiscal Year</u></b>
1	Arts board	\$ 20,500	\$ 20,500
2	Historical society	101,200	101,200
3	Justice, department of	484,300	117,600
4	Public defender board	816,900	987,600
5	Public instruction, department of	389,600	389,600

**SECTION 9201. Appropriation changes; administration.**

(1) COLLEGE TUITION PREPAYMENT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (9) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased for fiscal year 1997-98 by the amount that lapsed to the general fund from that appropriation account at the end of the 1996-97 fiscal year, for the purposes for which the appropriation is made.

(2) FACILITY OPERATIONS AND MAINTENANCE LAPSE. Notwithstanding section 20.001 (3) (a) of the statutes, the secretary of administration shall lapse, no later than June 30, 1998, \$1,500,000 from the appropriation account under section 20.505 (5) (ka) of the statutes, as affected by this act, to the general fund.

**SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.**

(1) AGRICULTURAL CHEMICAL CLEANUP LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there is lapsed to the general fund, from the appropriation account to the department of agriculture, trade and consumer protection under section 20.115 (7) (e) of the statutes, as affected by

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1 this act, an amount equal to the unencumbered balance in that appropriation  
2 account on the day before the effective date of this subsection.

3 (2) AGRICULTURAL CHEMICAL CLEANUP TRANSFER. On the effective date of this  
4 subsection, there is transferred from the agrichemical management fund to the  
5 appropriation account to the department of agriculture, trade and consumer  
6 protection under section 20.115 (7) (i) of the statutes, as created by this act, an  
7 amount determined by the secretary of administration to be equal to the unexpended  
8 revenue generated by the fee increases resulting from the treatment of sections 94.64  
9 to 94.704 of the statutes by 1993 Wisconsin Act 16.

10 **SECTION 9223. Appropriation changes; health and family services.**

11 (1) PRIMARY HEALTH CARE PROGRAM REVENUE. Notwithstanding section 20.001 (3)  
12 (c) of the statutes, \$686,900 shall lapse to the general fund from the unencumbered  
13 balance in the appropriation account under section 20.435 (5) (gp) of the statutes, as  
14 affected by this act, on the effective date of this subsection.

15 **SECTION 9226. Appropriation changes; industry, labor and job**  
16 **development.**

17 (1) CHILD SUPPORT COLLECTIONS. The unencumbered balance in the  
18 appropriation account under section 20.445 (3) (g) of the statutes, as affected by this  
19 act, immediately before the effective date of this subsection is transferred to the  
20 appropriation account under section 20.445 (3) (k) of the statutes, as created by this  
21 act.

22 **SECTION 9237. Appropriation changes; natural resources.**

23 (1) TRANSFER FROM RECYCLING FUND. There is transferred from the recycling  
24 fund to the general fund \$3,850,000.



**SENATE BILL 77****SECTION 9237**

1           (2) RECREATIONAL BOATING AIDS LAPSE. Notwithstanding section 20.001 (3) (c)  
2 of the statutes, on the effective date of the subsection, there is lapsed to the  
3 conservation fund \$2,800,000 from the appropriation account to the department of  
4 natural resources under section 20.370 (5) (cq) of the statutes.

5           **SECTION 9242. Appropriation changes; regulation and licensing.**

6           (1) APPLICANT INVESTIGATION REIMBURSEMENT. Notwithstanding section 20.002  
7 (3m) of the statutes, the balance in the appropriation account under section 20.165  
8 (1) (gm) of the statutes does not lapse to the general fund upon its repeal and  
9 recreation by this act.

10           **SECTION 9243. Appropriation changes; revenue.**

11           (1) DEBT COLLECTION LAPSE. Notwithstanding section 20.001 (3) (a) of the  
12 statutes, on the effective date of this subsection there is lapsed to the general fund  
13 \$250,000 from the appropriation account to the department of revenue under section  
14 20.566 (1) (h) of the statutes, as affected by the acts of 1997.

15           **SECTION 9256. Appropriation changes; other.**

16           (1) TRANSFER FROM GENERAL FUND TO INFORMATION TECHNOLOGY INVESTMENT FUND.  
17 There is transferred from the general fund to the information technology investment  
18 fund \$2,000,000 on the effective date of this subsection and \$2,000,000 on July 1,  
19 1998.

20           **SECTION 9301. Initial applicability; administration.**

21           (1) DELINQUENCY IN PAYING CHILD OR FAMILY SUPPORT. The treatment of sections  
22 218.11 (2) (am), (6m) and (7) (a) and (b) and 218.12 (2) (a) and (am), (3m) and (5) of  
23 the statutes first applies to license applications received by the department of  
24 administration on the effective date of this subsection.

**SENATE BILL 77****SECTION 9304**

1           **SECTION 9304. Initial applicability; agriculture, trade and consumer**  
2 **protection.**

3           (1) VEHICLE SCALE LICENSES. The treatment of section 98.16 (2) (a) 1., (b) and  
4 (c) of the statutes first applies to licenses issued on the effective date of this  
5 subsection.

6           (2) LICENSES TO WORK WITH WEIGHTS AND MEASURES. The treatment of section  
7 98.18 (1) (c) and (1h) of the statutes first applies to licenses issued on the effective  
8 date of this subsection.

9           (3) LIQUEFIED PETROLEUM GAS METER INSPECTIONS. The treatment of section  
10 98.245 (7) (g) 3. of the statutes first applies to inspections and testing that are  
11 conducted 365 days after the effective date of this subsection.

12           (4) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of section 93.13  
13 of the statutes first applies to applications for initial or renewal licenses,  
14 registrations or registration certificates that are received on the effective date of this  
15 subsection.

16           (5) LICENSE DENIAL FOR FAILURE TO PAY SUPPORT. The treatment of sections 93.06  
17 (8), 93.11 (1), 93.135, 93.35 (10), 94.65 (3) (c) 1., 94.66 (8), 95.72 (2) (c) 5., 99.02 (1) and  
18 127.17 (2) (a), (b), (c) 1., (d) and (e) 1. of the statutes first applies to applications for  
19 initial or renewal licenses, registrations or registration certificates that are received  
20 on the effective date of this subsection.

21           **SECTION 9309. Initial applicability; circuit courts.**

22           (1) LIABILITY OF CERTAIN SUBROGATED PLAINTIFFS. The treatment of sections  
23 803.03 (2) (b) and (bm) and 814.03 (3) of the statutes first applies to actions or claims  
24 commenced on the effective date of this subsection.

25           **SECTION 9310. Initial applicability; commerce.**

**SENATE BILL 77****SECTION 9310**

1           (1) PHYSICIAN AND HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAMS; PENALTIES.  
2           The treatment of sections 560.183 (6m) and 560.184 (6m) of the statutes first applies  
3           to physicians who begin participation in the program under section 560.183 of the  
4           statutes, as affected by this act, and health care providers who begin participation  
5           in the program under section 560.184 of the statutes, as affected by this act, on the  
6           effective date of this subsection.

7           (2) COMMUNITY-BASED ECONOMIC DEVELOPMENT PROGRAMS. The treatment of  
8           section 560.14 (2) (a) 1. and (c) (intro.), 1. and 2. and (4m) of the statutes first applies  
9           to grants for which application is made on the effective date of this subsection.

10          (3) RURAL ECONOMIC DEVELOPMENT PROGRAM. The treatment of section 560.17  
11          (1) (bm) and (d) 2., (3) (intro.), (a), (b) and (e), (4) (c), (cm) and (f), (5) (intro.), (5c), (5m)  
12          (a) (intro.), 1. and 4., (b) (intro.), (bm), (c), (6m) and (7) (a) and (am) of the statutes  
13          first applies to grants or loans for which application is made on the effective date of  
14          this subsection.

15          (4) REDUCTION OF PETROLEUM PRODUCT CLEANUP AWARDS. The treatment of section  
16          101.143 (4) (h) 1. of the statutes first applies to claims submitted on the first day of  
17          the 3rd month beginning after the effective date of this subsection.

18          (5) COVERAGE OF ABOVEGROUND PETROLEUM STORAGE TANKS. The treatment of  
19          section 101.143 (2) (e) (as it relates to coverage of aboveground petroleum storage  
20          tanks) and (3) (a) (intro.) (as it relates to coverage of aboveground petroleum storage  
21          tanks), (ah) and (ap) of the statutes first applies to claims submitted for costs  
22          incurred on the effective date of this subsection.

23          (6) DEVELOPMENT ZONES CREDIT. The treatment of sections 560.70 (6) and (7),  
24          560.75 (8), 560.768 (1) (a), 560.785, 560.795 (3) (d) and 560.797 (3) (b) 9. and (4) (g)  
25          of the statutes first applies to taxable years beginning on January 1, 1998.

**SENATE BILL 77****SECTION 9310**

1 (7) PETROLEUM ALLOWANCE. The treatment of section 168.12 (6) of the statutes  
2 first applies to purchases made on the effective date of this subsection.

3 (8) LICENSE DENIALS FOR TAX DELINQUENCY. The treatment of sections 101.02 (6)  
4 (j) and (20), 101.122 (3) (b), 101.64 (1), 101.84 (1) and 145.10 (3) of the statutes first  
5 applies to applications for licenses or license renewals that are received on the  
6 effective date of this subsection.

7 (9) LICENSE DENIAL. The treatment of section 101.02 (21) (b) and (c) of the  
8 statutes first applies to applications for licenses or license renewals that are received  
9 on the effective date of this subsection.

10 (10) MUNICIPALITY PARTIALLY IN DEVELOPMENT ZONE. The treatment of section  
11 560.735 (6r) of the statutes first applies to development zones in existence on the  
12 effective date of this subsection.

**SECTION 9311. Initial applicability; corrections.**

13  
14 (1) VIOLENT AND DISRUPTIVE JUVENILES. The treatment of sections 48.366 (8),  
15 301.03 (10) (d), 938.183 (2) (b), 938.357 (4) (d) and 938.538 (3) (a) 1. and 1m. and (5)  
16 (c) of the statutes first applies to a juvenile whose conduct presents a serious problem  
17 to the juvenile or others on the effective date of this subsection.

**SECTION 9316. Initial applicability; employment relations  
18 commission.**

19  
20 (1) BINDING ARBITRATION; 1ST CLASS CITIES. The treatment of section 111.70 (4)  
21 (jm) 5. of the statutes first applies to petitions for arbitration filed under section  
22 111.70 (4) (jm) 1. of the statutes on the effective date of this subsection.

**SECTION 9318. Initial applicability; ethics board.**

23  
24 (1) DISCLOSURE OF SOCIAL SECURITY NUMBERS; NONISSUANCE AND SUSPENSION OF  
25 LICENSES AND REGISTRATIONS. The treatment of sections 13.63 (1), 13.64 (1) (a) and (2)

**SENATE BILL 77****SECTION 9318**

1 and 19.55 (2) (d) of the statutes first applies with respect to applications for licensure  
2 under section 13.63 of the statutes and registrations filed under section 13.64 of the  
3 statutes on the effective date of this subsection.

**SECTION 9319. Initial applicability; financial institutions.**

4 (1) LICENSES AND LIABILITY FOR DELINQUENT TAXES.

5 (a) *Licensed lenders.* The treatment of section 138.09 (3) (a) and (am) of the  
6 statutes, the renumbering of section 138.09 (1m) and (4) of the statutes and the  
7 creation of section 138.09 (1m) (b) and (4) (b) and (c) of the statutes first apply to  
8 applications for the issuance of a license received on the effective date of this  
9 paragraph.  
10

11 (b) *Insurance premium finance companies.* The treatment of section 138.12 (3)  
12 (d), (4) (b) 4., 5. and 6. and (5) (am) of the statutes, the renumbering and amendment  
13 of section 138.12 (4) (a) of the statutes and the creation of section 138.12 (4) (a) 1. and  
14 2. of the statutes first apply to applications for the issuance or renewal of a license  
15 received on the effective date of this paragraph.

16 (c) *Sellers of checks.* The treatment of sections 217.05 (intro.), 217.06 (4), (5)  
17 and (6) and 217.09 (1m), (1r), (4) and (6) of the statutes, the renumbering of section  
18 217.05 (1) to (4) of the statutes and the creation of section 217.05 (1m) of the statutes  
19 first apply to applications for the issuance of a license received on the effective date  
20 of this paragraph.

21 (d) *Certain licenses related to motor vehicles.* The treatment of section 218.01  
22 (2) (ig) and (3) (am) of the statutes first applies to applications for the issuance of a  
23 license received on the effective date of this paragraph.

24 (e) *Adjustment service companies.* The treatment of section 218.02 (3) (d) and  
25 (e) of the statutes, the renumbering and amendment of section 218.02 (2) (a) of the

**SENATE BILL 77****SECTION 9319**

1 statutes, the renumbering of section 218.02 (6) and (9) (a) of the statutes and the  
2 creation of section 218.02 (2) (a) 1. a. and b. and 2., (6) (b) and (c) and (9) (a) 1. and  
3 2. of the statutes first apply to applications for the issuance of a license received on  
4 the effective date of this paragraph.

5 (f) *Collection agencies, collectors and solicitors.* The treatment of section 218.04  
6 (4) (a) and (am), (5) (am), (ar) and (b) of the statutes, the renumbering and  
7 amendment of section 218.04 (3) (a) and (9) of the statutes and the creation of section  
8 218.04 (3) (a) 1. a. and b. and 2. and (9) (a) and (b) of the statutes first apply to  
9 applications for the issuance or renewal of a license received on the effective date of  
10 this paragraph.

11 (g) *Community currency exchanges.* The treatment of section 218.05 (3) (am),  
12 (4) (b) and (c), (12) (title), (am), (ar), (b) and (e) of the statutes, the renumbering and  
13 amendment of section 218.05 (11) and (13) of the statutes and the creation of section  
14 218.05 (11) (a), (b) and (c) and (13) (a) and (b) of the statutes first apply to applications  
15 for the issuance or renewal of a license received on the effective date of this  
16 paragraph.

17 (h) *Mortgage bankers, loan originators and loan solicitors.* The treatment of  
18 sections 224.72 (2) (c), (5) (a) and (b) 1. and 2. and (7m) and 224.77 (6) and (7) of the  
19 statutes first applies to applications for registration or registration renewal received  
20 on the effective date of this paragraph.

21 (i) *Broker-dealers, agents and investment advisers.* The treatment of sections  
22 551.32 (1) (bm) and 551.34 (1m) of the statutes first applies to applications for the  
23 issuance or renewal of a license received on the effective date of this paragraph.

24 **SECTION 9320. Initial applicability; gaming board.**

**SENATE BILL 77****SECTION 9320**

1           (1) LICENSES. The treatment of section 562.05 (1c) and (7) (am) of the statutes  
2 first applies to applications for licenses that are received by the department of  
3 administration on the effective date of this subsection.

4           **SECTION 9322. Initial applicability; health and educational facilities**  
5 **authority.**

6           (1) BOND COUNSEL SERVICES. The renumbering of section 231.04 of the statutes  
7 and the creation of section 231.04 (2) of the statutes first apply to contracts for bond  
8 counsel services entered into, renewed, extended or modified on the effective date of  
9 this subsection.

10           **SECTION 9323. Initial applicability; health and family services.**

11           (1) TRANSFER BY AFFIDAVIT BY FORMER GUARDIAN. The treatment of sections  
12 30.541 (3) (d) 2. d., 214.37 (4) (k) 1., 215.26 (8) (e) 1., 342.17 (4) (b) 4., 867.03 (1), (1c),  
13 (1m) (a) and (b) and (2) and 867.035 (1) (d) of the statutes first applies to transfers  
14 because of deaths that occur on the effective date of this subsection.

15           (2) LICENSE AND CERTIFICATION CONTINUANCE FOR AGENCIES AND FACILITIES THAT  
16 SERVE ADULTS. The treatment of sections 50.03 (1m), (2) (d), (3) (b) (intro.) and (f), (4)  
17 (a) 1. b. and 2., (c), (e) and (f), (5) (title), (a), (b), (c) and (d) (title), 2. and 3., (5g) (c)  
18 3., (d) (intro.), (e) 1., (f) and (g) 2. and 3. and (5m) (a) 2. and 3., 50.032 (2), (2r) and  
19 (4), 50.033 (2), (2m) and (4), 50.037 (2) (b) and (c), 50.05 (2) (b) and (c), 50.09 (6) (d),  
20 50.355, 50.49 (2) (b) and (6), 50.51 (2) (b) and (c), 50.52 (2) (intro.) and (4), 50.535,  
21 50.56 (1) (intro.), 50.92 (2), (4) and (5), 50.93 (1) (intro.), (c) and (d), (2) (title), (a), (b)  
22 and (d), (3m) and (4) (title), (a), (b), (c) and (d) 2. and 3. and 50.95 (5) of the statutes  
23 first applies to licenses for nursing homes, community-based residential facilities,  
24 adult family homes, home health agencies, rural medical centers and hospices and

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1 certifications for adult family homes and hospitals that are issued, suspended or  
2 revoked on the effective date of this subsection.

3 (3) COMMUNITY-BASED RESIDENTIAL FACILITY LICENSURE FEES. The treatment of  
4 section 50.037 (2) (a) of the statutes first applies to licensure fees for  
5 community-based residential facility licenses that are initially issued or renewed on  
6 the effective date of this subsection.

7 (4) NONEXPIRING LICENSES FOR CHILDREN'S PROGRAMS. The treatment of sections  
8 48.60 (1) and (3), 48.615 (1) (c) and (2), 48.625 (1) and (2) (b), 48.627 (2) (a), 48.65 (1),  
9 (1m) (b) 2. and 3. and (c) 2. and 3. and (3) (b), 48.66 (4) and (5), 48.68 (1) and (2), 48.715  
10 (3) (c), (4) (e) and (4m) (b), 48.735, 48.737 and 938.22 (7) (a) and (c) of the statutes and  
11 the amendment of sections 48.625 (2) (a) (with respect to continuation of a license),  
12 48.65 (3) (a) (with respect to continuation of a license), 48.66 (1), 48.72 and 938.22  
13 (7) (b) with respect to continuation of a license of the statutes first apply to licenses  
14 issued under section 48.66 (1) of the statutes, as affected by this act, for which the  
15 continuation date is the effective date of this subsection.

16 (5) SUPPLEMENTAL PAYMENTS FOR CHILDREN OF SUPPLEMENTAL SECURITY INCOME  
17 RECIPIENTS. The treatment of section 49.775 of the statutes first applies to a person  
18 applying for aid under section 49.19 of the statutes on behalf of a dependent child on  
19 the effective date of this subsection.

20 (6) DENIAL, NONRENEWAL, SUSPENSION OR RESTRICTION BASED ON NONPAYMENT OF  
21 COURT-ORDERED SUPPORT. The treatment of sections 49.45 (2) (a) 11. and 12., 49.48,  
22 146.50 (5) (a), (b) and (g), (6) (a) (intro.), (b) 1. and (c) (intro.), (6g) (a), (7) and (8) (a),  
23 (b), to (c) and (f), 146.51, 250.041, 250.05 (5), (6) and (8), 252.23 (2) and (4) (a), 252.24  
24 (2) and (4) (a), 254.176 (1) and (3) (intro.) and (a), 254.178 (1) (b), (2) (intro.) and (a)  
25 and (4), 254.20 (2) (d), (3) (a) and (b), (4), (6) and (7), 254.47 (1), (2m) and (3), 254.64



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1 (1) (c) and (1p), 254.71 (2), (3) and (6) (c) and 255.08 (2) and (13) of the statutes first  
2 applies to applications for initial or renewal certifications, licenses, training permits,  
3 registrations, approvals and certificates that are received by the department of  
4 health and family services on the effective date of this subsection.

5 (7) SOCIAL SECURITY NUMBERS ON CERTAIN REPORTS, VITAL RECORDS AND LICENSE  
6 APPLICATIONS.

7 (a) *Marriage reports.* The treatment of section 69.16 (2) of the statutes first  
8 applies to marriage reporting forms that are prescribed by the state registrar on the  
9 effective date of this paragraph.

10 (b) *Divorce reports.* The treatment of section 69.17 of the statutes first applies  
11 to forms for reporting divorces that are supplied by the state registrar on the effective  
12 date of this paragraph.

13 (c) *Marriage license applications.* The treatment of section 765.09 (2) and (3)  
14 of the statutes first applies to marriage license applications received on the effective  
15 date of this paragraph.

16 (d) *Marriage documents.* The treatment of section 765.13 of the statutes first  
17 applies to marriage documents issued from marriage license applications that are  
18 received on the effective date of this paragraph.

19 (8) LICENSE APPLICATIONS; LIABILITY FOR DELINQUENT TAXES OR CHILD SUPPORT. The  
20 treatment of sections 48.69, 48.715 (6) and (7) and 301.46 (4) (a) 5. of the statutes and  
21 the repeal and recreation of sections 48.66 (1) and 48.72 of the statutes first apply  
22 to license applications received by the department of health and family services on  
23 the effective date of this subsection.

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1 (9) SOCIAL SECURITY NUMBERS ON LICENSE APPLICATIONS. The treatment of section  
2 48.66 (2) and (2m) of the statutes first applies to license applications received by the  
3 department of health and family services on the effective date of this subsection.

4 (10) DELINQUENCY IN PAYING CHILD OR FAMILY SUPPORT; TAX DELINQUENCY. The  
5 treatment of section 343.305 (6) (e) of the statutes first applies to permit and  
6 laboratory approval applications received by the department of health and family  
7 services on the effective date of this subsection.

8 (11) LICENSE, CERTIFICATION, REGISTRATION OR APPROVAL DENIAL, NONRENEWAL OR  
9 REVOCATION BASED ON TAX DELINQUENCY. The treatment of sections 50.02 (1), 50.022,  
10 50.03 (4) (a) 1. a. and (d), (4m) (a) and (b), (5) (e), (5g) (h) and (11) (e), 50.034 (7), 50.04  
11 (6) (a), 50.05 (4) and (13), 50.053, 50.35, 50.49 (10), 50.93 (3) and (4) (e), 51.032,  
12 51.038, 51.04, 51.42 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8) (a), (e) and (f) and  
13 146.40 (3), (3m), (4d) and (4m) of the statutes first applies to applications for initial  
14 or renewal licenses, certifications, registrations or approvals that are received on the  
15 effective date of this subsection.

16 **SECTION 9326. Initial applicability; industry, labor and job**  
17 **development.**

18 (1) ENROLLMENT PERIODS FOR CONSERVATION CORPS CREW LEADERS. The treatment  
19 of section 106.215 (13) (a) of the statutes first applies to enrollees who are made crew  
20 leaders on the effective date of this subsection.

21 (2) MISCELLANEOUS REVISIONS TO ACTIONS AFFECTING THE FAMILY. The treatment  
22 of sections 767.085 (1) (b) and 767.465 (1m) of the statutes first applies to actions  
23 affecting the family, including an action to enforce or modify a judgment or order in  
24 an action affecting the family previously granted, that are commenced on the  
25 effective date of this subsection.

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1           (3) FOOD STAMP OFFENSES. The treatment of section 49.127 (8) (d) 1m. of the  
2 statutes first applies to a person convicted on August 22, 1996.

3           (4) UNIFORM INTERSTATE FAMILY SUPPORT ACT. The treatment of sections 769.101  
4 (7), (16) and (19), 769.207 (title), (1) (intro.), (a), (b), (c) and (d), (1c), (1r), (2), (3) and  
5 (4), 769.305 (1) and (5), 769.306, 769.307 (2) (d) and (e), 769.501 (1) (intro.), (a), (b)  
6 and (c) and (2) (intro.), (a) and (b), 769.502, 769.503, 769.504, 769.505, 769.506 (title)  
7 and (2) (b), 769.605 (1), 769.606 (3), 769.611 (1) (intro.) and (b), (3) and (5) and 769.613  
8 and subchapter V (title) of chapter 769 of the statutes, the renumbering of section  
9 769.304 of the statutes and the creation of section 769.304 (2) of the statutes first  
10 apply to proceedings commenced, actions taken and income-withholding orders  
11 received under chapter 769 of the statutes on the effective date of this subsection.

12           (5) SOCIAL SECURITY NUMBERS ON CERTAIN REPORTS, RECORDS AND JUDGMENTS.

13           (a) *Statements acknowledging paternity.* The treatment of section 69.15 (3) (d)  
14 of the statutes first applies to forms for statements acknowledging paternity that are  
15 prescribed by the state registrar on the effective date of this paragraph.

16           (b) *Judgments in actions affecting the family.* The treatment of section 767.37  
17 (1) (a) of the statutes first applies to written judgments that are submitted to the  
18 court on the effective date of this paragraph.

19           (c) *Paternity determination reports.* The treatment of section 767.51 (2) of the  
20 statutes (with respect to including social security numbers) first applies to forms for  
21 reporting paternity determinations that are designated by the state registrar on the  
22 effective date of this paragraph.

23           (6) LICENSE, PERMIT OR CERTIFICATE WITHHOLDING, SUSPENSION OR RESTRICTION FOR  
24 FAILURE TO PAY CHILD SUPPORT. The treatment of sections 102.17 (1) (c) and (cm),  
25 103.005 (10), 103.26 (3), 103.275 (2) (b) (intro.) and (bm) and (7) (b) and (c), 103.72

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1 (3), 103.92 (3) and (6) and 104.07 (1), (2) and (5) of the statutes, the renumbering of  
2 section 103.91 (4) of the statutes, the renumbering and amendment of section 105.13  
3 of the statutes and the creation of sections 103.91 (4) (b) and 105.13 (2) of the statutes  
4 first apply to license, permit or certification applications received by the department  
5 of industry, labor and job development or a permit officer on the effective date of this  
6 subsection.

7 (7) SOCIAL SECURITY NUMBERS ON LICENSE, PERMIT OR CERTIFICATION APPLICATIONS.  
8 The treatment of sections 102.17 (1) (cg), 103.25 (1m), 103.275 (2) (bg), 103.70 (1m),  
9 104.07 (4) and 105.06 (1m) of the statutes, the renumbering and amendment of  
10 sections 103.91 (2) and 103.92 (1) of the statutes and the creation of sections 103.91  
11 (2) (b) and 103.92 (1) (b) of the statutes first apply to license, permit or certification  
12 applications received by the department of industry, labor and job development or  
13 a permit officer on the effective date of this subsection.

**SECTION 9327. Initial applicability; insurance.**

14 (1) SOCIAL SECURITY NUMBERS ON CERTAIN LICENSE APPLICATIONS OR RENEWALS.

15 (a) *Application for agent's license.* The treatment of sections 628.04 (1) (intro)  
16 and (2), 628.09 (1) and 628.095 of the statutes first applies to license applications that  
17 are received on the effective date of this paragraph.

18 (b) *Application for viatical settlement provider's or broker's license.* The  
19 treatment of section 632.68 (2) (b) (intro.) and 2. and (4) (b) of the statutes first  
20 applies to license applications that are received on the effective date of this  
21 paragraph.

22 (c) *Application for administrator's license.* The treatment of section 633.14 (1)  
23 (d) of the statutes first applies to license applications that are received on the  
24 effective date of this paragraph.  
25

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1           (d) *Renewal of viatical settlement provider's or broker's license.* The treatment  
2 of section 632.68 (2) (e) and (4) (c) of the statutes first applies to license renewals that  
3 occur on the effective date of this paragraph.

4           (e) *Renewal of administrator's license.* The treatment of section 633.15 (1m)  
5 and (2) (a) (title), 1., 2. and 3. of the statutes first applies to license renewals that  
6 occur on the effective date of this paragraph.

7           (2) REFUSAL TO ISSUE OR RENEW CERTAIN LICENSES FOR FAILURE TO PAY SUPPORT.

8           (a) *Issuance of agent's license and extension of temporary license.* The treatment  
9 of sections 628.09 (4) and 628.097 of the statutes first applies to license applications  
10 and applications for extensions of temporary licenses that are received on the  
11 effective date of this paragraph.

12           (b) *Issuance of viatical settlement provider's or broker's license.* The treatment  
13 of section 632.68 (2) (bm) and (4) (bm) of the statutes first applies to license  
14 applications that are received on the effective date of this paragraph.

15           (c) *Issuance of administrator's license.* The treatment of section 633.14 (2m)  
16 of the statutes first applies to license applications that are received on the effective  
17 date of this paragraph.

18           (d) *Renewal of viatical settlement provider's or broker's license.* The  
19 renumbering and amendment of section 632.68 (3) and (5) of the statutes (with  
20 respect to renewing a license), the amendment of section 632.68 (3) (title) and (5)  
21 (title) of the statutes (with respect to renewing a license) and the creation of section  
22 632.68 (3) (b) and (5) (b) of the statutes (with respect to renewing a license) first apply  
23 to license renewals that occur on the effective date of this paragraph.

**SENATE BILL 77****SECTION 9327**

1           (e) *Renewal of administrator's license.* The treatment of section 633.15 (2) (c)  
2 of the statutes (with respect to renewing a license) first applies to license renewals  
3 that occur on the effective date of this paragraph.

4           **SECTION 9331. Initial applicability; justice.**

5           (1) APPROVAL OF SETTLEMENTS. The treatment of sections 20.865 (1) (a), (g) and  
6 (q) and 165.25 (6) (a) of the statutes first applies to causes of action accruing and  
7 actions pending on the effective date of this subsection.

8           **SECTION 9336. Initial applicability; military affairs.**

9           (1) NATIONAL GUARD TUITION GRANTS. The treatment of section 21.49 (3) (a) of the  
10 statutes first applies to courses completed on the effective date of this subsection.

11           **SECTION 9337. Initial applicability; natural resources.**

12           (1) REMEDIATED PROPERTY. The treatment of section 292.15 (2) (a) of the statutes  
13 first applies to persons issued certificates by the department of natural resources on  
14 the effective date of this subsection.

15           (2) PETROLEUM PRODUCT DISCHARGES CAUSED BY OTHERS. The treatment of section  
16 101.143 (4) (g) 7. of the statutes first applies to petroleum product discharges caused  
17 by services or products provided on the day after the effective date of this subsection.

18           (3) WELL COMPENSATION FEE. The treatment of section 289.63 (3) (b) of the  
19 statutes first applies to solid waste or hazardous waste disposed of on the effective  
20 date of this subsection.

21           (4) BROWNFIELDS REDEVELOPMENT. The treatment of sections 23.09 (19) (a) and  
22 (cm) and (20) (am), 23.175 (4m) and 30.277 (3) (k) and (6) of the statutes and the  
23 creation of section 23.09 (19) (a) 1. of the statutes first apply to grants or aid applied  
24 for on the effective date of this subsection.

**SENATE BILL 77****SECTION 9337**

1           (5) APPROVAL DENIALS FOR SUPPORT OR TAX DELINQUENCY. The treatment of  
2 sections 29.091, 29.103 (4) (f), 29.134 (3), 29.135 (3), 29.136 (2), 29.137 (1), 29.145 (1c)  
3 (intro.), 29.1475 (1), 29.165 (1), 29.166 (1), 29.33 (1), (2) (d) and (4) (a), 29.34 (1),  
4 29.344 (1), 29.38 (3) (e), 29.52 (1), (4m), (5) and (7), 29.544 (4m), 29.547 (7m), 29.572  
5 (3), 29.573 (1), 29.574 (3), 29.575 (3), 29.578 (4), (5) and (14) (am) and (b) (intro.) and  
6 29.585 (1) of the statutes and the repeal and recreation of sections 29.09 (4) and (12)  
7 (a), (b) and (c), 29.10, 29.104 (1), 29.105 (1), 29.109 (1), 29.11, 29.112, 29.113 (1),  
8 29.114 (1), 29.116, 29.117 (1), 29.13 (1) (a), 29.14 (1) (a), (2), (3), (4), (5), (6) and (7) (a),  
9 29.145 (1) (a), (2) (a) and (3) (a), 29.146, 29.147 (1), 29.148 (1m) (intro.), 29.343 (1),  
10 29.36 (1) and 29.37 (1) of the statutes first apply to applications for issuing or  
11 renewing approvals that are received on the effective date of this subsection.

12           (6) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of sections 293.45  
13 (1) and 299.07 of the statutes first applies to applications for initial or renewal  
14 licenses, registrations or certifications that are received on the effective date of this  
15 subsection.

16           (7) LICENSE DENIAL FOR FAILURE TO PAY SUPPORT. The treatment of sections 280.13  
17 (4), 281.48 (3) (a) and (5) (b) and 299.08 of the statutes first applies to applications  
18 for initial or renewal licenses, registrations or certifications that are received on the  
19 effective date of this subsection.

**SECTION 9340. Initial applicability; public instruction.**

20           (1) SCHOOL DISTRICT REFERENDA. The treatment of sections 24.66 (3) (b) and (4)  
21 (b), 67.05 (6a) (a) 2. a., 119.48 (4) (b) and (c), 119.49 (1) (b) and (2) and 121.91 (3) (a)  
22 of the statutes and the renumbering and amendment of section 24.66 (4) of the  
23 statutes first apply with respect to referenda called on the effective date of this  
24 subsection.  
25

**SENATE BILL 77****SECTION 9340**

1 (2) CHARTER SCHOOLS.

2 (a) The treatment of section 118.40 (1m) (a) of the statutes first applies to  
3 petitions submitted on the effective date of this paragraph.

4 (b) The treatment of section 118.40 (2) (a) and (c) of the statutes first applies  
5 to petition hearings that take place on the effective date of this paragraph.

6 (c) The treatment of section 118.40 (3) (b) (by SECTION 2837) of the statutes first  
7 applies to contracts entered into, extended, modified or renewed on the effective date  
8 of this paragraph.

9 (3) LICENSE DENIAL FOR TAX DELINQUENCY. The treatment of section 118.19 (1m)  
10 of the statutes first applies to applications for licenses or permits, for license or  
11 permit renewals or for revalidations that are received on the effective date of this  
12 subsection.

13 (4) DENIAL OF LICENSES, LICENSE RENEWALS AND LICENSE REVALIDATIONS. The  
14 treatment of section 118.19 (1r) of the statutes first applies to applications for  
15 licenses or permits, for license or permit renewals or for license revalidations that  
16 are received on the effective date of this subsection.

17 **SECTION 9341. Initial applicability; public service commission.**

18 (1) RAILROAD ASSESSMENTS. The treatment of sections 13.101 (6) (a), 20.155 (2)  
19 (g), 20.395 (2) (gg), 195.28 (2) and 195.60 (2) and (5) of the statutes first applies to  
20 railroad assessments for fiscal year 1997-98.

21 (2) TRANSCRIPT EXPENSES. The treatment of sections 196.20 (5) (d) and (6) and  
22 196.36 (1r) and (2) of the statutes first applies to transcripts, audiotapes or  
23 videotapes that are produced or copies of transcripts that are requested on the  
24 effective date of this subsection.

25 **SECTION 9342. Initial applicability; regulation and licensing.**



**SENATE BILL 77****SECTION 9342**

1           (1) INVESTIGATIONS OF CREDENTIAL APPLICANTS. The treatment of sections 20.165  
2           (1) (g) and (gm), 440.03 (13) and 440.26 (2) (b) 1. and 2., (3) and (5m) (a) 1. and 4. of  
3           the statutes first applies to applications for credentials under chapters 440 to 480 of  
4           the statutes that are received on the effective date of this subsection.

5           (2) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 440.01 (2) (cm),  
6           440.03 (12), 440.08 (2r) and (4) (b), 440.12, 440.93 (2), 441.07 (2), 442.12 (7), 443.11  
7           (6), 443.12 (4), 445.13 (2), 446.05 (2), 447.07 (5), 449.07 (3), 452.12 (6) (e) (intro.),  
8           452.18, 455.09 (3) and 456.11 (1) and (2) of the statutes first applies to applications  
9           for initial credentials and renewals of credentials that are received on the effective  
10          date of this subsection.

11          (3) DELINQUENCY IN PAYING SUPPORT. The treatment of sections 440.03 (7) and  
12          (11m), 440.035 (5), 440.08 (2) (c) and (2g) (title), (a), (b) and (c), 443.06 (1) (a), 443.10  
13          (2) (a), 445.08 (4) (a), 448.02 (3) (e), 448.05 (7), 454.08 (4), 459.10 (2) (a) (intro.), 459.34  
14          (2m) (a) (intro.) and 480.24 (3) (intro.) of the statutes first applies to applications  
15          received by the department of regulation and licensing or a credentialing board on  
16          the effective date of this subsection.

17                 **SECTION 9343. Initial applicability; revenue.**

18          (1) HOMESTEAD CREDIT, SCHOLARSHIP INCOME. The treatment of section 71.52 (6)  
19          of the statutes first applies to taxable years beginning on January 1 of the year in  
20          which this subsection takes effect, except that if this subsection takes effect on or  
21          after August 1, the treatment of section 71.52 (6) of the statutes first applies to  
22          taxable years beginning on January 1 of the year following the year in which this  
23          subsection takes effect.

**SENATE BILL 77****SECTION 9343**

1 (2) FRIVOLOUS INCOME TAX RETURNS, PENALTY. The treatment of section 71.83 (1)  
2 (d) of the statutes first applies to income tax returns filed on the effective date of this  
3 subsection.

4 (3) TAX APPEALS COMMISSION SMALL CLAIMS. The treatment of section 73.01 (1)  
5 (b) of the statutes first applies to appeals filed on the effective date of this subsection.

6 (4) PAYING PROPERTY TAXES BY CREDIT CARD. The treatment of sections 74.11 (13),  
7 74.12 (13) and 74.87 (9) of the statutes first applies to taxes based on the assessment  
8 as of January 1, 1997.

9 (5) SETOFF OF PERSONAL PROPERTY TAXES. The treatment of section 71.935 (1) (a)  
10 of the statutes first applies to taxes based on the assessment as of the January 1 after  
11 publication.

12 (6) LOTTERY CREDIT. The treatment of sections 20.835 (3) (r), 25.75 (3) (d), 66.058  
13 (3) (c) 1. c. and 8., 79.10 (1) (c), (f), (g) and (h), (1m), (2), (5), (7m) (b) 1. a., (7r), (9) (bm)  
14 and (c), (10) and (11) (title), (a), (b) and (c) and 79.11 (2) of the statutes first applies  
15 to credits against taxes that are due during 1998.

16 (7) SALES TAX ON MANUFACTURED BUILDINGS. The treatment of section 77.51 (2),  
17 (4) (b) 3. and 7. and (15) (b) 4. and 6. of the statutes first applies to sales of property  
18 pursuant to contracts that are entered into on the first day of the 2nd month  
19 beginning after publication.

20 (8) ASSESSORS' CERTIFICATION; LIABILITY FOR DELINQUENT TAXES. The treatment of  
21 section 73.09 (6m) and (7m) of the statutes first applies to applications for certificates  
22 or certificate renewals received on the effective date of this subsection.

23 **SECTION 9349. Initial applicability; technical college system.**

**SENATE BILL 77****SECTION 9349**

1           (1) YOUTH APPRENTICESHIP INSTRUCTION. The treatment of section 38.14 (3) (am)  
2 of the statutes first applies to contracts entered into, modified or renewed on the  
3 effective date of this subsection.

4           **SECTION 9349. Initial applicability; transportation.**

5           (1) MOTOR VEHICLE TITLE INSPECTIONS. The treatment of sections 341.05 (19) and  
6 342.06 (1) (g) of the statutes first applies to applications for certificates of title  
7 submitted on the effective date of this subsection.

8           (2) ABSOLUTE SOBRIETY. The treatment of section 346.63 (2m) of the statutes first  
9 applies to offenses committed on the effective date of this subsection, but does not  
10 preclude the counting of other violations as prior convictions, suspensions or  
11 revocations for purposes of administrative action by the department of  
12 transportation, sentencing by a court or revocation or suspension of operating  
13 privileges.

14           (3) BREATH SCREENING EQUIPMENT. The treatment of sections 20.395 (5) (ck),  
15 20.435 (6) (hx) and (7) (hz) and 346.655 (1) and (2) of the statutes first applies to  
16 offenses committed on the effective date of this subsection.

17           (4) CERTIFICATES OF TITLE.

18           (a) The treatment of sections 342.01 (2) (a) and (ag), 342.06 (1) (intro.) and (i)  
19 and (1m), 342.10 (6) and 342.13 (1) of the statutes, the renumbering and amendment  
20 of section 342.09 (1) of the statutes and the creation of section 342.09 (1) (b) of the  
21 statutes first apply to applications for certificates of title that are submitted on the  
22 effective date of this paragraph.

23           (b) The treatment of section 346.65 (6) (a) 2m. of the statutes first applies to  
24 offenses committed on the effective date of this paragraph, but does not preclude the

**SENATE BILL 77****SECTION 9349**

1 counting of prior convictions, suspensions or revocations when determining if a  
2 vehicle should be seized, equipped with an ignition interlock device or immobilized.

3 (5) **TRAFFIC OFFENSES.** The treatment of sections 27.014 (1c) and (2) (c), 341.04  
4 (1) (a) and (c), 342.30 (1) and (3) (a), 346.175 (1) (a), 346.195 (1), 346.205 (1), 346.457  
5 (1), 346.465 (1), 346.485 (1), 346.505 (3) (a), 346.94 (13) and 346.945 (1) (a) of the  
6 statutes, the renumbering of section 346.01 of the statutes and the creation of section  
7 346.01 (2) of the statutes first apply to offenses committed on the effective date of this  
8 subsection, but does not preclude the counting of other offenses as prior offenses for  
9 sentencing a person, suspending or revoking a person's operating privilege or  
10 determining eligibility for an occupational license or authorization to operate certain  
11 motor vehicles.

12 (6) **FINANCIAL RESPONSIBILITY, ACCIDENTS AND ACCIDENT REPORTS.** The treatment  
13 of sections 344.01 (2) (cm), 344.02 (1), 344.14 (2m) and 346.665 of the statutes first  
14 applies to accidents occurring on the effective date of this subsection.

15 (7) **VEHICLE REMOVAL AND DISPOSAL.** The treatment of sections 341.65 (1) (am),  
16 342.30 (1), (1c), (3) (a) and (4) (a), 342.40 (1) and (1c), 349.13 (1), (1b) and (2) (intro.)  
17 and 349.137 (1) (a) and (3) (c) 2. e., (f) and (h) of the statutes first applies to vehicles  
18 removed, seized, impounded, towed, stored or immobilized or vehicle parts seized on  
19 the effective date of this subsection.

20 (8) **TESTING OF PORTABLE SCALES.** The treatment of section 348.15 (5) (intro.) of  
21 the statutes first applies to offenses committed on the effective date of this  
22 subsection, but does not preclude the counting of other convictions as prior  
23 convictions for purposes of imposing a penalty.

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1           (9) STATE TRAFFIC PATROL SERVICES. The treatment of sections 85.51 and 348.26  
2           (2) of the statutes first applies to services provided on the effective date of this  
3           subsection.

4           (10) DELINQUENCY IN PAYING CHILD OR FAMILY SUPPORT; TAX DELINQUENCY. The  
5           treatment of sections 218.01 (2) (ie) and (3) (ag), 218.11 (2) (am), (6m) and (7) (a) and  
6           (b), 218.12 (2) (a) and (am), (3m) and (5), 218.21 (2) (ag) and (am) and (2m), 218.22  
7           (3m) and (4) (a) and (b), 218.31 (1) (ag) and (am) and (1m), 218.32 (3m) and (4) (a) and  
8           (b), 218.41 (2) (a) and (am), (3m), (4) and (5) (d), 218.51 (3) (a) and (am), (4m) and (5)  
9           (a) and (b), 341.51 (4) (am), (4g) and (4m), 343.14 (2j), 343.305 (6) (e), 343.345, 343.66  
10          (6), 343.665, 343.675, 343.68 and 343.69 of the statutes, the renumbering of sections  
11          343.64 and 343.65 of the statutes, the renumbering and amendment of sections  
12          343.61 (2) and 343.62 (2) of the statutes and the creation of sections 343.61 (2) (a) 1.  
13          and 2. and (b), 343.62 (2) (b), 343.64 (2) and 343.65 (2) of the statutes first apply to  
14          license, permit and registration applications received by the department of  
15          transportation on the effective date of this subsection.

16          (11) FILING OF CERTIFICATIONS AND RECERTIFICATIONS BY INSURERS. The treatment  
17          of section 344.42 of the statutes first applies to certifications and recertifications  
18          submitted to the department of transportation on the effective date of this  
19          subsection.

20                 **SECTION 9350. Initial applicability; treasurer.**

21           (1) SUNKEN LOGS ON SUBMERGED STATE LANDS. The treatment of section 170.12  
22           (3) (d), (5) (intro.) and (a) to (c), (6) (d) and (9) of the statutes first applies to permits  
23           issued or renewed on the effective date of this subsection.

24           (2) LOG-RAISING PERMITS; DELINQUENT SUPPORT. The treatment of section 170.12  
25           (3) (em) of the statutes, the renumbering of section 170.12 (8) of the statutes and the

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1 creation of section 170.12 (8) (b) of the statutes first apply to applications for the  
2 issuance or renewal of a permits received on the effective date of this subsection.

3 **SECTION 9353. Initial applicability; University of Wisconsin System.**

4 (1) APPLICATION FEES. The treatment of section 36.11 (3) (d) 1. and 2. of the  
5 statutes first applies to applications for enrollment in the 1998 fall semester.

6 **SECTION 9354. Initial applicability; veterans affairs.**

7 (1) COUNTY VETERANS' SERVICE OFFICE GRANTS. The treatment of section 45.43 (7)  
8 (b) of the statutes first applies to grant applications received by the department of  
9 veterans affairs on the effective date of this subsection.

10 (2) VETERANS EDUCATIONAL PROGRAMS. The treatment of sections 45.25 (1), (2)  
11 (c), (3) (a) and (4) (a) and 45.396 (2), (4), (5) and (8) of the statutes first applies to  
12 courses completed on the effective date of this subsection.

13 (3) VETERANS HOUSING LOANS. The treatment of sections 45.74 (7) and 45.79 (3)  
14 (a) 1. of the statutes first applies to applications received by the department of  
15 veterans affairs on the effective date of this subsection.

16 **SECTION 9356. Initial applicability; other.**

17 (1) FELONY AND MISDEMEANOR PROPERTY CRIMES. The treatment of sections  
18 943.01 (2) (d) and (2g) (c), 943.017 (2) (d), 943.20 (3) (a) and (b), 943.21 (3) (a) and (b),  
19 943.24 (1) and (2), 943.34 (1) (a) and (b), 943.38 (1) (intro.), (a), (b) and (c), (1m) and  
20 (2), 943.395 (2) (a) and (b), 943.41 (8) (c), 943.50 (4) (a) and (b), 943.61 (5) (a) and (b)  
21 and 973.075 (1) (b) (intro.) of the statutes first applies to offenses committed on the  
22 effective date of this subsection.

23 (2) INCREASE IN FELONY PENALTIES. The treatment of sections 71.83 (2) (b), 139.44  
24 (1m) and (8) (c), 139.95 (2) and (3), 291.97 (2) (b) (intro.) and (c), 341.605 (3), 342.06  
25 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.32 (3), 346.17 (3) (a), (b), (c)

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1 and (d), 346.65 (5), 346.74 (5) (b), (c) and (d), 939.50 (3) (b), (bc), (c), (d) and (e), 961.41  
2 (1) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6.,  
3 (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1m) (a), (b), (cm) 1., 2., 3.,  
4 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2.  
5 and 3., (h) 1., 2. and 3., (i) and (j), (1n) (c), (2) (a), (b), (c) and (d), (3g) (a) 1. and 2. and  
6 (4) (am) 3., 961.42 (2), 961.43 (2) and 961.455 (1) of the statutes and the repeal and  
7 recreation of sections 139.44 (2) and 342.30 (3) (a) of the statutes apply to offenses  
8 committed on or after the effective date of this subsection.

9 (3) LOCAL GOVERNMENTAL LIABILITY FOR SNOWPLOW OPERATION. The treatment of  
10 sections 345.05 (1) (bm) and (6) and 346.915 of the statutes first applies to snowplows  
11 operated on the effective date of this subsection.

12 (4) CHANGES IN TRESPASS LAW. The treatment of section 943.13 (1e) (ej), (1m)  
13 (intro.), (a), (f) and (g) and (2) (intro.) of the statutes first applies to offenses occurring  
14 on the effective date of this subsection.

15 (5) SOCIAL SECURITY NUMBERS OF APPLICANTS FOR CERTIFICATION OR  
16 RECERTIFICATION BY LAW ENFORCEMENT STANDARDS BOARD. The treatment of section  
17 165.85 (3) (c) and (cm), (3m) and (4) (d) and (f) of the statutes first applies to  
18 applications for certification or recertification submitted to the law enforcement  
19 standards board on the effective date of this subsection.

20 (6) SHERIFF FEES. The treatment of section 814.70 (9) (a) (intro.) of the statutes  
21 first applies to sheriff's sales commenced on the effective date of this subsection.

22 (7) MINNESOTA-WISCONSIN STUDENT RECIPROCITY AGREEMENT. The treatment of  
23 section 39.47 (2) of the statutes first applies to reciprocal fees for the 1997-98  
24 academic year.

**SENATE BILL 77****SECTION 9400**

1           **SECTION 9400. Effective dates; general.** Except as otherwise provided in  
2 SECTIONS 9401 to 9456 of this act, this act takes effect on July 1, 1997, or on the day  
3 after publication, whichever is later.

4           **SECTION 9401. Effective dates; administration.**

5           (1) DELINQUENCY IN PAYING CHILD OR FAMILY SUPPORT. The treatment of sections  
6 218.11 (2) (am), (6m) and (7) (a) and (b) and 218.12 of the statutes and SECTION 9301  
7 (1) of this act take effect on April 1, 1998.

8           (2) EDUCATIONAL TECHNOLOGY INFRASTRUCTURE LOANS. The amendment of  
9 section 20.866 (2) (zc) of the statutes takes effect on July 1, 1998.

10           **SECTION 9404. Effective dates; agriculture, trade and consumer**  
11 **protection.**

12           (1) FERTILIZER FEES AND SURCHARGES. The treatment of section 94.64 (3) (b) and  
13 (c), (3r), (4) to (6), (6m) and (6p) of the statutes takes effect on August 1, 1998.

14           (2) COMMERCIAL FEED FEES. The treatment of section 94.72 (6) (a) and (am) of  
15 the statutes takes effect on February 1, 1998.

16           (3) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of section 93.13  
17 of the statutes and SECTION 9304 (4) of this act take effect on April 1, 1998.

18           (4) LICENSE DENIAL FOR FAILURE TO PAY SUPPORT. The treatment of sections 93.06  
19 (8), 93.11 (1), 93.135, 93.35 (10), 94.65 (3) (c) 1., 94.66 (8), 95.72 (2) (c) 5., 99.02 (1) and  
20 127.17 (2) (a), (b), (c) 1., (d) and (e) 1. of the statutes and SECTION 9304 (4) of this act  
21 take effect on April 1, 1998.

22           **SECTION 9409. Effective dates; circuit courts.**

23           (1) JUSTICE INFORMATION SYSTEM FEE. The treatment of sections 20.505 (1) (ja)  
24 and 814.635 (1) of the statutes takes effect on October 1, 1997, or the day after  
25 publication, whichever is later.



**SENATE BILL 77****SECTION 9410****1 SECTION 9410. Effective dates; commerce.**

2 (1) COVERAGE OF ABOVEGROUND PETROLEUM STORAGE TANKS. The treatment of  
3 section 101.143 (2) (e) (by SECTION 2583) and (3) (a) (intro.) (by SECTION 2587) , (ah)  
4 and (ap) of the statutes and SECTION 9310 (5) of this act take effect on the first day  
5 of the 7th month beginning after publication.

6 (2) LICENSE DENIALS AND FOR TAX DELINQUENCY. The treatment of sections 101.02  
7 (6) (j) and (20), 101.122 (3) (b), 101.64 (1), 101.84 (1) and 145.10 (3) of the statutes  
8 and SECTION 9310 (8) of this act take effect on April 1, 1998.

9 (3) LICENSE DENIAL, RESTRICTION AND SUSPENSION. The treatment of section  
10 101.02 (21) of the statutes and SECTION 9310 (9) of this act take effect on April 1, 1998.

11 (4) PETROLEUM DISCHARGES; INTEREST REIMBURSEMENT. The treatment of section  
12 101.143 (4) (c) 8. of the statutes takes effect on the first day of the 5th month  
13 beginning after publication.

**14 SECTION 9414. Effective dates; elections board.**

15 (1) CAMPAIGN FINANCE FILING FEES. The treatment of sections 11.055, 11.20 (4),  
16 11.60 (3m) and 20.510 (1) (i) of the statutes takes effect on January 1, 1999.

**17 SECTION 9418. Effective dates; ethics board.**

18 (1) DISCLOSURE OF SOCIAL SECURITY NUMBERS; NONISSUANCE AND SUSPENSION OF  
19 LICENSES AND REGISTRATIONS. The treatment of sections 13.63 (1), 13.64 (1) (a) and (2)  
20 and 19.55 (2) (d) of the statutes and SECTION 9318 (1) of this act take effect on April  
21 1, 1998.

**22 SECTION 9419. Effective dates; financial institutions.**

23 (1) LICENSES AND LIABILITY FOR DELINQUENT TAXES.

24 (a) *Licensed lenders.* The treatment of section 138.09 (3) (a) and (am) of the  
25 statutes, the renumbering of section 138.09 (1m) and (4) of the statutes, the creation

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1 of section 138.09 (1m) (b) and (4) (b) and (c) of the statutes and SECTION 9319 (1) (a)  
2 of this act take effect on April 1, 1998.

3 (b) *Insurance premium finance companies.* The treatment of section 138.12 (3)  
4 (d), (4) (b) 4., 5. and 6. and (5) (am) of the statutes, the renumbering and amendment  
5 of section 138.12 (4) (a) of the statutes, the creation of section 138.12 (4) (a) 1. and  
6 2. of the statutes and SECTION 9319 (1) (b) of this act take effect on April 1, 1998.

7 (c) *Sellers of checks.* The treatment of sections 217.05 (intro.), 217.06 (4), (5)  
8 and (6) and 217.09 (1m), (1r), (4) and (6) of the statutes, the renumbering of section  
9 217.05 (1) to (4) of the statutes and the creation of section 217.05 (1m) of the statutes  
10 and SECTION 9319 (1) (c) of this act take effect on April 1, 1998.

11 (d) *Certain licenses related to motor vehicles.* The treatment of section 218.01  
12 (2) (ig) and (3) (am) of the statutes and SECTION 9319 (1) (d) of this act take effect on  
13 April 1, 1998.

14 (e) *Adjustment service companies.* The treatment of section 218.02 (3) (d) and  
15 (e) of the statutes, the renumbering and amendment of section 218.02 (2) (a) of the  
16 statutes, the renumbering of section 218.02 (6) and (9) (a) of the statutes and the  
17 creation of section 218.02 (2) (a) 1. a. and b. and 2., (6) (b) and (c) and (9) (a) 1. and  
18 2. of the statutes and SECTION 9319 (1) (e) of this act take effect on April 1, 1998.

19 (f) *Collection agencies, collectors and solicitors.* The treatment of section 218.04  
20 (4) (a) and (am), (5) (am), (ar) and (b) of the statutes, the renumbering and  
21 amendment of section 218.04 (3) (a) and (9) of the statutes and the creation of section  
22 218.04 (3) (a) 1. a. and b. and 2. and (9) (a) and (b) of the statutes and SECTION 9319  
23 (1) (f) of this act take effect on April 1, 1998.

24 (g) *Community currency exchanges.* The treatment of section 218.05 (3) (am),  
25 (4) (b) and (c), (12) (title), (am), (ar), (b) and (e) of the statutes, the renumbering and

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1 amendment of section 218.05 (11) and (13) of the statutes and the creation of section  
2 218.05 (11) (a), (b) and (c) and (13) (a) and (b) of the statutes and SECTION 9319 (1)  
3 (g) of this act take effect on April 1, 1998.

4 (h) *Mortgage bankers, loan originators and loan solicitors.* The treatment of  
5 sections 224.72 (2) (c), (5) (a) and (b) 1. and 2. and (7m) and 224.77 (6) and (7) of the  
6 statutes and SECTION 9319 (1) (h) of this act take effect on April 1, 1998.

7 (i) *Broker-dealers, agents and investment advisers.* The treatment of sections  
8 551.32 (1) (bm) and 551.34 (1m) of the statutes and SECTION 9319 (1) (i) of this act take  
9 effect on April 1, 1998.

10 **SECTION 9420. Effective dates; gaming board.**

11 (1) LICENSES. The treatment of sections 227.03 (4m), 562.05 (1c), (5) (a) 9., (7)  
12 (am), (8) (d) and (8m) and 563.28 of the statutes and SECTION 9320 (1) of this act take  
13 effect on April 1, 1998.

14 **SECTION 9421. Effective dates; governor.**

15 (1) NATIONAL GOVERNORS ASSOCIATION CONFERENCE FUNDING. The repeal of  
16 section 20.525 (1) (cm) of the statutes takes effect on July 1, 1999.

17 **SECTION 9422. Effective dates; health and educational facilities**  
18 **authority.**

19 (1) BOND COUNSEL SERVICES. The renumbering of section 231.04 of the statutes  
20 and the creation of section 231.04 (2) of the statutes and SECTION 9322 (1) of this act  
21 take effect on the first day of the 4th month beginning after publication.

22 **SECTION 9423. Effective dates; health and family services.**

23 (1) LICENSE FEES FOR CHILDREN'S PROGRAMS. The repeal and recreation of sections  
24 48.615 (1) (a) and (b), 48.625 (2) (a), 48.65 (3) (a) and 938.22 (7) (b) of the statutes  
25 takes effect on July 1, 1998.

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1           (2) MILWAUKEE CHILD WELFARE SERVICES TRANSFER. The treatment of sections  
2   20.435 (3) (cw), (cx), (gx), (kw), (kx), (ky), (kz), (mw) and (mx), 46.03 (7) (e), 46.036  
3   (5m) (e), 46.037 (1m), 46.21 (2) (a), 46.215 (1) (intro.), (h) and (i) and (2) (c) 1., 46.238,  
4   46.261 (2) (a) 2. and 3., 46.48 (15) (title), (a) (intro.) and (b) and (16) (title) and (b),  
5   48.02 (2g), 48.06 (1) (a) 1., 2. and 3., (am) 1., 2. and 3. and (b), (2) (b) 1. and 2. and (c)  
6   and (3), 48.069 (1) (intro.), (2) and (3), 48.07 (3), 48.207 (2), 48.295 (1), 48.345 (4) (b)  
7   and (bm), (11), (12) (b) and (c) and (13) (a) and (b), 48.355 (2) (b) 6. and (c) and (2c)  
8   (a) (intro.), 48.36 (1) (a), (2) and (3), 48.38 (5) (am), 48.428 (2) (a) and (b), 48.48 (17),  
9   48.551 (2) (a), 48.56 (title) and (1), 48.57 (title), (1) (intro.) and (e), (3m) (am) 1., 2.,  
10   4. and 5., (b) 1., (c) and (d) and (3p) (b) 1. and 2., (c) 1., 2. and 3., (d), (e) (intro.), (fm)  
11   1. and 2., (g) (intro.), 2. and 3., (i) and (j), 48.58 (1) (b), 48.59 (1), 48.75 (title), (1), (1b),  
12   (1g) (a) (intro.), 2., 3. and 4., (c) (intro.), 1. and 2. and (d), (1r) and (2), 48.831 (4) (c),  
13   48.832, 48.837 (4) (d), 48.839 (4) (b), 48.88 (2) (c), 48.93 (1d), 48.977 (4) (a) 6., 48.981  
14   (1) (ag), (3) (a), (c) 1., 2. a., 3., 4., 5., 6., 6m., 7., 8. and 9., (cm) and (d), (5), (7) (a) (intro.),  
15   1m., 2., 5., 6., 6m., 8., 11., 11r., 13. and 15., (cm) and (d), (8) (a), (c) and (d) 1. and 2.  
16   and (10), 49.45 (25) (b) and (41) (a) 1. and (b), 115.85 (2m), 146.0255 (3) (b), 301.46  
17   (4) (a) 8., 767.001 (2) (b) and 938.06 (1) (a) 1. and 2. and (am) 1. and 2. and (2) (a), (am)  
18   1. and 2. and (b) 1. and 2. and subchapter XII (title) of chapter 48 of the statutes, the  
19   repeal of section 46.48 (15) (a) 1., 2. and 3. and (16) (a) of the statutes, the  
20   renumbering and amendment of section 48.275 (2) (d) of the statutes, the repeal and  
21   recreation of sections 46.10 (14) (e) 1., 46.21 (1) (d), 46.261 (2) (a) 1., 46.49 (1) and  
22   48.57 (3m) (am) (intro.) of the statutes, the creation of sections 48.275 (2) (d) 2. and  
23   48.561 of the statutes and SECTION 9123 (2) of this act take effect on January 1, 1998.

24           (3) MILWAUKEE CHILD WELFARE SERVICES COUNTY CONTRIBUTION. The amendment  
25   of section 48.561 (3) (a) of the statutes takes effect on July 1, 1998.

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1           (4) DENIAL, NONRENEWAL, SUSPENSION OR RESTRICTION BASED ON NONPAYMENT OF  
2 COURT-ORDERED SUPPORT. The treatment of sections 49.45 (2) (a) 11. and 12., 49.48,  
3 146.50 (5) (a), (b) and (g), (6) (a) (intro.), (b) 1. and (c) (intro.), (6g) (a), (7) and (8) (a),  
4 (b), (c) and (f), 146.51, 250.041, 250.05 (5), (6) and (8), 252.23 (2) and (4) (a), 252.24  
5 (2) and (4) (a), 254.176 (1) and (3) (intro.) and (a), 254.178 (1) (b), (2) (intro.) and (a)  
6 and (4), 254.20 (2) (d), (3) (a) and (b), (4), (6) and (7), 254.47 (1), (2m) and (3), 254.64  
7 (1) (c) and (1p), 254.71 (2), (3) and (6) (c) and 255.08 (2) and (13) of the statutes and  
8 SECTION 9323 (4) of this act take effect on April 1, 1998.

9           (5) SOCIAL SECURITY NUMBERS ON CERTAIN REPORTS, VITAL RECORDS AND LICENSE  
10 APPLICATIONS. The treatment of sections 69.16 (2), 69.17, 765.09 (2) and (3) and 765.13  
11 of the statutes and SECTION 9323 (7) of this act take effect on April 1, 1998.

12           (6) LICENSE APPLICATIONS; LIABILITY FOR DELINQUENT TAXES OR CHILD SUPPORT. The  
13 treatment of sections 48.69, 48.715 (6) and (7) and 301.46 (4) (a) 5. of the statutes,  
14 the repeal and recreation of sections 48.66 (1) and 48.72 of the statutes and SECTION  
15 9323 (8) of this act take effect on April 1, 1998.

16           (7) SOCIAL SECURITY NUMBERS ON LICENSE APPLICATIONS. The treatment of section  
17 48.66 (2) and (2m) of the statutes and SECTION 9323 (9) of this act take effect on April  
18 1, 1998.

19           (8) DELINQUENCY IN PAYING CHILD OR FAMILY SUPPORT; TAX DELINQUENCY. The  
20 treatment of section 343.305 (6) (e) of the statutes and SECTION 9323 (10) of this act  
21 take effect on April 1, 1998.

22           (9) LICENSE, CERTIFICATION, REGISTRATION OR APPROVAL DENIAL, NONRENEWAL OR  
23 REVOCATION BASED ON TAX DELINQUENCY. The treatment of sections 50.02 (1), 50.022,  
24 50.03 (4) (a) 1. a. and b., (c) 1. and 2. and (d), (4m) (a) and (b), (5) (e), (5g) (h) and (11)  
25 (e), 50.034 (7), 50.04 (6) (a), 50.05 (4) and (13), 50.053, 50.35, 50.49 (10), 50.93 (3) and

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1 (4) (e), 51.032, 51.038, 51.04, 51.42 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8) (a), (e)  
2 and (f) and 146.40 (3), (3m), (4d) and (4m) of the statutes and SECTION 9323 (11) of  
3 this act take effect on April 1, 1998.

4 **SECTION 9426. Effective dates; industry, labor and job development.**

5 (1) STATE DIRECTORY OF NEW HIRES. The treatment of section 103.05 of the  
6 statutes takes effect on October 1, 1997.

7 (2) VOLUNTARY ACKNOWLEDGMENT OF PATERNITY. The treatment of sections  
8 20.921 (2) (a) (by SECTION 747), 48.02 (13), 48.42 (4) (b) 2., 48.837 (4) (e), 48.91 (2),  
9 49.25 (3) (a) 8., 66.184, 69.15 (3m), 69.22 (5) (a) 3. (by SECTION 2232), 102.27 (2) (a)  
10 (by SECTION 2618), 120.13 (2) (g), 565.30 (5m), 632.897 (10) (a) 3., 767.045 (1) (c)  
11 (intro.), 767.078 (1) (a) 1. and (2), 767.253, 767.254 (2) (intro.), 767.265 (1) (by SECTION  
12 4988), (3h) (by SECTION 4993), (4) and (6) (a) (by SECTION 4997), (b) (by SECTION 4999)  
13 and (c), 767.27 (2m) (by SECTION 5007), 767.29 (1m) (intro.) (by SECTION 5013),  
14 767.295 (2) (a) (intro.) and (c), 767.32 (1) (b) 4. (by SECTION 5029), (2m) and (2s) (by  
15 SECTION 5035), 767.45 (1) (c) (by SECTION 5040) and (k), (5m) (by SECTION 5044), (6m)  
16 and (6p), 767.458 (3), 767.466 (intro.), 802.12 (3) (d) 1. and 3., 808.075 (4) (d) 9., 10.  
17 and 11., 852.05 (2) and 938.02 (13) of the statutes and the repeal and recreation of  
18 section 767.62 of the statutes take effect on January 1, 1998.

19 (3) FINANCIAL RECORD MATCHING PROGRAM. The treatment of sections 20.445 (1)  
20 (k) and (3) (k), 25.17 (1) (tm), 46.03 (7) (bm), 49.853, 49.854, 224.092, 224.093, 815.19  
21 (2) and 815.20 (1) and chapter 224 (title) of the statutes, the renumbering of  
22 subchapter II of chapter 224 of the statutes, the amendment of section 49.855 (1) of  
23 the statutes, the repeal and recreation of section 20.445 (1) (ka) of the statutes and  
24 the creation of sections 20.445 (3) (r) and 25.68 and subchapter II (title) of chapter  
25 224 of the statutes take effect on April 1, 1998.

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1 (4) NOTIFICATION TO NEW EMPLOYER OF PARENT'S OBLIGATION TO PROVIDE HEALTH  
2 CARE COVERAGE FOR A CHILD. The treatment of sections 767.25 (4m) (d) 2. (by SECTION  
3 4973) and 2m. and (f) and 767.51 (3m) (d) 2. (by SECTION 5077) and 2m. and (f) of the  
4 statutes, the amendment of section 767.62 (4) (b) 4. b. of the statutes and the creation  
5 of section 767.62 (4) (b) 4. bm. and 6. of the statutes take effect on April 1, 1998.

6 (5) LOW-INCOME CHILD CARE. The treatment of sections 49.131 (1), (2) (intro.) and  
7 (4), 49.134 (2) (a), (by SECTION 1780), 49.136 (2) (a) (by SECTION 1782) and 49.137 (2)  
8 (a) (by SECTION 1784), (3) (a) (by SECTION 1786) and (4) (intro.) (by SECTION 1788) of  
9 the statutes, the renumbering of section 49.131 (2) (b) 1m. and 2. of the statutes and  
10 the creation of section 49.155 (1g) (title) of the statutes take effect on September 30,  
11 1997, or on the day after publication, whichever is later.

12 (6) PROCEDURE, TEMPORARY ORDERS AND PROBABLE CAUSE IN PATERNITY ACTIONS.  
13 The treatment of sections 767.30 (1) (by SECTION 5023), 767.303 (1), 767.305 (by  
14 SECTION 5026), 767.458 (2) (by SECTION 5053), 767.47 (11), 767.477 and 767.48 (1) (a)  
15 (by SECTION 5065) of the statutes takes effect on January 1, 1998.

16 (7) PAYMENT FOR GENETIC TESTS IN PATERNITY ACTIONS. The treatment of section  
17 767.48 (5) (a) and (b) (by SECTION 5070) of the statutes takes effect on January 1,  
18 1998.

19 (8) CENTRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND MAINTENANCE. The  
20 treatment of sections 20.445 (3) (a), (g), (ja), (q) and (r) (by SECTION 640), 20.855 (7)  
21 (j), 49.855 (1) (by SECTION 1989), (2), (3) (by SECTION 1992), (4), (4m) (b) (by SECTION  
22 1995) and (c) and (5), 565.30 (5) (by SECTION 4774), 767.001 (7), 767.025 (3) and (4),  
23 767.25 (4m) (c) 1. and (6) (intro.) and (a), 767.261 (intro.) and (1), 767.262 (4) (b),  
24 767.263 (1) (by SECTION 4985) and (2) (by SECTION 4987), 767.265 (1) (by SECTION  
25 4989), (2r) (by SECTION 4992), (3h) (by SECTION 4994), (6) (a) (by SECTION 4998) and

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1 (b) (by SECTION 5000) and (7), 767.267 (1), (2) and (5), 767.29 (1m) (intro.) (by SECTION  
2 5014) and (d) and (2), 767.32 (1r), 767.51 (3m) (c) 1. and (5p) (intro.) and (a), 769.319  
3 and 814.61 (12) (cm) of the statutes, the repeal of sections 59.40 (2) (h), 59.53 (5m),  
4 814.61 (12) (b) and 814.612 of the statutes, the renumbering and amendment of  
5 sections 25.68, 59.53 (5) and 767.29 (1) of the statutes, the amendment of section  
6 767.62 (4) (b) 3. a. and (g) (intro.) and 1. of the statutes, the creation of sections 25.68  
7 (2) and (3), 59.53 (5) (b) and 767.29 (1) (b), (d) and (f) of the statutes and SECTION 9226  
8 (1) of this act take effect on the date stated in the notice published by the department  
9 of industry, labor and job development in the Wisconsin Administrative Register  
10 under section 767.29 (1) (f) of the statutes, as created by this act, or on October 1,  
11 1999, whichever is earlier.

12 (9) SOCIAL SECURITY NUMBERS ON CERTAIN REPORTS, RECORDS AND JUDGMENTS. The  
13 treatment of sections 69.15 (3) (d), 767.37 (1) (a) and 767.51 (2) (by SECTION 5073) of  
14 the statutes and SECTION 9326 (5) of this act take effect on April 1, 1998.

15 (10) LICENSE, PERMIT OR CERTIFICATE WITHHOLDING, SUSPENSION OR RESTRICTION  
16 FOR FAILURE TO PAY SUPPORT. The treatment of sections 102.17 (1) (c) and (cm), 103.005  
17 (10), 103.26 (3), 103.275 (2) (b) (intro.) and (bm) and (7) (b) and (c), 103.72 (3), 103.92  
18 (3) and (6) and 104.07 (1), (2) and (5) of the statutes, the renumbering of section  
19 103.91 (4) of the statutes, the renumbering and amendment of section 105.13 of the  
20 statutes, the creation of sections 103.91 (4) (b) and 105.13 (2) of the statutes and  
21 SECTION 9326 (10) of this act take effect on April 1, 1998.

22 (11) SOCIAL SECURITY NUMBERS ON LICENSE, PERMIT OR CERTIFICATE APPLICATIONS.  
23 The treatment of sections 102.17 (1) (cg), 103.25 (1m), 103.275 (2) (bg), 103.70 (1m),  
24 104.07 (4) and 105.06 (1m) of the statutes, the renumbering and amendment of  
25 sections 103.91 (2) and 103.92 (1) of the statutes, the creation of sections 103.91 (2)



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1 (b) and 103.92 (1) (b) of the statutes and SECTION 9326 (11) of this act take effect on  
2 April 1, 1998.

3 (12) CAREER COUNSELING CENTERS. The repeal and recreation of sections 20.445  
4 (1) (gd), 106.14 (1) and 108.20 (2m) of the statutes takes effect on July 1, 1999.

5 **SECTION 9427. Effective dates; insurance.**

6 (1) TRANSFER OF MANDATORY HEALTH INSURANCE PLAN. The treatment of sections  
7 20.145 (7) (title), (a), (b), (g) and (u), 20.435 (5) (g), 71.65 (4), 149.10 (2c), (2m), (4c),  
8 (4p), (5m), (8b), (8c), (8m), (8p), (10) and (11), 149.12 (1c), 149.14 (4m), (4s) and (6),  
9 149.15 (3) (e), 149.16 (title) and (1), 149.168, 185.981 (4t), 185.983 (1) (intro), 601.41  
10 (1) (by SECTION 4796), 601.415 (12), 601.64 (1), (3) (a) and (c) and (4), 613.03 (3) and  
11 (4), 614.05 (1), 619.10 (intro.), (1) (1m), (2), (3), (3m), (4), (4m), (5), (6), (7), (8) and (9),  
12 619.11, 619.12 (title), (1), (1m) (intro.), (a) and (b), (2) and (3), 619.123, 619.125,  
13 619.13 (title), (1) (a), (b), (c) and (d) and (2), 619.135 (title), (1) (a), (b), (c) and (d), (2)  
14 and (3), 619.14 (title), (1), (2), (3), (4), (5) (title), (a), (b), (c), (d) and (e), (6) and (7),  
15 619.145, 619.15 (title), (1), (2), (3) (intro.), (a), (b), (c), (d) and (e), (4) (intro.), (a), (b),  
16 (c), (d) and (e), (5), (6) and (7), 619.16 (title), (1), (2) and (3) (a), (b), (c), (d), (e), (em)  
17 and (f), 619.165 (title), (1) (a), (b) and (d), (2) and (3), 619.167, 619.17 (intro.), (1), (2),  
18 (3) and (4) (a), 619.175, 619.18, 631.36 (7) (a) 2., 632.745 (1) (d), 632.785 (1) (intro.)  
19 and 635.254 (3), chapter 149 (title) and subchapter II (title) of chapter 619 of the  
20 statutes, the repeal of subchapter I (title) of chapter 619 of the statutes, the  
21 renumbering of subchapter I of chapter 619 of the statutes and SECTION 9127 (2) of  
22 this act take effect on January 1, 1998.

23 (2) SOCIAL SECURITY NUMBERS ON LICENSE APPLICATIONS. The treatment of  
24 sections 628.095, 632.68 (2) (b) (intro.) and 2., (bc) and (e) and (4) (b), (bc) and (c),

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1 633.14 (1) (d) and (2c) and 633.15 (1m) and (2) (a) (title), 1., 2. and 3. of the statutes  
2 and SECTION 9327 (1) of this act take effect on April 1, 1998.

3 (3) LICENSE WITHHOLDING, SUSPENSION OR RESTRICTION FOR FAILURE TO PAY SUPPORT.

4 The treatment of sections 628.04 (1) (intro.) and (2), 628.09 (1) and (4), 628.097,  
5 628.10 (2) (c), 632.68 (2) (bm) and (4) (bm), 633.14 (2m) and 633.15 (2) (b) 1. (intro.)  
6 and (c) of the statutes, the renumbering and amendment of section 632.68 (3) and (5)  
7 of the statutes, the amendment of section 632.68 (3) (title) and (5) (title) of the  
8 statutes, the creation of section 632.68 (3) (b) and (5) (b) of the statutes and SECTION  
9 9327 (2) of this act take effect on April 1, 1998.

10 **SECTION 9431. Effective dates; justice.**

11 (1) DRUG ENFORCEMENT FUNDING. The treatment of section 20.455 (2) (e) of the  
12 statutes takes effect on July 1, 1998.

13 **SECTION 9437. Effective dates; natural resources.**

14 (1) ISSUING SYSTEM. The treatment of sections 20.370 (9) (hs), 27.01 (7) (title),  
15 (b), (c) (intro.) and 8., (d), (e) (title) and 2., (f) (title), 1., 2., 3. and 4., (g) (title), 1., 2.,  
16 3. and 4., (gm) (title), 1., 2., 3. and 4., (gr) and (h), (7m), (8m) (title) and (c) and (11)  
17 (a) and (b), 27.014 (1), 29.09 (1m), (3m), (3r), (5), (6), (7), (7m), (8), (8r), (10) (a) and  
18 (c), (11) and (13), 29.095 (2), 29.102 (1) (a) and (b), 29.1025 (1) (a) and (2), 29.103 (2)  
19 (b) 1. and 2. and (5) (a), 29.104 (3), 29.105 (3), 29.113 (3), 29.117 (3), 29.1475 (3) and  
20 (6), 29.148 (2), 29.149 (2) and (3), 29.15 (2) and (3), 29.34 (4) (c), 29.343 (5), 29.36 (2)  
21 and 29.37 (3) (b) of the statutes, the amendment of sections 29.09 (4) and (12) (a), (b)  
22 and (c), 29.10, 29.104 (1), 29.105 (1), 29.109 (1), 29.11, 29.112, 29.113 (1), 29.114 (1),  
23 29.116, 29.117 (1), 29.13 (1) (a), 29.14 (1) (a), (2), (3), (4), (5), (6) and (7) (a), 29.145  
24 (1) (a), (2) (a) and (3) (a), 29.146, 29.147 (1), 29.343 (1), 29.36 (1) and 29.37 (1) of the

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1 statutes and the renumbering and amendment of section 27.01 (7) (e) of the statutes  
2 take effect on January 1, 1998.

3 (2) CAMPGROUND RESERVATION SYSTEM. The treatment of section 27.01 (11) (d),  
4 (e), (f), (g) and (h) of the statutes takes effect on April 1, 1998.

5 (3) NONPOINT SOURCE WATER POLLUTION ABATEMENT. The treatment of section  
6 281.65 (4) (L) and (8) (f), (g), (gm), (h), (hm), (i), (j) and (jm) of the statutes takes effect  
7 on July 1, 1998.

8 (4) STURGEON PERMITS. The amendment of section 29.148 (1m) (intro.) (by  
9 SECTION 37) of the statutes takes effect on January 1, 1998.

10 (5) APPROVAL DENIALS FOR SUPPORT OR TAX DELINQUENCY. The treatment of  
11 sections 29.091, 29.103 (4) (f), 29.134 (3), 29.135 (3), 29.136 (2), 29.137 (1), 29.145 (1c)  
12 (intro.), 29.1475 (1), 29.165 (1), 29.166 (1), 29.33 (1), (2) (d) and (4) (a), 29.34 (1),  
13 29.344 (1), 29.38 (3) (e), 29.52 (1), (4m), (5) and (7), 29.544 (4m), 29.547 (7m), 29.572  
14 (3), 29.573 (1) and (2), 29.574 (3), 29.575 (3) and (4), 29.578 (4), (5), (11) and (14) (am)  
15 and (b) (intro.) and 29.585 (1) and (3) of the statutes and the repeal and recreation  
16 of sections 29.09 (4) and (12) (a), (b) and (c), 29.10, 29.104 (1), 29.105 (1), 29.109 (1),  
17 29.11, 29.112, 29.113 (1), 29.114 (1), 29.116, 29.117 (1), 29.13 (1) (a), 29.14 (1) (a), (2),  
18 (3), (4), (5), (6) and (7) (a), 29.145 (1) (a), (2) (a) and (3) (a), 29.146, 29.147 (1), 29.148  
19 (1m) (intro.), 29.343 (1), 29.36 (1) and 29.37 (1) of the statutes and SECTION 9337 (5)  
20 of this act take effect on April 1, 1998.

21 (6) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of sections 293.45  
22 (1) and 299.07 of the statutes and SECTION 9337 (6) of this act take effect on April 1,  
23 1998.

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1 (7) STEWARDSHIP FINANCING. The repeal and recreation of sections 20.370 (7) (aa)  
2 and 20.866 (1) (u) of the statutes and the repeal of section 20.370 (7) (au) of the  
3 statutes take effect on July 1, 1999.

4 (8) BOW HUNTING SAFETY COURSE. The treatment of sections 29.09 (12m), 29.092  
5 (2) (n) and (13) (f), 29.093 (2) (f), 29.225 (title), (1) (bg), (br) and (c), (2), (3) and (4) (a),  
6 29.226 (1) (b), (2) and (2m), 29.227 (1) (b), (2) (b) 2. and (3) (a) 2. and (b) 2. and 938.343  
7 (7) of the statutes and the renumbering and amendment of section 29.225 (1) and  
8 29.226 (1) of the statutes take effect on July 1, 1998.

9 (9) LICENSE DENIAL FOR FAILURE TO PAY SUPPORT. The treatment of sections 280.13  
10 (4), 281.48 (3) (a) and (5) (b) and 299.08 of the statutes and SECTION 9337 (6) of this  
11 act take effect on April 1, 1998.

12 **SECTION 9440. Effective dates; public instruction.**

13 (1) SCHOOL PREAPPROVAL REQUIREMENTS. The treatment of section 121.14 (1) of  
14 the statutes takes effect on July 1, 1998.

15 (2) CHARTER SCHOOLS.

16 (a) The treatment of sections 20.255 (2) (fm), 115.001 (1), 118.30 (1m) (intro.),  
17 118.40 (1), (2r), (3) (d), (5) (intro.) and (a) and (7) (am) 2. and 121.02 (1) (intro.) and  
18 (a) 2. of the statutes takes effect on July 1, 1998.

19 (b) The treatment of section 118.40 (3) (b) (by SECTION 2838) of the statutes  
20 takes effect on July 1, 1998.

21 (3) PUBLIC SCHOOL CHOICE. The treatment of sections 121.78 (1), 121.81 (2) (a)  
22 and 121.84 (1) (a) of the statutes takes effect on July 1, 1998.

23 (4) LICENSE DENIAL AND REVOCATION FOR TAX DELINQUENCY. The treatment of  
24 sections 115.31 (title) and (6m) and 118.19 (1m) of the statutes and SECTION 9340 (3)  
25 of this act take effect on April 1, 1998.

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1           (5) LICENSE DENIAL, RESTRICTION AND SUSPENSION. The treatment of sections  
2           115.315 and 118.19 (1r) of the statutes and SECTION 9340 (4) of this act take effect on  
3           April 1, 1998.

4           **SECTION 9441. Effective dates; public service commission.**

5           (1) RAILROAD ASSESSMENTS. The treatment of sections 13.101 (6) (a), 20.155 (2)  
6           (g), 20.395 (2) (gg), 195.28 (2) and 195.60 (2) and (5) of the statutes takes effect on July  
7           1, 1998.

8           **SECTION 9442. Effective dates; regulation and licensing.**

9           (1) INITIAL AND RENEWAL CREDENTIAL FEES. The treatment of sections 440.05 (1)  
10          (a), 440.08 (2) (a) 1., 2., 3., 4., 4m., 5., 6., 7., 8., 9., 11., 11m., 12., 13., 14., 14g., 14r.,  
11          15., 16., 17., 18., 19., 20., 21., 22., 23., 24., 25., 26., 27., 27m., 28., 29., 30., 31., 32., 33.,  
12          34., 35., 35m., 36., 37., 38., 38m., 39., 42., 43., 44., 45., 46., 46m., 48., 49., 50., 51., 52.,  
13          54., 55., 56., 58., 59., 60., 61., 62., 63., 63g., 63m., 63t., 64., 65., 66., 66m., 67., 67m.,  
14          68., 68h., 68p., 68t., 68v., 69., 70. and 71. and 452.12 (2) (title) of the statutes takes  
15          effect on September 1, 1997, or on the first day of the 2nd month beginning after  
16          publication, whichever is later.

17          (2) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 440.01 (2) (cm),  
18          440.03 (12), 440.08 (2r) and (4) (b), 440.12, 440.93 (2), 441.07 (2), 442.12 (7), 443.11  
19          (6), 443.12 (4), 445.13 (2), 446.05 (2), 447.07 (5), 449.07 (3), 452.12 (6) (e) (intro.),  
20          452.18, 455.09 (3) and 456.11 (1) and (2) of the statutes and SECTION 9342 (2) of this  
21          act take effect on April 1, 1998.

22          (3) DELINQUENCY IN PAYING SUPPORT. The treatment of sections 440.03 (7) and  
23          (11m), 440.035 (5), 440.08 (2) (c) and (2g) (title), (a), (b) and (c), 443.06 (1) (a), 443.10  
24          (2) (a), 445.08 (4) (a), 448.02 (3) (e), 448.05 (7), 454.08 (4), 459.10 (2) (a) (intro.), 459.34

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1 (2m) (a) (intro.) and 480.24 (3) (intro.) of the statutes and SECTION 9342 (3) of this act  
2 take effect on April 1, 1998.

3 **SECTION 9443. Effective dates; revenue.**

4 (1) LOTTERY RETAILER COMPENSATION. The treatment of section 565.02 (4) (f) and  
5 (g) of the statutes and the repeal and recreation of section 565.10 (14) (b) of the  
6 statutes take effect on January 1, 1998.

7 (2) SALES TAX AND USE TAX EXEMPTION FOR CERTAIN KINDS OF PLASTIC. The  
8 treatment of section 77.54 (3m) of the statutes takes effect on the first day of the 2nd  
9 month beginning after publication.

10 (3) EXEMPTING CERTAIN RETAILERS FROM CERTAIN LOCAL EXPOSITION DISTRICT TAXES.  
11 The treatment of section 77.9815 of the statutes takes effect on January 1, 1998.

12 (4) THE USE TAX ON CERTAIN MOTOR VEHICLES. The treatment of section 77.53 (1m)  
13 (a) of the statutes takes effect on the first day of the 2nd month beginning after  
14 publication.

15 (5) TAX APPEALS COMMISSION FILING FEES.

16 (a) The amendment of section 73.01 (5) (a) of the statutes takes effect on the  
17 first day of the 2nd month beginning after publication.

18 (b) The repeal and recreation of section 73.01 (5) (a) of the statutes takes effect  
19 on May 15, 1998.

20 (6) ADMINISTRATIVE APPROPRIATION LAPSE. The treatment of section 20.566 (1) (g)  
21 of the statutes takes effect on June 30, 1998.

22 (7) ELECTRONIC TAX FILING. The treatment of sections 71.01 (1m), (5g), (8r) and  
23 (9c), 71.09 (6), 71.22 (1m), (2m), (8) and (9m), 71.24 (8), 71.29 (2), 71.42 (1m) and (3m),  
24 71.44 (4) (a), 71.63 (1m), (3m), (3r) and (5m), 71.65 (2) (title), (a) and (b) and (3) (a),  
25 (d) and (e), 71.66 (1) (a), (b), (c), (d) and (f), 71.68, 71.69, 71.70, 71.71 (2), 71.72, 71.738,

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1 71.74 (1), (3), (6), (8) (a) and (d), (9) and (14), 71.75 (6) and (7), 71.76, 71.77 (3) and  
2 (5), 71.78 (1), (8) (d) (intro.), (9) and (10), 71.80 (1) (a) and (c) to (e), (2), (3), (3m)  
3 (intro.), (c) and (d), (7), (8), (16) (a), (17) and (18), 71.90 (1), 71.91 (1) (b), (6) (c) 3. and  
4 (g) 1. and (7) (d), 72.01 (12m) and (14m), 71.045, 72.22 (1) and (3), 72.30 (1) and (4),  
5 72.33 (2) (intro.), 72.34, 77.51 (3r) and (17r), 77.52 (17m) (a), 77.58 (1m), 77.61 (14),  
6 77.75, 77.92 (1m), 77.96 (5) and (5m), 78.005 (6m) and (13r), 78.09 (2) and (5), 78.12  
7 (2) (intro.) and (a) to (c) and (5) (a) and (b), 78.20 (1m) and (4), 78.22 (1), (3) (a) and  
8 (b) and (4), 78.39 (4m), 78.49 (1) (a), 78.55 (2g), (2r) and (6), 78.58 (1) (a) and (3),  
9 78.585, 78.59 (2), 78.66 (4), 78.75 (1m) (a) 1., (c) and (e), 78.78 (3), 139.01 (2g), (2r),  
10 (5m) and (9m), 139.03 (2x) (a), 139.05 (1), (2a), (4) and (7) (b), 139.06 (1) (c), (2) (a)  
11 and (b) and (3), 139.096, 139.11 (2), 139.30 (4m), (8m) and (12m), 139.315 (1) and (4),  
12 139.32 (1) and (5), 139.33 (3), 139.34 (1) (a), 139.38 (2) (a) and (5), 139.44 (2), 139.75  
13 (4m) and (5m), 139.77 (1), 139.78 (2), 139.79 (1), 139.81 (1) and 139.82 (2) (a) and (5)  
14 of the statutes and the repeal and recreation of section 78.75 (1m) (a) 3. of the statutes  
15 take effect on January 1, 1998.

16 (8) SALES TAX ON MANUFACTURED BUILDINGS. The treatment of section 77.51 (2),  
17 (4) (b) 3. and 7. and (15) (b) 4. and 6. of the statutes takes effect on the first day of the  
18 2nd month beginning after publication.

19 (9) LICENSE DENIAL, NONRENEWAL, DISCONTINUATION AND REVOCATION FOR LIABILITY  
20 FOR DELINQUENT TAXES. The treatment of sections 71.78 (4) (o), 71.91 (8) (title), 73.03  
21 (28g), 73.0301 (1) (f), (2) (b), (3) (a) 2. and (b) and (5), 77.61 (5) (b) 10., 77.62 (1) (intro.),  
22 78.70 (1) (intro.), 139.03 (2x) (c) and (4), 139.315 (3), 139.39 (6) and 227.03 (9) of the  
23 statutes and the renumbering and amendment of section 71.91 (8) of the statutes  
24 take effect on April 1, 1998.

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1 (10) ASSESSORS' CERTIFICATION; DELINQUENT TAXES. The treatment of section  
2 73.09 (6m), (7) (e) and (7m) of the statutes and SECTION 9343 (8) of this act take effect  
3 on April 1, 1998.

4 (11) COIN-OPERATED LAUNDRIES. The treatment of section 77.52 (2) (a) 6. of the  
5 statutes takes effect on the first day of the 2nd month beginning after publication.

6 (12) ANSWERING SERVICES. The treatment of section 77.52 (2) (a) 5m. and 5r. of  
7 the statutes takes effect on the first day of the 2nd month beginning after  
8 publication.

9 (13) INTERSTATE TELECOMMUNICATIONS. The treatment of section 77.52 (2) (a) 5.  
10 of the statutes takes effect on the first day of the 2nd month beginning after  
11 publication.

12 (14) CIGARETTE TAX RATE. The treatment of section 139.31 (1) (a) and (b) of the  
13 statutes takes effect on the first day of the 2nd month beginning after publication.

14 (15) PROPERTY TAXES; MOTION PICTURE PRODUCTION. The treatment of section  
15 70.995 (2) (wm) of the statutes takes effect on January 1, 1998.

**SECTION 9449. Effective dates; transportation.**

16  
17 (1) VEHICLE IDENTIFICATION NUMBER INSPECTIONS. The treatment of sections  
18 341.05 (19) and 342.06 (1) (g) of the statutes takes effect on January 1, 1998.

19 (2) CERTIFICATES OF TITLE. The treatment of sections 218.01 (7a) (a), 218.015 (2)  
20 (c) and (cm) 2., 218.33 (2) (b), 218.52 (3), 341.14 (6m) (b) (intro.), 1., 2. and 3. and (6r)  
21 (g) 1., 2. and 3., 341.145 (5) (intro.), (a), (b) and (c), 342.01 (2) (a) and (ag), 342.06 (1)  
22 (intro.) and (i) and (1m), 342.10 (6), 342.13 (1), 342.15 (1) (a) and (c) and (5), 342.155  
23 (1) (b), 342.20 (1), 342.23 (2) (a) and 346.65 (6) (a) 2m. of the statutes, the  
24 renumbering and amendment of section 342.09 (1) of the statutes, the repeal and  
25 recreation of sections 341.10 (3) and 341.14 (6r) (g) (intro.) of the statutes, the



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1 creation of section 342.09 (1) (b) of the statutes and SECTIONS 9149 (2) and 9349 (4)  
2 of this act take effect on January 1, 1999.

3 (3) WAIVER OF DRIVING SKILLS TEST. The treatment of section 343.16 (1) (a), (2)  
4 (f) and (6) (title) and (a) of the statutes and the repeal and recreation of section 343.06  
5 (1) (c) of the statutes take effect on January 1, 1998.

6 (4) DRIVER SCHOOL AND INSTRUCTOR LICENSES. The treatment of sections 343.61  
7 (3) and 343.62 (3) of the statutes takes effect on September 1, 1997.

8 (5) REGISTRATION OF LEASED VEHICLES. The treatment of sections 27.014 (1c) and  
9 (2) (intro.), (b), (c) and (d), 341.04 (1) (a) and (c), 341.08 (2) (am) and (e) and (4m),  
10 341.09 (2m) (a) and (4), 341.10 (1), 341.14 (1q), (1r) (a), (6r) (bm) and (7), 341.145 (1g)  
11 (c) and (d) and (4), 341.26 (2) (m), 341.28 (2) (b) and (7) (a) and (b), 341.305 (2) (bm),  
12 341.31 (1) (b) 2., 5. and 6., (2) (a), (4) (a) and (b) and (5), 341.33 (3), 341.40 (2), 341.65  
13 (1) (am), 342.30 (1), (1c) and (4) (a), 342.40 (1) and (1c), 343.51 (1), 344.01 (2) (cm),  
14 344.02 (1), 344.14 (2m), 346.175 (1) (a), 346.195 (1), 346.205 (1), 346.457 (1), 346.465  
15 (1), 346.485 (1), 346.505 (3) (a), 346.665, 346.94 (13), 346.945 (1), 349.13 (1), (1b) and  
16 (2) (intro.) and 349.137 (1) (a) and (3) (c) 2. e., (f) and (h) of the statutes and 1995  
17 Wisconsin Act 445, sections 14 and 23 (1), the renumbering of section 346.01 of the  
18 statutes, the renumbering and amendment of section 341.01 (2) of the statutes, the  
19 amendment of sections 341.10 (3), 341.14 (6r) (g) (intro.) and 342.30 (3) (a) of the  
20 statutes, the creation of sections 341.01 (2) (b) and 346.01 (2) of the statutes and  
21 SECTIONS 9149 (3) and 9349 (5), (6) and (7) of this act take effect on January 1, 1998.

22 (6) DELINQUENCY IN PAYING CHILD OR FAMILY SUPPORT; TAX DELINQUENCY. The  
23 treatment of sections 218.01 (2) (ie) and (3) (ag), 218.11 (2) (am), (6m) and (7) (a) and  
24 (b), 218.12 (2) (a) and (am), (3m) and (5), 218.21 (2) (ag) and (am) and (2m), 218.22  
25 (3m) and (4) (a) and (b), 218.31 (1) (ag) and (am) and (1m), 218.32 (3m) and (4) (a) and

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1 (b), 218.41 (2) (a) and (am), (3m), (4) and (5) (d), 218.51 (3) (a) and (am), (4m) and (5)  
2 (a) and (b), 341.51 (4) (am), (4g) and (4m), 343.14 (2j), 343.305 (6) (e), 343.345, 343.66  
3 (6), 343.665, 343.675, 343.68 and 343.69 of the statutes, the renumbering of sections  
4 343.64 and 343.65 of the statutes, the renumbering and amendment of sections  
5 343.61 (2) and 343.62 (2) of the statutes and the creation of 343.61 (2) (a) 1. and 2.  
6 and (b), 343.62 (2) (b), 343.64 (2) and 343.65 (2) of the statutes and SECTION 9349 (6)  
7 of this act take effect on April 1, 1998.

8 (7) FILING OF CERTIFICATIONS AND RECERTIFICATIONS BY INSURERS. The treatment  
9 of section 344.42 of the statutes and SECTION 9349 (7) of this act take effect on  
10 January 1, 1998.

11 (8) DRIVER'S LICENSE AND IDENTIFICATION CARD ISSUANCE AND RENEWALS. The  
12 treatment of sections 343.14 (3) (a) and (4), 343.16 (3) (a), 343.20 (1) (a) and (f), 343.21  
13 (1) (a), (am), (b), (bg), (d), (i) and (im) and 343.50 (4), (5), (6) (b) and (7) of the statutes  
14 and the renumbering and amendment of section 343.50 (6) of the statutes take effect  
15 on January 1, 1998.

16 (9) MOTORCYCLE REGISTRATION FEE. The treatment of section 341.25 (1) (b) of the  
17 statutes takes effect on May 1, 1998.

18 **SECTION 9450. Effective dates; treasurer.**

19 (1) LOG-RAISING PERMITS; DELINQUENT SUPPORT. The treatment of section 170.12  
20 (3) (em) of the statutes, the renumbering of section 170.12 (8) of the statutes, the  
21 creation of section 170.12 (8) (b) of the statutes and SECTION 9350 (2) of this act take  
22 effect on April 1, 1998.

23 **SECTION 9454. Effective dates; veterans affairs.**

24 (1) HEALTH CARE AID. The treatment of section 20.485 (2) (vm) of the statutes  
25 (by SECTION 657) takes effect on July 1, 1999.

**SENATE BILL 77****SECTION 9456****1 SECTION 9456. Effective dates; other.**

2 (1) FELONY AND MISDEMEANOR PROPERTY CRIMES. The treatment of sections  
3 943.01 (2) (d) and (2g) (c), 943.017 (2) (d), 943.20 (3) (a) and (b), 943.21 (3) (a) and (b),  
4 943.24 (1) and (2), 943.34 (1) (a) and (b), 943.38 (1) (intro.), (a), (b) and (c), (1m) and  
5 (2), 943.395 (2) (a) and (b), 943.41 (8) (c), 943.50 (4) (a) and (b), 943.61 (5) (a) and (b)  
6 and 973.075 (1) (b) (intro.) of the statutes and SECTION 9356 (1) of this act take effect  
7 on August 1, 1997, or on the day after publication, whichever is later.

8 (2) INCREASE IN FELONY PENALTIES. The treatment of sections 71.83 (2) (b), 139.44  
9 (1m) and (8) (c), 139.95 (2) and (3), 291.97 (2) (b) (intro.) and (c), 341.605 (3), 342.06  
10 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.32 (3), 346.17 (3) (a), (b), (c)  
11 and (d), 346.65 (5), 346.74 (5) (b), (c) and (d), 939.50 (3) (b), (bc), (c), (d) and (e), 961.41  
12 (1) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6.,  
13 (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1m) (a), (b), (cm) 1., 2., 3.,  
14 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2.  
15 and 3., (h) 1., 2. and 3., (i) and (j), (1n) (c), (2) (a), (b), (c) and (d), (3g) (a) 1. and 2. and  
16 (4) (am) 3., 961.42 (2), 961.43 (2) and 961.455 (1) of the statutes, the repeal and  
17 recreation of sections 139.44 (2) and 342.30 (3) (a) of the statutes and SECTION 9356  
18 (2) of this act take effect on July 1, 1998.

19 (3) CERTIFICATION, RECERTIFICATION AND DECERTIFICATION BY LAW ENFORCEMENT  
20 STANDARDS BOARD FOR FAILURE TO PAY SUPPORT. The treatment of section 165.85 (3) (c)  
21 and (cm), (3m) and (4) (d) and (f) of the statutes and SECTION 9356 (5) of this act take  
22 effect on April 1, 1998.

23

**(END)**